

Prisons

Suppl. vol.

PRISON LABOR.

SOME CONSIDERATIONS IN

FAVOR OF MAINTAINING

THE

PRESENT SYSTEM.

THE VOTERS OF THE STATE OF NEW YORK will have an opportunity, at the coming election in November, to indicate their wishes in regard to the question of Prison Labor—whether the present system shall be continued as adopted by the Constitutional Convention in 1876, ratified by a vote of the people November 7, 1876, by a majority of 449,868, and successfully put in practice in 1877, and which may be termed the *new system*, or whether it shall be abandoned, and the *old system*, as practiced previous to 1877, be reinstated.

No more important question has been submitted to the people of this State since the adoption of the new Constitution, and it is clearly the duty of every voter to give it careful investigation, without passion or prejudice.

In order to vote understandingly, it is important that every one should be familiar with the financial history of our State prisons under both systems. Not as taken from the wild and extravagant statements made for political or sensational effect by the opponents of the new system, but from the records in the office of the Comptroller, wherein is shown the cost to which the people of the State have been subjected from year to year for the support of the prisons. These documents also contain the

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opinions of the honorable men of both parties, who have from time to time filled the office of Comptroller, and who wrote with a full knowledge of the facts.

As these records are not of convenient access, in all cases, to persons residing away from the capital, I have gathered from them some interesting data, running from 1845 to 1883, thirty-eight years, which I now present.

Prison Labor.

FINANCIAL STATEMENT of *Sing Sing, Auburn and Clinton State Prisons*, as taken from the reports made by the Comptroller to the Legislature, showing the annual expenses, earnings and deficiencies for all purposes, excepting for the construction of the Plattsburgh and Dannemora Railroad from the time the State commenced making iron at Clinton under the "Public account" system.

UNDER THE OLD SYSTEM.

YEAR ENDING.	Expenses.	Earnings.	Deficiency.
Sept. 30, 1845....	\$74,752 67	.....	\$74,752 67
" 1846....	99,865 95	....	99,865 95
" 1847....	68,532 32	.....	68,532 32
" 1848....	138,888 85	.....	138,888 85
" 1849....	84,394 71	.....	84,394 71
" 1850....	82,376 97	.....	82,376 97
" 1851....	70,390 05	.....	70,390 05
" 1852....	81,364 94	.....	81,364 94
" 1853*....	101,637 20	.....	101,637 20
" 1854....	183,651 24	\$53,535 65	130,115 59
" 1855....	480,265 87	154,093 24	326,172 63
" 1856....	270,136 28	167,605 12	102,531 16
" 1857....	311,170 97	76,880 96	234,290 01
" 1858....	311,170 97	76,880 96	234,290 01
" 1859....	323,707 69	182,440 27	141,267 42
" 1860....	426,631 97	221,553 32	205,078 65
" 1861....	387,143 65	92,939 11	294,204 54
" 1862....	311,744 81	191,043 97	120,700 84
" 1863....	385,541 97	267,125 30	118,416 67
" 1864....	409,996 20	278,952 96	131,043 24
" 1865....	578,909 38	229,288 34	349,621 04
" 1866....	692,294 96	304,156 96	388,138 00
" 1867....	879,599 89	495,477 49	384,122 40

* NOTE.—In the reports for the years 1845 to 1853, the amount of the earnings are not given; the amounts stated are the balance of expenses above earnings paid by the State.

STATEMENT — (Continued).

YEAR ENDING.	Expenses.	Earnings.	Deficiency.
Sept. 30, 1868....	\$981,794 70	\$499,127 22	\$482,667 48
" 1869. . .	1,140,311 00	480,429 87	659,881 13
" 1870....	976,304 09	490,336 59	485,967 50
" 1871....	925,665 14	436,152 70	489,512 44
" 1872....	919,178 78	426,409 54	492,769 24
" 1873....	1,000,692 76	354,197 07	646,495 69
" 1874....	1,002,913 11	379,393 43	623,519 68
" 1875....	946,606 41	368,978 51	577,627 90
" 1876....	971,744 95	246,664 31	725,080 64
	\$15,619,380 45	\$6,473,662 89	*\$9,145,717 56

UNDER THE NEW SYSTEM.

YEAR ENDING.	Expenses.	Earnings.	Deficiency.
Sept. 30, 1877†....	\$714,576 68	\$319,911 58	\$394,665 10
" 1878....	560,739 83	380,745 73	179,994 10
" 1879....	528,256 71	410,334 60	117,922 11
" 1880†....	598,764 60	398,418 11	200,346 49
" 1881§....	522,751 21	414,096 54	108,654 67
" 1882....	495,126 78	430,225 14	64,901 64
	\$3,420,215 81	\$2,353,731 70	\$1,066,484 11

* The State of Connecticut has received an income from its prison every year but six since its erection in 1837.
† Less than six months under the new system. ‡ New prison at Clinton cost \$132,612.54.
§ Additional cost of new prison at Clinton, \$49,399.06.

The foregoing tables show the entire deficiency in conducting the prisons during the past eighteen years, less the cost of the railroad.

The following table shows the deficiency and the surplus in the last seven years, respectively, based upon the cost of maintenance proper, which includes "salaries of superintendent, officers, guards and keepers, clothing, provisions, etc.

For the year ending.	Deficiency.
September 30, 1877 *.....	\$369,688 00
" " 1878.....	67,971 22
" " 1879.....	18,533 02
" " 1880.....	19,089 36
" " 1881.....	19,065 53
" " 1882.....	5,003 63
	\$499,350 84
Less surplus, September 30, 1883.....	8,998 08
	<u>\$490,352 76</u>

Cost for legal expenses, judgments and penalties against the prisons under the old system :

1854.....	\$19,659 96
1861.....	338 69
1862.....	107 68
1864.....	2,944 58
1865.....	22,526 99
1866.....	1,000 00
1867.....	3,547 08
1869.....	5,192 28
1870.....	15,448 78
1871.....	10,466 50
	<u>\$81,232 54</u>

Under the new system — nothing.

* Less than six months under the new system.

Extracts from the reports of the Comptrollers as made from year to year, showing the opinions held by them in regard to the "vicious and ruinous administration of the prisons" under the old system :

As early as 1849, soon after the State commenced making iron at Clinton under the *public account* system, Hon. Millard Fillmore, Comptroller, wrote in his message to the Legislature as follows :

"The Clinton prison is also a heavy draft on the treasury. It will be seen that the whole amount realized from the labor of the convicts, and sales at the prison is only \$1,049.46, while the expense of supporting the prison has been \$39,900.98. This difference, being \$38,851.52, must of course be drawn from the State Treasury. It is certainly a matter worthy the attention of the Legislature whether something cannot be done to render the labor of this prison more productive, and if that is impracticable, whether it would not be better to abandon it, with the loss already incurred, rather than to go on adding to the expenditure."

Hon. W. F. Allen, Comptroller, says in his report, January 1, 1869 :

"The exhibit of the prisons for the past year is not satisfactory ; whether the unprofitable financial results are to be attributed to imperfections in the system, or to a defect in the general conduct and management of the institutions or some other cause, will be a proper subject

of inquiry, to the end that a proper remedy may be devised and applied. The advances from the treasury to each of the prisons is largely in excess of the advances for any former year, and while the aggregate earnings of the prisons are nearly \$5,000 in excess of those reported for the previous year, the deficiency — that is the excess of the advances from the treasury over the receipts from earnings—is greater than ever before." * * * * "It has been generally supposed that the Clinton prison has been and is self-supporting. It is believed, however, that a proper statement of the accounts will show that this is very far from the fact, and that it has come far short of paying its expenses. The books of the treasury certainly show a large balance against it from year to year, and if the manufacture of iron was really a profitable business, as conducted at the prison, the receipts of the treasury would be in excess of the expenditures in some of the years. Nothing is charged to the prison for the labor of the convicts, and yet the receipts from the earnings have not in any one year been equal to the expenditures for its support. It is possible that by an adroit arrangement of figures and a liberal credit for stock and materials on hand at the close of the year, and a careful exclusion of all items for machinery etc. properly chargeable to the account, a balance might be struck favorable to the prison. But if the State should keep its accounts with the prison as a merchant and manufacturer would keep theirs, were it a private enterprise, the balance of the profit and loss account would be on the wrong side of the ledger."

In his report of January 4, 1870, the same officer further says :

"But little need be said of the financial exhibit of the State prisons. That there is a radical defect in the system cannot be doubted. By the Constitution the inspectors have the charge and superintendence of the prison, and the appointment of all the officers therein. They alone have the power, if the power exists anywhere, to secure efficiency in discipline, economy in expenditures, and success in the general administration of the affairs. Great practical benefit would result to the State if the management of the prisons could be entirely disconnected with party politics, and the wardens and keepers could hold their offices by the tenure of good behavior rather than party favoritism, so that each could see in the position he held that degree of permanence which would enable and encourage him to accomplish some good to the State, and make a reputation for himself. Much might doubtless be accomplished by wise legislation, and without some legislation by which the expenditures may be systematized and reduced, but little change for the better can be looked for in the financial affairs of the prisons. * *

* * If the figures in the following table be taken as giving a fair exhibit of the condition of the prisons, it would seem that they are farther from being self-supporting year by year, and are fast retrograding."

Hon. Asher P. Nichols, Comptroller, says in his report January 3, 1871:

"The Comptroller as well from his brief opportunity to observe personally the workings of our system of prison management, as from previous examination and reflection, cannot doubt that it is very defective and unnecessarily expensive. He does not deem it expedient at this time to go into an examination of it, but he desires, in view of its intimate relations to this office, to call the attention of the Legislature to the subject, as worthy of the most earnest, thorough and intelligent investigation, with reference to revision."

In his report of January 2, 1872, the same officer further says :

"It will thus be seen that the excess of advances over earnings for the last fiscal year was \$9,004.24 greater than in the previous year. It cannot be doubted that our system of prison management is very defective and unnecessarily expensive. Starting with the labor of convicts free as a capital, a body drawn from all callings and grades, and comprising skill in almost every department of industry — it hardly admits of argument that our prisons under wise policy and management, should be self-sustaining, not a charge of nearly half a million of dollars annually upon the treasury. The Comptroller warmly commends the subject to the attention of the Legislature as he did in his last annual report, "as worthy of the most earnest, thorough and intelligent investigation, with reference to its revision."

In his report of January 7, 1873, he again writes:

"This statement does not show a very flattering administration of the affairs of our State prisons. The expenditures over receipts during the year were \$465,881.84 a sum amply sufficient in the judgment of the comptroller to keep and maintain all the convicts in idleness. * *

It would seem apparent and reasonable that, were the prisons properly managed, and their affairs judiciously and systematically administered, they would be not only self-sustaining, but would yield a revenue to the treasury of the State. The convicts as a body are healthy and vigorous, and there is no reason, in the nature of things, why they should not by their labor support themselves, having all the machinery for manufacture furnished to their hands. * *

It has become a matter of public notoriety, and is now generally conceded, that the system under which our State prisons are conducted is a bad one — that the extravagance which marks their management is due in part to the bad system, as well as to careless and dishonest officials; and it cannot be expected or hoped that there will be any radical amendment until the system is changed, and the prisons brought under the control and management of a responsible head, and are conducted without a divided responsibility."

In his report of January 6, 1874, the same officer further writes:

"This is in point of fact a better showing than has been made in the prisons for some years, but no great change or improvement in the conduct, management or expenses of the prisons can be expected under the present system. Should the proposed amendments to the Constitution be adopted, however, it is believed that the system and management of the prisons would be greatly improved, and their expenses reduced many thousand dollars per year."

Again in his report of January 5, 1875, he says:

"It has long been a matter of public notoriety, that the system under which our State prisons have been conducted is a bad and ruinous one to the State; that the great expense and extravagance that mark its management are largely due to the faults of this system; but every effort to reform it, or economize the management of the prisons under it, has proved a failure. It was hoped by the friends of prison reform that the article in the new Constitution, as proposed by the commission relating to the government of the prisons, would meet the approval of the Legislature, and be adopted by the people. Its adoption would have placed the control of the prisons under one accountable head, without a divided responsibility, holding his office for a long term, removable only for incompetence, fraud or other just cause — he would have been able to purchase all supplies at wholesale; brought all the prisons to a uniform system of discipline; rented the service of the convicts at a high price for a

long time of service, and removed the irregularities, unwarranted extravagance and fraud that will always prevail, to a greater or less extent, while the prisons are under changing partisan and political control. The proposed change would have resulted in making the prisons a source of large revenue to the State, instead of a constantly increasing burden to its people." * * * "All the prisons are overcrowded with convicts, and there are said to be at least one thousand now out of employment and spending their time in idleness. The large annual disbursements in excess of income for their support should arouse the Legislature to some immediate measure of relief."

Hon. Lucius Robinson, Comptroller, in his report to the Legislature, January 4, 1876, says :

"It appears, from the foregoing statement, that the number of convicts in our State prisons, and the expenses of their maintenance are annually increasing ; yet all efforts to economize their management have heretofore proved unavailing. All the prisons are largely overcrowded with convicts. The aggregate number reported at the end of the fiscal year was 3,481. At the writing of this report the number exceeds 3,500, with a prospect of a large increase during the winter. At least 1,500 of these are out of employment and supported in idleness, partly on account of the want of shop room, and partly from the depression of business among manufacturers. The annual exhibits have shown for several years that the average

expense of supporting each convict has been from three to four dollars per week, above the income for his labor ; and yet the few convicts that are sent under special laws to county penitentiaries are maintained at an expense to the State of one dollar and fifty cents per week, showing bad management on the part of our prison officers, or a vicious and ruinous system of administration. Indeed, it is quite evident that the expense of maintaining the prisons is largely due to the faults of this system, and there is no hope of any amendment, until a change is effected in the Constitution of the State, bringing them under the control of one responsible head, and securing a uniform and more rigid system of discipline." * * "There is no ground for hope that any amendment in the management, or reduction in the expense of maintaining the prisons can be accomplished under our present Constitution. It is confidently expected that if the concurrent resolution proposing an amendment to our Constitution in regard to the prisons, passed at the last session, shall be approved by the Legislature and adopted by the people, a decided reform will follow in the management of all our prisons. Then and not until then will the expense of maintaining them be essentially reduced."

Hon. F. P. Olcott, Comptroller, in his report to the Legislature, January, 1878, holds quite a different tone in regard to the management and finances of the prisons under the new system. He says :

"The State is to be congratulated on the result of the reform in its prison management growing out of the recent constitutional amendment. The Superintendent of Prisons was appointed in the middle of the fiscal year, and it is, therefore, impossible to bring the result of his labors before you concisely. The year ending September 30, 1877, shows a decrease in the expenditures, in comparison with the previous year, of \$255,945.41, and an increase in the receipts of \$78,746.36. The deficiency for the year ending September 30, 1876, was \$704,379.85. The past year the deficiency has been reduced to \$369,688.08. There is every reason to hope that under the present able management, the system will be improved upon and economies established until the prisons become self-supporting."

Again in his report of January 8, 1879, he says:
 "The result in the change of prison management can best be shown by a comparative statement (showing a saving in two years" of \$809,099.79). * * *
 These results are obtained in two fiscal years, and it is to be remembered that the present management has had control of the prisons but a trifle over eighteen months of the time covered. The time is not far distant when the prisons will be self-sustaining, aside from appropriations for permanent improvements.

Hon. James W. Wadsworth, Comptroller, in his report, January 7, 1880, says:

"The maintenance account of the prisons during the past year has been reduced, and the earnings have been increased." * * * "The maintenance as given includes salaries of officers, guards and keepers, clothing, provisions," etc. * * * "The prison expenses proper are met by the earnings, lacking only \$18,533.02. These institutions are thus for the first time in their history practically self-supporting." * *

* "The management of our prisons had become so loose and extravagant, that an amendment to the Constitution of the State was adopted in 1876, placing them under the care of a Superintendent, to be appointed by the Governor, and confirmed by the Senate."

Hon. Ira Davenport, Comptroller, in his report, January 3, 1883, says:

"The management of our State prisons continues to show an improvement. The foregoing comparative table exhibits an increase in the receipts of \$15,640.98, and a reduction in the expenditures of \$29,170.68, making a total aggregate of \$44,811.66 in favor of the fiscal year ending September 30, 1882. Six years previously, in 1876, the deficiency amounted to over \$700,000,"

We thus see the marked difference in the tone of our public officers under the two systems. The old

system was tested for thirty-two years, at a cost to the tax payers of over *nine millions*. This is no flight of fancy, but a solemn fact proved by the public records. Under this "*vicious and ruinous system of administration*," as characterized by Hon. Lucius Robinson, not only the tax payers were heavily burdened, but the miners, the coal burners, the iron and nail makers, and the lime burners were brought into competition with the great State of New York, working its prisons under the fallacious "Public Account" system, a system that ever has been found more injurious to the interests of mechanics and manufacturers than any other.

The opponents of the new system are to a great extent communists, political aspirants, and the leaders of trades unions. The working men as a class do not oppose prison labor, and are to a very trifling extent affected by it. The leaders already have a large portion of the mechanical trades under their despotic control, and they seek, by abolishing mechanical labor in prisons, to make that control complete. In proof of this, and what will be the result of a vote in favor of abolishing the new system, I will quote from the testimony taken by the committee appointed by our Legislature in 1883, to investigate the condition of our prisons.

The following conversation (pages 698 to 700) took place between the Chairman, Hon. E. R. Keyes, and M. H. Sigerson, Esq., who represented, during the investigation, the labor interest:

"The CHAIRMAN — Allow me to make one or two inquiries. I would like to get your views fully in regard to two or three points connected with the proposed reform. If I understand you correctly, you propose the immediate abrogation of these contracts — stove contract, shoe contract, hat contract and all the other contracts?"

"Mr. SIGERSON — Yes."

"The CHAIRMAN — And the prisoners shall be employed directly by the State on State account?"

"Mr. SIGERSON — Yes, sir."

"The CHAIRMAN — Do I understand you also to propose that the prisoners shall be kept under the employment of the State at manufacturing industries?"

"Mr. SIGERSON — Yes, sir."

"The CHAIRMAN — And if so, what limitation would you suggest as to the subdivision of convict labor among different industries?"

"Mr. SIGERSON — There are two or three points in that regard, or rather two or three different suggestions which I think might be made. There is one which I have thought of before, and which I see some of the New York papers refer to to-day at some length, and it is to this effect—An excellent suggestion was recently made by one of the speakers (this was at the large labor meeting the other night in New York) against the system, to the effect that the prisoners be employed to make all articles necessary for prison use; at one place the shoes should be made, at another place the blouses, at another

place the pants, with such modifications as the circumstances there would require."*

"In regard to what particular trades these men should be employed, that I am not so particular to urge. I should not care to set myself up as the particular discriminator of such things, but the point particularly is that we desire to make, that these large profits that these contractors are allowed to make over the outside manufacturers is an unjust thing, and that they should not be allowed to make them, and that whatever articles are made in the prisons, that they shall be placed upon the market at such prices as will not put them in unfair competition with the outside manufacturers, for the reason that placing them upon the market it is an unfair competition with other manufacturers and not merely hurts the manufacturers, but tends of course necessarily to decrease the price of labor outside. I would not undertake to suggest which particular trade should be given the majority at the prison."†

"The CHAIRMAN — Have you considered the question as to whether the immediate abrogation of existing contracts, and the employment of prisoners upon State account could be made remunerative to the State, or whether there would probably be a deficiency to be made in the general tax levy?"

Mr. SIGERSON — I think in that regard, Mr. Chairman, that the profits (?) which would accrue to the State, provid-

* NOTE. — If the speaker had been better informed on the subject, he would not have suggested as new, a plan that has always been in practice.

† NOTE. — I will venture to affirm that the speaker has no knowledge whatever as to the profits made by contractors, nor as to the losses to which they are constantly subjected.

ing the work was done properly, and properly supervised in the prisons for the account of the State, that the profits which would accrue to the State in that event, now accruing to the contractors, would be abundant to make any such deficiency as you seem to fear."

"The CHAIRMAN — Do I understand that the parties you represent especially in this proceeding are substantially agreed among themselves in asking the entire abrogation of all existing contracts, and the immediate adoption of a new system?"

"Mr. SIGERSON — Yes, sir, they are practically agreed that all existing contracts should be abrogated, and that a special provision should be enacted providing against the institution of any such system hereafter."

"Hon. JAMES GEDDES (one of the committee) — If I understand you aright, you recommend the abrogation of all these contracts?"

"Mr. SIGERSON — Yes, I would."

"Mr. GEDDES — Do you understand that the State has a contract and that some of them are to run for a term of years, for which the State is holden?"

"Mr. SIGERSON — Yes, sir."

"Mr. GEDDES — How are you going to get out of that; by paying damages?"

"Mr. SIGERSON — By paying damages; and I think these damages would be abundantly met, as I have already remarked, by the profit which would accrue to the State by taking the matter in its own hands."

* * * * *

"Mr. GEDDES — You are going to legislate away from these people certain rights you have guaranteed them by the State of New York, and you have got to pay them all it is worth."

"Mr. SIGERSON — You have not got to pay them profit on capital they would take out now and allow to remain idle three or four years."

"Mr. GEDDES — The courts would have to settle that question; what I want to get at was, what your remedy was."

This is the entertainment that these impracticable theorists would prepare for the tax payers of our State. To abrogate the existing contracts would disgrace the State and involve it in an expense of millions. To return to the old system which they propose would be a repetition of the disastrous years previous to 1877. Are the tax payers of our State ready for this?

The report of the investigating committee appears with a preamble, of which the following is a portion:

"WHEREAS, The New York *Star* of December 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 1882, charged that a large number of prisoners confined in the prisons of this State lost their lives by brutal and inhuman treatment, and that said brutal and inhuman treatment was brought about by a system of contract labor now in existence in the prisons of this State, therefore, etc."

These charges were based solely upon the statements of ex-convicts as being absolutely true. They were copied by newspapers through the length and breadth of the land, as well as in foreign countries, staining the

honor of our State, and inflicting distress upon the friends of convicts incarcerated in our prisons, and great injustice upon the officers of the same. It was a step preparatory to demanding of the Legislature the abrogation of prison contracts and of the present successful labor system, by bringing the same into disrepute.

The committee patiently heard the testimony of one hundred and eleven witnesses, and the following is a portion of its conclusions:

"In reference to the charges contained in the *Star's* articles, viz.: "That a large number of prisoners confined in the prisons of the State have lost their lives by brutal and inhuman treatment, and that such brutal and inhuman treatment was brought about by the system of contract labor, we have no hesitation in saying, that, in our judgment, they are not sustained by the evidence. But we should fail to meet the expectations of the people of this State, and be wanting to the demands of the subject of this investigation, were we to dismiss these charges with only this summary verdict of 'not proven.'"

Again: "We have found, however, no satisfactory proof of cruelty or undue severity under the present management of that (Sing Sing) prison. While the officers have in some respects been derelict in reference to proper sanitary and police regulations within the prisons,* especially in reference to the maintenance of cleanli-

* NOTE.—Mortality in 1,000 population:—Boston, 30; Philadelphia, 26; Brooklyn, 28; New York, 32; United States, 18.2; England, 20.5; Scotland, 21.3; SING SING PRISON, 9.

ness in the clothing, beds, bedding and cells of the prisoners, we are not blind to the fact that there are serious and well nigh insuperable difficulties to be overcome in the performance of this part of their work. Nearly two-thirds of all the prisoners are employed on the stove contract, and the nature of their work renders it impossible, in the absence of suitable facilities for bathing* and for an entire change of clothing, on leaving the shop, to maintain an attractive state of cleanliness in the beds, bedding and cells. And we deem it but just to say in this connection, that the warden, Hon. A. A. Brush; the physician, Dr. Hiram Barber; the chaplain, Rev. Silas W. Edgerton; and the principal keeper, Mr. Jesse Dixon, appear to be actuated by an intelligent, earnest and humane spirit, and a determination to prevent, so far as possible, any recurrence of the evils and abuses which have prevailed heretofore."

Again: "Before leaving this branch of our inquiry, it is proper that we should make mention of the food supplied to the prisoners. A large amount of testimony has been taken on this subject, an examination of which will satisfy the most skeptical, that the food is abundant in quantity, and suitable in quality, conforming as nearly as possible to the requirement of the statute that 'it shall be inferior but wholesome.' It also appears that except on rare occasions, such as might and do occur in any private family, the food is properly prepared."

Again: "If, now, we are called upon to decide whether

* NOTE.— There are large tanks of running water in each foundry where the moulders have an opportunity to wash from head to foot every day.

in point of fact the contract system has resulted, and does now result, in the infliction of brutal and inhuman punishments, or in any form of brutal and inhuman treatment of prisoners, we are compelled to answer that the evidence taken by us furnishes no proof of the fact; and the conclusion is inevitable, that the contract system as now conducted in our prisons, is so effectually regulated and restrained by the prison authorities, that the results which might naturally be expected to flow from it seldom, if ever, appear."

"It is also due to the contractors and their agents to say, that, with the exception referred to, we find no evidence of any disposition on their part to interfere with the proper discipline of the prison, or to impose unreasonable tasks upon the prisoners."

In answer to the charge that convict labor inflicts a serious injury both upon citizen manufacturers and citizen mechanics, I quote some statistics from a report made by Col. Carroll D. Wright, Chief of the Massachusetts Bureau of Labor Statistics, in 1879, to which I have added extracts from the census report of 1880, and the percentage of convicts to free laborers. Col. Wright visited most of the prisons of the United States, making a personal examination of the condition of each, and reported the number of prisoners employed in each industry, as follows:

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OCCUPATIONS.	Citizens, 1880.	Convicts, 1879.	Percent- age.	Wages paid Citizens.
Agricultural implem'ts.	39,580	602	1.5	\$15,359,610
Boots and shoes	134,256	6,581	4.9	51,165,569
Brooms and brushes..	8,773	1,278	14.2	2,424,040
Carpets	2,371	175	7.4	7,026,010
Carriages and wagons.	46,704	1,251	2.7	19,451,467
Cigars and tobacco...	53,297	510	1.0	18,464,562
Clothing, men's	160,813	†2,262	1.4	131,363,282
Hats and caps	22,810	*593	2.6	8,528,737
Furniture	59,304	2,884	4.9	23,695,080
Foundry and machine shop products	98,640	3,504	3.5	29,566,133
Wooden goods	5,033	1,120	22.2	1,539,571
Leather & leather g'ds.	30,183	787	2.6	12,104,933
Stoves	46,711	1,687	3.6	18,208,000
	708,475	23,234	3.3	\$338,896,994

*200 employed in 1883. †2,600 employed in 1883.

CONVICTS CONTINUED.

Farmers and laborers	10,607
Idle, sick and infirm	7,647
Miscellaneous manufactures	1,036
Prison duties	4,930
	<u>24,211</u>

Prison Labor.

The following statement shows the number of convicts employed in each industry in the State of New York, also the number of citizens employed in the same industries, as mainly taken from the census of 1880, and the percentage of the former to the latter. Also the amount of wages earned by the citizens:

OCCUPATIONS.	Citizens, 1880.	Convicts, 1883.	Percent- age.	Wages paid Citizens.
Axles	No report.	304	....	No report.
Boots and shoes	13,413	1,710	12.7	\$4,902,132
Brooms and brushes..	2,954	149	5.0	814,349
Bolts, nuts, etc*	480	150	31.2	185,694
Clothing, men's	63,098	519	0.8	18,324,466
Furniture, chairs	2,109	49	2.3	472,974
Hosiery and knit goods	7,858	300	3.8	2,036,076
Hollow ware	No report.	401	....	No report.
Laundry	No report.	130	....	No report.
Stoves	8,136	825	10.2	5,263,500
Saddlery and harness .	3,148	624	20.0	1,135,451
	101,196	5,161	5.1	\$33,134,642

* These are largely obtained from Rhode Island.

The opponents of convict labor assume in their statements that convicts produce as much work as citizens — certainly no compliment to the citizens — nothing could be further from the truth. I will quote some authorities on this subject that will command respect —

Col. Wright, of Boston, reports the annual product of each citizen employed in the manufacture of boots and shoes in Massachusetts as \$1,858.

Same of convicts in Concord prison, \$1,142.

The commission appointed by the Legislature of Connecticut to investigate the question of prison labor reports: "With two exceptions the testimony is that the prisoners only accomplish one-third to two-thirds as much work in a day as a free man; and that this amount is a fair average, is proven by a preponderance of testimony."

Again: "At Elmira, N. Y., where no motive is left untried, and where a master mind directs the business, the average *per diem* last year was but sixty cents".

A commission appointed to investigate the value of convict labor reported to the German Congress, December 15, 1876: "That the work of one prisoner is equal to half the work of a free man."

The New Jersey commission report: "Taking the commercial value of the labor of convicts, as determined by the contracts now in force in twenty-one of our States, it is found to range between thirty-five and fifty-five cents per day" * * *. "It seems evident that the prices fixed are not far from their true value."

Perry & Co. have shown by their records that convict moulders produce but *forty-seven per cent* as much as citizen moulders.

The Massachusetts commission sums up the following burdens to prison labor: "Ignorance, indifference and malice, the expense of instructors and tobacco, the short prison days, and the poor mental and physical condition of many of the workmen, make the advantages over

* NOTE—Public account system 1878.

others very slight, and they have doubtless been exaggerated into too much importance."

In view of these statements it will be seen that the percentages before stated must be *divided by two*, in order to arrive at the true percentage of work produced by prisoners. That is in the United States:

Boots and shoes.....	2.5 per cent.
Stoves	<u>1.8 per cent.</u>

In the State of New York:

Boots and shoes.....	6.4 per cent.
Stoves	<u>5.1 per cent.</u>

The pretense that such a fractional amount of work can injuriously affect either manufacturers or their employees is an insult to the common sense mankind.

It must be remembered that the products of the manufacturing industries of New York find a market in every part of the Union, and to some extent in foreign countries. Not over twenty-five per cent, whether made in prison or outside of it, is sold for consumption in the State of New York.

If the exact truth in regard to prison labor was presented to the public by those who oppose the present system, this communication would be unnecessary; most of those who write and speak on this side, have, apparently, very little practical knowledge of the subject. The friends of the system court the most open and thorough examination.

The following is a sample of the charges that are made from day to day in labor meetings, and in certain newspapers:

"Resolved, That the system of convict contract labor now in force in the prisons of this State is inimical to the best interests of the people. By reason of this system manufacturers have been injured, wages reduced, and in many cases, honest workmen driven from the trades which they have devoted years to acquiring. The families of these men have often been obliged to suffer from the unfair competition which has made their natural protectors poor, while prison contractors have become enormously rich. We regret the failure of the last Senate to pass the measures introduced to reform the prison labor system, and providing for the abolition of the infamous and iniquitous scheme by which honest and skilled workmen are placed at the mercy of contractors, whose only interest appears to be their own profit at whatever cost."

I most emphatically deny that any "manufacturer has been injured by convict labor," and challenge the world to the proof. The only effect it has had has been the adding of here and there a new manufactory. A country that increases its population a million and a half a year can bear some additions to its manufacturing facilities.

I further deny that the "wages of any workmen have been reduced by reason of convict labor," and challenge the proof of this.

I further deny that any "workmen have been driven from the trades which they have devoted years to acquire, by reason of convict labor," and challenge the proof of this.

I further deny that no "families have been obliged to suffer from the unfair competition which has made their natural protectors poor by reason of convict labor," and challenge the proof of this.

I further deny that convict labor is either "infamous or iniquitous," and challenge the proof of this.

I further deny that "honest and skilled workmen are placed at the mercy of contractors for convict labor," and challenge the proof of even one such case.

The report of the investigating committee, before referred to, disproves such charges, so far as they are applied to the prisons of New York. It was composed of a body of honest and painstaking men, who sat for weeks taking testimony, much of the time under very unpleasant circumstances, subjected to insults from drunken ex-convicts, and to threatening anonymous letters from those claiming to represent the labor interest, and their report, made under such a pressure, is certainly worthy of confidence.

PRISON LABOR IN NEW JERSEY.

The following letter from Hon. A. S. Meyrick, of Kingston, New Jersey, one of the Commission appointed by the Legislature, in 1879, to investigate the subject of prison labor, will be read with interest :

JOHN S. PERRY, Esq. :

MY DEAR SIR — There is very little in the history of prison labor in this State which any intelligent Jerseyman can reflect upon with pleasure. Up to 1869 the control of our State prisons was one of the prizes of political success, and its management was intrusted to men who had distinguished themselves rather for zeal in behalf of their respective parties than for any special fitness for the duties required of them. The labor of the convicts was performed in great part on State account, under the direction of the keeper of the prison and his assistants. The financial results were as follows :

Prison Labor.

YEAR.	Cost of keeping each prisoner.	Earnings of each prisoner.	Deficit for each prisoner.	Average number of prisoners.
1865.....				
1866.....	\$182 14	\$77 37	\$104 77	393
1867.....	224 60	50 14	174 46	522
1868.....	235 48	60 09	175 39	528
1869.....	244 70	70 98	173 72	555
	247 67	84 00	163 67	585

This drain upon the treasury of the State, amounting in 1869 to \$95,746.95, for the support of less than 600 convicts, most of whom were amply able to earn their own living, arrested the attention of some of our best citizens, and a bill was introduced in the Legislature of that year, looking toward an almost entire reconstruction of our prison system, and its separation from partisan politics. This bill was shorn of some of its most important provisions, but enough of it became a law to exert a decidedly beneficial influence upon the prison. Under it, most of the business details of the concern passed into the hands of a supervisor, who was appointed by the Governor, Chancellor, Chief Justice, and Attorney-General of the State. The first supervisor was Col. W. R. Murphy of Bordentown, who held the office for ten years. Entering upon its duties strongly prepossessed in favor of the system of "*public account*," the experience of a comparatively short period led him to favor its entire abandonment, and the balance sheet of the prison became as follows :

Prison Labor.

YEAR.	Cost of keeping each prisoner.	Earnings per prisoner.	Deficit per prisoner.	Average number of prisoners.
1870.....	\$180 00	\$102 33	\$77 67	570
1871.....	208 35	139 69	68 66	526
1872.....	207 97	151 50	56 47	527
1873.....	221 58	165 84	55 74	545
1874.....	186 96	169 17	17 79	615
1875.....	173 58	124 54	49 04	656

In 1874 the whole available force of the prison was under contract, and for the first and only time since its existence, the institution cost the State less than \$20 per prisoner, over and above the receipts from convict labor. But in 1875, under the pressure of the financial prostration of the time, the contractor threw up his contract, leaving 525 able-bodied convicts idle upon the hands of the supervisor for more than one-third of the year. Their re-employment was exceedingly slow and difficult, and the rates allowed for their labor were reduced so seriously, that the deficit per man for 1876 rose to \$98.

In the mean time the cry against Convict Competition with Free Labor had begun. Let me extract from Col. Murphy's report of 1877 his opinion of it. After stating that he had succeeded in the course of the preceding year in contracting the labor of 450 men, and that the receipts from convict labor had risen from \$40.49 per man in 1876 to \$92.66 in 1877, he goes on to say :

"This satisfactory result is chiefly due to the authority given by law to the supervisor to contract with manufacturers for the labor of convicts. It is true that the law does not restrict him to that mode of utilizing their labor, but any other would be unwise, because unprofitable. No business can be successfully conducted by individuals who do not possess requisite skill, and more especially if they have no personal interest in its results."

"Two principal objections are urged against employing convicts under the contract system. The first is, that contractors necessarily obtain so much control in the management of a prison and its inmates that it becomes subversive of discipline, and thereby lessens the hope of reforming the criminal. This objection is well founded only when the officer representing the State, permits a contractor to acquire such control by the terms of the contract, or when its terms are not clearly defined."

"In all the contracts it has been my duty to make for the labor of convicts, the rights, privileges, duties and obligations of both contracting parties have been so distinctly set forth that no controversy has arisen, and no interference with the government of the prison has been allowed."

"The second objection is, that the system gives to contractors the power to oppress the convicts and subject them to needless and cruel punishment."

"This power is especially guarded against in our contracts. To each of the shop rooms in which the prisoners work, an officer designated by the keeper is assigned, whose duty is to preserve order, and require every one to perform a fair and reasonable day's work, and is the sole judge whether or not a convict deserves punishment."

"The contractors and all their employes are subject to all the rules established for the government of the prison, and may be excluded from it for a breach of any of such rules. These wholesome provisions and restrictions are accepted by contractors as promotive of their own interests, as well as those of the convicts."

"But these objections are made only against the mode of employing convicts. The recent agitation relative to labor has developed a strong opposition to prison industries under any form, on the grounds that such industries create a ruinous competition with outside labor."

"Whether such supposed competition furnishes a sufficient reason for maintaining criminals in idleness, and adding the cost of their maintenance to the tax levy, it is not the province of this report to discuss. If, however, the theory of injurious competition be admitted at all, it will apply with greater power in other directions, and against other forces than convict labor. The influx of skilled labor from abroad, and the

constantly increasing use of labor-saving machinery, exert an immensely greater influence upon the industries of the country than the productions of convicts. The *annual* increase of the former is nearly equal to the whole number of convicts employed in mechanical industries,* while to the latter is to be added the power of steam, which is the real competitor, and to whose productions the industries of penal institutions add an inappreciable item."

"The fallacy of the grounds upon which opposition to prison labor is based, has been shown by the exhaustive examination of the whole subject made by intelligent mechanics and others, and the arguments, once plausible, have long since been abandoned by nearly all who have taken the pains to investigate the matter."

"In a population of more than forty millions, the number of convicts engaged in mechanical labor does not exceed twenty thousand, and these are divided among all of the States. It cannot be, therefore, that prison industries, which are so limited in their amount, can depreciate the value of free labor to an extent that can be estimated."

"As the discussion of this subject in New Jersey is of a recent date, a few facts may per-

* This was written by Col. M., in 1877, when the arrivals of immigrants were less than 142,000. Those for 1881 were 669,431, and for 1882, 788,942 — over a million and a half in two years. Twenty per cent of these were skilled laborers — 300,000 against less than 25,000 convict mechanics of both sexes and all ages.

haps prevent misapprehension and erroneous conclusions. First: The number of persons engaged in this State in the manufacture of *the same class of goods* as those produced in the prison, is comparatively small, and hence no important interest is disturbed."

"Second: A little more than two years ago when over five hundred of our prisoners ceased to work, the demand for other labor in the same line was not increased, nor was it diminished when the work was resumed."

"Third: The argument that those who employ convicts are enabled thereby to undersell the productions of free labor, is not consistent with the fact that the former is very much less in demand than the latter, and altogether fails from the more important fact that the argument is without foundation."

"Other considerations might be presented, but these will probably be sufficient to lead to a candid inquiry whether the interests of the State would be promoted by abandoning remunerative labor in the prisons."

This was the testimony of an intelligent and conscientious officer after eight years' experience in the management of the prison industries of New Jersey. Strange as it may seem, it paved the way for his removal from the office he had administered with signal ability and success. The

labor reformers demanded compliance, with their dictates rather than demonstration of their absurdity, and not very long afterward the Governor of the State was obliged to say, "Col. Murphy, I have no fault to find with your administration in any particular, but the fact is, your place is needed for political purposes, and you must go."

In the mean time, however, he had given another offense to the labor agitators. He had over two hundred able-bodied convicts idle on his hands, and a hat manufacturer offered to take them at good prices. He entertained the proposition. The fact leaked out, and a bill was rushed through both houses of the Legislature prohibiting the manufacture of hats in the prison. Nearly that whole number of convicts have in consequence remained idle at the expense of the State up to this time, each of whom might have earned the whole or a greater part of the cost of his maintenance but for the interference of the labor reformers.

Col. Murphy was removed. His successor was supposed to be more pliable, but being a shrewd and practical business man, he no sooner became familiar with the duties of the office than, convinced of the soundness of the views of his predecessor in regard to convict labor, he set about carrying them out. To remove him has thus far been impossible. But his recommendations and

suggestions have been steadily ignored, and his efforts to make the prison self-sustaining thwarted by the steady opposition of the labor reformers.

Weary of the agitation of the subject, in 1879 the Legislature proposed to close it by providing for the appointment of a commission to investigate the relations between convict and free labor, and suggest such remedies for the competition between them, if any, as they should deem wise or necessary. This commission, after devoting several months to the duty assigned it, reported "that the labor of the prison should be mechanical; that the amount of goods produced in the prison was too small to exert any serious injury upon the trades outside, and that the abolition of the contract system, so long as prisons are managed and controlled in the interest of partisan politics, would increase the prison expenses, demoralize and corrupt the prison officers, and bring no substantial benefit to the free workmen."

It declared also that in the opinion of its members, "the evils for the redress of which it was created were more apparent than real." In these conclusions similar commissions created by Massachusetts and Connecticut unanimously agreed. The Governor of New Jersey, to whom the commission reported, declared these conclusions unanswerable, but the labor reformers ignored them altogether, and kept up the agitation with

more diligence than before, as the new supervisor soon found to his cost.

The revival of business in 1880 led one of the oldest and most responsible of prison contractors to make overtures for the prison labor of New Jersey. He offered to take every available man in the prison at rates that would have made the institution self-supporting or nearly so. The supervisor would gladly have availed himself of the proposal, but his contracts had a few months to run, and the Legislature met in the interval. To it came the labor men, demanding the passage of a law prohibiting the employment of more than fifty men in any branch of industry. The Legislature was not quite ready to destroy the whole system of prison labor of the State at once, but it agreed to make the limit one hundred men for each industry, and passed the bill in this shape. Of course negotiations with large concerns became impossible. The supervisor advertised in the papers of this and adjoining States for proposals for convict labor, with great diligence. He got proposals for the labor of three hundred and twenty out of his eight hundred convicts at rates of thirty-seven cents each per day and under. None of these could be accepted. His contracts expired and the whole work of the prison was stopped. One of the best of the old contractors removed his machinery, etc., to the State Prison of

South Carolina, where he obtained a larger contract at lower rates than he had paid in New Jersey. The dead-lock continued for over two months, the prisoners doing nothing and the State paying the bills. Then one of the old contractors came back at fair rates, and by dividing two hundred men among the various departments of shirt manufacture, and securing two other small concerns, the supervisor is now able to work four hundred and fifty out of eight hundred and thirty men; one hundred at sixty cents per day and the remainder at fifty cents. The labor of the convicts for the year ending October 30, 1882, amounted to \$67,546.03, or \$82.55 each, and the State paid for the same year a deficit of \$61,163.27, nearly every dollar of which would have remained in its treasury but for the passage of the law above mentioned.

Besides this, the prison, built and planned for the accommodation of less than 700 convicts, is crowded with 831 on the average. Two and even three men are locked up at night in many cells, while the law positively requires that each convict shall have a separate cell. The shop room of the prison, adequate for the working of the whole force at one or two contracts, is just sufficient for the number now at work under seven, each concern requiring its own shops, and separate storage for its materials and

manufactured goods. Twenty thousand dollars have been asked for, to supply necessary shops and storage, so that another hundred of the men who are now living in idleness at the expense of the State could be set at work. This too the labor reformers have succeeded in staving off for the last two years, though the Governor as well as the supervisor have urged it repeatedly upon the Legislature. "What is the use of providing facilities for employing convicts when we don't want them to work at all?" is the tacit understanding between the organs of the trades and their friends in the Legislature. We need an intermediate prison, for persons convicted of minor offenses, and sentenced for short terms; a place where young and inexperienced offenders could be put in the way of reform. For such, we have now the crowded State prison, with its stigma and its deadly associations on the one hand, and the enforced idleness and unlimited intercourse with criminals of all grades, and consequent instruction in vice and immorality and crime of our jails on the other. Even a work-house, where jail prisoners could be made to earn some part of their support, and debarred from the idleness they covet, would be a God-send to us, but every project for prison or jail reform is ignored or staved off, because it will add to the volume of convict labor.

Is it not time for us in New Jersey, as well as for you in New York, to consider the tendency—the inevitable result of this ceaseless warfare upon the industries which are inseparable from the well-being of our penal institutions? Is it not time for the intelligent citizens of both States to examine for themselves into the merits of this question of convict competition with free labor, which must be settled before any thorough reform in the reeking infamy of our jails, and in the discipline of our prisons is possible?

Look at it. We open our doors to the labor of the whole world, except the Chinese. We allow the skilled labor of Europe to pour its uncounted thousands upon our shores every year, without stint or scruple, though every mechanic that comes to us is a direct competitor with every other who is already at work or seeking work among us. Our great cities, our manufacturing centers, our great public works, our mines, swarm with workmen of foreign birth, and no one complains of it.

But the labor of less than 25,000 men, women and children in the prisons, penitentiaries and reformatories of the United States, each producing less than half the work of a citizen, who have already cost the community heavily by their offenses and the expenses of trial, and who must be watched, and fed and clothed at our expense, if

we fail to make [them] support themselves—this labor is not to be tolerated and the system of prison management by which alone we have succeeded in making our prisons self-supporting is to be broken down, because in some infinitesimal degree, too small for the appreciation of the most delicate of commercial tests, it interferes with free labor. Is not this preposterous?

A man may come among us from abroad, erect his shop with foreign capital, fill it with foreign machinery, with men and women of foreign birth, and compete with us in our chosen industries and welcome; but let him or any of his employes commit a crime, rendering his imprisonment at hard labor necessary for the good of society, and he must cease to work even at the very trade he was pursuing when free, because he as a convict competes with free labor. Every citizen of the State may compete with every other to the full extent of his ability while free, but the moment he becomes a convict his competition must cease. Everybody in the State has rights which every one else is bound to respect, but the State, the sum of the individuals that compose it, and the protector of all their rights, must be guarded and prohibited from exercising one of the rights which each citizen possesses, lest it injure the individual by its competition.

To appease the clamor, we have demoralized and crippled the prison industries of New Jersey for the last ten years, at an expense to the State of many hundred thousand dollars in money, and infinitely more in the putting off of prison reform measures, which by reducing crime would have done more to reduce convict competition with free labor, than all the efforts of the labor reformers ever have or ever will do.

Very truly yours,

A. S. MEYRICK.

KINGSTON, N. J., *October 8, 1883.*

The opinion of Dr. Francis Wayland, professor in Yale College, New Haven, Conn., on the subject of Prison Labor, will have great weight with the intelligent public, and I therefore transcribe the following from the printed report of the testimony taken before the joint conference of the Commissions appointed by the States of Massachusetts, Connecticut and New Jersey, in 1879, from pages 154 to 158:

The CHAIRMAN — *Professor Francis Wayland, President of the State Prison Association of Connecticut, and Chairman of the Board of State Prison Directors of Connecticut, is with us by special invitation. We will listen to whatever Professor Wayland has to say in regard to contract labor. He understands the special points of our inquiry, and will confine himself to those, so far as he can.*

Professor WAYLAND — As I understand it, three Commissions from three different States are here engaged in substantially the same inquiry. Now as to the general investigation, it seems to me that you are to deal with the existing condition of affairs and also with probabilities. Keeping this in view, let us examine and contrast the only practicable methods of employing convict labor, the "public account system" and the "contract system." It is, I think, conceded by

all intelligent men who have looked into the question, that the "public account system" can only be successful under non-partisan management. Is the administration of any State prison in the United States absolutely under non-partisan control? Is there any reasonable probability that in the immediate future, or in any future with which this investigation can concern itself, there will be no politics in our prisons? Is it worth while for this Commission to consider the possible features of an ideal system? Would it be a wise expenditure of your time? Under the best practicable conditions we are very far from the ideal management of penal institutions. Perhaps in the matter of penal reform there has been less progress in the last twenty-five years, than with reference to any subject to which philanthropy has devoted its attention in this country. Of course in many cases the prisons are better, but the system is substantially unchanged. Mr. Brockway's reformatory at Elmira is an experiment to which we all look with great interest, but it is limited to convicts who have committed their first offense.

Now the two advantages claimed in favor of the "public account system" are, that it will tend to greater diversity of labor, and will, therefore, promote the interest of the prisoner by giving him more opportunities for employment when re-

leased. Is this theory confirmed by the facts in the case? Remember, we are dealing with what is and is likely to be. It has appeared already in the course of this investigation that wherever in the United States the "public account system" is in force, the tendency is to concentration of industry by diminishing the number of trades. The reason of this is obvious, and involves an element which cannot be overlooked in arriving at a just conclusion. In every State, certainly north of Mason and Dixon's line, there is a public demand that prisons shall, if possible, be made self-supporting; *i. e.*, that law-abiding citizens shall not be taxed to maintain convicts. Whether this demand is reasonable or justifiable, is not, it seems to me, a pertinent inquiry at this time. It exists and is likely to exist, and must be taken into account in comparing the two systems. Therefore, experience having apparently proved that a diversity of industries in a prison tends to diminish its income, we have a sufficient reason for the concentration of industries under the "public account system." But under the best possible conditions is the "public account system" self-sustaining? It never has been, and assuming that prison management will not be absolutely non-partisan, it never will be. The occasional show of profit is deceptive and illusory, caused by an incorrect

appraisal of the State property, indicating an apparent profit where there has really been an absolute loss. In a recent case where for a period of about fifteen years the balance had been ostensibly on the credit side, a competent Commission has discovered that the State is about one hundred thousand dollars in debt. Articles have been annually inventoried at their original market value, when they were actually valuable only as fuel. The fact is that the business of organizing the labor of convicts, providing, adjusting and regulating machinery, purchasing the raw material and selling the manufactured article under the "public account system," is quite sufficient to consume all the time of the warden, to the virtual exclusion of what he owes to the proper oversight of the convicts. And when we remember that the warden cannot successfully discharge his legitimate duties without devoting a large share of his time to personal intercourse with the prisoners, it will be seen that under the "public account system," he must either neglect what is expected of him as financial manager, or what is required of him as custodian of convicts, whose treatment should be reformatory. In one case the deficiency can only be supplied by hiring, at large expense, persons competent to superintend the manufacturing department; in the other, the prisoners fail to

receive that personal supervision which their best interests and the welfare of society demand. Moreover the whole intelligent sentiment of our country is opposed to the management of mercantile affairs by the State. It is believed that they are always more wisely and economically conducted by individuals or private corporations. I think Senator Bettle touched the exact point of this phase of the question, when he said that "the success or failure of the 'public account system' must always depend on the character and capacity of the man in charge of the prison." The method is a bad one, but in the hands of an exceptionally honest and competent official, may for a time seem to produce good results. Let this man be removed by reason of a change in political control, or for any cause, and his successor will in all probability be a disastrous failure. The system of "contract labor" is not liable to these objections. The directors of the prison usually, if not invariably, make the contracts, and the most advantageous contracts possible at the time. This does not require great business sagacity. It simply consists in awarding the contract to the highest bidder, with such safeguards as will secure its fulfillment. The honest and successful management of business in behalf of the State, by officers in the military service of the United States, has been adduced in support of the

claim that the "public account system" need not be a failure. But the illustration is not apposite, and for several reasons. In the first place these officers are not designated to their duties by political managers; secondly, their term of public service is for life; thirdly, any army officer betraying his trust is tried not by a jury of twelve men selected because they have no opinion about the case, or indeed about any thing, but by a court-martial, composed of intelligent and upright men, whose decisions are rarely reversed.

These considerations remove the members of the Military Department beyond the range of possible analogy. If it is contended that the contract system operates injuriously upon outside labor, it may be said, generally, that the burden of proof is upon those who object to the system on this ground; and, further, that so far as the State of Connecticut is concerned, no actual grievance is even alleged. Each State must legislate for itself, and it will be time enough for Connecticut to deal with the problem when there is any apparent or pretended conflict. Dr. Harris, reasoning from the large prison population in New York, seemed to think that convict labor might possibly compete with free labor, to the disadvantage of the latter. But New York furnishes, in this respect, no criterion for Connecticut. The prisons in New York are filled

to overflowing from the county jails, which, as I have been recently informed by as competent authority as can be found in the State, are, without exception, schools of vice—not one of them to be compared to any county jail in Connecticut. Then, again, the great mass of the foreign population comes to the city of New York. Of these the criminal portion largely remain in or near the city, and the better part go West. These two causes combined give to this State an exceptionally large convict class. Now look at the State of Connecticut. We have on an average about 250 convicts—of these about 220 are employed in labor under contract at fifty cents per day. I know this prison pretty thoroughly, and I feel perfectly warranted in saying that it would not be possible, under the best conditions of the “public account system,” for the men to be better, more wisely or more humanely employed. As to the object of prison labor, I understand Dr. Harris to say that it is not primarily to prepare them for labor outside, and for two reasons: First, that if the men are reformed when they leave the prison, they generally resume the kinds of labor to which they were accustomed before their confinement. Second, because, if they are mechanics, it is exceedingly difficult for them to find employment with other mechanics. Employers can easily be

induced to afford the reformed criminal an opportunity to earn his living by honest labor, but his bitterest enemy is his fellow-workman, who has never been in prison. He will often refuse to be at the same bench or in the same room with the ex-convict. He will listen to no appeal or argument. “The fellow has been in prison; that is enough for me.” It is, therefore, necessary, in most cases, to find employment for them on farms. Their chance of permanent reform is, therefore, based not so much on the skill which they have acquired in certain kinds of mechanical labor, as upon the habits of industry, discipline, and obedience to rules which they have formed whilst in prison. When they were committed they had no habits but those of dishonesty, idleness and intemperance. They have generally been in confinement long enough for their constitutions to have recovered from the effects of intemperance. They have acquired the habit, if not learned the value, of regular hours of rising and retiring—of labor, of eating, of reading; have had nutritious diet in sufficient quantities, and have had the benefit, on the Sabbath, of religious services, conducted by a faithful chaplain. (I am speaking now of the prison with which I am most familiar, that of the State of Connecticut.) This, then, is the true basis of their continued reform; not that they

have learned this, that or the other trade, but that, with an improved physical condition, they have acquired habits which, if adhered to, will be of the greatest service to them as long as they live. In view of all this, I was not surprised when Dr. Harris, in answer to the closing question of the Chairman, replied, "that under existing circumstances, he would prefer to maintain the 'contract system' with limitations." What limitations would naturally occur to the intelligent prison-reformer? In the first place the labor should never be prejudicial to the health of the prisoner. Second, the contractor should not be permitted to override or oppress the prisoner. The contractor, as represented in each shop by an "instructor," should have nothing to do with the discipline. He should be intrusted simply with the duty of teaching the prisoners to labor to the best advantage. There should always be present in the room a prison officer, to whom every question of discipline, every complaint of neglect of duty, could be referred on the spot, and complaints from "instructors" should not be encouraged. The convicts should be made to learn by experience that they have rights, and that those rights would be respected. Steady, even-handed, uniform justice should be the inflexible rule. And, therefore, the prison authorities should always

reserve the right to compel the immediate discharge or exclusion from the prison of any "instructor," or other agent of the contractor, whose influence upon the prisoners is harmful. He should never be allowed to bully or bribe them to work beyond their strength. No honest contractor will object to this policy. Indeed, the best system of rules that I ever saw for protecting the prisoner from a dishonest or tyrannical instructor, were drawn up and offered by a man who was himself a contractor, and of his own motion.

The CHAIRMAN — Will you give us your views in regard to the injury done under the present system, and whether that injury would be avoided under any other system?

Professor WAYLAND — I am glad that you have called my attention to that matter, although I think I have already answered the question, in part, at least. I do not think that I am here to deal with the question in the way in which I shall now speak of it, but I am sure that you will bear with me if I am in error. If in New Jersey, for instance, the kind of employment carried on in the State Prison interferes disastrously with existing forms of occupation, that is a matter to be settled by the Commission acting for that State, and it is not for me to suggest how it should be done. In Connec-

ticut it is not contended by any one, so far as I am aware, that the business of boot and shoemaking, as carried on in our prison, has an injurious effect upon that branch or upon any other branch of industry in the State. So far, then, as Connecticut is concerned, therefore, I conceive it to be a purely speculative question.

I have thus been able to present a clear and interesting statement of the effect of a change in the system of conducting the labor in the New Jersey State Prison, also the views of a well-known and highly appreciated scientist and humanitarian.

Neither of these gentlemen have any personal interests to serve in connection with the subject; their labors in this regard are solely in behalf of the reformation of the prisoners and the best interests of society.

I have also presented a statement of the financial results in our own prisons under the *old system*, and also under the *new*.

It is for the voters of New York to decide whether the present system shall be continued without calling upon the State every year to make up deficiencies, or whether, ignoring all the teachings of the past, we shall return to a sys-

tem that has been officially and publicly condemned by the Comptrollers of both parties, and which the last six years of its existence cost the people the round sum of \$3,555,065.64.

JOHN S. PERRY.

ALBANY, *October* 15, 1883.

PRISON LABOR.

AN

ARGUMENT,

MADE BEFORE THE

SENATE COMMITTEE,

AND ALSO BEFORE THE

ASSEMBLY COMMITTEE,

OF THE

LEGISLATURE OF THE STATE OF NEW YORK,

ON PRISONS.

MARCH 22, 1882.

BY JOHN S. PERRY.

SECOND EDITION.

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1882.

NAMES AND RESIDENCES

OF THE COMMISSIONERS APPOINTED BY THE LEGISLATURES OF MASSACHUSETTS, CONNECTICUT AND NEW JERSEY IN 1880, TO INVESTIGATE AND REPORT IN REGARD TO PRISON LABOR, TO WHICH REPORTS FREQUENT REFERENCE IS MADE IN THE FOLLOWING PAGES.

MASSACHUSETTS.	
ASA P. MORSE, -	- Cambridge.
WILLIAM TAYLOR, -	- Boston.
CHARLES H. LITCHMAN, -	- Marblehead.
HAMILTON A. HILL, -	- Boston.
JOHN H. MELLEN, -	- Worcester.
WILLIAM REED, JR., -	- Taunton.
EDWIN A. MARSH, -	- Quincy.

CONNECTICUT.	
LUCIUS P. DEMING, -	- New Haven.
WASHINGTON F. WILLCOX, -	- Deep River.
EDMUND TWEEDY, -	- Danbury.
JEREMIAH TIERNEY, -	- Norwalk.
MERRICK A. MARCY, -	-

NEW JERSEY.	
EDWARD BETTLE, -	- Camden.
W. R. MURPHY, -	- Bordentown.
A. S. MEYRICK, -	- Kingston.
SAMUEL ALLINSON, -	- Yardville.
SANFORD B. HUNT, -	- Newark.

ARGUMENT

BY

JOHN S. PERRY.

Mr. Chairman and Gentlemen of the Committee:

The best mode of utilizing the labor in our Prisons is a question of such magnitude, that it cannot be properly disposed of in a few brief sentences. I must therefore crave your patience for a somewhat lengthy consideration of a subject, so important that it has engaged the attention of noble and learned statesmen and political economists in all civilized nations.

It is a question from which all passion and prejudice should be excluded, and which should be viewed solely with regard to the best interest of the prisoner, the State, and the greatest number of its citizens. In this spirit I desire to appear before you, and to state the facts as I find them in history and in experience.

The present age is pre-eminent for its attention to those great social problems which enter into a wise system of political economy, seeking for the best methods of making good citizens. The people, as well as states-

men, are beginning to take an active interest in all the questions which lie at the foundation of good government, and a sound philanthropy, and of these Prison Labor is one.

There can be no doubt that the obligation of every citizen to support himself is not cancelled by his committing a crime, and so far as convicted prisoners can, by their personal service, contribute toward their own support, and toward the expense they have caused the State, it is clearly the right of the tax payers, and the duty of the State, to exact and utilize that service.

In 1880 the Legislatures of Massachusetts, Connecticut and New Jersey, each appointed a special commission, composed of several gentlemen of the highest character and ability, in the words of the New Jersey Legislature, "*to make careful inquiry into the subject of Prison Labor, and whether it comes in competition with free labor; and if so, in what manner, and to what extent, and what in their opinion is the best means of preventing such competition, and at the same time of providing maintenance for the prisoners.*"

After spending several months in taking testimony and making personal investigations, these commissioners made their reports, to which I shall have frequent occasion to refer.

The New Jersey commissioners wisely remark: "A State Prison is not a public charity; it is not a hospital nor an alms-house. It is an institution to which persons, generally able-bodied adults, are sent by

the courts, to be kept at hard labor for the punishment of crime. Their labor, such as it was, is taken from the trade or profession they have followed before conviction, thus giving room for the employment of an equal number of other persons in those pursuits. They are indebted to society for the damages inflicted upon it by their crimes, and the consequences flowing from them; for the cost of trial and transportation to prison, and of safe-keeping, food and clothing during their imprisonment. To add these latter expenses to the injury their offenses have inflicted upon the community, is to heap one wrong upon another, to punish the innocent for the fault of the guilty."

It is evident that if prisoners do not support themselves by their own labor, they must be supported by the labor of others. After our citizens have been preyed upon by rogues, it is not just that they should be further burdened for their support,

Herbert Spencer, one of the most eminent of living investigators of the Science of Society, writes — "On this self-maintenance (by prisoners) equity sternly insists.

"The reasons which justify his imprisonment, equally justify the refusal to let him have any other sustenance than that he earns.

"He is confined that he may not further interfere with the complete living of his fellow-citizens, that he may not again intercept any of those benefits which the order of nature has conferred on them, or any of those procured by their exertions and careful conduct. And he is

required to support himself for exactly the same reasons — that he may not interfere with others complete living; that he may not intercept the benefits they earn. For if otherwise, whence must come his food and clothing? Directly from the public stores, and indirectly from the pockets of all tax payers. And what is the property thus abstracted from tax payers? It is the equivalent of so much property earned by labor. It is so much means to complete living. And when this property is taken away, when the toil has been gone through, and the produce it should have brought is interrupted by the taxpayer on behalf of the convict, the conditions of complete life are broken; the convict commits, by deputy, a further aggression on his fellow-citizens."

Without labor, whether inside or outside of prison walls, there can be no sound discipline, nor sound bodily or mental health, and as a reformatory agent it is recognized by the civilized world as of the first importance. No truth can be more evident than that "Idleness is the Mother of Crime." Take a retrospect of the past forty or fifty years in the history of the young men of any city in the land. The almost universal rule has been, that the industrious have become respected members of society, and, at least, moderately prosperous, while the idle, whatever their social position and wealth may have been, have shortened their lives by excesses, and left no names to be remembered with honor.

If such is the effect of idleness upon citizens, and upon those who enjoy the advantages of wealth and education, what must be its effect upon convicts, confined

within prison walls, with few resources for pleasure in retrospection, or for hope in anticipation.

If to idleness is added solitary confinement, the work of rendering the convict utterly unfitted for assuming the duties of citizenship upon his discharge is most complete.

That convicts dread idleness and confinement in a cell has frequently been made plain to me by the request of those acting for Perry & Co., as engineers and machinists, that permission might be obtained for them to make certain repairs on Sunday; for, said they, "we greatly prefer to work than to be idle in our cell." And for the same reason holidays are not anticipated by convicts with pleasure, otherwise than as bringing with them more delicacies for the table.

If to avoid some of the injurious effects of idleness and confinement, convicts are allowed to spend more or less of the day in the yard of the prison, there must be much indiscriminate intercourse, contaminating those who are not wholly depraved, and giving opportunity for concocting schemes for mutiny, for escape, and for crime after their discharge.

A very large majority of convicts when they enter the prison are destitute of any mechanical training.

This is largely due to the iron rule of Trades Unions, which, by forbidding the employment of boys in mechanical work, except in a small proportion to the number of journeymen, say from three to twelve in one hundred, condemns a large number to enforced idleness. The result is seen in the numerous arrests of children and

youth for heinous crimes, which the bench in New York city, at the present time, is taking special notice of.

Young convicts have frequently said to me in substance, "I never did an honest day's work until I came here; I dreaded labor, but I now find it better than idleness."

That large numbers of these young fellows do abandon the paths of crime and engage in some honest labor, appears to be proved by the fact, unprofitable though it may be to the contractor, that of the several thousand men employed on our contract, in mechanical trades, who have during the past five years been discharged, not three per cent have been returned. This has been an equal surprise both to Mr. Superintendent Pilsbury and ourselves, as he informed us, when we took the contract, that he believed more than one-half of those discharged would be returned. A return of discharged convicts of less than three per cent effectually answers the charge, that under the contract system there is no reformation. Can more convincing proof be offered, that the present system of labor and discipline in the State Prisons of New York is conducive to the best reformatory influences?

There is little reason to expect reformation in old thieves and burglars, but for the young, who are in a large majority in our prisons, there is much ground for hope.

The State is bound to have these men trained in such kind of work as is most likely to be in demand when they resume their citizenship. If they leave the prison without this knowledge, and without the practice of regular

and systematic labor, enforced idleness will be pretty sure to float them again into crime.

It was a favorite maxim with Howard, "Make men diligent and they will be honest." Work is the only sure basis of reformatory discipline.

"Unless prisoners acquire habits of industry, and a liking for some kind of labor," observes Mr. Frederick Hill, in his *Work on Crime*, "little hope can be entertained of their conduct after liberation."

"The acquisition of a full trade during the convict's incarceration is a valuable aid in effecting this reform."

"The ranks of criminals are recruited chiefly from the class of persons who have no regular business, and especially from those who have never learned a trade. More than eighty per cent of our imprisoned criminals belong to this class, which shows to what extent the want of a trade is an occasion of crime."

"Mr. Rice," former warden of the State Prison of Maine, says, "that he gives a full trade to every convict who stays long enough to acquire one, and has the requisite capacity. That of two hundred convicts discharged during his incumbency, only seven (three and one-half per cent) had been reconvicted."

The late Dr. Wines, in his discourse, pronounced at the opening of the International Prison Congress of Stockholm, said, "There can be no doubt that, other things being equal, prisoners who maintain themselves by their labor during their incarceration, are more susceptible to reformatory influences, and to the same

degree more likely to reform, than those who come short of that result; for this, among other reasons, that they have constantly before their eyes a visible demonstration of their ability to maintain themselves by the labor of their own hands."

Col. Carroll D. Wright, Chief of the Massachusetts Bureau of Statistics of Labor and a noted authority, in his report to the Legislature, in 1879, on this subject says:

"The proposition to abolish all labor in penal institutions presents a complete remedy for competition; but it is as insane as the convicts would become if it should be carried into effect. Every man is the competitor of another; and the only way to avoid competition resulting from convict labor, is to hang the convict or keep him in idleness. While the State policy is, and always should be, to send a man out of prison better than he came in, this proposition cannot be adopted; nor would it be wise, industrially, for crime begets crime, and the chief source of trouble from prisons to the working man is the expense of crime now. The abolition of labor would increase the expense in every direction, not only in the punishment, but in the care of criminals. The labor of convicts does not so much harm the interests of working men, as does the short sentence for some petty crime. The interest of the working man would be much better subserved by doubling the terms of sentence."

If the intention of the law was simply to *punish*, solitary confinement, with its attendant evils, would be the

simplest plan; but as I think it must be conceded, that making the convict support himself by his own labor, is best for both himself as a reformatory measure, and the State in every aspect of the subject, the inquiry then arises, what kind of labor and by whom conducted is the best for both, and the least injurious to any class of citizens?

I shall consider as briefly as possible:

First — Unproductive labor.

Second — Unskilled labor.

Third — The lessee system.

Fourth — The public account system.

Fifth — The contract system.

The employment of convicts at unproductive labor, like the crank or the tread-mill, cannot in this enlightened age be, for a moment, favorably considered. It would simply be a return to barbarism. Could any thing be more destructive to the intellect, more debasing to morals, and more certain to defeat any efforts at reformation, than the compulsion of prisoners to toil day after day at useless labor, a labor which they would consider only as a mode of vindictive punishment? Such treatment could not fail to have the effect of sending men out into the world more hardened than when they entered the prison.

When convicts are employed in some useful occupation, they generally become interested in the progress of the work, and many of them show a laudable ambition, both for their employers and for themselves. Convicts are men who are not materially different from ordinary citizens, except in their crimes. They are amenable to

the same considerations that affect others, and these considerations should inspire in them the desire and the hope to lead better lives.

Under the second head I will consider —

The employment of convicts in unskilled labor.

It is a favorite theory with some mechanics, that convicts should only be employed at that work which demands the most muscle and the least amount of brain, such as breaking stone, building roads, and other common labor.

Aside from the immoral effect upon both citizens and convicts by the necessary exposure that would be thus entailed, the effect upon the tax payers from the increased cost for guarding the prisoners, the increased danger of escapes, and the reduced amount of income from such labor, it will readily be seen that most of the burden of prison competition would simply be transferred to that portion of our population which is the least able to bear it. But were the question free from this objection, the method is wholly impracticable except in special cases, where some great public work is conveniently situated.

While there is probably no class of citizens more *dependent* or less able to meet competition than those engaged in common labor, there is no class more *independent* than skilled mechanics. The latter are strong, well organized, and able to make their influence felt when they desire to do so, while the former can bring no united influence to bear upon public questions.

The New Jersey Commission, in referring to this subject, says (Report 1880, page 231):

"Stone breaking is already one of the industries in which a numerous class of laborers find a part, or the whole of their support, and it has been seriously objected to the employment of prisoners in our jails in this manner, that the product of their labor would be more than counter-balanced by the cost of maintaining the poor, who, by being thus deprived of their usual business, would become a public charge. This has been the case in Essex county already. Besides this, it would be utterly impossible, in either of these ways, to provide a proper maintenance for the prisoners."

Col. Wright further says (1879, page 33):

"It has been suggested that the State might engage in some work that might not be performed unless by convicts, such as macadamizing the roads of the whole State. This would necessitate one of two things: either the preparation of stone at the prison, involving the transportation to the prison from the source of supply, and from the prison to the place for use or the mobilization of convicts to the points, not only of supply but of consumption, involving a heavy expense for guard duty and temporary confinement."

Mr. Tallack of London, a high authority on the subject of Prison reform, in 1872, prepared a paper on the "Defects of the criminal administration of Great Britain and Ireland," in which he says:

"That at the public works at Chatham, Portland and Portsmouth an immense amount of excavation, quarrying and masonry is every year achieved, the estimated value

of which is immense; but in reality there is reason to doubt whether many at least of these so-called public works are more profitable to the Nation, than if the same labor was devoted to building a huge pyramid on Salisbury Plain, or transferring Scawfelt to the top of Helvellyn."

The Connecticut Commissioners say (1880, page 201):

"Work to be honorable must first be profitable. Useless labor is degrading, and there can be no element of reform in labor that excites disgust or hate. There are many kinds of labor honorable to an honest man which are degrading to a convict. A gang of laborers may work day after day on the public road and still stand erect, in all the dignity of American citizenship, proud that by honest industry, they eat honest bread. But attach these men together by chain and collar, strip them of the clothing of honest laborers, and clothe them instead with striped garments, the badge of crime, and say if it would then be honorable work or industry tending to reformation? All labor done by convicts under the public gaze, all labor that brings pain instead of pleasure, all work that is penal instead of industrial, degrades the convict in his own estimation, kindles more intensely the fire of hate against society, makes stronger the natural dislike for work, and renders reform almost if not quite impossible."

The employment of convicts upon public works, except in rare cases, is wholly impracticable. What would have been thought of the project of introducing a horde of convicts into the city of Albany to build the New Capitol?

Even if it could have been done with any success, the injury to the mechanical trades and to common labor would have been *direct*, while as I hope to be able to show before closing, the contract system as now in force has, at the most, but an *indirect* effect upon citizen labor.

The Lessee System.— This system, in vogue in some of the southern States, is barbarous and inhuman to the last degree. The reformation of the criminal is not considered, and the fatality existing among them by reason of their brutal treatment is appalling. The citizens of the south are said to be clamoring for the introduction into their prisons of the contract system.

The third point to be considered is:

The Public Account System — *i. e.*, when the State itself becomes the manufacturer. Whatever may be said of the dignity or justice of such a proceeding, a sufficient objection to it may be found in the archives of our State. These will show that millions of public money have been wasted in abortive attempts to carry out this system. On State account the convicts have been employed in mining, in the manufacture of iron and nails, in quarrying and working marble, in burning lime, in manufacturing burr millstones, tools and brushes, in laundering shirts, etc. It is fair to assume that these operations were all unprofitable, as they have been abandoned, notwithstanding the large outlay made from time to time by the State for mines, quarries, woodland, machinery and other facilities for conducting these respective industries.

In regard to the manufacture of iron and nails, it is well known that millions were sunk at Clinton Prison

from 1844 to 1877 in the attempt to conduct this work. The State was fleeced at every step, from the conception of the enterprise down to the sale of the product.

So with the burning of lime. The State paid \$125,000 for the quarries and kilns, it being many times their value. These thousands and millions came out of the tax payers, and who was honestly benefited?

A slight investigation will show to your honorable committee that it has been the exception, when business carried on in any of the prisons in this country by the respective States has been successful.

In no instance, as far as I can learn, has this been the case in New York State. Even the Elmira Reformatory, from which great results were expected, and which claimed for the year 1880 an income of sixty cents per day for the labor of its inmates, has proved as unprofitable as its predecessors. The Legislature of 1881, after an investigation of its affairs, voted the sum of \$50,000 for the purpose of paying its outstanding indebtedness.

In the report of the managers to the Legislature, December 31, 1881, it is stated:

"The loss sustained since the 30th of September through the forced sale of goods and material, valued then on a basis of cost at \$112,700.57, is \$35,273.23. We have assets consisting of the present inventory, \$10,287.39, and bills and accounts receivable, \$39,488.72."

I will not undertake to predict what portion of this will be realized, but upon the general principle that the State is a proper subject to be plucked, particularly in a bankrupt business, it may safely be assumed that a considerable discount from these assets should be made.

The very short time in which this prison was run on public account satisfied the Legislature of 1881 that it was a mere repetition of Clinton and Sing Sing under that system, and, therefore, a bill was passed with the following mandatory clause:

"It shall be the duty of the managers to seek an opportunity to let the labor of the inmates of the Reformatory by contract, upon terms which shall be as advantageous to the State as possible, without injury to the system of discipline now in operation in the institution."

The State Prison in Maine had long been held up as a model of success under the Public Account system, but subsequent investigations showed that this claim rested solely upon a skillful mode of book-keeping.

The special commissioners for the State of Connecticut report (page 16):

"The great industry at Thomaston, Maine, has been wagon-making, and when this committee visited the prison, many were stored in the lofts where they had lain for years, doing duty only in the annual inventory. Warden Rice had been removed and Warden Tolman occupied his place. An investigating committee had pricked the bubble and shown that the boasted financial success was but an arrangement of figures without foundation in fact, that instead of a reported yearly profit, the State was a loser to the amount of nearly \$100,000."

The report from the Wisconsin State Prison is but little better. Mr. Cordier, when warden in 1878, reported that the convicts were earning under this system \$1.36

per day. His successor, Mr. Smith, says: "To our minds, the manufacturing business of the prison has proved a failure, and the State would have been \$13,565 better off financially, had the shops in the prison been closed and the prisoners confined in idleness."

The following extract from the report of the officers of the Virginia Penitentiary, January 19, 1881 (page 7), will show how glad they were to substitute contract labor for the Public Account system:

"The directors have for some years past been impressed with the idea that the State, not having the funds to make cash purchases of raw materials in large quantities at suitable times, and placed under disadvantages in effecting sales, could not compete successfully with private enterprise in the manufacture and sale of goods, and as early as 1875, indicated their opinion that the interests of the State would be promoted by hiring out the convicts to responsible contractors.

Existing legislation had partially provided for this. Gradually the institution increased its manufacturing operations till the advent of the present Superintendent, who fortunately fully concurred with the views of the Board, and at once took the necessary steps to hire out under contract all of the convicts possible, and to the same extent, curtail the manufacturing operations of the institution. The results so far have fully confirmed the opinion of the Board on the subject. Soon all the shops in the Penitentiary will cease to be operated by the State, and all the convicts will be hired at remunerative wages. * * * In all cases so far as known to the

Board, where the contract system has prevailed, it has, with few exceptions, proved successful, while on the other hand the system of leasing as a whole, even when peculiarly successful, has not given satisfaction in other respects."

The Superintendent of this Penitentiary reports:

"At the commencement of my administration I found four separate branches of manufacture were being conducted on State account, and I directed my attention as soon as practicable to the details of the operations and the financial exhibits of each industry, and the result enabled me to demonstrate that the nominal profits arising from these departments as shown in the published reports were *purely fictitious*, and that the Commonwealth had annually been subjected to serious loss thereby.

* * * * The shoe department, the cooper shop, the weaving department, had all been sources of heavy loss, and the blacksmith and wheelwright shops had not been sources of profit."

The Commissioners of the Illinois State Penitentiary state, on page 5:

"On the 1st of August, 1879, we made a contract with E. R. Brainard, of Chicago, for the labor of 150 convicts for the term of eight years from that date, at the rate of 51 cents per man per day, and sold to him the stock and fixtures then on hand in the stone department at a proper valuation. We are thus relieved from the responsibility and the demand for necessary working capital which that department has imposed upon us, and are now in receipt of a large monthly revenue from the labor of the convicts assigned thereto."

Many other examples of like character could be quoted if time permitted.

The only successful example that I am able to mention is that of the prison at East Cambridge, Mass., carried on by the county of Middlesex. I again quote from Colonel Wright's report of 1879 (page 17):

"At Cambridge 180 men are employed upon brushes. The raw material is purchased, made up and sold on account of the institution. The brushmakers enter no complaint against the prison contract, but their principal complaint is of the injurious competition of the county of Middlesex. Here they allege is a large corporation with unlimited means, paying neither rent nor taxes, and not even obliged to make a profit, and they find it impossible to compete with it."

On this subject the Massachusetts Commissioners report (1880, page 21):

"The manufacture of goods on Public Account, with a view to profit, has been tried, and it is in vogue to-day in some prisons in the Commonwealth. In a large prison that system requires a heavy plant, and a large yearly outlay, and the result will be that the State comes directly in competition with its own citizens. Of course the presence of outside agents in a prison is not necessary under such a system, but prison officials must be business men of experience and skill, and as alert as outside manufacturers with whom they come in competition, to insure any degree of profit for their products.* The history of

* NOTE.—The writer is in error. The same character of men, with precisely the same duties and relations to the prisoners must be employed as instructors and managers in each industry under the "Public Account" as under the Contract

the Public Account system has usually been that of pecuniary loss in the end, perhaps held off for a time by a system of doubtful book-keeping, which never tells its correct story until death or a removal from office changes the prison administration."

In conducting a manufacturing business by the State there must always be a loss, either from incapacity on the part of the officials, or from negligence, or dishonesty. It cannot be expected that a man who has special fitness for the duties of a warden should have either the skill or the time to make a success of manufacturing, which requires great experience and undivided thought and attention, with the inspiration of hope for personal profit.

The Massachusetts Commissioners say (page 21):

"Prison sentences order labor, and labor is recognized as a reformatory agent; but without the contract system there would be but two courses open for the State, to employ convicts in making goods for the State to sell in open market, or to keep them in idleness, with an assurance of its evil results.

Also, on page 22:

"In a small prison, with honest officials over long-term men, it is possible that the manufacture of certain lines of goods on public account might be as profitable to the State, as a simple sale of convict labor; but in a large prison the difficulty of securing a competent manufacturer and disciplinarian combined, and a certain clashing of authority if a double-headed system prevailed, must always militate against any move in that direction. Tempta-

tions, too, are great; and the history of such undertakings the country through, although there are shining exceptions, pointedly proclaims that human frailty is never so apparent as when the public service is involved. With the same temptations to overwork, and make a good exhibit for the State existing, there are no grounds for belief that a Public Account system, managed with a view to profit, would exert any more powerful reformatory influence than that which now prevails."

The Connecticut Commissioners say (page 24):

"In isolated instances the State may succeed under the Public Account system, but as has been too often illustrated, success depends upon the life of one man, or is entirely a fiction. And with hardly an exception, where the experiment has been tried, official corruption, pecuniary loss and general prison demoralization have followed. New York, Maine and Wisconsin are recent examples. In striving after financial success, reform was entirely lost sight of, and instead of teaching lessons of virtue and morality, prisoners were, in New York especially, used as instruments for the promotion of fraud."

Again, on page 34:

"A successful manufacturing business is of slow growth, the result of business ability and well-matured plans, carried on with great perseverance through years of trial, to ultimate success. Prison wardens, especially if they are partisan politicians, are not, as a rule, first-class business men. And if they are, their tenure of office is too short and uncertain to admit of a development of plans, or a display of business faculties."

The New Jersey Commissioners say (1880, page 21):

"If the trades complain now of the competition of contractors, who are of themselves subject to the same circumstances financially and commercially as other manufacturers, what would be their complaints against the gigantic power of the State? The immense soulless corporation, with resources beyond those of any individual; with power to hold enormous quantities of goods, and throw them upon the market at pleasure, without risk to the manager; with all the credit of a great commonwealth as a basis of operation, entering into competition with its citizens."

Further: "The American people have a wholesome and well-grounded distrust of commercial operations carried on by the State. Systems of public works of great apparent promise have been undertaken by several of our States, and in every one of them the failure has been conspicuous. In no case has it been possible to secure for the State the zeal and the comprehensive grasp of situations and opportunities, necessary for the successful conduct of such operations."

The Connecticut Commissioners say (page 25):

"While it is true that individual interests must be protected, it is also true that the State has some rights—and when it is asked that one system of labor shall be abolished and another adopted—on the naked assertion that one does harm, and the other does not, the State has a right to ask for proof to sustain the assertion, and to warrant the change; and if this proof is not furnished, the State has a right to believe that no proof exists,

and that the complainants have mistaken the cause of their trouble."

It is urged that under the Public Account system the prisoners would be more removed from the influences of citizen instructors and overseers, than under the Contract system. How can this be? The business would not run of itself. It would require even a larger number of instructors and overseers, and they would be precisely of the same character as those now employed, with this striking difference, that they would be less careful and attentive in conducting the business of the State, than if under the eye of a contractor, whose financial success or ruin depended upon a thorough and economical management.

Col. Wright says (page 21):

"Under a well-regulated warden system, where the State retains the full control of all matters of discipline, the change (to the contract system) would not be felt. Upon this point the writer made special inquiry of many wardens, and the unanimous testimony was that the presence of the employés of the contractor, so long as the warden had the power to remove summarily any such employé, did not have any more injurious effect upon the discipline of the prison, than would the presence of the same number of officials which would be necessary under the Public Account system, and especially as under the latter the warden would not, as a rule, have the power to remove summarily the government officials."

Again (page 22):

"Wherever this system (Public Account) has prevailed,

it has caused more slaughtering of prices than any other, yet the parties who demand it find no fault. They can see the most unjust results from contracting for the labor of convicts, but can see no harm in contracting for the products of the same labor."

Again (page 4):

"The general introduction of the Public Account system, as a rule, simply aggravates the grievances arising from whatever competition may result from the contract system."

Again (page 22):

"The testimony of wardens everywhere, and almost without exception, is against the claims of those who favor the Public Account system. They assert, and with reason it seems, that under such a system the prison becomes a vast shelving-place for appointees: and that all the objections which can possibly be made against the contract system, on account of the presence of contractors and their men, apply with double force against the Public Account system; and, further, that unless the productive labor of a prison is confined to one or two branches, it is impossible, as a rule, to find a man well versed in all, and a good executive officer besides."

The New Jersey Commissioners say (page 20):

"The commission is unable to see how the complainants would be benefited by a change from the Contract to the Public Account system. The same number of convicts at least would be employed. In fact, the probabilities are that a greater number would be. Fully ten thousand of them are employed as common laborers, many of

whom could be turned into mechanics very easily if the State found it profitable to do so. If the officers of our prisons are capable of managing such operations, they would have to display the same zeal and energy which the contractors find necessary. If the State is not to lose by the change, as many or more goods must be put upon the market—the same advantages and manipulations brought to bear upon it as now, and the effect upon it will be precisely the same.

"If the officers are unfit the business will be a loss to the State, and the tax payers will have to make up the deficiency."

Whatever system may be finally adopted for the prisons it may be assumed as certain, that the Public Account system always has, and always will be a financial failure, and more prejudicial to the interest of citizen mechanics than any other.

I will now more fully consider the fifth and last point, viz.:

The Contract System,

Toward which, the opposition of the workingmen of the State appears to be mainly directed. The inquiry is then pertinent, is this opposition well-founded?

We learn from statistics gathered and formulated with great care by Colonel Wright, before mentioned, that there are in the United States 129 penal institutions, in which convicts are employed in labor of any kind, viz.:

State Prisons.....	48
Jails and Penitentiaries.....	40

Work-houses and Houses of Correction.....	25
Houses of Refuge and Reform Schools.....	16
	<hr/> 129

That in these institutions there are 47,769 inmates—44,084 males, and 3,685 females.* Of these, 37,245 males, and 2,877 females, amounting to 40,122, are engaged in labor, in all the penal institutions of this country.

In skilled labor.....	23,524
In unskilled labor.....	11,688
In prison duties.....	4,930
	<hr/> 40,122

That thirty-six different industries are practiced in these prisons.

That the whole number of *citizens* employed in these industries in the United States is 1,743,120.

That the whole number of *convicts*, male and female, employed in these industries is 23,524 or 1 4-10 per cent of the number of citizens so employed.

Among these thirty-six industries I note the percentage of the following:

Iron goods of every description.....	1 8-10
Hats.....	3
Boots and shoes.....	3 5-10
Brushes.....	30 8-10

* NOTE.—Adults and children.

With a percentage of 18-10 in the manufacture of iron goods of every description in prisons, I think there need be little concern for the welfare of citizens engaged in the same industry. But with a percentage of 308-10 in the manufacture of brushes, a business conducted in the East Cambridge Penitentiary and the Elmira Reformatory under the Public Account system, there might well be some reason for complaint, though I do not remember of hearing from any citizen brushmaker on this subject.

In the foregoing statement I have included all the convicts, male and female, engaged in skilled labor, in all the penal institutions in this country, the number being. 23,524

From this number should be deducted those employed in city and county jails, work-houses and houses of correction, houses of refuge and reform schools, the number being. 11,341

Leaving the number employed in the State prisons and penitentiaries. 12,183

The product of manufactured goods in the minor institutions named, made to a great extent by children, is in amount and character unworthy of notice.

But admitting the whole number of 23,524, it is less than *one per cent* of the entire number of citizens employed in mechanical pursuits in the United States, the same having been on the 1st of January, 1880, 2,732,595, and producing goods to the value of \$5,369,579,191.

The opponents of convict labor appear to lose sight of the fact that most of the prisoners were employed at some kind of labor when free, and, therefore, that just so much was withdrawn from the market when they were arrested. Taking into account the time lost in idleness before conviction, the small production by those employed in mechanical labor, compared with that of citizen mechanics, the large number of citizens that are necessarily employed on Prison contracts, and the still larger number required to produce the material used and consumed under the same, we must conclude that the system has the effect to *reduce* the general competition in the labor market, instead of *increasing* it.

Perry & Co. *directly* employ in connection with their contract at Sing Sing, inside and outside the walls, 262 citizen mechanics, foremen, instructors and clerks, who otherwise would not be employed by them, and *indirectly* more than double that number.

The labor reformer wants the contractor abolished because he increases competition in trade. But he has never yet shown how this increase is brought about. Every new manufactory that is established somewhat increases such competition, but no more under a Prison contract than any other, and the establishment of a new manufactory is not generally considered a calamity. So far as relates to the manufacture of stoves in Prison, we sell them no cheaper than those made wholly by citizens; our price lists are prepared irrespective of where the goods are made.

In regard to Prison labor producing an *unhealthy* com-

petition, the testimony before the commissions relating to the manufacture of boots and shoes, was conflicting. A shoemaker in Burlington, N. J., testified before the New Jersey Commissioners (page 66):

"In all my business experience I have never found State Prison labor interfering with outside labor in the manufacture of shoes to any extent. It is too small a drop in the bucket. I have been making boots and shoes since 1833, and this is my experience of the trade."

The New Jersey Commissioners say (page 19):

"Were shoemaking stricken entirely from the list of Prison industries in the United States, it is very much to be doubted if the most delicate machinery of trade would be able to gauge the effect upon the market. A few more shops, a few more sets of McKay machines, or the immigration of a few years would fill the void so silently, that not one person in ten thousand would ever know of its existence."

Col. Wright says (1879, page 12):

"Parties who write or speak upon convict labor are apt to take it for granted that the product per man is the same for the prisoner as for the outside worker. In this they err. The product of each person employed in the manufacture of boots and shoes in Massachusetts is, \$1,858 per year, that is 48,090 operatives employed in 1875 produced \$89,375,792 worth of goods. The product of prison work per man is \$1,142 per annum. The 200 workmen employed on boots and shoes at Concord, produce \$228,575 worth of goods per year on an average. The same number outside would make \$371,600 worth of goods."

* * * * *

"A manufacturer remarked that he did not see how prison labor in Massachusetts could much affect the shoe business one way or the other. If all the convicts at Concord were put to making shoes, he would not care. It would only amount to one more large factory, and the shoe business of the State could stand that, in his opinion."

In answer to the question, "Do you know of any instance where your own business has been affected by prison labor?" both partners answered, "No," and to the question, "Has it ever caused you to reduce the pay of your employes?" they answered, "Never."

"Another large dealer and manufacturer said, 'That he knew of no injurious effects to his business from prison labor; was very glad the subject was being investigated, as he was satisfied that most erroneous ideas were entertained in regard to it by many who ought to know better; in his opinion it had been too much of a handle for small politicians to use for their own advantage; and that so many preposterous and ridiculous statements had been made, it was time that real facts were known.'"

The Connecticut Commissioners say (page 30):

"Mr. Marcy, a member of this commission and a contractor at Wethersfield, says, 'The convicts in our employ do not average more than half as much work as free men. There is very little profit in our contract. The large manufactories of Massachusetts can produce a shoe at less cost than we can. If we did not have a contract we would not take one.'"

Mr. Clark says: "Free manufactories have advantages

we do not, and can produce a shoe of the same character as ours at a cost of several cents per pair less."

Mr. Bigelow, President of the Bay State and Leather Co., a contractor, and having a free manufactory at Worcester, Mass., testifying before the commission, said: "The cost of labor upon a pair of shoes of the same kind is less in my free shop than in prison."

It is estimated that 5,688 foreign shoemakers, all grown men, have landed at the port of New York, during the past six years, while the whole number of convict shoemakers employed in this country is but 6,530. If such a force, which really represents but little over 3,000 citizen shoemakers, is so alarming, how frightful must be the effect of the hordes of foreign workmen who are daily flocking to our shores.

The introduction of one important piece of improved machinery in the manufacture of boots and shoes would affect the citizen mechanics more directly than all the convict workers on these goods, and no one thinks of asking the government to regulate the use of machinery.

The census of 1880 shows that the annual product of the boot and shoe manufacture of the United States is \$207,387,903, while the product of prison labor in this branch is less than \$4,000,000, or less than *two per cent.* With all these figures on record, petitions are made from time to time, asking that the number of convicts upon this, as well as other kinds of labor, should not exceed *ten per cent.* It is evident there is a great want of definite knowledge on this subject, which a study of statistics

would readily supply. As the New Jersey Commissioners truthfully say:

"The amount of goods produced in prisons by convict labor is too small at present to exert any serious injury upon the trade outside."

"The evils for the redress of which the commission was created are, at this time, in its opinion, more *imaginary* than real."

Eliminate from this question the imaginary troubles, and the opposition of the Trades Unions to every thing which interferes with their *supreme control*, and there will be nothing left of it. The agitation is mostly confined to the leaders of these unions, who already rule the manufacturers with a despotism worthy of the dark ages.

Col. Wright (page 16) says:

"Furniture is not now made in our prisons, but has been very extensively in the past, yet no manufacturer or dealer was found who could say that prison labor had injured his business in the least, and some were not aware that furniture had ever been made in the prison. The man who held the contract for furniture until the prison was moved to Concord did not care to move with it, but hired of the State the machinery and shops at Charles-town, and with outside labor continues the business of cabinet-making, and his customers testify that they can purchase goods of him now as low as when he held the contract."

In 1880 there were employed in the New Jersey State Prison, 368 convicts on boots and shoes. In re-

sponse to the clamor of the Trades Unions, a law was passed a year ago limiting the number to 100 to be employed at any one branch of industry. What is the result? The burden, if any, that rested upon wealthy shoe manufacturers and well-paid union shoemakers is transferred to the backs of poor women and children, to the extent of the labor of 180 of the convicts now being employed in making shirts and collars and washing and ironing—woman's work. The poor women have no votes.

Another result of this foolish law is the transferring of a yearly surplus of \$18,437.36 to a loss of \$660.16.

The Superintendent reports to the Legislature as follows:

"The law passed last winter, limiting the number of convicts to be employed in any one industry to one hundred, has driven away from us the large contractors for prison labor, who would pay the best price for the labor, and obliges us to accept the proposals of those who operate on a smaller scale."

"The loss to the prison from this source alone may be estimated from the fact, that a proposal was made to me to employ all the able-bodied men in the prison on the expiration of the contract in June last, at prices which would have made their labor net \$110,000 (instead of \$51,362.90 as in the past), for the ensuing year."

Under this law the Trades Unions are placated and the State and the women and children are made to suffer.

I will briefly refer to the manufacture of hats by convict labor.

The New Jersey Commissioners say (page 26):

"The Legislature of 1876 prohibited the manufacture of hats in our State prison in the hope of benefiting New Jersey hatters. But New York and Massachusetts kept on making hats by convict labor, and sent them to New Jersey to compete with the work of our hatters, already taxed to pay for the support of two hundred convicts, who might have been employed but for the passage of the law, and who have nearly all been idle up to this time. The next Legislature might forbid the manufacture of shoes in our prison, throwing three hundred and sixty-eight more men out of work, and the shoemakers of Newark and other places in New Jersey would be obliged to help pay for their support while confronted with the convict-made shoes of New York, Maryland and Massachusetts."

Col. Wright says (page 4, 1879):

"It is necessary to treat this whole subject nationally, because of the interweaving of the industrial interests of one State with those of another, and of the apparent, if not real, difficulty in the way of one State making any regulation whatever, for its own relief, or that of its own industries, while other States did or did not conform to the like regulations."

Again (page 41):

"That with the present policy of prison administration in Massachusetts, the Contract system of labor, either by the day or by the piece, is the wisest, as a rule, but that the administration should have power to adopt the Public Account system if for the interest of the State."

Dr. Wines testified before the joint commissions (Connecticut report, page 131):

"If the prisons were conducted on State account, I don't think the tendency to competition, or the tendency of the State to undersell the manufacturers, would be any less than it is on the contract system." * * *

"I say decidedly, that under existing circumstances the contract system should be retained in our prisons."

Again (page 126):

"Well, now, Mr. Chairman, in regard to the broad question of competition of prison labor with free labor, I hold a very decided opinion, and that is, that really there is nothing of it. I do not think that the amount of prison labor, take the whole country together, is more than a drop in the bucket. I do not think it can possibly come into competition appreciably with free labor."

Dr. Harris testified (page 154):

"Until public opinion can be educated up to the required standard I would certainly maintain the contract system, with limitations."

The Connecticut Commissioners report (page 35):

"By far the most thorough and searching investigation into the subject of convict labor, and its influence upon free labor, so far as this Commission can discover, was made in 1877-8 by a joint commission, consisting of officers of the government of Prussia and committees representing the various Trades Unions of the Kingdom. Perfect harmony prevailed among the members of the Commission, and entire agreement as to the result. Every phase of the question was examined, and the unanimous

report made to the government by its officers and to the trades by their committee, was, that a great deal of the complaint was without foundation, and that the evils which did exist were the result, not of the "contract system," but of concentration, by which small industries, in a few instances, were greatly injured."

Again (page 23):

"The effect of the contract system is no worse for the convict in the matter of work, than under the 'Public Account,' so long as thorough business men and thoroughly honest men are at the head. So far as the question relates to discipline, the weight of evidence is in favor of the contractor. Deputy Warden Biglin, of Sing Sing, said the convict did not know any difference between the State officers and those employed by contractors."

The inspectors of the Michigan State Prison, in their report of 1879, say (Connecticut report, page 23):

"We are satisfied from long observation, that the 'contract system' does not interfere with the discipline and good order of the prison. The contractor has no control over the convict. He is as much under the charge of the officers of the prison when at work as when not. The contractor furnishes work to do, and he expects the State to see that it is done if reasonable in amount. He cannot over-work the convict without being discovered, nor can he in any case inflict punishment."

"The testimony of convicts in the Connecticut State Prison was, that it made no difference to them for whom they worked."

In 1878 the Directors of the Wisconsin Prison say :

"We are gratified to report that our most sanguine anticipations in relation to the results of the experiment of leasing the convict labor have been fully realized, if not exceeded. The system has been found to very much simplify the management of the institution ; has obviated the necessary risks attending manufacturing conducted by the State, and has enabled us to rely with certainty upon an assured income."

The Warden in the same report (1878) says :

"In my last report (1877) I expressed the opinion that no appropriation would be required for the then ensuing year (from September, 1878, to September, 1879). The result of last year's business (under the contract system) has proved the correctness of that conclusion, the prison now being out of debt with a balance of \$11,654.45 in cash on hand. The earnings for nine months, ending September 30, 1878, from the leased labor, being \$22,879.58. This, together with the improved discipline, has demonstrated the wisdom of leasing (contracting) the labor, instead of manufacturing by the State. The condition and treatment of the convicts has in no sense been made worse by the change."

The Connecticut Commissioners say (page 9) :

"As the Legislature in providing for the appointment of this Commission did not give them power of summoning witnesses, it was decided to issue a series of questions to manufacturers and artisans throughout the State, asking for such information as would materially assist the Commission in forming a just estimate of the

extent of the injury complained of. These circulars were accordingly prepared, and sent out by mail to the number of more than 2,000. But few replies were received, and those which were, came from parties who must have been entirely uninformed upon the subject of prison labor, and who could never by any possibility have been injured by it. These replies were absolutely worthless as furnishing information. An important paper was read from the *manufacturing* hatters, and another paper from the *working* hatters, each claiming that the industry of hat manufacturing was seriously injured by the manufacture of hats in prison."

"Disappointed at not receiving more information, or even complaint, either, from the signers of the petitions, or from others in reply to our circulars, and remembering that the petitioners say that grievous evil is worked to us and our business, and being anxious if possible to rightly answer the question, does convict labor interfere with the free labor of the State, the Commissioners gave notice of a public meeting to be held in Hartford on the 5th day of November."

"The meeting was extensively advertised, but not a person appeared before them to represent either corporation, manufacturer or individual. No artisan appeared in person or by proxy, thus indicating that the grievous evils had no existence."

The Massachusetts Commissioners say (page 15) :

"The hat manufacturers and brush-makers whose testimony could be secured, did not, in the opinion of your committee, show that their business was injured by prison

labor in this State to an extent that would call for legislative interference. The number of convicts employed by contractors is so small, in comparison with outside workers, that it does not appear that these trades are called upon to bear more than their share in the general contribution for the protection of society and the demands of the reformatory part of prison discipline."

I find that the whole number of citizens employed in the United States in making hats is 22,710.

Whole number of convicts employed in this industry 593, or less than one per cent.* Not ten per cent, your honors, will please to note, the maximum limit required by the opponents of prison labor.

The whole number of persons employed in the States in which hat making is carried on in the prisons is 9,021, number of convicts, 593, or about five per cent.

The whole number of citizens employed in the State of New York in the manufacture of hats is 7,320.

The whole number of convicts employed under the hat contract in the State is 320, or less than five per cent.†

Deduct the number employed by the contractor in other kinds of labor, and also the less amount of work produced by convicts, and it will be found that not over three per cent in this State is due to prison labor.

A large percentage of the hats sold here is made in New Jersey and Connecticut; not ten per cent is made in New York, and not half of one per cent is made in prison.

* NOTE.—Not half this number in 1883.

† None in 1883.

Col. Wright says (1879, page 26):

"The convention of hatters, at Orange, N. J., September, 1878, passed, among others, the following resolution:

"*Resolved*, That while we hardly indorse any system calculated to restore criminals to respectability and self-respect, yet we do not consider it necessary to make mechanics of them, nor feel it incumbent upon us to pay for their moral reformation with the loss of our labor and wages. If convicts must be kept employed, this can readily be done, as it is in all other civilized countries, at other than skilled labor, and without making them direct competitors at industrial pursuits."

That is, to transfer the burden, if any, to common labor, less able to bear it.

Hon. James Bishop, Chief of the Bureau of Statistics of Labor and Industries of New Jersey, 1881, reports:

"Some of the manufacturers of cheap goods complain of the competition of convict labor; a prisoner being paid but forty cents per day, while free labor is worth two dollars for the same class of work. Other manufacturers, on the contrary, say that the general prosperity of all classes of people has created a demand for a better grade of goods than can be manufactured in the State Prison. One of the largest manufacturers of the cheap grade of hats asserts, that he can compete successfully with convict labor, as he uses the latest improved machinery, and never offers poor goods to the regular trade, such stock being disposed of at the auction sales.

"The contractor of convict labor in one of the Eastern States desired this gentleman to make hats for him, as he

could not compete in some of the grades, since one free laborer will accomplish as much as three convicts, taking into consideration the fact that, in addition to the forty cents pay (generally fifty to sixty), and ten cents allowance for tobacco, daily, a great percentage of goods is damaged by the latter."

In proof that convict labor on hats does not reduce the price of free labor, Mr. Bishop quotes the wages paid in New Jersey, as follows:

"In 1879 the amount paid per dozen for hats was \$4.54; in 1880, \$5.21; in 1881, \$5.28."

The *journeymen* hatters, in their communication to the Connecticut Commissioners, state "that fully 25 per cent of the trade is now done in prisons."—a striking example of the lack of definite knowledge on the subject, and of the untruthfulness of most of the statements made by the opponents of prison labor.

The hat *manufacturers*, with more enlightened liberality, say to the committee:

"We appreciate the difficulties which surround this whole question. We do not ask for special legislation on our own behalf, only such general regulation as shall bear upon all alike. We do not desire that the burden shall be lifted from our shoulders to be placed upon others who would find it as hard to bear. We are willing to share with the other industries of the country to our full proportion or more, the tax imposed by convict labor upon honest industry. We do not ask for the abolition of the contract system if it shall prove to be the best for the

State and the prisoners, but that it shall be so restricted and guarded as to do equal or nearly equal justice to all, and remove a dangerous power from the hands of an irresponsible few."

If these gentlemen had been aware that less than half of one per cent was the extent of the manufacture of hats in this country by convicts, they probably would not have appeared before the Commissioners.

At the hearing before the Senate committee it was stated by one of the members that 42 per cent of a certain kind of hats (understood to be fur hats) is made by convict labor. Subsequent inquiries enable me to state and to prove, that not more than *five per cent* of this work is thus made.*

I have the best reason to believe that the hat contractor at Clinton finds no profit in the work, and does not care to continue it.†

From this it is evident that hat manufacturers and journeymen may safely dismiss their fears of any danger to their trade from prison labor.

I confidently assert, without fear of contradiction, that the employment of convicts in the manufacture of boots and shoes, hats and stoves has no more effect on citizen manufacturers than the establishing of new works here and there, which is being done all over the country, and as a rule no more rapidly than the increase in our population requires. There would be just as much sense and reason in attempting to limit this increase as in attempting to abolish convict labor on the ground of its interference with free labor.

* NOTE—Not one per cent is made in 1883.

† He since declined to renew it.

It is the view of some theorists that the alleged injury of convict labor to citizen labor would be avoided by introducing a diversity of industries in our penal institutions. This would at once drive from them every business of any magnitude, for in this day no manufacturing business can be conducted with profit, except on a large scale.

The business in the prisons would then be confined to small, weak industries that might be less able to bear the competition than the great interests of the country which are carried on by individuals and corporations upon a large scale and with unlimited capital and credit.

I cannot understand why so many intelligent men who have given thought to the subject should appear to favor diversified industries in prisons. They must of necessity be small industries and therefore comparatively weak, and requiring but few citizen workers outside.

Training prisoners to such industries will be far more likely to overstock the labor market in those directions, than if trained to such as employ large numbers of men, and for which there is an ever-growing demand. In this latter case no one feels the burden, and the liberated prisoner will be able to readily secure remunerative labor.

The Massachusetts Commissioners wisely remark on this point (page 14):

"Furthermore, if it be at all desirable that a discharged prisoner shall be able to become a bread earner by a handicraft, there is certainly but little hope for him, if he is to look for employment at a trade where the whole number employed in the country at large can be gathered into one small factory without crowding."

Colonel Wright says (1880, page 14):

"If prison contracts have any effect upon free labor, they bear the most heavily upon small industries, like the gilt moulding trade, which has provoked so much discussion in this Commonwealth. This industry employs but a small number of workmen, and has been liable at all times to be swamped by the addition of a small number of laborers like women and children, willing to work for cheap wages. *The introduction into a prison of a contract for labor in a special industry which gives employment to but few people outside, is open to objection on many grounds.*"

Again (1879, page 29):

"The manufacturers and operatives engaged in a weak industry — one not thoroughly established, or turning out but a small annual product — insist that the industries of the prisons should be those of the greatest magnitude in the State; the shoe business, for instance, because, to carry on an industry insignificant in itself, like the gilt-moulding business in the prisons, is to crush the industry outside, while the great industry would feel prison competition the least. On the other hand, the men engaged in the great and leading industries claim that only the weak ones should be carried on by prison labor, because the injury arising from such labor, if any, strikes but few people; if the great industries are carried on, a greater number of people are injured."

The joint Commissions of the States of Massachusetts, Connecticut and New Jersey, were composed of seventeen prominent gentlemen of the highest respectability; representing manufactures, trades unions, and profes-

sions. Persons from almost every class appeared before them, and stated their views, their theories and their grievances, real or imaginary. The sittings of the Commissioners were continued from time to time during several months, and every one who desired had an opportunity of being heard.

The Massachusetts Commissioners report (page 13):

"A large amount of testimony was secured, all of which came on special invitation, save that of five persons who could alone be found interested enough to appear, after a public hearing was advertised three days, in three newspapers of the largest circulation in the State. The testimony of manufacturers and contractors, workmen and philosophers, stripped of its verbiage, and reduced to the level of plain fact, coupled with a thorough weighing of advantages and disadvantages of prison contracts, has brought your committee to the opinion, that the effect of prison contracts upon the combined interest of the State is not appreciable."

The Connecticut Commissioners report (pages 40, 41):

"Every avenue of information at home and abroad has been carefully searched, months have been devoted to the inquiry, reports of similar investigations in the United States, Canada and Europe have been read and considered, the written opinions of men who have made the science of penology a careful study have been obtained; all who have complaints to make have been heard, and as a result, the Commission has failed to discover any ground for the complaints made against the Connecticut State Prison or the Contract system. They sum up the matter in the following words:

"That there is great difficulty in finding responsible parties to take prison labor.

"That the price paid for it is not greatly below its value.

"That as a rule convicts do not accomplish more than half as much work as free men.

"That the profit of contractors as a rule is not larger than that of ordinary manufacturers, and that as many of the former fail as the latter.

"That prison-made goods as a rule do not undersell free manufactures.

"That it would not be just to the State or the prisoner to abolish machinery from the prisons, or to prohibit convicts from being employed at skilled industry.

"That the Public Account system is not practicable under ordinary circumstances, because wardens are very seldom good managers of convicts and *also* good managers of manufacturing industries.

"That workmen as individuals are not unreasonable. They admit that convicts should work; they are willing that trades should be taught them; they disclaim any aversion to working in the shop or at the bench with an ex-convict, or that such associations would be a disgrace; they ask that greater effort should be made toward reform.

"That it is only when met in convention that imaginary evils are magnified into real wrongs. It is only in convention that they demand the enactment of such laws as would prevent reform, would increase crime by enforcing degrading labor or idleness, would abolish machinery, and prohibit skilled labor."

After an experience of forty years in the employment of large numbers of workmen, I can cordially indorse the statement, that as individuals they are not unreasonable, but quite the reverse; that it is only when banded together under leaders who have their own special interests to serve, that they are disposed to make unjust demands.

I now respectfully ask your attention to the relations which convicts employed in Sing Sing Prison in the manufacture of stoves, bear to citizen mechanics and laborers engaged in the same industry.

It is popularly said that 900 convicts are employed under the contract of Perry & Co. in the manufacture of stoves. There never was a greater mistake. The men thus employed may be classed as follows:

Moulders	377
Mounters.	196
Pattern-fitters.	19
Carpenters	11
Machinists.	5
Blacksmiths	6
Engineers.	6
Tinsmiths.	13
Japanners.	9
Clerks	13
Common laborers.	240
Total.	895

Here are nine distinct trades; only three of them, numbering 592 men, have any special relations to stove making,

and of these, 215 can readily turn their hands to other departments of iron work; so that in reality there are but 377 out of the 895 whose work must be strictly confined to making stoves. The alarming number of Sing Sing stovemakers is thus materially reduced.

As moulders, mounters and pattern-fitters are the only mechanics, who by any possibility, can be affected by the prison contract, I shall confine my comparisons to them.

I may be allowed to say here, that for nearly forty years I have made annual statements and close estimates of the details connected with the manufacture and sale of stoves, and therefore respectfully claim that what I may present is entitled to confidence.

I estimate the annual production of stoves in the United States at 364,160 tons.

The production of stoves by *convict* labor in the United States, at 6,427 tons, or 1 8-10 per cent.

The production of stoves in the State of New York, at 95,700 tons.

The production of stoves by *convict* labor in the State of New York, at 6,424 tons, or 6 7-10 per cent.

The number of stove plate moulders employed in the United States, at 24,710.

The number of *convict* stove plate moulders in the United States, at 473, or 1 9-10 per cent.

The number of stove plate moulders employed in the State of New York, at 3,485.

The number of *convict* stove plate moulders in the State of New York, at 377, or 10 8-10 per cent.

The number of stove plate mounters and pattern-fitters in the United States, at 7,848.

The number of *convict* stove plate mounters and pattern-fitters, at 254, or 3 2-10 per cent.

The number of stove plate mounters and pattern-fitters in the State of New York, at 1,872.

The number of *convict* stove plate mounters and pattern-fitters in the State of New York, at 196, or 10 5-10 per cent.

But the real question is not how many convicts are employed in a certain branch of manufacture, but rather what number of citizen mechanics does their work represent.

As I shall have occasion to show more in detail further on, a *convict* moulder produces of merchantable castings but 47 per cent of the amount produced by a citizen moulder, therefore in the State of New York, instead of a percentage of 10 8-10 so far as affects the citizen moulders of that State, the percentage is but 5 1-10.

In the employment of *convict* moulders in the United States, I estimate that twenty citizen moulders employed as instructors of the former are withdrawn from outside competition, and in the State of New York I know that fourteen are thus withdrawn.

And in regard to *convict* mounters and pattern-fitters I shall also show you that each one produces but 44 per cent as much work as a citizen of the same craft; therefore, instead of a percentage of 3 2-10 produced by the former in the United States, so far as affects the latter, the percentage is but 1 4-10.

And so in the State of New York, instead of a percentage of 10 5-10, so far as affects the citizen mounters and pattern-fitters of that State, the percentage is but 3 7-10.

In employing *convict* mounters in the United States I estimate that fifty citizen mounters, necessarily employed with them, are withdrawn from outside competition, and in the State of New York I know that thirty-five are thus withdrawn.

The business of mounting stoves require men who are skilled in the use of tools and in working in metals. But very few of this character are found among the convicts in our State prisons. This work, unlike moulding, requires some years of training; we are, therefore, compelled to provide a shop, manned by citizen mechanics, who revise and perfect every stove after it has passed from the convict shops.

We have thus seen that the percentage of convict labor in the manufacture of stoves, against which there is such an outcry, is as follows:

In the United States, stove plate moulders, 1 8-10 per cent.

Stove plate mounters and pattern-fitters, 1 4-10 per cent.

In the State of New York, stove plate moulders, 5 1-10 per cent.

Stove plate mounters, 3 7-10 per cent — amounts too insignificant to be worthy of a moment's notice. The increase of two new foundries of moderate size would

give a product equal to all that are made in the prisons of the United States.

New foundries are being constantly established in all parts of the country. Ten years ago there were but few stoves made in the State of Michigan. Now, the annual product in the city of Detroit is double that made in all the prisons.

There has been no material increase in the prison product during the past five years, while the population of the United States has increased during that time about six millions, forming twelve hundred thousand families, and requiring the product of eighteen large foundries to furnish these new families one stove each every three years.

There is reason to believe that, with the prospective immigration, one million and a half will be added to our population during the year 1882. This increase will form 300,000 families, requiring a year's product of thirteen large foundries to furnish them each with a stove. The entire product of the prisons could only furnish 8,000 of these 300,000 families.

In view of such figures, and they could be extended in other directions if time permitted, how utterly trifling are the complaints we hear from the moulders about the effect of convict labor.

But, as State lines in business, like State rights in politics, have long since been wiped out, there is little significance in the statement, that the percentage of convict moulders to citizens in the State of New York is 5 1-10

per cent, for the simple reason that our business is *cosmopolitan*.

In 1881 the percentage of our sales in different parts of the country was as follows:

	5 3-10
New England.....	25 2-10
New York.....	7 6-10
The Middle States.....	9 8-10
The Southern States.....	51 8-10
The Western States.....	3-10
Foreign countries.....	100

It is also to be considered, that as the prison product is mainly composed of the cheapest grade of stoves, a larger proportion of it even than 75 per cent goes to distant States. If we did not make these goods in the prison, they would mostly be made outside of the State of New York, as every foundry that I know of within this State is already fully occupied.

In such a case the State would lose a large income. About 260 citizens now employed by us in connection with the prison contract would be discharged, and thus increase the labor supply outside; while the vast amount of material and supplies now required at the prison would be compelled to seek another market.

Investigation shows that the proportion of mechanics in the population of the United States is 5 4-10 per cent. That the proportion of mechanics among the immigrants that reach our shores is 13 per cent.

In 1877, our first year at the prison, the immigration was 130,503. In 1881, 720,045.

During the five years' existence of the present contract system under the new Constitution, 1,848,083 immigrants have been added to our population, and of this number it is estimated that 240,251 were mechanics.

If the small number of 23,851 male and female convicts, children and adults, employed upon mechanical work in our State prisons, penitentiaries and other penal institutions, taking the place of less than half that number of citizens, are capable of producing such dire effects upon honest labor, as claimed by the leaders of trades unions, how dreadful must be the effect of the advent of some 50,000 foreign mechanics, who every year come to this so-called land of liberty.

And speaking of liberty, I have before adverted to the fact that the chief opponents to our contract, fearing there might be too much work done, and too many boys instructed, by an iron rule forbid the thousands of journeymen moulders under their control, who work by the piece, from commencing labor before seven o'clock in the morning, and by the same rule restrict the employment of boys in any shop to twelve per cent of the number of journeymen.

I have no objections to trades unions. Mechanics have an equal right with the rest of the world to form and maintain protective and benevolent associations. I would cheerfully do my share in promoting their interest. But when they trespass upon the rights of others, and attempt to control by force the business of employers, their action becomes illegal and unjust.

Col. Wright, in his report of 1882 (page 361), quotes

the words of a Fall River operative on this subject, as follows :

"I have long since given up all connection with the Spinners' Union, having become disgusted with the way things are being conducted in Fall River, where the ignorant and shiftless can hold full sway, to the utter annihilation of the intelligent."

In former days when mechanics were allowed the usual rights of freemen, moulders found it for their comfort and profit, particularly during the warm season, to get up their work during the cool of the morning, and those who had the ambition were thus able to increase their daily wages.

Article 8, section 1, of by-laws of the Moulders' Union reads as follows :

"Any journeyman moulder commencing work in any foundry under the jurisdiction of this association previous to seven o'clock, A. M., shall be fined two dollars for the first offense, and not less than five dollars for each offense thereafter."

It was also the universal custom for every moulder to employ a helper, frequently a son or relative. It was not unusual for two, three and even four boys to be thus employed by one moulder, who found his profit in it, and at the same time trained his own sons or other relatives to regular and systematic work, and fitted them to become respectable and self-supporting members of society. The moulders are now deprived of this liberty and the boys are to a great extent on the street.

Rule 38 of the Moulders' Union of North America recites :

"A member cannot take his own son on the floor with him for the purpose of learning the trade."

These rules can be for no other purpose than to restrict the amount of work produced by a given number of moulders, and also the number of skilled mechanics. How futile this appears in view of the number of foreign moulders who are annually reaching our shores. They are taking the place of our own boys.

This rule in regard to the training of boys, which is also applied in most other trades, is the cause of far greater injury to business and to the people generally, than all convict labor ten times repeated.

This unjust, unpatriotic and arbitrary rule exerts a mighty influence in filling our streets with idle boys, and our prisons with young men, more than half of whom are under twenty-six years of age.

I will now refer to some of the injuries which contractors experience in the use of convict labor, and of these there are many. I will premise by saying that the chief benefit derived, is from the absence of strikes and the certainty of having regular work performed.

The Massachusetts Commissioners say (page 12):
 "The disadvantages urged by advocates of the contract system are, short hours for work, interruptions by prison officials for reformatory or other purposes, ignorance, indifference and malice on the part of prisoners, the cost of foremen or instructors, the impossibility of curtailing the working-force during dull seasons, the custom which compels them to take the men as they run, and gives no

opportunity for selecting the best workmen, the expense of tobacco which their contract compels them to furnish, the dependence of the contractor on the good-will of the warden, who can remove his best help at any time, and fill their places with the last recruits from the criminal courts; the necessity of carrying a large stock and large interest account, waste of material and poor work. Summing up all these disadvantages, a contractor claims that it is not possible for him to produce goods more advantageously than he can with free labor, and that the same energy which secures success in prison would be as well, if not better, rewarded outside."

The Connecticut Commissioners corroborate these views (page 29):

"Convicts are constantly changing; those who have become proficient, by care on the part of the instructor and effort on their own, are going out and unskilled men coming in. Many convicts are in prison for short terms, and almost as soon as they become proficient in work, are discharged. The contractor is taking for workmen the worn-out and unskilled, the vicious, and those with little ability and no inclination, and the question is, 'What is the labor worth?' The value of any kind of labor depends upon the quality and quantity, and the rule is that any marketable commodity will bring what it is worth."

Again (page 32):

"The State of Connecticut has received an income from the prison every year, but six, since its erection. During that time, out of fifteen contractors whose names appear in this report, twelve have either failed or retired

from the business because it did not pay. In Maine the contractor failed while paying the State only 46 1-2 cents per day, and space would not suffice to tell of the contractors who have failed in New York and other States. Mr. P. Hayden, who has been a contractor since 1832, says, 'more contractors have failed during my time, than in the same time outside,' and this statement is fully corroborated by many other witnesses."

The New Jersey Commissioners say (page 18):

"The commission ordered by the province of Ontario to inquire into the subject of convict labor, after hearing experts and managers of prisons in large numbers, came to the conclusion that convict labor was not worth on the average more than one-third the value of free labor. *

* * Taking the commercial value of it as determined by the contracts now in force in twenty-one States, it is found to range between thirty-five and fifty-five cents per day." *

"I will now present some figures which will indicate the effect, if any, of our contract at Sing Sing prison upon the mouliders of this State; and I will premise by saying *that there is no trade in the whole category which requires less time to acquire, and less ability to practice.*

In 1877 the mouliders of Perry & Co. in Albany earned a daily average of.....	
In 1878.....	\$2.10
In 1879.....	2.14
In 1880.....	2.19
In 1881.....	2.36
At the present time (1882).....	2.85
	2.98

* NOTE.—Twenty-five to sixty-five in 1883.

The individual wages earned have ranged from two to six dollars per day, and in some cases even more according to the amount of skill and industry exercised. Our number includes 88 journeymen and 12 apprentices. These averages include the old and the young, the skilled and the unskilled, the industrious and the idle, and the 12 apprentices; and they have been earned after seven o'clock in the morning.

Our shops, and I believe the shops in the State generally, are open for their work about 300 days yearly, and the men are paid in full, in cash, every Saturday night. It may be proper to mention here, that the mouliders in Troy, at the present time, are on a strike to compel the manufacturers to allow a committee of the union from outside to enter their shops at their pleasure, for the purpose of canvassing their goods and their prices.

At a meeting of the Troy Mouliders' Union, held on the 15th inst., it was agreed, "that business was never so brisk, nor labor so scarce, and that the capitulation of the employers was only a question of time," a condition of things occurring when the mouliders were receiving the highest wages of any mechanics in the country. And as an evidence of the scarcity of mouliders, we are to-day, and have been all this year, in want of twenty, whom we have been unable to procure.

I challenge any moulder in the State of New York to come before this honorable Committee and prove that his wages have been reduced, or his work shortened by reason of labor in the prison.

And I also challenge any manufacturer to prove, that

the general prices of stoves in the market during the past five years have been affected by our contract. Contractors, like other men, desire to get good prices for their products, and they are not likely to undersell, unless compelled to do so by reason of imperfect goods. The *quality* of the work produced in our Sing Sing shops is equal to that made by any citizens in the land; a proof that the convicts are well trained in mechanical work.

In regard to the wide margin of profits on prison-made goods as popularly claimed, I will state that there are stoves made by citizens in some parts of the country, with which we cannot profitably compete, and never attempt to. If prison labor is as profitable as claimed by some, why are there so many idle convicts on the market? There are now 250 unemployed in the New Jersey State Prison that can be had for the asking.

I neglected under the proper head to answer the charge frequently made, that under the contract system convicts are not taught complete trades; the case of a man who was employed in boring holes through the handle of a shoe brush being a standing example.

It is observed that people employed both outside and inside of prison walls generally find their level, and fall into the places for which they are best fitted. It is further observed that those who evince marked ability in any walk of life are largely in the minority, and that such people are being constantly sought for. The same general principles apply in prisons. For a low grade of work, a low grade of man is selected; as vacancies occur the best available convict is selected to fill the place. If

the typical "shoe-brush man" has shown himself worthy of advancement, he gets it, as there are always plenty just adapted to fill his place.

It is well known that nearly all manufacturing is now carried on under a division of labor. No business of any magnitude could live under any other system. This is strikingly illustrated in the manufacture of boots and shoes, and, I believe, also in hats, and precisely the same system is carried on in prisons as in citizen shops.

In the manufacture of stoves every branch stands by itself, and is taught complete. No citizen moulder ever thinks of turning his hand to mounting stoves, nor to making tin pans. Every convict, who is employed under our contract in a mechanical industry, has the opportunity, if he remains a sufficient time, to acquire a trade that will enable him to lead an honest life, and to comfortably provide for himself and family.

The Connecticut Commissioners say (page 21): "If the State should not receive a cent from the convict during his incarceration, but had taught him to love labor as a means of earning an honest livelihood, had taught him to abandon vicious habits and adopt virtuous ones, had in fact given society an honest man for a rogue, it would have made a substantial profit."

It is frequently claimed that the mechanical training of convicts works an injustice to citizen mechanics. Are not convicts men like ourselves, with bodies to be fed and clothed, and souls to be saved? When they have paid the penalty of their crimes and come forth to freedom, they stand in respect to equal rights, upon a level

with the rest of mankind. Shall a little clique of union moulders or union mechanics of any kind, or any class of manufacturers, deny the right to these unfortunate men to practice trades, or to gain a livelihood in any other honest and lawful manner, and thus remand them back to crime, and to its penalties? No set of men in this free country has any indefeasible right to the monopoly of a trade, and it is presumption for them to attempt to maintain it.

Charges against contractors.

I feel that we, as a firm, are entitled to an opportunity to answer before this honorable Committee to the charges that have been made public against the contractors for convict labor in this State, and particularly against ourselves.

These charges, so far as they relate to our firm, or to any member thereof, are unwarranted and utterly destitute of truth, and I hope to be able to make this plain.

I desire to have the Committee distinctly understand that my statements will generally be made from personal knowledge, and that I shall hold myself responsible for their accuracy.

It is charged "that the present system of convict labor has been prostituted from its legitimate object, into a money making concern for the enriching of a few favored contractors, regardless of the dictates of humanity and common decency in the treatment of State prisoners."

The complainant inquires: "Is there any justice in torturing them, outcasts and pariahs though they be, for the benefit of a few individuals?"

It is further charged that "Sing Sing is a moral leper house, and the prison officials know it; yet no effort is made to arrest the evil, because to do so might reduce the gains of the contractors."

That "the contractors, when accused of controlling the prisons, claim that they pay the State for the labor of the convicts, and have a right to use them as they see fit."

That "many prisoners are compelled to work in the shops on Sunday in the interest of the contractors."

That "the chaplain tried to introduce a system of night classes in the chapel, but the contractors had it broken up. It interfered with their interests, and convicts who were being worked to death in the day time, needed all the rest they could get at night."

That "charges have been made from time to time in a general way, of cruelties practiced toward the convicts when sick, maimed or disabled, and who were unable to perform the task required by the contractors."

That "day after day in order to satisfy the lust for gain of a few greedy contractors, who run the prison as they see fit, the convicts are abandoned to the tender mercies of their 'task masters.'"

That "when they find themselves unable to perform their 'task,' they are either 'done to death' slowly, or they seek relief in suicide, or by maiming or crippling themselves, as so many have done."

That "the shops of Perry & Co. are filled with dust and smut from the iron and the emery wheels, and an unpleasant odor permeates the atmosphere."

That "in the stove polishing shops the work is of the most laborious kind."

That "in this shop forty men are employed and that it is the terror of the prison, few men being physically able to perform the work."

That "the convicts compelled to labor in the foundry rapidly decline in health, and either die in prison or go out total wrecks, physically and mentally. That the work is also laborious, dangerous, disgusting and filthy, the men frequently burning their legs and feet with the molten iron, and meeting with other accidents of a painful nature."

That "the stove mounters also have a laborious task; most of the mounting requiring heavy lifting."

That "the men are kept two in a cell, all for the benefit of Perry & Co."

These charges may be briefly stated as follows:

First. That the prisons are run to enrich a few favorite contractors, and convicts are overworked.

Second. That the character of the work is objectionable.

Third. That the convicts are compelled to work when unable.

Fourth. That they are tortured in the interest of the contractors.

Fifth. That they are made to work on Sunday.

Sixth. That night schools are forbidden by the contractors.

Seventh. That the operations of the prison are controlled by the contractors.

Eighth. That the men are kept two in a cell, for the benefit of Perry & Co.

At the time we took the contract in 1877 the condition of the prison at Sing Sing was unsatisfactory. Most of the contractors had failed, voluntarily surrendered their contracts, or declined to renew them. But few of the prisoners had been employed in any systematic labor, and a lax discipline reigned. The entering into this contract was a most hazardous proceeding on our part, and one we could not have been led into, had we foreseen the sea of trouble that was to follow. The labor, and anxiety attendant upon converting several hundred raw and untrained convicts into tractable and profitable mechanics, was of a character that no words can fitly describe. For two years the results were most unsatisfactory, and it was only by the greatest persistence and determination that the venture was made a success.

Having thus hinted at some of our early troubles, I will proceed to consider the charge,

That the prisoners are being overworked.

At the commencement of our work in the prison we inaugurated a system of daily reports, both there and in our foundry at Albany; these reports embodied the minutest details of the operations, which from that time have been daily recorded in books in my private office, and under my own eye, and will at any time be freely opened to the inspection of this honorable Committee. From these reports we are able to contrast the average amount of work daily produced during any year

of the existence of the contract by our citizen, and by our convict moulders and other mechanics.

In 1881 in our Grand street foundry, Albany, 100 citizen moulders, 12 of whom were apprentices, produced a daily average of 226 pounds of merchantable castings.

In 1881, 377 *convict* moulders in our Sing Sing foundry produced a daily average of 106 pounds of merchantable castings, thus making 113 per cent in favor of the citizens. In addition to this daily deficiency of work in the prison, we were compelled to employ there, as instructors, a daily average of fourteen citizen moulders.

In the same year 66 citizen mounters of stoves in our Grand street shops, Albany, completed a daily average of 310 pounds.

One hundred and ninety-six convict mounters in our Sing Sing shops produced a daily average of 175 pounds, thus making 77 per cent in favor of the citizens. I say *produced*, not *completed*, for in the work of mounting stoves, but few convicts are competent to complete them. We therefore employed for that purpose, and as instructors, a daily average of 29 citizen mounters.

It is further to be considered, that the work done in Albany was nearly all upon *first-class* stoves, while that done in Sing Sing was generally upon those requiring less skill and labor.

Take another view as applied to common labor, of which a large amount is used in foundries.

In the production of 3,022 tons of stoves in Albany, a daily average of 89 men employed in the various depart-

ments of common labor represented an average of 225 pounds of castings.

In the production of 5,717 tons of stoves in Sing Sing, a daily average of 263 convicts employed in the various departments of common labor represented an average of but 144 pounds of castings, being 56 per cent in favor of the citizens. In addition to this, we were compelled to employ with these 263 convicts, a daily average of 25 citizens to superintend the various departments of work.

In further proof that our convict moulders are not over-worked, I have caused a count to be made showing the average of the different hours at which they commence and complete their tasks, viz.:

247	moulders	commenced	work	at	7:15	A. M.
33	"	"	"	"	7:20	"
49	"	"	"	"	7:25	"
47	"	"	"	"	7:30	"

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29	moulders	completed	their	tasks	at	11	A. M.
5	"	"	"	"	"	11:15	A. M.
34	"	"	"	"	"	11:30	"
97	"	"	"	"	"	12	M.
83	"	"	"	"	"	1	P. M.
76	"	"	"	"	"	1:30	P. M.

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These men rest until their turns come for "pouring off," which occupies an hour to an hour and a half. Six

to seven hours of work is all that these men average, and eight hours is all the whole number of convicts employed under our contract average.

Enough has been said to show that these men are not required to perform one-half the labor that citizens voluntarily assume, and that statements made in regard to the amount of work performed, and the effect of the same upon the men, are utterly without foundation.

To carry on this contract a very expensive plant has been provided, and we are compelled to use it, or suffer heavy loss. We have paid the State more than half a million dollars. We have sent out thousands of skilled mechanics, who had no trade when they entered the prison. From the very small number (less than three per cent) that have been returned, it is fair to assume that many have been reformed by virtue of regular and systematic labor, without which there can be no permanent reformation.

In further proof, if any is required, that the convicts in Sing Sing prison during the past five years have been properly treated and not overworked, I will refer the committee to the average number that have been under treatment in the hospital, and to the number of deaths that have taken place:

	Average No. of convicts.	Average No. in hospital.	Number of deaths.	Number of deaths per 1,000 of population.
1877.....	1, 448			
1878.....	1, 629	15	15	10
1879.....	1, 660	13	7	4
1880.....	1, 580	15	19	11
1881.....	1, 547	17	11	7
		10	17	11
Average.....	1, 573	14	14	9

The respective diseases, twenty-four in number, which proved fatal in these sixty-nine cases were as follows:

Consumption, thirty; heart disease, five; scrofula, three; gunshot wound, two; pneumonia, two; inflammation of the bowels, two; inflammation of the liver, two; congestion of the lungs, two; congestion of the brain, two; bleeding at the lungs, two; suicide, two; unknown, two; rupture, one; apoplexy, one; rheumatism, one; poison, one; accident, one; fever, one; malaria, one; paralysis, one; marasmus, one; bright's disease, one; secret vice, one; dropsy, one; bilious cholic, one; total, sixty-nine.*

The average physical condition of convicts when entering the prison is found considerably below that of the average citizen. This result is mainly due to intemperance and other vices, and to a general irregularity of life. In making a comparison this element must be considered.

In regard to the death rate among citizens, I find on page 229 in Walford's Cyclopedia, a report of the number per thousand of population, in four cities to have been as follows:

In Philadelphia.....	26
In Brooklyn.....	28
In Boston.....	30
In New York.....	32

In contrast to this table I ask the committee to ponder the death rate per thousand of population in Sing Sing prison during the past five years:

	rate of mortality as follows:
United States.....	18.2 per thousand.
England.....	20.5 " "
Scotland.....	21.3 " "

*NOTE.— Census report of 1880 gives the rate of mortality as follows:

Nine in 1,000 of convicts; twenty-nine in 1,000 of citizens in four cities; also the low average of fourteen convicts under treatment in the hospital, in an average population of 1,572.

Does this showing give any indication of poor food, harsh treatment and overwork?

I believe that so small a percentage of sickness and of mortality cannot be found in any community in this country outside of a prison. These statements cannot be refuted, and they should forever set at rest the baseless and wicked charges that have been so industriously circulated by those who desire to bring our prison system into disrepute.

I will go further and contrast with Sing Sing the mortality in other well regulated prisons.

Albany Penitentiary,	1878,	20	in 1,000 of population.
Missouri	"	1879-1880,	21
Illinois	"	1880,	13
Virginia	"	1880,	20
New Jersey State Prison,	1881,	29	
Connecticut	"	1881,	21
California	"	1881,	19
Massachusetts	"	1881,	16
Ontario, Canada,	"	1881,	20

I have taken these figures from the official reports and they comprise all that I have at hand.

It will be observed that all but one of these are below the rate of mortality in the four cities named.

The average rate of mortality in these nine prisons is

20 in 1,000 population as against 9 in 1,000 in Sing Sing prison.

In regard to the character of our work,

The thousands of citizen moulders employed in this country will be surprised to learn that their occupation is either "dangerous, disgusting or filthy;" and the mounters will be equally surprised to learn that much of their work is heavy lifting.

As to the work at polishing, it is now mainly carried on outside the walls, and the respectable citizens of Sing Sing who voluntarily perform it, do not appear to view it as a "terror."

These charges are not worthy of a moment's notice.

The third count is—*compelling convicts to work when they are unable.*

If a prisoner claims to be sick he informs the guard, and is sent to the doctor. This official decides whether the sickness is real or feigned, and acts accordingly. Neither the contractor nor any of his employes are allowed to interfere. If the man is returned to the shop he resumes his work. This is the ordinary course.

Investigation would show that Mr. Dickey has in hundreds of cases reduced the task or remitted it altogether in cases where he believed men were suffering, though every such case was a loss to the firm, for when the doctor returns a man to his work, the day is charged. I challenge every physician who has practiced in Sing Sing Prison during the existence of our contract, to name one case in which we have tried to influence him, or

sought to have the convict continued at work when unable.

The terrible charges that are brought against us under this head, and also under the fourth count of—

Having men tortured in our interests, are too monstrous for belief. Gentlemen, do you credit it, that any member of our firm or responsible representative ever advised or consented to such atrocities as are charged? You cannot believe it. Nor can you believe that any such have been perpetrated in the prison by its officers.

That desperate men have been punished severely is doubtless true, and they will continue to be in that, and every other prison, or anarchy will reign. What would you do with a prisoner who would strike another, or an officer, a deadly blow upon the head with a hammer? Such things frequently happen in prisons. Much has been said about showering prisoners from a hose; the impression is given that it is a common occurrence. I doubt if this thing has been done at Sing Sing three times in five years. In one case that I have heard about, an infuriated prisoner in his cell, armed with a knife, threatened death to any one that should approach him. Which was the part of wisdom, to bring him to terms with cold water, or to allow an innocent citizen to be fearfully injured or perhaps murdered?

There is a great deal of cheap and sickly sentimentality on this subject indulged in by people who have had no experience in the management of convicts, and who perhaps were never inside of a prison. It must be re-

membered that there are but a score or two of citizens in the Sing Sing prison to manage some 1,600 men, more or less desperate. Let those who think they can be controlled with soft words try the experiment. Soft words *are* used there when the convicts are orderly and obedient, but when they rebel other means must be resorted to.

The charge under the fifth head that—

Convicts are compelled to work in the shops on Sunday in the interest of the contractors, is equally baseless as the others. The impression is thus given that manufacturing is carried on in the shops on Sunday. The informer well knew this was untrue. In our Sing Sing works as in those in Albany, if an engine or any other machinery requires repairs that cannot be made when the works are in operation, in rare cases it has been done on Sunday. We think it better to do this than to cause several hundred men to lose a day's wages. So far as relates to the convicts, I have reason to believe that most of them would choose to work on Sunday, rather than be locked in their cells; at any rate they say so.

It is charged that—

The chaplain tried to introduce a system of night classes in the chapel, but the contractors broke it up.

I challenge the informer to give the name of this chaplain, and of those contractors, or else acknowledge that there is not a shadow of truth in this statement.

We have never heard of any such proposition. It will be found that this charge against the contractors of preventing the establishing of night schools is as unwarranted as most of the others.

It is also charged—

"That the contractors control the operations of the prison."

The absurdity of this must be apparent to those who are familiar with the temper and character of Mr. Superintendent Pilsbury,* and of the several wardens who have held rule under him, viz.: Messrs. Clark, Davis and Brush. These officers have ever been jealous of their authority, and I do not know the contractor who would dare to trespass upon it. The rules of the prison at Sing Sing are rigid. Neither the going out nor the coming in of the convicts is ever influenced by the contractors in the slightest degree.

The general arrangement of the tasks is submitted to the warden, or his deputy, and cannot be increased without their approval. They place the convicts, on entering the prison, on such contract as they may think best, and withdraw them from the same upon the advice of the physician, or upon their own judgment. I believe that no contractor would for a moment presume to trench upon the prerogative of these officers.

I come now to the last point, viz.:

That men are "doubled up," or kept two in a cell, all for the benefit of Perry & Co.

* NOTE—Nor of Mr. Superintendent Baker.

It is true that a portion of the cells are occupied by two convicts, and I am told that this has always been the case.

It is not done for the benefit of the contractors, but, to a great extent, out of regard to the feelings of the prisoners and their friends.

A portion of the men beg for a companion, and care is taken to associate those who naturally desire it. Who of us, under such painful circumstances, would not desire a companion with whom to while away the Sundays and long evenings, to say nothing of the dreary nights? But a stronger reason than this appeals to our humanity. Nearly all the convicts confined in Sing Sing prison are from the city of New York and vicinity. At stated intervals they are visited by their parents, their wives, children and other relatives, and there is no more painful sight to be witnessed than the lines of tearful and despairing faces in the reception room on those occasions.

Most of these unhappy people are poor, and could ill afford a journey to Auburn or to Clinton. To put it out of their power to make even such painful visits to their unfortunate relatives, and to send them delicacies from time to time, would indeed be an evidence of "Man's inhumanity to man." No one with a kinder heart has ever ruled Sing Sing prison than the present warden, Mr. A. A. Brush, and, to be the means of transferring some hundreds of these men beyond the reach of their friends, would be to him a most painful trial.

If keeping two in a cell be objectionable, additional cells should be provided at Sing Sing—but never should

convicts from that vicinity be sent beyond the reach of their friends.

If abuses exist in Sing Sing prison, the facts can easily be proved. If men are being worked and tortured, as stated, the evidence can be procured from *living* witnesses.

Their physical condition will prove or disprove the truth of their statements.

Most of the cases of cruelty cited by the informer are *dead*, and from them there is no danger of contradiction. If such cruelties have been practiced, it is reasonable to suppose that some of the victims are yet alive. The 900 men now on our contract are in the same physical condition as when the statements were made, and any one of them can be examined and questioned to the fullest extent, at any time as to their truth or falsity.

The informer calls on the *dead* as witnesses. We offer the *living* to prove that the charges are malicious and untrue.

I trust that the honorable committee having in charge the investigation of alleged grievances in Sing Sing prison will make it thorough to the last degree. I believe that each and every one of these complaints is without any basis in truth. If found so, the report should be of a character to forever silence the slanders of those whose aim is not to build up, but to destroy.

In conclusion, allow me to thank this honorable committee for their patient attention, and to say that I have aimed, so far as time has permitted, to make a truthful

presentment of some of the points that bear upon the question of convict labor in general, and convict contract labor, and Perry & Co.'s relation to it, in particular. I trust that I have succeeded in proving that, all things considered, the contract system is best adapted to the present circumstances; that the manufacture of stoves in Sing Sing prison works no hardship upon either manufacturers or their employes; and that no charge can be justly made against Perry & Co., for cruelty or injustice toward any convict who has been, or now is, employed under their contract.

We court the most rigid investigation from friends or foes.

ALBANY, *March* 28, 1882.

Respectfully submitted,
JOHN S. PERRY.

PRISON LABOR.

AN ARGUMENT

MADE BEFORE THE

ASSEMBLY AND SENATE COMMITTEES

OF THE

LEGISLATURE OF THE STATE OF NEW YORK

ON PRISONS,

MARCH 7 1883.

BY JOHN S. PERRY.

SECOND EDITION.

ALBANY:
WEED, PARSONS AND COMPANY, PRINTERS.
1883.

ARGUMENT.

Mr. Chairman and Gentlemen of the Assembly Prison Committee:

One year ago I had the honor of presenting to the committees of the two Houses of the Legislature some considerations in regard to the subject of prison labor.

I stated that in 1880, the Legislatures of Massachusetts, Connecticut and New Jersey, each appointed a special commission, in all seventeen gentlemen of the highest character and ability, "to make careful inquiry into the subject of prison labor, and whether it comes into competition with free labor; and if so, in what manner, and to what extent, and what in their opinion is the best means of preventing such competition, and at the same time providing maintenance for the prisoners."

Several months were spent in taking testimony, which is very voluminous, and every opportunity was offered for any one, having a real or an imaginary grievance, to present it.

The Connecticut Commissioners say (page 9):
"As the Legislature in providing for the appointment of

this Commission did not give them power of summoning witnesses, it was decided to issue a series of questions to manufacturers and artisans throughout the State, asking for such information as would materially assist the Commission in forming a just estimate of the extent of the injury complained of. These circulars were prepared and sent by mail, to the number of more than 2,000. But few replies were received, and those which were, came from parties who must have been entirely uninformed upon the subject of prison labor, and who could never by any possibility have been injured by it. These replies were absolutely worthless as furnishing information."

"Disappointed at not receiving more information, or even complaint, either from the signers of the petition, or from others in reply to our circulars, and remembering that the petitioners say that grievous evil is worked to us and our business, and being anxious, if possible, to rightly answer the question, does convict labor interfere with the free labor of the State, the Commissioners gave notice of a public meeting to be held in Hartford on the 5th day of November."

"The meeting was extensively advertised, but not a person appeared before them to represent either corporation, manufacturer or individual. No citizen appeared in person or by proxy, thus indicating that the grievous evils had no existence."

And gentlemen, they had no existence then in Connecticut, and they have none now, either in that State or in the State of New York. It is true that production increases

the supply, whether made by convicts or by citizens, but the increase by the former is of slight importance in comparison with that by the latter.

Half a dozen new manufactories, and they are almost daily increasing in most branches, have more influence upon the various trades and the workmen, than all the production in our prisons and penitentiaries.

The introduction of one important piece of improved machinery into some of the industries affects the citizen mechanics more directly than all the convict workers in such industries, and no one thinks of asking the government to regulate the use of machinery.

It must be remembered that in most industries, convict mechanics produce but about one-half of the amount produced by citizens; and I will here quote from an excellent authority on this subject.

Col. Carroll D. Wright, Chief of the Massachusetts Bureau of Statistics of Labor. In his report to the Legislature in 1879 on this subject, he says:

"Parties who write and speak upon convict labor are apt to take it for granted that the product per man is the same for the prisoner as for the outside worker. In this they err; the product of each person employed in the manufacture of boots and shoes in Massachusetts is \$1,858 per year; that is, 48,090 operatives, employed in 1875, produced \$89,375,792 worth of goods. The product of prison work per man is \$1,142 per year. The two hundred workmen employed on boots and shoes at Concord produce \$228,575 worth of goods per year on an

average. The same number outside would make \$371,600 worth of goods."

I have proved, without contradiction before this committee, that the production of stoves in Perry & Co.'s Sing Sing foundries is but little over one-half per man what it is in their Albany foundry.

One of the conclusions announced by the inter-State committees was in these words:

"That as a rule convicts do not accomplish more than one-half as much as freemen."

The advent of French Canadians into New England and Northern New York within a few years past in thirty-two towns, in 1881 had reached in number 88,652 in a population of 417,877. They are an industrious and money-saving people, and willing to work at low wages. This has had a powerful influence, and it has excited the opposition of those who were there before, and particularly of the trades unions, who find it difficult to bring these Canadians under their despotic sway. In contrast with this ever-increasing horde, the labor of a few hundred convicts is scarcely worthy of a moment's consideration.

In the paper before referred to, I briefly considered the questions of idleness for the prisoners, of unproductive labor, of unskilled labor, and of the lessee system.

It is pretty certain that few persons could be found in this enlightened age to advocate the adoption of either of these systems.

That class of our citizens which is engaged in common or unskilled labor is least able to meet the competition

from convicts, while there is no class of men more independent than our skilled mechanics.

I also referred in that paper to the "Public Account" system, that is, when the State itself becomes the manufacturer, and enters into competition with its own citizens in the sale of goods. I showed that during more than thirty years of experimenting at Clinton Prison in the manufacture of iron and nails, that the State had sunk millions, and that nothing but loss to the State had resulted from conducting the various industries of burning lime, working marble, laundering shirts, manufacturing mill-stones, tools and brushes.

Notwithstanding that in all these different industries the State has been the loser, there are some in this day who think they find in the public account system a panacea for all the so-called ills resulting from convict labor. So long as the mechanical trades are not affected, little sympathy is felt for the poor lime-burners on the mountains, or the miners and iron-workers whose interests are quite as sacred as those of moulders, hatters or shoemakers.

The public account system was adopted in the Elmira Reformatory with a great flourish of trumpets, but we all know how disastrously it ended, and with what alacrity the Legislature ordered a change to the contract system.

In a financial view, it would no doubt be more profitable to keep the prisoners in idleness, than for the State to attempt to conduct any manufacturing industry.

The public account system has been tested in the prisons of Maine, Wisconsin, Illinois, Missouri, Virginia and

many others, and in nearly every case abandoned. There is one exception; the County penitentiary at East Cambridge, Massachusetts. In regard to this institution, Col. Wright says in his report to the Massachusetts Legislature (1879, page 17):

"At Cambridge 180 men are employed upon brushes. The raw material is purchased, made up and sold on account of the institution. The brush-makers enter no complaint against the prison contract, but their principal complaint is of the injurious competition of the county of Middlesex."

Here, they allege, is a large corporation with unlimited means, paying neither rent nor taxes, and not even obliged to make a profit, and they find it impossible to compete with it.

The New Jersey Commissioners say (page 21):

"If the trades complain now of the competition of contractors who are of themselves subject to the same circumstances financially and commercially as other manufacturers, what would be their complaint against the gigantic power of the State? The immense soulless corporation, with resources beyond those of any individual with power to hold enormous quantities of goods, and throw them upon the market at pleasure, without risk to the manager, with all the credit of a great commonwealth as a basis of operation, entering into competition with its citizens."

On this point Col. Wright says (page 22):
"Wherever the public account system has prevailed, it has

caused more slaughtering of prices than any other, yet the parties who demand it find no fault. They can see the most unjust results from contracting for the *labor* of convicts, but can see no harm in contracting for the *products* of the same labor."

It is urged by some theorists that under the public account system the government would receive the profits that now are supposed to go into the pockets of the contractors. These people do not realize that a well-organized business with a line of customers to take the products is not called into existence to order, but only after years of patient effort, and that few who start in the race achieve success.

The Connecticut Commissioners on this subject well say (page 34):

"A successful manufacturing business is of slow growth, the result of business ability and well-matured plans carried on with great perseverance through years of trial to ultimate success."

Again, it is claimed that under the public account system the prisoners would be more removed from the influence of citizen instructors and overseers than under the contract system. How can this be? The business would not run itself; it would require even a larger number of instructors and overseers; certainly they would be appointed if the prison was run under political influence; and it may be assumed they would be of no better character than those now employed, and that they would be less careful and attentive in conducting the business of the State, than if under the eye of a contractor whose fi-

nancial success or ruin depended on a thorough and economical management.

I have been engaged in the business of devising, constructing and manufacturing stoves for forty years and ought to have some skill and knowledge on the subject. Yet I am conscious of ignorance and short-sightedness every day of my life. I am constantly making mistakes, and shall probably continue to do so to the end.

The prisons in California previous to 1882 were run under the *contract system*. In response to public clamor a law was passed requiring the labor to be charged to the *public account system*.

The State Board of Prison Directors in their report to the Legislature, December, 1881, say:

"The contractors now employing convict labor at San Quentin are all preparing to close the existing arrangements on or before January 1, 1882."

The people of California have had an experience of one year with the *public account system*, and the results are depicted in vivid colors in the San Francisco *News Letter*, as found copied in the New York *Star* of 5th inst., the latter assuming that the *contract system* was yet in operation in that State.

The San Francisco *News Letter* says:

"San Quentin prison is a vast charnel-house of wrong-doing, yet, although a joint legislative committee has evidence of the fact, and although a Legislature is in session which is abundantly competent to effectively deal with the rascalities of that institution, nothing whatever will be accomplished. To outsiders this may appear inexplicable. It would seem to follow that a known and proven wrong should be remedied. If it is not, if legislators hesitate to do their duty, if committees fail to report and ignore bills of a reformatory character, what is the

conclusion? At Sacramento the fact is only too palpable that there are occult influences at work. The atmosphere is charged with rumors of corrupt practices. That a "sack" has been introduced, and that corrupt influences are at work, is only too certain. There are some signs as certain as Holy Writ. When men do things which they would not do except for money, there can be no reasonable doubt of what is in the background. A month ago, a bill was introduced providing that all articles bought and sold from San Quentin should be competed for by public bids duly advertised and made known. On its face, it was a just and righteous measure. Its effect was to break up a ring that is making at least a cool hundred thousand dollars a year at the expense of the State. Yet, to this hour, it has not been reported back, and the member in charge of it has importuned members of the Assembly State Prison Committee in vain. The present management of San Quentin is Republican, and is in the hands of a ring that will contribute thousands of dollars to the next Republican campaign, and yet Democratic legislators cannot be got to put an end to a state of affairs that threatens evil to their party. Why? Because a corruption fund that comes home to certain members is dearer to them than party or State interests. That is the plain truth, as we have ascertained it to be."

"The fact is that the money-making capacity of San Quentin is at present a big thing. Nothing like it has been witnessed in California. San Quentin is the largest manufactory in the State. It has some 1,200 men constantly employed. They manufacture furniture, doors, sashes, tubs, buckets, blinds, jute, bricks and numerous other articles. So large a business ought to be conducted in a manner open and above board. But it is not. The warden buys the raw material from whomsoever he likes, and sells to whom he pleases, and declines to allow an inspection of his books. The prison funds are kept in a bank account in his private name; there is no audit and no check whatever. It would be surprising indeed, if so loose a system did not engender corruption. It does. A ring manages the whole system, and thousands of dollars are being made by somebody. At the same time free labor is being competed with, and enterprising private firms are having their business interfered with and crippled by the sale of prison-manufactured articles at much less than their value, and are far less than they would bring if offered for sale at public competition. This is an intolerable condition of things that ought not to be permitted to continue one unnecessary hour, and would not be if the ring were not distributing a corruption fund at Sacramento. This is a sad and lamentable fact, but it is a fact, nevertheless. If thieves

may not only gain immunity, but a continued license to steal by distributing a modicum of their plunder among legislators, where is rascality to end?

Such is the report of the workings of the San Quentin State prison in California after one short year of trial under the *public account system*. Such has been substantially the history of most other prisons where this system has prevailed, and such, it may be predicted, will be the future history of those that are led into this delusion.

In commenting upon this disgraceful management of the San Quentin prison, the *New York Star*, in its simplicity, charges it to the *contract system*, a system in which the officers of prisons have no opportunity for speculation. During the six years that the State prisons of New York have been run under this system, not a dollar has been lost. The monthly payments made by the contractors must be in the hands of the Comptroller by a certain date; if they are not, his vigilant Deputy must know the reason why. So far as I know or have heard, not one dishonest act has been even charged against any of our State prison officers during the past six years.

The *Star* says:

SING SING IN CALIFORNIA.

What the *Star* has said in condemnation of the convict contract system is true not only of New York State, but of every State in which that malefic system finds lodgment. The exposure in our columns of the abuses nurtured at Sing Sing, Clinton and Auburn has led to official investigations in several other States — among the rest, in California, and some of the effects of the system at San Quentin, extending as they do to the legislative chambers at Sacramento, are graphically painted in the subjoined extracts from the San Francisco *News Letter*: "Sack"

is the equivalent, on the Pacific Coast, of the suggestive though inelegant terms "bar'l" and "boodle" in localities further East. Now, observe that the *News Letter* is an independent journal with a strongly Republican bias. No newspaper beyond the Rocky Mountains is more bitter in its denunciations of Sand Lotism and of every thing that smacks of demagoguery. Yet it is intelligent enough to perceive, and honest enough to denounce the flagrant evils which are inseparable from convict contracts.

"San Quentin prison is the largest manufactory in the State." What a volume of suggestiveness is embraced in that brief sentence! Of course, the favored capitalists who hire the labor of the prisoners at fifty cents per head per day reap enormous profits from the investment, and of course, also, there are plenty of legislators and lobbyists ready to perpetuate the system for a consideration. The charges formulated in the *News Letter* are direct and positive, apart from its logical argument, that "when men do things which they would not do except for money, there can be no reasonable doubt of what is in the background." Here in New York we are more fortunate, possessing this year a Legislature which promises to uproot the scandalous and oppressive outgrowth of Mr. Pillsbury's invention. Doubtless when our State shall have set the good example, similar reforms will be forced in California and elsewhere.

Change the words in the above, "*convict contract system*" for "*public account system*," and the comments will most truthfully apply to the condition of things in the San Quentin prison.

The contract system is that, toward which the opposition of the workingmen of the State appears to be mainly directed. The inquiry is then pertinent, is this opposition well founded?

(Then follow some statistics in regard to the number of convicts engaged in manufacturing industries which in substance appear on pages 48 to 54 of former paper.)

The labor reformer wants the contract system abolished, because it increases competition in trade. Every new manufactory that is established somewhat increases such

competition, but no more under a prison contract than any other, and the establishment of a new manufactory is not generally considered a calamity.

So far as relates to stoves we sell them no cheaper than those made wholly by citizens; our price lists are prepared irrespective of where the goods are made. This has been clearly proved by Mr. Hobbs of Albany, who arranges the prices under the advice of the firm; by Mr. Hughes, the resident partner in Chicago, who sells about half the product, and by Mr. Barnes, of the manufacturing firm of J. Van Wormer & Co. of Albany. Even Mr. Smizer, of Louisville, Ky., called by the complainant, was ready to admit that Perry & Co. had striven to keep up prices.

He testified on cross-examination as follows: Q. "Do you know of any house in the trade that has made more strenuous efforts for ten years to keep up prices than Perry & Co., or individually, than John S. Perry? A. No, sir, there is no man who has worked in that direction more zealously and with better effect than John S. Perry."

As to an overstock of stoves at present on the market Mr. Smizer testifies as follows: Q. "Is it not probably due to the large increase of stove foundries in the west that there is now an overstock of stoves in the country? A. I think it is purely that, Mr. Perry; we are making more stoves than the people want; foundries are idle all over the country, Cincinnati is idle and so is St. Louis. Too many stoves and nobody to buy them."

This testimony from the complainant's witness effectually answers the complaint made by moulders, that the overstock is due to prison labor.

There are more stoves produced in the city of Detroit alone in foundries that have lately come into existence, than in all the prisons in the land.

In regard to the abundance of work for stove moulders and stove mounters, Mr. Smizer testified as follows: Q. "Do you know of any respectable and skilled stove

moulders or mounters who have been unable to obtain work at good wages during the past two or three years? A. No, not for the last two or three years. O, well, they are a migratory set, you know, and they travel around considerably."

The testimony is clear that foundrymen have had full employment. Nearly every moulder in the city of Albany worked until the last day of the year. It is true that some of the moulders from Troy testified that work fell off after the middle of October. The manufacturers were disappointed in the amount of their sales during the last quarter of the year, and doubtless some shops reduced their work, but the causes were several, of which convict labor was the least.

The testimony is complete that the wages of moulders have advanced during the past five years some forty-five or fifty per cent.

The only testimony to the contrary was given by Mr. Smizer.

He says, "I don't think the cost of moulding has increased any over 1877."

Further on he says, his moulders struck in 1880 and 1881, and that he overcame it by "freezing them out"—"by going on the streets and hiring men and boys

and putting them in and making workmen of them, until these men (the moulders) from their necessities were compelled to go to work."

Is it not fair to infer that the imperfect work made by these green men and boys from the street, is the reason why Perry & Co. crowded him out of Charleston and Savannah as he testifies. It was not *price* but *quality* that commanded the trade for Perry & Co. in those cities. In regard to competition in prices Mr. Smizer testified: "Zanesville, Ohio, is the worst place I ever struck in my life. The Noble concern sells awful cheap, there is no doubt about that. We don't have much worse competition than Noble & Co. Well, I tell you Evansville and other places on the Ohio river are bad pills."

In regard to the charge that Perry & Co. undersell the market, and that manufacturers employing citizen labor cannot compete with them, it is utterly destitute of proof. If the manufacturers of our country are suffering from this cause, why have they not come before this honorable committee and stated their grievances. The National Association, composed of stove manufacturers from every section of the country, was in session in the city of New York at the time this committee was taking testimony there. Quite a number of them were subpoenaed to appear, but none responded except Mr. Smizer. Several of the New York manufacturers were subpoenaed, but they all treated the command with contempt. It was said that the manufacturers of Troy were to come down in a body to present their grievances; if such existed, why have they not appeared? General John F. Rathbone of Albany

was also subpoenaed, and responded. A short conference with a member of this committee clearly showed that he would not be the kind of witness desired by the complainants.

Gen. Rathbone and Mr. S. H. Ransom, two of the oldest and most extensive stove manufacturers in this country, were present by my invitation last year at the time that I presented some considerations on this subject to the Senate committee, and they each, unsolicited, declared to the committee, that the prison contract gave them no trouble and that they favored it.

On the 25th of January last at a trades' meeting held in the Old Capitol, Mr. George Blair made the following statement: "Mr. Jewett, a large manufacturer of Buffalo, who employs several hundred men in that city told me that it was impossible for him to compete successfully with Messrs. Perry & Co. He says they can sell goods and realize a profit of 25 per cent when he is losing 10 per cent."

Mr. Jewett is a friend of mine of forty years' standing, and is a man of sense and discretion. I feel sure that he never made so loose a statement. A letter from him gives a different aspect to the matter.

I have very much desired and have urged that Mr. Jewett should be called to testify before this committee. Why has he not appeared? The absence of all these manufacturers may be fairly taken as a denial of the charge that they are injured by the prison contract of Perry & Co.

In regard to the question of health, there is no class of

mechanics who are more healthy or longer lived than temperate men employed in foundries. I have shown that the convict moulders employed by Perry & Co. are in a better physical condition upon their discharge than when they entered the prison. I have also shown that large tanks of running water are provided in the foundries; that the men are in the habit, more or less, of bathing their entire bodies, and that nothing prevents their doing so daily.

It has been said that some of the shops are dusty; they are such as citizens are glad to work in outside of prisons, and it does not appear that convicts are entitled to any special consideration in this regard.

The complaints that are made against convict labor generally emanate from trades unions. These despotic bodies are not satisfied with controlling the shops of employers and their citizen employes, but they are striving also to control the employment of convicts and their work. They aim at *supreme control* and will stop at no device to obtain it.

Let me quote some of the rules which they now impose upon free labor, falsely so-called.

Article 8 of by-laws of the Moulders' Union reads as follows:

"Any journeyman moulder commencing work in any foundry under the jurisdiction of this association previous to 7 o'clock, A. M., shall be fined \$2 for the first offense, and not less than \$5 for each offense thereafter."

I ask this committee to seriously consider the scope of this grinding rule to be applied to men in this free coun-

try, and to so-called free labor. These moulders work by the piece, and before the introduction of this rule, it was their choice during the warm season to get their work up during the cool hours of the morning. They were thus enabled to accomplish more work and therefore earn larger wages.

Article 34, Iron Moulders' Union of North America, recites:

"No member working by the piece can employ a helper and pay him out of his wages."

Article 35: *"No member working by the piece can work a helper if the helper is paid by the employer."*

Article 38: *"A member cannot take his own son on the floor with him for the purpose of learning the trade."*

Such are some of the arbitrary rules of a body of men who come whining to the Legislature about the oppression of free labor by the convict system. The excluding of boys from learning a trade leads to idleness and crime. We see it illustrated in the hordes of loungers to be found on every street corner, and this explains the melancholy fact that more than one-half of the convicts in our prisons are under thirty years of age.

The census of 1880 shows that the proportion of mechanics, male and female, old and young, to the whole population of our country is five and one-half per cent. Therefore if the prisons are to be made non-productive, ninety-four and one-half per cent of our population are to be taxed for their support to relieve the pretended burdens of the few, and they are only pretended, not real.

It is also shown that the proportion of mechanics among immigrants is thirteen per cent. During the six years of the existence of the present contract system under the new Constitution, over two and one-half millions of immigrants have been added to our population, and of this number it is estimated that about 340,000 were mechanics. But, admitting that but half that number were skilled mechanics, how contemptible in comparison is the small number of 24,000 male and female convicts, old and young, employed in all our prisons, jails, penitentiaries and houses of refuge on mechanical work, their products representing the labor of less than 12,000 citizens.

It is the view of some theorists, that the alleged injury to citizen labor by labor in prisons would be avoided by introducing a diversity of industries in our penal institutions. This would at once drive from them every business of any magnitude, for in this day few kinds of manufacturing can be conducted with success except on a large scale.

The business in the prisons would then be confined to small, weak industries, that might be more unable to bear the competition than the great interests of the country, which are carried on by individuals and corporations upon a large scale, and with unlimited capital and credit.

Col. Wright says (1880, page 14): "If prison contracts have any effect upon free labor, they bear the most heavily upon small industries, like the gilt moulding trade, which has provoked so much discussion in this Commonwealth."

The Legislature of New Jersey passed a law two years since, limiting the number of convicts to be employed in any one industry, to one hundred. The result has been a loss to the State of \$30,000, and the necessity of resorting to deceit by dividing the manufacture of certain articles under different heads. In this way the stove contract could be divided into fifteen or twenty different branches. Such a course would be neither honest nor dignified.

The inter-state commission, referred to, was composed of seventeen prominent gentlemen of the highest respectability, representing manufactures, trades unions, and the professions. Persons of almost every class appeared before them and stated their views, their theories and their grievances, real or imaginary. The sittings of the commission were continued from time to time during several months, and every one who desired had an opportunity of being heard.

The Massachusetts Commissioners report (page 13): "A large amount of testimony was secured, all of which came on special invitation save that of five persons who could alone be found interested enough to appear after a public hearing was advertised three days in three newspapers of the largest circulation in the State.

"The testimony of manufacturers and contractors, workmen and philosophers, stripped of its verbiage and reduced to the level of plain fact, coupled with a thorough weighing of the advantages and disadvantages of prison contracts, has brought your committee to the opinion that the effect of prison contracts upon the combined interests of the State is not appreciable."

The Connecticut Commissioners report (pages 40 and 41):

"Every avenue at home and abroad has been carefully searched; months have been devoted to the inquiry; reports of similar investigations in the United States, Canada and Europe have been read and considered; the written opinions of men who have made the science of penology a careful study have been obtained; all who have complaints to make have been heard, and as a result the Commissioners have failed to discover any ground for the complaints made against the Connecticut State Prison or the contract system."

The Commissioners then sum up the whole matter in the following words:

1. "That there is a great difficulty in finding responsible parties to take prison labor."
2. "That the price paid for it is not greatly below its value."
3. "That as a rule convicts do not accomplish more than half as much as free men."
4. "That the profits of the contractors, as a rule, are not larger than that of ordinary manufacturers, and that as many of the former fail as the latter."
5. "That prison-made goods do not, as a rule, undersell free manufactures."
6. "That it would not be just to the State or the prisoner to abolish machinery from the prisons, or to prohibit the convicts from being employed at skilled industry."
7. "That the public account system is not practicable under ordinary circumstances, because wardens are very

seldom good managers of convicts, and also good managers of manufacturing industries."

8. "That workmen as individuals are not unreasonable; they admit that convicts should work; they are willing the trades should be taught them; they disclaim any aversion to working in the shop or at the bench with an ex-convict. Or that such associations would be a disgrace; they ask that greater effort should be made toward reform."

9. "That it is only when met in convention that imaginary evils are magnified into real wrongs; it is only in convention that they demand the enactment of such laws as would prevent reform, would increase crime by enforcing degrading labor or idleness, would abolish machinery and prohibit skilled labor."

Here we have the deliberate conclusion of a body of intelligent and fair-minded men, who had no personal interest to serve, and who gave several months of labor to the investigation of this great subject. What higher authority can the public demand?

In regard to the wisdom and importance of treating convicts with kindness and consideration for their unfortunate condition, I feel sure the committee will bear me out in saying, that Perry & Co. need no defense. The testimony in their favor is explicit.

It was to be regretted that a more promiscuous selection of convicts to appear before the committee should not have been made. It was very evident that the selection was made by those who had other ends to serve than prison reform, and that the witnesses for the com-

plainants were mainly from the worst classes in the prison.

There is another point that I desire to bring prominently to the attention of the committee, and it is the liberty to pay convicts for extra work.

The tasks imposed upon those employed under the contract with Perry & Co. are light, and in most cases can easily be performed, in one-half to two-thirds of the time allotted to labor. Under the present law the pittance paid to discharged prisoners is almost a premium for them to re-enter the paths of crime. It would appear that those without friends able and willing to render them assistance, must be left to steal or starve. Could such men on their discharge have in their pockets \$50 or \$100 or more honorably earned, would not their chance for reformation be vastly increased?

It is the opinion of those whose experience entitles them to be heard, that the introduction of such a system would become a powerful aid both to reform and to discipline; I earnestly bespeak of this committee its favorable consideration.

ALBANY, *March 6th*, 1883.

JOHN S. PERRY.

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