

Prisons

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# THE CONVICT.

HIS PUNISHMENT;  
WHAT IT SHOULD BE;  
AND  
HOW APPLIED.

BY

RICHARD VAUX,

AUTHOR OF "PENAL AN ELEMENT IN SOCIAL SCIENCE." "SKETCH OF  
THE EASTERN STATE PENITENTIARY." "CRIME-CAUSE." "SHORT  
TALKS ON CRIME-CAUSE AND CONVICT PUNISHMENT," &c.

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PHILADELPHIA, FEBRUARY, 1884.

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THE time has come when "The Convict" must be regarded as an integer in the social problem. The fact that crimes and criminals are increasing, requires a truer knowledge of their causes, and a more thorough acquaintance with the individual characteristics of offenders.

We cannot now deal with crimes as the capricious wickedness of some persons, and rest satisfied if the criminal code defines the act, and the criminal statutes determine the penalty.

It needs no argument to prove that crime is the consequence of motive, purpose, and will, precedent to the act. They are the originators, and offenses are the resultants. So crime-cause is a latent force which in action disturbs the welfare of society.

To discuss this subject, growing as it is in its proportions and injurious effects, with the single view of the hu-



manitarian limited to sympathy for the criminal, is not longer to be satisfactory. Namby-pamby platitudes as to "the poor prisoner" may be appropriate in the society of the venerable of both sexes, elsewhere they are incomprehensible.

It is far more important to reach down to the root, and try to know what it is that produces the necessity for prisons, reformatories, houses of refuge and, punitive establishments.

In the United States there are now about 55,000 persons in custody for offenses against the safety and security of communities, in prisons and other penal institutions.

They are incarcerated for punishment. The theory is that when an individual is convicted of crime, he is to be sent to prison. The penalty is imprisonment, but besides the penalty, he is to be subjected to a punishment.

For what then is he to be punished? He has received the penalty of imprisonment. This deprivation of personal liberty for so long a time, is not both penalty and punishment, else why add any condition to the penalty? If he is sentenced to imprisonment "at hard labor," is it to be understood that hard labor is the usual, general, universal punishment attached to the penalty in prisons?

Is labor a punishment? It is the only designated addition to the penalty in the sentence of imprisonment. In so far, it establishes that punishment is other than incarceration.

This, in itself, is important, since it sets up the judicial construction of its own decree.

It is therefore while the convict is in prison he is to be punished, because the sentence has the authority of a judicial judgment, conclusive on this question, as the interpretation of the statute in regard to sentences for crimes.

It becomes now a very important consideration in what way, by what method, under what system, the convict is to receive his punishment, of whatsoever sort it may be.

The means to the end are as essential as the end to be reached.

By what plan or system is this punishment, if it so be, consisting only of labor with incarceration, to be administered?

Punishment is for the convict, the penalty was for society, and if punishment is wisely chosen, wisely inflicted, then both the convict and society are the gainers; for society has a deep interest in the method of punishment as well as what constitutes it.

It will not be affirmed that incarceration is the greater, and "labor" the lesser quantity of punishment.

The prisoner must be treated so that he and society are to receive positive advantage from his imprisonment. Society will be satisfied if the prisoner is returned to it cured of the crime—if not cured, improved—and especially if he is reformed, made better or less dangerous to public safety.

Whatever means are to be adopted to secure this result will be most effectual where they can be applied with the greater certainty of success.

These means should be such only as address themselves to the ascertained character of the individual. His crime—cause, the motive and purpose of his act, weakness, temptation, associations, education, training, home influences, domestic infelicities, inherited taints, moral, mental, and physical; in a word, his history, must be ascertained before the proper means can be determined.

Hence, a system of convict punishment is to be established under which these means can best be applied.

The sequence is plain: first, incarceration; then pun-



ishment; then what is punishment; lastly, under what system can it be best administered for its essential purpose?

This may be said to be the anatomy of the subject. Being divested of very much that else might obscure its plain understanding, it takes place as a branch of social science.

In this point of view it must be considered if any solution of it is to be reached. Its importance is no longer to be ignored.

It may be that the subject of convict punishment is difficult to understand. That it is not an inviting or exciting study to the average mind is certain. To be able properly to enter upon the examination of the principles which directly belong to it requires preparatory training.

However simple it seems to be, even to the intelligent, who rashly express opinions as to the treatment of convicts during imprisonment, yet want of knowledge of initial and most rudimentary information is at once manifested in the opinions expressed.

Incarceration is the accepted finality of the violator of law. His trial and sentence are the means to that end. This accomplished, the general conclusion of a vast majority of men denotes content. Why? It is believed that the criminal has thus been punished, and the law, justice, and society are vindicated and protected.

This is the popular view. It is generally satisfactory. It is the concrete thought of society. It is easily comprehended. This is the end of the reflection society gives to convict punishment. Peradventure it is officially reported that a prison pays a profit by the method of its administration, then society rejoices in the fact thus asserted, and commends the system.

So that the subject of the proper system, the truest, best system for the punishment of individuals for crimes committed, is not even known to those who give voice to opinions without a knowledge of the subject on which they speak.

An individual violates a law. It is called a crime. For this violation the law decrees a penalty. The penalty is a sentence or judgment of the court that the guilty person shall be imprisoned. He is therefore sent to an institution in which he is incarcerated, deprived of his liberty.

Now the relation thus established by law between the convict and society is peculiar. Society has demanded that the individual be separated from itself by imprisonment. It requires that he should be punished. It holds him in restraint that it can inflict the punishment. The relation then is the coercive power of society over the man for a purpose. That purpose is penalty for the crime; punishment for protection of society, a warning to others, and the benefit of the convict. It is coercive only that the purpose may be certainly attained. Society has yet something to secure beyond its safety. It has to protect itself against injury; to prevent depredations on its peace and welfare. Therefore it has a direct interest in the punishment of the convict, so that he is to be taught to abandon his assaults on the rights and property of the community.

If the infliction of the penalty was in itself punishment, there would be no necessity to wonder what was to be the plan of administering, or the kind of punishment to be inflicted. It is then something beyond penalty. Incarceration is the condition society decides to attach to the man while he is to be punished.

It is now to be wondered what is the punishment. In



what does it consist? How is it to be applied? Under what system can it be most effectually directed to reach and secure its attainment?

As primary propositions it should be agreed that the punishment must be understood by the convict to be the consequence of his incarceration, else he mistakes imprisonment for his punishment. It must be understood by the convict that the object of his punishment is incident and correlative to his imprisonment. It is then known to him that he must undergo treatment in addition to his penalty. He must be taught that this treatment has special personal and general objects as applied to him.

His person is not to be tortured by any method for his punishment. It is not a physical treatment, then. Whatever it is, it is only to be addressed to his mind and morals. He is to be instructed as to the injury he has done society by his crime. Then he is to be instructed how to avoid a repetition of his aggressions on the rights of persons or property in community. The one is to be punishment for the offense committed; the other is to be for his reform for the future safety of the public.

This being, as we think, the basis of punishment during the condition of incarceration, the system by which these results can be obtained is of importance to determine. As it is now understood, the plan almost universally in use is called the congregate or associate system.

The only characteristic of this congregate or associate system of prison management is forced labor of the convict for the profit of the State and the profit of the owner of the labor of the prisoner. The State which owns the place of incarceration called a State prison sells the labor of a convict to a purchaser for the highest and

best price. To get the most out of the inmates they are congregated or associated in workshops. The amount of the price paid for this labor to the State is the profit for the State over the cost of maintenance and support of the prisoners. The profit to the owner of the labor, called a contractor, or manufacturer, is not ascertainable.

This is the whole of the congregate system. It has no other features; it is simply this and nothing more.

Working the convicts in association all day, marching them in military fashion from their cells to the shops, from the shops to their meals, and back again at night to their bed-rooms, getting all from their forced and continuous toil that can be worked out of the men—this is the congregate system of convict punishment for crime during imprisonment.

Of course some respect to the opinion of mankind is demanded from the managers of these prisons, and to satisfy the public the moral care of the prisoners is manifested in associating these toilers during the six days of the week in shops, and then in a room called a chapel on Sundays. The body is punished for six days a week by labor, the mind and heart are punished for an hour each Sunday, by listening to songs of praise, and prayer to God for his wonderful mercies to the children of men.

When convicts so punished for crime return to the community, it may be aptly said of them, "the last days of that man were worse than the first."

And why not? Involuntary continuous toil, without any benefit to the prisoner, has been his punishment. He has thus been led to regard labor as the reward for crime. This labor has been enforced on the man in combination with his associates, and other machinery



furnished by the contractor. All the prisoner has learned is a part of a trade. He cannot work except in shops with other men, and the addition of machinery. He returns to the community a convict, known by all his associates, known, or to be known, in any shop where citizens are employed. This is most probably his fate; this is the outcome of his punishment, or it most likely may be. If he desires to do well, he returns to labor for a support—the very punishment inflicted on him for a crime. To get this labor he must seek association in shops. If he escapes detection as a convict, or he should not join the crime-class, he is ever reminded that society expects him to earn an honest livelihood by the only means society adopted to punish him for his violation of its laws.

It is not an animating, invigorating, healthful influence on his moral character, coming as he does again into community on his discharge from a State prison.

It is, however, the result of the system by which he has been punished for his crime while in prison.

That there are exceptions to this general rule, more or less, as the peculiar characters or special circumstances of such convicts create, is not denied. It is certainly true that when these exceptions exist they are in defiance of the application of the system of punishment. In the nature of things these exceptions are possible. Every individual has an individuality, either from inherited traits, training in youth, associations, or the surroundings of his life. This individuality rises superior to the influences of this system of punishment.

Out of these characteristics is evolved the principle which is the basis of an entirely different system of convict punishment.

This system is but little known, and less understood.

It has been known as "the separate system." It was, in its earliest history, at its beginning rather, called "the solitary system."

After half a century of experience in its administration it is now properly termed "the individual treatment system of convict punishment."

It was first established in Philadelphia. So far back as 1776 a society was formed to "Alleviate the Miseries of Public Prisons." These "miseries," as the founders of the society called the indiscriminate association of all persons accused or convicted of crimes and lesser offenses, male and female, in a common receptacle, called a prison, were outrages on common decency and common sense. The evils, if not far worse than evils, that resulted from this association aroused the indignation of some thoughtful, humane men. It was association that produced these miseries. Against association, against congregating all together, all sorts and conditions of offenders, the crusade was begun. It has not yet ended. It never can end while associating, congregating the young offender, the youthful first-time convict, the hardened, degraded, debased criminal, the crime-class convict, with the victim of a first temptation.

So the separate system began. It grew. Thoughtful men studied it. Scientists, statesmen, philosophers investigated the principle on which it was established. It was attacked by humanitarians, by superficial observers, by sentimentalists. Mediocrity was aggressive. Philosophy, unexcited, worked out the conclusion that the system of individualizing punishment for crimes to the needs, character, and cause of the crime, was the surest, safest, truest method of applying punishment to each individual convict. Out of this conclusion, by it, and from it, has come what now is found in the Eastern



State Penitentiary of Pennsylvania at Philadelphia; a system of individual treatment of convicts, to secure the proper, suitable, reasonable punishment of each, as he indicates the necessity for a special adaptation of it for the sole purpose for which he was sentenced to undergo it.

What is this special treatment, and how it is applied, are here pertinently queried.

Crime is not in itself a cause. It is the consequence of some antecedent purpose, intent, or motive. There may be a common purpose with many different persons who commit crime. Yet the origin of that purpose, in each, is from different causes. So the plan for carrying out the purpose is different. Violently and suddenly assaulting a person at night in the public thoroughfare, and robbing him, is very different from the wily, specious, plausible temptation to which another is subjected, which disarms him of suspicion of evil, and under convivial acquaintance is stupefied and robbed. The purpose is alike in both instances, the method is as distinct as brute force from intelligent design. One is a crime of brutality, the other of mentality.

Both of these offenders are convicted and sentenced to the penalty of incarceration for the punishment for crime. Are both to be subjected to the same punishment? That would be only a physical treatment. One might well be made to labor six days in the week, but to him such labor would not be a punishment, it would in fact be the best alleviation of his condition while incarcerated. He is likely to have more of the animal characteristics than a higher grade of human development. The other needs a mental and moral training, and his punishment should be, besides labor, an instruction adapted to his better nature. Most probably the

one was never taught in youth anything, neither the instruction of a school nor the subjugation to parental control. The other was well taught except how, by trade training, to support himself by honest industry.

Discover the characteristics of each; carefully, intelligently investigate his crime-cause, the motives which operated inducing to the commission of the offense, his lack of capacity, his moral weaknesses, his hereditary taints, the want of proper training, his family surroundings, his usual associations, the means by which he was supported; dissect his character. When such an investigation is properly conducted, and the reasonable result is known, then apply to the convict a punishment which is known, then apply to the convict a punishment which such an investigation shows to be necessary. The man is then incarcerated and punished; he is taught a trade; he is morally taught; society has invested so much capital to yield the return of a useful citizen. Society is the gainer if by such a system of convict punishment seventy-five per cent. of convicts are made useful citizens. This is the proportion of reformed young convicts which the Eastern State Penitentiary releases from imprisonment. There is a homespun common sense in the basis of such a system. It is so reasonable as to claim the approval of the practical. It is unobtrusive and unmonstrative. It makes no parade of its results. It makes no delusive statements of the profit to the State arising from the labor of the convict, but is content in the conviction that it saves society infinite loss from the depredations of a crime-class created by the association and congregation of all descriptions of offenders while serving their sentences.

Why should these just claims not be allowed? The spirit and administration of the individual treatment system eradicates, if it is possible, the tendency to crime



from those who are susceptible to such treatment. First, young offenders are the most likely to be reached successfully by such a system. They are not contaminated by association with the real criminals. Free from such influences, the treatment of the individual system has full play. It can only be hindered in its operation by inherent, constitutional, hereditary depravity. Otherwise it is probable that it is effective. Does not society reap a permanent advantage from such a method of punishment for the crime, of at least a large proportion, of those who have been subjected to it, for a violation of its laws?

Reasoning from analogy may or may not be a conclusive process. Taking it at its real worth, let this system be again tested by this process of arguing out conclusions from the analogical standpoint.

A young man, well brought up, never subjected to a temptation to commit crime, well to do, in a vocation that yields him a moderate support, by the force of persuasion is associated with others of his own age. Without reflection, unaware of unforeseen consequences, he is led step by step almost unconsciously into evil ways. Finding himself with his companion in some straits in which money is needed, overcome by a temptation that is presented as a relief from perils, commits a crime of education—forgery. He is convicted and sentenced to a congested associate prison. His labor is sold for a profit to the State and a profit to the buyer of his time and strength. He is put to work in the company of ignorant, brutish, hardened, degraded men, or of some such. He is marched daily “lock-step” with such associates; the usual degrading way of treating him, from his work to his meals, and to his cell to sleep. This is the daily routine to which he is subjected. How is this individ-

ual impressed by this kind of punishment for the crime he committed? All his past life comes before him, and he finds himself in the condition of an outcast convict as his young days. Does he appreciate such treatment as a merited and reasonable punishment? Does the common sense of mankind so regard it? Is it not an instruction to qualify him for crime? Does it not directly tend to force him, on his release from prison, to seek the level to which his association in prison has forced him? Crime is very likely to be his business, and he seeks associates to aid him, and thus becomes one of the crime-class—a large body of depredators, trained and organized by the punishment inflicted for the commission of crime.

How much has society gained by this punishment of this individual?

It may be said this is an exceptional case. It is not, as the records of congested prisons will prove. Be it so, however, is a system under which it is possible, to be vindicated on the ground that it is a profit-paying prison?

The individual system would address its discipline to the correction of the cause of crime; to its removal; to teaching this youth how to regain strength to resist temptations; to training his moral nature. It would separate him from all association with other prisoners. It would give room for self-respect, good resolutions, remorse, reform, to operate. On his release from prison he would at least be no worse than when he entered it, free from the consciousness that he was known by hundreds of convicts to have been a convict. The future would be open to his best efforts; he would not be kept back by the threats of exposure from his prison associates; he would not be driven, forced into crime by those who, like himself, were punished in association



with him, for offenses against society. What has society gained by this system of individual treatment of its prisoners?

Is it denied that this crime-class, so constituted, so organized, does exist? Is it not the natural, necessary, developed consequence of the congregate system? Is it likely or probable, under the individual treatment system?

Is it not a strong presumption, that the association of convicts in prison enables many of them to organize associations to commit crime after their sentences expire.

If this be so, the method of punishment by labor in association is the means by which crime-classes are organized.

This system of punishment is not unlikely to create convicts. Society has gained nothing by such a system.

It will be suggested that Individual treatment is too theoretic; that it is not practical; that it is not to be administered with reasonable promise of success on the average class of criminals; that it involves too much relations between prisons and prisoners; that it is contrary to the generally received character of penal institutions; that it requires far more intelligence in the prison officials than, under the congregate system as at present managed.

The answer to these suggestions is simple and conclusive. It is this: such a system has been successfully administered for the past quarter of a century in the State Penitentiary at Philadelphia.

It is a system which is far in advance of the congregate plan. It is as far in advance of the method existing when, in 1776, the Society for Alleviating the Miseries of Public Prisons was established. This great

advance has been made by the means which originate and successfully accomplish all reforms.

It can be proved only by trial. It is the positive refusal to make this trial, that prevents its general adoption. Can it be that the profits made out of the bought toil of prisoners by contractors under the congregate system, and the profit to the State gained by this slavery of the convict, are powerful enough to defeat even a trial of this reform in convict punishment?

If this be so, or possibly so, is it not reason sufficient to insist on the experiment being made?

The experiment has been made, a trial of it has tested it, and successfully tested it. It is now in actual operation. It is open to investigation. It can demonstrate its theory is practically administered.

Therefore, the objections above suggested are only objections, without force as conclusive or even plausible against the Individual treatment system.

There must be some reason, then, for the continued antagonism to this method of convict punishment.

It costs too much. This is the refuge into which the advocate of the contract system at last retreats for safety. It costs too much. The rascals in prisons must support themselves. The honest tax-payer must not pay his hard-earned money for the maintenance in prison of the criminals and rascals which have infested society.

The cost is the crucial test of systems of convict punishment, and whichever costs least is best, and if any costs nothing, that is the realization of benevolence, humanity, progress, virtue, and civilization, and the finality in prison reform.

How plausible and how declamatorily convincing is this argument! The superficial mind is led away cap-



tive. The general public is treated to an hypodermic injection of stolid indifference.

The State gets its few cents a day for the sold labor of its convicts, the buyer of this toil gets his profit. The prisoner is no longer thought of. The yearly balance-sheet of expenses and receipts gives to the public the delightful assurance that the prisons of the State are profit-making, and taxation for convict punishment is unknown.

Would it not be well to consider this assumed economy in the congregate system? *Does it pay?*

The cost of prison buildings under either system would be about equal. This is a reasonable assumption. The congregate plan of associating the convicts in workshops requires the use of machinery. This is furnished by the contractor usually, sometimes by the State. The cost of this machinery is a charge against the convict labor. If the State furnishes it, the convict is sold at a higher price. If the contractor, he may possibly give so much less for the convict. Thus the prisoners and the machinery are the producers, and they are really regarded as so much capital, for their joint product is the basis of profit.

A large manufactory is thus set up and operated. It is called a prison. The punishment of the convict is his forced toil under the control of the owner of the time of the prisoner, who is in the legal custody of the State.

We find published "a circular on prison contract labor, holding that it reduces wages, demoralizes the mechanics in the trades affected, and summing up that labor pays the largest share of the taxes of the State, and objects to its being legally forced to be a partner in its own degradation. The following table estimates profits of one prison contractor:—

He gets 1000 convicts at 56 cents per day.  
He gets shop-room for 250 citizens free.  
He gets State buildings (costing the State—and paid largely by workingmen—many thousand dollars), free.  
He has a fine water-front free.  
Storage-room and steam-power free.  
Keepers who see that the convict performs his task (or, in other

words, foremen), free.	\$1 56
Clerks at 56 cents per day.	56
Average wages of moulders in private shops per day, . . .	\$1 00
Deduct the amount paid to State by contractor, . . .	\$1,000
Net profit per day on each convict, . . .	300,000
Net profit per day on 1000 convicts, . . .	20,000
Net profit for 300 days on 1000 convicts, . . .	50,000
In ten years' duration of contract, . . .	5,000
Shop-room for citizens, ten years, \$2000 per year, . . .	20,000
State buildings for shop, ten years, \$5000 per year, . . .	120,000
Water-front, \$500 per year, ten years, \$2000 per . . .	70,000
Storage-room and steam-power, ten years, . . .	
year, . . .	
Twenty keepers or foremen at \$600 per year, ten years, . . .	\$3,285,000
Ten clerks at \$700 per year, ten years, . . .	
Net profit, . . .	

It is evident why the contractor is in favor of the contract convict labor system.

It must not be omitted in this calculation to notice, that the contractor gains advantages in this forced convict labor over citizen labor, in the impossibility of labor "strikes."

There is a fact, connected with the anxiety of congregate profit-making prisons to obtain labor, that needs reference.

It is not uncommon for some prisons, in which labor is the only punishment, to make arrangements with the Fed-



eral authorities to take convicts from some United States District Courts free of cost to the Government. Prisons in New York and New Hampshire send several hundred miles for persons convicted in these United States Courts, paying transportation and making no charges for the keep of these individuals, because the profit gained by selling their labor to contractors is in itself sufficiently remunerative.

Thus exile is added to the penalty of imprisonment, and as labor is construed to be the only punishment, these prisoners have to undergo exile, incarceration, and labor for their offenses.

This is so questionable a proceeding that it invites effort to correct it. The contract system, however, finds to it no objection.

It is stated that Mr. Commissioner Peck, of the Bureau of Labor Statistics of New York, in his report, January 10th, 1884, to the legislature, says, in substance:—

The Commissioner, after a careful examination of the various contracts, is forced to the conclusion that each and every contract is invalid and void in law by reason not only of that which they do not contain, but also by virtue of numerous illegal provisions to which the State has been made a party, in direct violation of the statutes. These contracts are sixteen in number, and represent \$600,000, for which, he says, the State is without proper security or the power to enforce their fulfillment.

The fact that there was such a large number of United States prisoners confined in the several penal institutions of the State led the Commissioner to inquire into the cause of the same, and to this end letters were addressed to the United States District Attorneys of each State in the Union. As the result of this correspondence, he found that the State had been selected as an asylum for the criminals of the United States Government by order of the Department of Justice at Washington. Notwithstanding the fact that this order was made by the Attorney-General of the United States, under

a law of Congress, the Commissioner was unable to reconcile the idea that there was not some potent reason behind it all, and pursued the line of inquiry until he discovered the disgraceful fact that both the officials of the State prisons and the county penitentiaries had openly bid for the privilege of maintaining United States convicts free of all expense to the National Government. He learned that the managers of the Erie County Penitentiary had closed a contract with the Department of Justice at Washington for receiving all United States convicts from the District of Columbia, and although he has thus far failed to secure a copy of the same from either party, he is enabled to present a summary.

As the result of the contract between the Erie County Penitentiary officials and the Department of Justice at Washington, the State of New York is to-day supporting United States criminals free of all expense to the National Government; in their inhuman greed to make their penitentiaries pay in dollars and cents, two convicts are crowded into one cell, and the rights of honest free laborers outraged.

Take a single convict as a test of this assumed self-supporting profit-making system.

Let it be the most favorable example for the congregate system.

An individual twenty-five years of age is charged with the larceny of personal property of the value of one hundred dollars. He is arrested at the cost of, say ten dollars to the tax-payers. He is tried and convicted, at the cost of twenty-five dollars to the tax-payers. He is sentenced for two years and sent to a prison, at the cost of five dollars to the tax-payers. On his reception in the prison he has cost forty dollars to the treasury, and ten dollars to the citizens, if the stolen property is recovered by him.

He is sold for forty cents a day to a contractor. If he works every day for 730 days, he earns \$292. His support, in food, clothing, shoes, bed, table furniture, costs ten cents a day, or seventy-three dollars. At the end of



his sentence, if he has worked every day and been in good health, his account with the tax-payer will be prison profit, \$292. Arrest, conviction, and sentence, forty dollars; loss to citizen, ten dollars; support for two years, seventy-three dollars; balance to profit, \$169.

This is an impartial and very low estimate. It is only true as of this prisoner. It is not so as to the aggregate of 1000 prisoners. But this single example has been taken, and by it the test is to be applied.

Thus far the tax-payer has gained \$169 by the crime of this prisoner. During his incarceration no effort was made to learn the cause of crime, or any particulars as to the character or surroundings, family troubles or former associates or inherited traits, or other information as to the past history of the person. He came a convict, he toiled for punishment, and was discharged a convict, and went into the community, having earned for the State \$169.

Is it not more than reasonable to suppose that during these two years this person learned something by his association with the convict society in which he worked? The Sunday and the night school teachings, most probably, were ineffectual for good. A toiler for six days in the week in a prison, forced to labor, is not very apt to take a lively interest in intellectual exercises. However, this person learned something. The first lesson taught him by this association was, the fact he was a convict, in the society of convicts. The second lesson taught him that whatever had been his past history, his future life was to start from the convict-plane; a convict, associated with convicts, leaving a prison, and known to very many persons as a criminal. Those who thus knew him, by this acquaintanceship, he knew. The association has a reflex result. Leaving the prison it is very reasonable

to believe that this person would seek the associates he had for two years known, and who knew him, where they were to be found. He had been told where the habitat of criminals was located—that is not presumable, it is a fact. This is the part of the information that is the gossip of prisoners in workshops in congregate prisons. This person, thirty days after his discharge from prison, is in the company of a society of individuals who prey on society, called the crime-class.

Within a year after the discharge of this person from prison, he has probably three times been arrested on suspicion of crime, followed by detectives, taken \$1000 worth of property from citizens—how much more by his companions is not now considered—is at last arrested for burglary, and again sent to a profit-making prison for five years.

When he first came out of prison the tax-payers had gained \$169 by his crime. He goes back in a year, after stealing \$1000 worth of property from citizens, and cost the tax-payers \$300 for police supervision, arrests, trial, conviction, and sentence on the last charge. So that in a year after this person completed his imprisonment for his first crime, he goes back for a second, and his account with the tax-payers stands—\$169 profit for the tax-payers, and \$1300 loss to the community in a year after his release, besides the cost of the supervision of the crime-class.

Does this pay? Is it an exceptional case? Is it an exaggerated statement? Is it not too probable to be criticised as only a possible case?

That the crime-class is recognized as an existing fact is manifest. How to deal with it is a serious question. No plan has yet been suggested. There is, however, a notion, and only that so far, it would be worth the trial



to adopt the plan of English police supervision over discharged convicts.

This police supervision in operation in England, requires discharged prisoners to report at stated periods to the police headquarters of the district in which the prisoner resides. It is supposed that the prisoner, under such surveillance, is restrained from crime.

Such a method in this country is not practicable. The migratory character of persons, who have no families, would prevent this oversight. If they have families, it would be the grossest injustice. To fix the stigma of convict on such an individual would destroy his own efforts for his reclamation. It would degrade him in the eyes of his family, with his fellow-workmen, and hold him up to the distrust and suspicion of the community in which he dwelt. It would subject him to the importunities of his fellow-convicts. He would be constantly in dread that the police would arrest him on suspicion of crime, as this branch of the administration of justice, the detective force, is not free from men who would prey on such persons for gain or notoriety. It would concentrate the convicts in association. It is unjust, cruel, useless, and harmful.

Such a method may be possible in large populations and thickly-settled communities in England, with its form of political government, but in this country it is hostile to the right of individual freedom, both as to places of residence, where work is sought, and the exemption from duress without a legal charge for some positive offense against the law.

That a young first offender should, on the expiration of his first sentence, be subjected to the ignominy of the brand of convict, is simply an outrage. The whole after-life of this young person would be stamped with disgrace. How

could such an individual expect to regain his lost standing, or improve his condition, or become a useful citizen? The operation of this police supervision is to make criminals.

It is a feeble and vexatious effort to protect society by inflicting an injustice on a person who has paid to society its own inflicted penalty for his crime. Such a plan can but admit the congregate system is a failure, as it has accomplished, by its administration, but little benefit either to the prisoner or to society.

Mr. M. W. F. Round, Secretary of the New York Prison Society, in an address lately made, said, as reported:—

Here in New York State, every twenty-four hours thirty-three criminals were turned from the doors of the prisons just as much criminals as they were when they were locked up. One person in fifty of every person met belonged to the criminal class, and this percentage increased out of all proportion with the progression of the population. The dangers of this were evident. There was an organized class of people whose minds were filled with the one thought of preying upon the community.

They were bad to the heart's core, and were always recruiting their ranks from the young. Then there was the danger of contamination and the dangers to lives and property. All attempts to remedy this condition had been met with stolid apathy.

Mr. Round said that in looking back a hundred years and reading Howard's "State of the Prisons," published in 1774, he could not find one abuse recorded in that book which had not a parallel in the jails of New York at this day.

The prisons were the devil's kindergarten. The one dominant idea in their government was the spirit of greed. Nothing was done to reform men, but to make money out of them. Fifty thousand dollars per year were made from the prisons. The cost of a criminal to society was estimated at \$1800 per annum, supposing 10,000 of these men, and the sum of \$18,000,000 was set against \$50,000 prison profits. The prison system of to-day did not attempt to make honest men, but took living, thinking, sorrowing, and dying



persons to form part of a gigantic machine, crushing their individuality. It sent men into the world morally maimed.

Under the individual treatment system a person, on his first conviction, would be isolated from all association with his fellow-prisoners. His history, character, crime-cause, and his antecedent training and connections, family relations, inherited taints, education, and mental, moral weaknesses, would be ascertained. He would be given in charge of an official, taught in a school, daily assembled in the institution for instruction in his duties. The officers are taught their vocation, how to deal with prisoners, treat them, gain their confidence and respect, and enable them to understand that, as officials, they are kindly disposed towards those under punishment. With such an officer the person is placed. He is taught a full trade, his labor is part of his treatment, and only a part. He is taught to understand his condition, how he became a convict, and how to attain self-control. His self-respect is in no instance impaired. He has books; he can write to his family, he is allowed overwork when his task is completed, and that he can have paid to aid in the support of his family, or kept for his own support when he leaves the prison. Handicraft skilled labor is taught, moral teachings are given, mental instruction is afforded. If he has any special capacity for any particular acquirement it is cultivated.

This person has cost the tax-payer for his arrest and conviction thirty-five dollars, and five dollars for his conveyance to prison, and ten dollars to the citizen from whom the one hundred dollars was stolen. He comes into prison with a charge of forty dollars against him. His cost per diem is ten cents a day for 730 days of his two years' sentence. He leaves the prison having cost

the tax-payer \$123. On his discharge from prison he has enough money to support him till he can find employment or go to some other locality. He is unknown as a convict; he has no crime-class to meet, for he is ignorant of such an organization so far as his prison experience could have informed him. He is not subject to the demoralization of police supervision. If he secures work he is free from the exposure from police officers or convicts. If he is reformed society has gained the honest toil of a free man for the rest of his life, to reimburse it for the \$123 his first crime cost. Does this pay?

The industry of the prisoner can be made a strong inducement to reform. If all his toil is sold to the contractor, he can have no opportunity to use his time for the benefit of himself or his family. Under the contract labor method this is hardly possible if not impossible.

By "The Individual Treatment" method, prisoners are allowed one-half of their overwork above their tasks for the benefit of their wives and children; if they have no such relations, for themselves at the expiration of their sentences.

By this method of labor, prisoners are kept in direct connection with their homes. Wife and children, feeling the husband and father is aiding them to live, give him such a welcome on his return as preserves self-respect, self-reliance, and strengthens the moral character. In the Eastern State Penitentiary at Philadelphia about \$10,000 yearly are paid in monthly payments by individual prisoners to their families from their overwork. Labor is therefore a reformatory power.

It is not pretended that none of the persons discharged from "The Individual Treatment" prisons ever return on second sentences. It is believed, however, that society is better protected by this system, as the non-



association in prison prevents the formation of crime-classes.

To overlook the very large number of convicts who have received in youth what is called school education, is ignoring a factor in crime which deserves serious attention.\*

The number of crimes that require "education" to propose, plan, and execute, is increasing. Careful examination doubtless will show that now about seventy-five per cent. of convicts are under thirty years of age, and less than ten per cent. have never been at school.

In the year 1883 heinous and startling crimes have been committed by persons among the educated classes of society; crimes that the ignorant and unintelligent could not have devised, not only in large cities, but in village, rural, or sparse populations.

This is not the place to discuss crime-causes.

\* Without being able to test the value of the following published statement, it is however here given as showing "crimes of education."  
"The following table shows the amount of money stolen by different classes of people in the United States, so far as their stealings were brought to light, during the past year. Amounts of less than \$5000 are not counted. The amounts stolen by bankers and heads of banking institutions lead in point of magnitude, while lawyers have been discovered in the least number of cases:—

Occupation.	No.	Amount.
Bankers, . . . . .	19	\$3,581,000
Bank cashiers and clerks, . . . . .	12	1,070,000
Broker, . . . . .	6	559,000
State Treasurers, . . . . .	3	863,000
Merchants and agents, . . . . .	28	2,360,000
Clerks, treasurers, &c., . . . . .	31	970,000
Charity and trust, . . . . .	9	1,073,000
City employes, . . . . .	20	1,786,000
County employes and revenue agents, . . . . .	16	709,000
Lawyers, . . . . .	4	451,000
Totals, . . . . .	148	\$13,380,000"

Papers have been published on this subject which tend to awaken anxious inquiries on these questions.\*

But it is not inappropriate to ask attention to hereditary influence, which culminate in crime.

As far as known, about twenty per cent. of criminals under sentence have hereditary mental or moral taints, which, in a marked degree, instigated their criminal acts.

Second, third, and often fourth convictions for crime can only be explained by this cause.

There is another view of this question that merits serious consideration. If it is determined that the congregate system is best suited to present public opinion as to the government of prisons and convicts, because the individual treatment method is too theoretic and demands a higher order of administrative capacity, are these objections final against the latter?

If it is determined that for the government of a convict population in prisons of 5000 persons, the congregate plan is the cheapest, and easiest of administration, and therefore to be continued, is this to be the final verdict of the public on the question?

Denying both presumptions—for without full and carefully prepared statistics they are but presumptions—it follows that any reform in the treatment of convicts during punishment is impossible, or, if not, unlikely to be originated.

The cheapest and most primary system is to be maintained, because another requires a trained, taught, well-tested, thoroughly-tried administration. Intelligent, competent, and capable advance in prison management is to be ignored; but in all other public capacities, higher attainment is ever demanded.

\* "Short Talks on Crime-cause and Convict Punishment." Philadelphia, 1882; "Crime-cause:" Philadelphia, 1880.



Public institutions for the welfare of society are the absolute necessity of communital organization.

The hospitals for the sick, and for the insane, almshouses for the destitute, refuges and reformatories for the juvenile, homes for the children, public schools for instruction, are all supported by general taxation as public necessities. As to each of these, constant efforts are made to secure the best systems, and the highest capacity, in their administration and management.

Yet, for institutions in which the persons convicted of crimes are to be incarcerated and punished, as to these, any system will satisfy civilization which cost the least. This is the crucial test, which satisfies society in this epoch, claiming to be the latest development of enlightened civilization.

What is now required as practicable and practical in the treatment of convicts for the punishment of their crimes during their imprisonment, is not difficult of attainment. Prejudice must first yield to better understanding of the subject. Established usages must be considered as only holding their place till better methods are tried.

Profit-making manufactories must no longer be regarded as the best outcome of convict punishment, and prisons must not be mere manufactories.

The individual convict must be treated as one whom society has imprisoned for its security and benefit, and his improvement, advantage, and reform. He is not to be made worse by punishment while subjected to it.

Prisons are public establishments from which higher results are to be secured than profit. They are to be managed on principles which philosophy, science, experience, and common sense make authoritative. They are to be intrusted to the control of trained, tried, edu-

cated officials, whose tenure of office is to be based on capacity, fidelity, and intelligent understanding of their duties. These officials are to be selected for their abilities, and after full instruction, their vocation assured, they are then valuable. The appointment of prison officers because they are party workers, or local politicians, must end.

*The success of the Individual Treatment system is in its administration.*

There must be a broader view taken of convict punishment than condemnation to labor, for this degrades labor and destroys the true estimate of it, as the source of the prosperity and happiness of the people. The young may be indisposed to learn trade-knowledges and mechanical industries, if labor is the chief punishment for convicts.

The association of persons in prisons is to be avoided. The self-respect of the prisoner is not to be impaired. Every inducement that is reasonable and proper, tending to elevate, improve, teach, train, strengthen the moral character, should be given to the prisoner under punishment for violating the public law.

The individual is to be considered; the man is the unit on which reformatory influences are to be based. It is not reasonable to suppose such influences can as successfully operate on classes of convicts in association.

*The vice of the congregate system is association.* No administration of this system can prevent the evils which are inherent in it.

Time-sentences are not either philosophic or wise. Time is no element in punishment under the individual treatment system. A prisoner may be as truly punished in a year, as in six. The court can know but little of the prisoner when sentence is adjudged. It is the



prison authorities who are the best informed as to the prisoner, and better qualified to determine if his punishment has resulted from his treatment while in prison. If so, society has no longer an interest in his continued imprisonment.

The cost of convict punishment is not to decide for or against the best system. Prisons are necessary, if laws are to protect the rights, liberty, and property of society. The social organization, if it is to be maintained for its highest results, must pay for its preservation. Executive, legislative, judicial, eleemosynary, charitable, remedial, municipal, protective, and penal agencies cost society, and their support is the tax paid for the realization of government which civilization ordains. The best is the cheapest.

PHILADELPHIA, February, 1884.



