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## Quarter Century's Progress in Penal Institutions for Adults in the United States, A

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# A QUARTER CENTURY'S PROGRESS IN PENAL INSTITUTIONS FOR ADULTS IN THE UNITED STATES

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THORSTEN SELLIN<sup>1</sup>

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Although the prison as an instrument of punishment or correction does not far antedate the American Revolution, it has become the most conspicuous and symbolic of all means of penal treatment. Comparisons between the earliest of these institutions and those of today would convince anyone that great changes have taken place, for the prison has responded to the currents of humanitarian impulse and social reform, which have imperceptibly modified both the purposes of the penal law and the instruments it has designed for the execution of its penalties. Even so short a period as twenty-five years will show some significant changes in prison administration and it is the purpose of this paper to indicate briefly their nature. The discussion will be confined to penal institutions for adults.

These institutions in the United States may be classified in many ways. Fundamental is the distinction among them from the point of view of the role they play in the administration of justice. Thus jails and lock-ups primarily aim to detain persons until they can be finally disposed of by the police or a court of justice; workhouses, reformatories, and penitentiaries or prisons are places for the administration of the penalties assessed by these courts; institutions for the criminal insane or mental defectives are places for the protective and preventive detention of persons who are considered too dangerous to society to be left at large. Progress has been most notable in the second class of these institutions and least rapid in the first, which have been under highly decentralized and local control, and have received prisoners for very short detention periods. It is in the central prisons and reformatories that the currents of penological thought have made themselves felt and have received their expression both in the material structure and equipment, as well as in the personnel and correctional work of the institution.

The last quarter of a century has witnessed a great increase in the number of penal institutions of the classes here dealt with. The distribution of these institutions in 1904 and 1930 is given in Table I.

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<sup>1</sup>Bureau of Social Hygiene, Inc., New York City; Prof. of Sociology, Univ. of Pennsylvania.

TABLE I<sup>2</sup>  
*Institutions in Continental United States*

Type	Number	
	June 30, 1904	Dec. 31, 1930
Federal prisons (civil).....	4	6
State prisons .....	59	64
Reformatories .....	14	34
County and Municipal penitentiaries, jails and workhouses .....	1,260	3,500*
Lock-ups .....	....	11,000*

\*Estimated.

This table does not tell the full story. The census of 1904, for instance, probably did not cover all local institutions, nor is it possible to classify all institutions accurately. The relatively slow increase in state prisons is deceptive, for a number of states have produced considerable segmentation in the central prison by establishing sub-prisons, colonies, camps, or farms administered as separate units. Texas in 1930 listed ten such units. The increase in the reformatories has chiefly benefited women prisoners.

Let us also glance at the figures which represent the humans who dwelled in or passed through these institutions. (Tables II and III) Unfortunately again, adequate statistics are lacking. Data for local institutions are not available on a national basis, except for 1904, 1910 and 1923. Some states compile local institutional statistics, but they are few and scattered lacking in uniformity and in accuracy. The decennial census only enumerated the prisoners in these institutions on a given day until 1904 when the practice of counting the yearly commitments was begun. Another progressive step toward better prison statistics grew out of the agitation a decade ago on the part of several national organizations, among them the American Institute of Criminal Law and Criminology. As a result, in 1926 the Bureau of the Census began to gather annual statistics covering the movement of population, the composition of the administrative staff, and the fiscal management of state and Federal prisons and reformatories for adults. The annual reports so far published cover the period 1926-1930. The 1933 institutional census now under way will again cover local as well as state and Federal institutions.

In so far as state and Federal prison population is concerned, the 1904 and 1930 census reports permit a rough comparison. Table II

<sup>2</sup>See *Prisoners and juvenile delinquents in institutions, 1904*. Washington, 1907; *Prisoners in State and Federal Prisons and Reformatories, 1929 and 1930*, Washington, 1932; National Commission on Law Observance and Enforcement, *Report on Penal Institutions, Probation and Parole*, Washington, 1931.

TABLE II<sup>3</sup>

*Prisoners in State and Federal Prisons and Reformatories for Adults on June 30, 1904, and January 1, 1931, and Prisoners Committed to These Institutions on Sentence During 1904 and 1930*

	Prisoners Present		Prisoners Committed During	
	June 30, 1904	Jan. 1, 1931	1904	1930
Federal civil institutions	1,641	12,181	972	12,749
State institutions*	58,912	124,000†	36,834	84,000†
Total .....	60,553	136,181	37,806	96,749

\*Includes 6 county penitentiaries in N. Y. and 2 in N. J.

†Estimated.

indicates that both the population of these institutions on a given date, as well as commitments on sentence during this period more than doubled. The increase in the Federal civil prison population has been stupendous, and chiefly as a result of the prohibition laws.

Compared with the state institutions the local jails, workhouses, etc., contain a small daily population, but have a much larger commitment rate. In 1904 three-fourths of the daily population serving time sentences were in state institutions while three-fourths of the year's commitments on sentence were to local institutions. Since no recent local data exist for the country as a whole, New York State will be chosen as an illustration. There (see Table III) the daily

TABLE III<sup>4</sup>

*Prisoners in the Penal Institutions for Adults in New York State on Oct. 1, 1904 and June 30, 1931, and prisoners committed to these institutions during the fiscal years ending in 1904 and 1931*

	Prisoners Present		Prisoners Committed During	
	Oct. 1, 1904	June 30, 1931	1903-1904	1930-1931
State prisons & reformatories	5,097	10,277	1,999	3,790
County & Municipal institutions	5,882	9,214	99,329	142,441
Total .....	10,979	19,491	101,228	145,231

prison population in the state institutions doubled from 1904 to 1931, the increase being somewhat smaller for the local institutions. Commitments to the former almost doubled while in the latter the increase was about 50 per cent. The great disparity between state and local commitments in New York is due to a large extent to the existence of a few county penitentiaries which absorbed in 1930-31 about 12,000 commitments, which would in most states have gone to swell the state prison population. But even taking this into account, it would

<sup>3</sup>*Ibid.*; State of New York, *Fifth Annual Report of the State Commission of Correction for the Year 1931* (Legisl. doc., 1932, No. 86), Ossining, 1932.

<sup>4</sup>Based on the reports of the New York State Commission of Correction.

probably be impossible to draw any definite conclusion from these figures applicable to the country as a whole, for if the New York ratios prevailed elsewhere, it would mean that approximately 900,000 prisoners were committed in 1930 to local jails, while if the 1904 national ratio is used, this figure would be under half a million.<sup>5</sup> Hart's study has conservatively estimated that there are about 2,700,000 persons placed annually into our lock-ups.<sup>6</sup> It must be remembered that both in the lock-up and county jail group considerable duplication exists. The total number of jail commitments would probably have to be reduced from ten to twelve per cent in order to arrive at the number of individuals who were involved in these commitments.

The purpose of citing these wayward figures is not to show any "progress" in crime, for they hardly lend themselves to any such conclusion. Rather they show that the prison problem has more than kept in step with the growth of the population, in spite of increased use in the last two decades of such treatment measures as suspended sentences, fines, or probation.

#### THE FEDERAL PRISON SYSTEM

Within the borders of the United States there are four distinct Federal prison systems in operation: the penal institutions of the District of Columbia; the disciplinary barracks and military post jails of the War Department; the prisons, receiving stations, and prison ships of the Navy Department; and the civil prisons under the Department of Justice. Lack of space will make it necessary to confine the discussion here to the last mentioned system, which at the turn of the century had barely gotten under way.

The military prison at Fort Leavenworth was turned over to the Department in 1894 until a new prison could be constructed. By the time the 1904 census was taken the Superintendent of Prisons in the Department had under his control the Leavenworth prison, a small prison on McNeil Island, Washington, the new Atlanta prison, three small jails for detention and for short-term offenders, and some lock-ups in the Indian Territory. The prisons were typical for their day. Special classes of offenders and most short-termers were confined in

<sup>5</sup>The 1923 institutional census (*Prisoners: 1923*, Washington, 1926) showed that the commitments to local institutions were almost ten times greater than those to state prisons and reformatories. If this ratio prevailed in 1930, the commitments to local institutions that year would approximate 900,000.

<sup>6</sup>See National Commission on Law Observance and Enforcement, *op. cit.*, pp. 329-44.

state or local institutions under contract with the Federal Government. The passage of the prohibition laws, as well as certain other national legislation increased the importance of these institutions and the need for expansion. With the creation of a Bureau of Prisons in the Department in 1930 and the appointment of Mr. Sanford Bates to the directorship, the Federal civil prison system has in the last few years become the exponent of modern penological ideas, and has marked greater relative progress than any state system in the Union. The Bureau at present operates five penitentiaries, two reformatories, one for men and one for women, six camps, and three detention jails. Furthermore, a reformatory for the Southwest section, a hospital for defective delinquents, one more detention jail, and a farm for narcotic addicts are under construction. A recent pamphlet issued by the Bureau states the purpose of the present administration in the following words: "Our prisons are but an arm of the law enforcement machinery primarily designed for the safekeeping and custody of those who offend against society. Their function, however, is not limited to faithfully executing the sentences of the courts. The prison must protect society by making every reasonable effort to improve and reform the criminal so that upon his discharge he will be able to take his place among his fellow men as a self-respecting, self-reliant and law-abiding citizen. To accomplish this the prison must maintain or restore his health and physique, diagnose and treat abnormal tendencies, teach the rudiments of elementary academic education where necessary, provide useful and stimulating employment, and discover and remove the causes of anti-social acts or attitudes. Industrial, physical and mental incompetencies must be removed. The Federal prison system is attempting to individualize the treatment of those who are committed to its care by classifying its wards according to their age, character and mental and physical attributes and then providing the specialized forms of treatment required by each group. We seek to provide that degree of supervision, restraint and discipline necessary for each individual placed in our custody and whenever a prisoner has demonstrated his fitness to be released conditionally from prison he is given a parole in the legal custody of a Federal officer or other person who is interested in his well-being and readjustment. It is thus that the Federal prisons seek to reduce crime by constructive factors."<sup>7</sup>

To carry out these plans, great changes have been made in the

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<sup>7</sup>*The Work of the Bureau of Prisons.* 100 pp., Department of Justice, Washington, 1932, pp. 9-10.

correctional work of the institutions. From one to three social workers, under the title of "warden's assistants", have been placed in each establishment, including some of the camps. They "care for a variety of personal, family and community problems (including relief of destitute prisoners' families) referred to them by officials or prisoners. In this phase of their work they utilize outside social agencies when necessary. They are also charged with the function of making thorough case studies of incoming prisoners, correlating their findings with data obtained by the record clerk, medical officers, chaplain, educational staffs, and other departments, preparing brief digests and recommendations for the use of administrative and parole officials, and coordinating all efforts leading toward the individualization of treatment.<sup>8</sup>

Well-staffed educational departments have been installed in each institution. Each of the penitentiaries and reformatories has a trained supervisor of education. The Chillicothe reformatory, for instance, has a supervisor, an assistant supervisor, four academic and ten vocational teachers. The prison libraries have been systematically improved. Trained librarians have been appointed and standard library methods have been established. All health and sanitation problems have been turned over to the U. S. Public Health Service, which in 1930 was placed in complete charge of this phase of institutional treatment. Adequate hospital and clinical staffs have been established. "The staff at Atlanta, which is typical of the larger institutions, includes the following: three medical officers, three dental officers, a psychiatrist, a psychologist, a pharmacist, an administrative assistant, four female nurses and five part-time consultants."<sup>9</sup> Drug addicts are temporarily segregated in the Leavenworth Annex, a hospital unit for the tubercular and infirm has been established in one of the camps, and when the hospital for defective delinquents is completed, the problem of caring for this type of prisoner will have been solved by the Bureau. The prison labor question has been answered to the best of the Bureau's ability, the disciplinary measures have been submitted to closer scrutiny by the central office, and the Bureau has tried to meet the need for a trained personnel, sympathetic with its aims, by establishing what is without doubt, the best training school for prison officers in this country. This school, under the direction of Mr. J. O. Stutsman, has been held in various places since 1929.

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<sup>8</sup>*Ibid.*, pp 13-14.

<sup>9</sup>*Ibid.*, p. 17.

Several hundred recruits have taken the final examinations and have been absorbed into the service.<sup>10</sup> Progress indeed!

#### COUNTY AND MUNICIPAL INSTITUTIONS

##### *The lock-ups.*

Little need be said about these institutions. Whether progress has been made in their management is problematical. The array of facts presented by Hart<sup>11</sup> would lead us to assume that the lock-ups of 25 years ago must have been bad indeed, if those of today have been touched by progress. Hart found that a high percentage were not fire-proof, that few "make proper provision for the segregation . . . of women, witnesses and young people", that village lock-ups are partly used to house tramps and vagrants; that "very few lock-ups are properly furnished", prisoners usually sleeping on wooden or iron bunks, generally without mattresses or blankets, which, if furnished, are seldom kept clean; that only four states have any state supervision; and that only one, New York, publishes reports on the condition and provides effective inspection of lock-ups.

##### *The County Jails*

The county or municipal jails in all but the largest of our communities serve several purposes. They are sometimes substitutes for lock-ups, but are chiefly employed for the detention of prisoners held for trial, material witnesses, those sentenced to short terms of imprisonment, and to imprisonment in default of fines, those held awaiting sentences, etc. In a few states the jail also is the scene of the execution of capital offenders. The control over these institutions with their motley population is usually local. County commissioners, judges of superior courts, or grand juries usually have power of inspection and frequently of rule-making. The sheriff is ordinarily the jailer, with the result that local elections frequently bring about a complete change in the staff. The great and constant flux in the population—caused by the common use of short sentences—has made the introduction of correctional measures of treatment difficult and expensive. Prison industries are rarely found or have no training value. Agriculture in some form, highway construction, stone-crushing, and the like have been used with some profit to the community, at least, if not to the prisoner.

<sup>10</sup>See Stutsman, J. O., *The Prison Staff*. The Annals of the American Academy of Political & Social Science, 157:68-70, 1931.

<sup>11</sup>*Loc. cit.*, pp. 330-2.



The local control of these jails, or camps, or chain-gangs, whatever the title may be, has been the most important cause of their backward and frequently brutal administration. At the beginning of this century there were only three states (Maine, Massachusetts, and New York) that had not only state supervision over county penal institutions, but power to compel the establishment of standards in administration.<sup>12</sup> In addition, 15 states—all but two in the North Eastern and the Middle Western part of the country—had state inspection services and in a few instances the power to reject building plans, etc. The other 28 states left local autonomy undisturbed. With the passage of years a certain degree of progress in state supervision and control is manifested. Robinson in 1929,<sup>13</sup> on the basis of a survey, found that the number of states having acquired power to compel local authorities to meet state standards had increased to seven (Alabama, Colorado, Michigan, Minnesota, New Jersey, New York, Rhode Island, South Dakota). States having inspection services had increased to 25, leaving 16 states with no voice in local penal administration. (Vermont, Iowa, North Dakota, Kansas, West Virginia, Washington, Oregon, Kentucky, Mississippi, Arkansas, Texas, Wyoming, New Mexico, Arizona, Utah, and Nevada). He found that Rhode Island had placed complete control over the jails in the hands of the State Welfare Commission. Since then another state has partly imitated her example. In 1931, North Carolina placed all county convict camps under the management of the State Highway Commission, with the result that marked improvement in these institutions can already be recorded.

The movement toward the development of state farms or institutions for misdemeanants has showed little progress, although such farms have frequently been urged as a means of improving correctional treatment. Twenty-five years ago only Massachusetts possessed a state farm. Since then Indiana, Illinois and Maryland have established them. Some states today have at least authorized counties to combine into correctional districts with one joint institution, but the progress toward realizing this plan has been slight.

The jails have been authoritatively described by many writers. The graphic presentation by Joseph Fishman<sup>14</sup> a decade ago pictured conditions which would have been regarded as unbelievable had

<sup>12</sup>Henderson, C. R., *Modern Prison Systems*. Government Printing Office, Washington, 1903, pp. 153-80, *passim*.

<sup>13</sup>Robinson, L. N., *The Relation of Jails to County and State*. JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY. 20:396-420, Nov., 1929.

<sup>14</sup>Fishman, J., *The Crucibles of Crime*. New York, 1923.

they been told by a person lacking the experience, courage and honesty of the writer, who had had the advantage of seeing almost all the jails of the Union in his capacity as Federal inspector of jails. His contentions have been amply supported since that time by other investigators, both official and unofficial. A few examples will suffice. The 101 jails of Illinois inspected in 1929 by the State Department of Public Welfare were then rated: "The conditions found were not surprising . . . unless the lethargy of some of the counties in permitting . . . miserable conditions . . . to continue in their jails might be surprising to some. . . Thirty-one were considered fairly adequate in so far as their buildings were concerned. . . . Fifty-one of the remaining jails were considered unsatisfactory and nineteen were rated as being dungeons and 'holes' entirely unfit for the retention of human beings. . . . Sixty-one counties have retained a system of feeding the prisoner whereby the sheriff is paid a 'meal rate' or 'day rate' for the food of each prisoner. *In 1917 this system was made illegal.*"<sup>15</sup> North Carolina reported in 1930 that only 10 per cent of its 51 county chain gangs could be said to conform to present-day standards of convict-care. Of 109 jails inspected in 1930 in Missouri, 48 were unsanitary and poorly ventilated, and 69 had poor, unsafe and poorly lighted buildings. Out of 157 jails rated by the State Department of Public Welfare in Georgia in 1928, 20 lacked elementary segregation of prisoners, 153 had no medical examinations of prisoners committed, 32 lacked adequate heating plants, two had no sleeping facilities, 12 had inadequate bedding, 51 lacked bathing facilities, 126 had no bathing requirements and 58 were unsanitary. The most striking evaluation of these jails is being made, however, by the Bureau of Prisons of the Department of Justice, which has embarked on a painstaking inspection of all jails in order to select jails fit for the housing of Federal misdemeanants. This inspection has already proved to be a fine instrument for the improvement of jail conditions everywhere, since the Bureau has graduated its per capita payment for board in accordance with the rating given the jail. By the end of 1932, 2419 jails in 42 states had been visited.<sup>16</sup> The ratings are given in the following table:

<sup>15</sup>*Welfare Bulletin*, Nov.-Dec., 1930, p. 11. My italics. Similar conditions have been found in recent studies made of Kansas and Connecticut jails. See Reports of the Public Welfare Temporary Commission, State of Kansas, Jan. 15, 1933, and Report of the Legislative Commission on Jails, State of Connecticut, May 5, 1932.

<sup>16</sup>No inspections had been made in Connecticut, Maine, Massachusetts, New Jersey, Rhode Island and Vermont. The table includes a few state reformatories and training schools and a few city or county institutions other

90-100% .....	3
80- 90% .....	12
70- 80% .....	66
60- 70% .....	371
50- 60% .....	1,098
Under 50%.....	869

The evils are not confined to defective material equipment. It is in these local institutions that disciplinary measures are most severe, as witness the shocking conditions uncovered lately in some chain gangs and convict camps of the South.

The generally low level of the jails should not blind us to the fact that here and there admirably planned or well-managed institutions exist. The Delaware County prison of Pennsylvania, the Middlesex County Workhouse of Massachusetts, the Westchester County Penitentiary of New York are but a few examples. Furthermore, the penal systems of a few of our largest municipalities have risen considerably above the level of such institutions. Their vast size has even permitted classification of prisoners until a city such as New York possesses not only a new and up-to-date house of detention for women, but a central clearing house prison—which serves as the distributing agency to a large number of specialized municipal correctional institutions—and the only training school for local prison keepers in the country. On the whole, however, it must be said, that progress in county or municipal correctional administration has been disappointingly slow.

#### STATE PRISONS AND REFORMATORIES FOR ADULTS

The state prisons and reformatories for adults in many respects exhibit great administrative changes during the period under consideration. These institutions are directed by wardens or superintendents who are responsible either to some state agency directly or indirectly through a board of trustees. The tendency has been toward centralized control. In 1903,<sup>17</sup> 24 states administered these institutions through individual institutional boards, 18 had some form of central board administration, one had a central state board for the prison and a local board for the reformatory, and in three the Governor exercised direct executive control. Oklahoma had no prison system and contracted with neighboring states for the board of its prisoners, and Alabama leased its prison to a private contractor, who accepted full administrative responsibility. In no state did the cabinet or state department system prevail.

than jails and workhouses. Data have been supplied by Miss Nina Kinsella of the Bureau of Prisons.

<sup>17</sup>Henderson, *loc. cit.*

The Alabama lease system disappeared in 1927. In 1932 only 10 states used the individual board system, 28 had central state boards of control, only one retained direct executive control by the Governor, and nine had made an officer of the Governor's cabinet head of these institutions.<sup>18</sup> The result has been beneficial. The opposition toward centralization so often voiced twenty-five years ago by some of the country's leading penologists has practically vanished.

### *Institutional Staff*

The administrative and custodial staff of the institutions dealing with male prisoners has shown some improvement. Very few states have any civil service regulations governing these positions. They are still filled largely by political appointments, with the result that turnover in some states has been rapid. In late years, however, there is a definite trend here and there toward the professionalization of correctional work, particularly in the women's reformatories, institutions which will be discussed later. A study of the governing heads of our institutions would reveal that they have entered their position from a variety of walks of life; that they have rarely had any preparatory training or experience unless they have been promoted in the service, and that few of them possess higher education. Some of them have vision or ability to engage in the work of correctional education, in its broadest sense, but they are in the minority. In many cases, however, they have at least showed tolerance to modern ideas and have given loyal support to their technical staff.

The movement for the proper selection and training of persons engaged in correctional work has made little headway. Salaries of custodial officers are too low to attract persons of ability, the hours of work are frequently too numerous. Out of 53 prisons reporting to J. O. Stutsman in 1931,<sup>19</sup> 13 had an 84-hour week for its custodial personnel and an average annual leave of 12.5 days, while only 12 had a 48-hour week, with an average of 18 days leave. In the first group the annual displacement rate was 17.4%, in the latter 6.6%. The average annual salaries of guards of different grades in 63 major prisons ranged from \$1282 to \$1488. This represents conditions at a time when the economic depression had not yet struck these institutions.

The demand for a trained personnel in state institutions has been

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<sup>18</sup>Wilcox, C., *State Organizations for Penal Administration*. JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY. 22:51-98, May, 1931.

<sup>19</sup>*Op. cit.*, p. 67.

voiced since the beginning of the century, but not until a decade ago did any state take any measure to meet that demand. In 1921 lecture courses for prison officers were conducted in Massachusetts and in 1931, the state of New Jersey established what remains as yet the only state school for the training of recruits. New York and Maryland have recently adopted the lecture course plan, and in the institutions of some states the staff conference has lost its routine functions and been adopted as a training medium. Loan libraries of penological literature have been established in a very few places for the use of the prison staffs. While progress in selection and training has consequently been very slow and almost confined to the last ten years, present trends are hopeful.

It is in the technical staff of these institutions that the greatest change has taken place, particularly in the scientific and welfare aspects of prison administration. The psychologist, psychiatrist, sociologist, and social worker did not figure on the staff twenty-five years ago. Today some or all of them are part of the personnel of many institutions; their functions will be referred to later in this paper.

The administration of correctional treatment in the institution has many phases. The maintenance of the physical equipment and the conduct of prison industries have always loomed large in prison management. In addition, however, the institution should give its inmates vocational and academic instruction, care for health, maintain order, etc. Some of these aspects of prison management will be considered in the light of the purpose of this paper.

### *Prison Labor*

Labor in prisons and reformatories is of a varied nature, even though in many institutions the majority of employed prisoners may be engaged in one or two types of labor. Some institutions have large farms, others employ their prisoners on public works, buildings or highways, while others again have become industrialized. The prison plant itself is in constant need of attention and repairs; this and the care of the heating plant the laundry, the commissary department, the kitchen, etc. are entrusted to prisoners under custodial or technical supervision. Prison labor is not only of economic value to the institution, but should be of training value to the prisoner. Some institutions, particularly the reformatories, have combined vocational training with their industries, but in the prisons on the whole the second function of prison labor has been almost completely lost sight of.

In the last twenty-five years the trend toward a state-use system of prison labor has continued. This system, which has received the official support of labor and employers organizations alike requires that prison labor be employed solely for the production of commodities consumable by state or local government agencies, thereby lessening overt competition with free labor and industry. Supporters of this system succeeded in 1929 to get Congress to remove prison-made commodities from the restrictions imposed by the Interstate Commerce Act. The Hawes-Cooper Act thus made it possible for the individual state to impose upon prison-made goods arriving from outside the state the same laws governing the marketing of its own prison products. The act begins operation with the year 1934 and state-use states which have at that time taken advantage of the act can no longer be the dumping ground for contract-made goods from other states. The ultimate effect, unless the Hawes-Cooper Act is declared unconstitutional, will be the general adoption of state-use by all states, since those which do not at present have that system will be without protection against unregulated dumping.

The state-use system, while theoretically sound, has not proved an unmixed blessing. Parallel with the trend away from contract labor has come a trend toward increased idleness in the institutions. At this moment, furthermore, manufacturers' organizations are making a concerted drive in the state legislatures for the further restriction of the state-use market. From some points of view, consequently retrogression instead of progress has marked the history of prison labor during the period under consideration.

### *Education*

Judging from the writings of prisoners and the well-considered opinions of many competent investigators and prison administrators, our institutions are training schools in crime, a form of education which is the antithesis to the one which should be furnished the prisoner. Correctional work in the best sense is educational and it should beneficially influence both the mind, the hand, and, if possible, the moral character of the prisoner, though the last is a function not of the prison schools so much as of the entire complex of institutional life. And yet there is probably no phase of prison administration that has been more neglected than the educational phase. A survey made in 1928 by Mr. A. H. MacCormick<sup>20</sup> revealed that there was at that time no provision for formal education in the prisons of Alabama,

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<sup>20</sup>MacCormick, A. H., *The Education of Adult Prisoners*, New York, 1931.

Arizona, Florida, Georgia, Idaho, Mississippi, Montana, Nevada, New Mexico, Oregon, and South Carolina, as well as in the Brushy Mountain prison of Tennessee and the Marquette, Michigan, state prison. In another dozen prisons, he said that "the educational work makes little more than a halting and grudging bow to state laws requiring that every prisoner (with liberal exceptions made by the warden and the industrial authorities) shall be given a third or fifth grade education. In less than a dozen prisons the work is extensive enough or effective enough or sufficiently well supervised to rise above the level of mediocrity. In the remainder, constituting about half of all the prisons in the country, the educational work has little significance" (p. 39). He found no single prison with an organized program of vocational education or with opportunity for the prisoner who wants to advance beyond the low grades and who finds correspondence courses (in a few states) insufficient for his purposes. "The educational work of most prisons, in brief, consists of an academic school closely patterned after public schools for juveniles, having a low aim, enrolling students unselectively, inadequately financed, inexpertly supervised and taught, occupying mean quarters and using poor equipment and textual material." (p. 40)

Mr. MacCormick, however, noted signs of progress. The list he enumerates is too long for verbatim quotation, but a few illustrations will be given, such as the organization of the educational program at the Norfolk, Massachusetts, Prison Colony; the correspondence course instruction at San Quentin and the Wisconsin State prison; the introduction of full-time paid education supervisors in certain California, Illinois, Michigan, New Jersey and Pennsylvania prisons; the cooperation of the State Library Commissions of 18 states; the university extension courses at the Rockview, Pennsylvania prison, etc.

The reformatories for men have more elaborate educational facilities but are frequently inefficient. Mr. MacCormick describes the two extremes in the following words, after having recalled to us that these reformatories were originally organized for the sole purpose of correctional education. "Taking it as a whole the educational program of the Pennsylvania Industrial Reformatory at Huntingdon is probably the best in the country. . . . The teachers in charge of the academic work are trained men and are continuing their training under the auspices of the Pennsylvania State College. The academic and vocational work are correlated to an unusual degree. The program of vocational education appears to be more successful than that

of any other penal institution. There are both trade schools and productive industries, and actual use is made of the work of the institution for vocational training. . . . Over 30 occupations are taught by 32 qualified instructors in well-equipped schools and shops. There is a genuine attempt to give vocational guidance. . . . The vocational instructors are taking a course in teacher-training, etc."<sup>21</sup> The author found the Elmira Reformatory of New York the most backward. In its educational program he found "illustrated practically every fault that has been charged against reformatories in general": a highly stereotyped system, mass treatment, most classes taught by inmates under guard, etc. That his criticism is not overdrawn can be seen from a recent survey<sup>22</sup> which found that "there were no courses of study [at Elmira] which met the needs of young men confined in abnormal surroundings for varying periods of time."

The library is not only a recreational device but also an adjunct to the prison school. The old type prison library, filled with ancient and chiefly inspirational books, is gradually giving place to better selected libraries. Recently through the efforts of certain national organizations a *Prison Library Handbook* giving adequate instruction in library management has been distributed to all institutions.

In this connection, too a word should be said about the most promising yet ill-fated movement in correctional education—self-government. Borrowed from the George Junior Republics, the name of Thomas Mott Osborne has become indelibly associated with it. Tried with varying success in a few institutions a decade and a half ago, it is now confined in a modified and frequently emasculated form to a few institutions. That it will be more widely used in our penal institutions as a means of resocialization, there is not the slightest doubt, but since it is an eminently delicate training instrument, which requires for its successful employment fine psychological insight and broad pedagogical understanding on the part of institutional executives and their staffs, the greatly increased use of self-government programs will have to wait until the level of administrative work has been generally raised.

### *Health and Welfare Work*

According to the recent survey of health and medical conditions in American prisons and reformatories made by Frank L. Rector for

<sup>21</sup>*Ibid.*, pp. 284-5.

<sup>22</sup>*A Preliminary Report on an Educational Project at Elmira Reformatory.* Special report by Commission to Investigate Prison Administration and Construction, Feb., 1933.



the National Society of Penal Information,<sup>23</sup> every institution but one (Vermont) had some kind of hospital facilities, occasionally of a rather complete nature. There is still much to be done, however, before special types of prisoners, such as narcotic addicts, the mental defective, the sex pervert, the tubercular, and the epileptic can be given proper treatment. In the last twenty-five years a number of states have made special provisions for some of these classes. New York state possesses two institutions for defective delinquents; Pennsylvania authorized the establishment of a similar institution in 1927 but so far has made no appropriation for it. In 1930, 32 prisons reported having full or part-time psychologists or psychometrists, while 27 had psychiatrists on their staffs.<sup>24</sup>

In most institutions welfare work with prisoners is still regarded as a function of the chaplain who, in addition to conducting services, visit the prisoner in his cell and discuss with him his personal problems. The prison chaplains are in the large institutions engaged on full-time, but frequently have to combine their religious duties with administrative work of a varied nature, serving as librarians, editors of the prison paper, censors of correspondence, directors of recreation or of education, etc. In recent years the social worker has become a part of the staff in some state institutions, particularly the reformatories for women. They assist in the work of classification of prisoners on the basis of field investigations, act as liaison officers between prisoners and their families, assist discharged prisoners, etc.

### *Discipline*

The maintenance of strict order and discipline has always been considered a major function of prison administration. The military ideal has largely governed our institutions. To break a prison rule is generally regarded as intolerable. Absolute obedience to these rules, which in some institutions are legion, frequently makes a prisoner a model inmate in the eyes of the administration. Such conformity brings its rewards in the form of positions of trust—runners, trustees, etc.—or earlier release under prevalent commutation laws. On the

<sup>23</sup>Rector, F. L. *Survey of Health and Medical Service in American Prisons and Reformatories*, New York, 1929.

<sup>24</sup>In 1927, Dr. W. Overholser made a questionnaire survey to uncover the extent of psychiatric survey in penal and correctional institutions. The questionnaires returned by 259 public institutions revealed that 93, or 35.9 per cent employed full or part-time psychiatrists; 85, or 32.8 per cent employed full or part-time psychologists; 130, or 50 per cent called in private physicians when necessary. *Psychiatric Service in Penal and Reformatory Institutions and Criminal Courts in the United States*. Mental Hygiene. 12:801-38, Oct., 1928.

other hand, disobedience brings punishment. At the beginning of the century Frances Kellor<sup>25</sup> reported that flogging with a heavy lash was the universal disciplinary punishment throughout the South. It was also used in many northern institutions as an extreme penalty when dark cells, restricted rations, handcuffing to doors, etc. were of no avail. By 1928 the lash had disappeared in all the 19 reformatories studied by the National Society of Penal Information, while 8 of 68 prisons still reported its use.<sup>26</sup> There has undoubtedly been a trend toward more humane treatment, as is evidenced further by the fact that the striped prison uniform and the prison haircut have almost disappeared, that the rigid rule of silence has been greatly relaxed, and that other privileges have been enlarged.

Only twelve states possessed parole laws before 1900; today only Florida, Mississippi and Virginia lack such legislation. At the beginning of the century therefore, early release was largely secured through commutation laws or pardons. The increased use of parole has brought not only the addition of parole officers to the staff, but also greater reliance on more detailed study of the prisoner to be granted parole, the old commutation laws being largely mechanical in operation.

### *Scientific Study and Classification*

It has already been said that twenty-five years ago the psychologist, sociologist, and to a large degree the psychiatrist, took no part in prison administration, with the exception of medico-penal institutions, such as hospitals for the criminal insane, which had medical direction. Today the scientists mentioned have become members of many prison staffs. With the growth of the prison population the need for greater classification has been felt, thereby making possible differential treatment. The largest states have developed specialized penal institutions for first offenders, defectives, etc. to which prisoners are committed directly by the courts or to which they are transferred from other institutions. Even within some institutions treatment is today to a greater or less degree determined by the findings of the scientists in question. The classification clinic of Sing Sing prison, the work of the staff of the state criminologist in the State Department of Welfare of Illinois, the classification conference of the New Jersey institutions, the psychological and psychiatric field services of the Wisconsin and Maryland state correctional systems, the research divi-

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<sup>25</sup>Kellor, F., *Experimental Sociology*, New York, 1901.

<sup>26</sup>National Commission on Law Observance and Enforcement, *op. cit.*, p. 31.

sion of the Massachusetts Department of Correction, etc. are examples of progress chiefly confined to the last ten years. The summary information about the prisoner confined to a prison ledger, has been replaced here and there by extensive case records.

### *Women's Reformatories*

The reformatories for women are as a whole our best penal institutions for adults. Before 1900 only four of these institutions had opened in Indiana, Massachusetts and New York. Since then, 20 others have been opened,<sup>27</sup> eleven of them in the years 1920-30. California, Washington and Virginia have in addition made plans for such institutions. The effects of their establishment have been manifold. These reformatories have become places of commitment of female delinquents without much regard to the type of offense; they have gone farther than any other type of institution in the development of modern methods of penal treatment, frequently administered by skilled and well-selected personnel; and they are closer to the juvenile correctional schools than to prisons or adult reformatories both in practice and aim. Since they are chiefly the product of the last twenty-five years, it is no exaggeration to say that they as well as our best juvenile training schools, represent our greatest contribution to institutional penal treatment during that period.

### *Architecture*

With the trend toward differentiation in treatment based on the character of the offender, have come changes even in the architecture and general lay-out of many institutions built in the last two decades. The fortress-like institution of the past has here and there had to give way wholly or in part to the institution built on the cottage plan (women's reformatories, in particular) or to plants which while they offer security against escape are nevertheless less forbidding than the old prisons and also give more attention to the educational, recreational, and health needs of the inmate. Gigantic prisons are still being constructed in spite of the opposition voiced by national and international prison congresses.

### *Prison Reform*

At the beginning of the century there were in addition to a few local agencies such as prisoners' aid societies, state or city prison

<sup>27</sup>Lekkerkerker, E. C., *Reformatories for Women in the United States*, Groningen, 1931, pp. 129-30.

associations, etc. only two national organizations greatly concerned with prison reform; the National Prison Association and the National Conference of Charities & Correction. The organization in 1910 of the American Institute of Criminal Law and Criminology added a new and important factor. In 1916, the National Committee on Prisons and Prison Labor came into being, and in 1922 the National Society of Penal Information, an organization which in late years in particular has played a significant role because of the vast amount of critical data it has made available as the result of intensive nation-wide inspections of penal institutions.<sup>28</sup>

### *Conclusion*

Even a cursory survey of our penal institutions will show that progress has been made, if not in lock-ups and jails, at least in prisons and reformatories. There are discernible trends toward greater differentiation in prison treatment either within the institution or through specialized institutions; more humane treatment; greater attention to health, recreational, and educational needs of the prisoner; milder and saner rules of behavior; greater insistence on the scientific study of the prisoner; better selected and trained administrators and guards; a less forbidding architecture; etc. To what extent these modifications have shown themselves in increased effectiveness of these institutions as correctional agencies is problematical. The testing of the work of these institutions has only recently begun to be conducted by scientific methods,<sup>29</sup> which have at least shown that crude statements regarding the success of correctional treatment require qualification. The growth of identification bureaus and consequent improvements in the identification of prisoners have brought to light the fact that the overwhelming majority of our state prison population is made up of

<sup>28</sup>The *Handbook of American Prisons and Reformatories* issued from time to time by the National Society of Penal Information (which recently changed its name to The Osborne Association) contains the best summary data on state and federal prison administration in the United States. The last *Handbook* covers 1929, but the first volume of a new edition is in press. This volume based on a survey made in 1932 will cover about half of the institutions of the country, all concentrated in the North and the Middle West. A recent volume of the *Annals of the American Academy of Political and Social Science* (*Prisons of Tomorrow*, edited by E. H. Sutherland and Thorsten Sellin) issued in September, 1931, also contains a wealth of information on present prison conditions. The "Brief Guide to Penological Literature" contained in that volume will be found of value to those who desire to pursue more detailed reading on prison questions.

<sup>29</sup>See Gehlke, C. E., *Testing the Work of the Prison*. The *Annals*, 157: 121-30, Sept., 1931, for a discussion of the studies of E. W. Burgess, S. & E. T. Glueck, C. Tibbitts, and G. B. Vold.

recidivists. While this condition cannot be blamed upon penal institutions, responsibility for its existence must undoubtedly be shared by them. This high proportion of recidivists is not only a challenge to society but an illustration of the imperative necessity of raising institutional penal treatment to a high and effective level. To do so, the prisons must have the intelligent cooperation of legislators who make the laws which either hinder or help the prison in its work. Since the war, however, there has been a tendency so to increase penalties and resist the release of the prisoner that our institutions have become increasingly overcrowded, and thus have become a menace instead of a protection to the state. It is at least gratifying to note that state or legislative commissions which in most recent times have investigated conditions in various penal systems, have both fearlessly denounced the defects and have shown intelligent appreciation of the needs and the direction of reforms. Thus the Michigan Crime Commission in 1932 urged the abolition of the minimum sentence, the establishment of a central clearing house for the state at the Jackson state prison, and the creation of a penological commission having for its purpose the study of each prisoner to determine the nature and length of his treatment, "keeping in mind always the reformation and rehabilitation of the convict and the safety of society." The Reports of the Commission on Penal Institutions in Pennsylvania in 1931, the Montana State Crime Commission in 1930, the Governor's Special Committee to Investigate the State Penitentiary of Colorado, 1929; the Indiana Committee on Observance and Enforcement of Law, 1931; the Illinois Joint Legislative Commission on Prisons, Probation and Parole 1931; the Commission to Investigate Prison Administration and Construction of New York, 1931-33, and the Public Welfare Temporary Commission of Kansas, 1933, to mention the reports of but some of the most important of these bodies, indicate that modern penological ideas have become widely accepted. How the present economic depression is likely to affect the materialization of these ideas may perhaps be foreseen in part. The drive for economy in our legislation is likely to result in a temporary set-back to prison construction, an increase in idleness in prisons due to restrictions on prison industries, a curtailment of some of the scientific work which many legislators and prison administrators as well count as "frills" instead of a necessity, and perhaps also a curtailment in the educational and health work of the institutions. While they may not overbalance the losses so incurred, we might expect to place on the

credit side of the ledger a great increase in the use of parole and probation, as being more economical than institutional treatment, and the development of more prison farms and camps. It may also be that the depression will force home upon legislator and administrator alike the need for concentrating more seriously on the truly correctional problems of the institution, instead of upon its financial success.