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# STUDY OF WAGE PAYMENT TO PRISONERS AS A PENAL METHOD

(Concluded)

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L. D. WEYAND

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[This study will appear in successive installments until completed. It was prepared by the author, who is Professor of Sociology in William Jewell College at Libertyville, Mo., in partial fulfillment of the requirements for the degree of Doctor of Philosophy in the University of Chicago, 1917. Prof. Robert H. Gault is responsible for the outline and general oversight of the work.—Ed.]

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## CHAPTER IV

### THE PRESENT LEGAL SITUATION IN ILLINOIS AND ITS BEARING UPON THE PROBLEM OF PAYING PRISONERS IN THAT STATE

The conditions under which a public institution or system of institutions is operated are determined largely by the laws of a commonwealth. It is conceivable that a penal institution or system of institutions might pay a wage to its inmates while operating under almost any statute not strictly forbidding such payment. But even though a statute does not forbid the payment of a wage to prisoners, it may make difficult or impossible the operation of such a plan by what it authorizes.

The statutes of Illinois, by permitting the letting of a per cent of its convict labor to contractors, by authorizing the production of crushed stone free to road-building authorities, and by limiting the amount that may be devoted to the compensation of prisoners for their labor to ten per cent of the earnings of the penal institutions, militate against the inauguration of a well-established system of wage-payment to its prisoners.

A review of the law and its bearing upon the institutions affected is given below:

77. "It shall be the duty of the Board of Prison Industries of Illinois to see that . . . 'under no circumstances shall any of the products of the labor of said convicts or prisoners mentioned in this act, be sold upon the open markets, except as hereinafter provided: That the said products do not enter into conflict with any of the established industries of the state, except as hereinafter provided.'

78. "Three classes or grades of prisoners: 'In the first class shall be included those appearing to be corrigible or less vicious than the others

and likely to observe the laws and to maintain themselves by honest industry after discharge. In the second grade shall be included those appearing to be incorrigible or more vicious, but so competent to work and so reasonably obedient to prison discipline as not seriously to interfere with the productiveness of their labor or the labor of those in company with whom they may be employed; in the third grade shall be included those appearing to be incorrigible or so incompetent otherwise than from temporary ill health as to seriously interfere with the discipline or the productiveness of the labor of the prison or reformatory.'

79. "Convict labor is not to be contracted to any person, firm, association, or corporation 'except that the said prisoners or convicts in said penal or reformatory institutions may work for, and the products of their labor may be disposed of to the state, or for or to any public institution owned or managed and controlled by the state.'

80\*6: "The wardens, superintendents, managers and officials of all reformatories and penitentiaries in the state shall, so far as practicable, cause all the prisoners in said institution, who are physically capable thereof, to be employed at useful labor, not to exceed eight hours of each day, other than Sundays and public holidays, but such useful labor shall be either for the purpose of the production of supplies for said institutions, or for the state, or for any public institutions owned or managed and controlled by the state, or for the purpose of industrial training and instruction, or for the making of crushed rock for road material or for the improvement of public grounds owned by the state, or used in and upon public buildings owned by the state, or for agricultural pursuits for the support of the state institutions, or partly for one and partly for the other of such purposes, or a combination of all said industries and employments; provided, however, that it shall be the policy of the state to use in such industries no more machinery or motive power, other than hand and foot power, than may be required to successfully carry this act into effect; and provided, that the Board of Managers of said Illinois State Reformatory at Pontiac, may use all or any part of the eight hours provided herein for labor of the convicts, in giving useful instruction to the inmates of said reformatory.

81\*7. "The labor of the prisoners of the first grade in each of the said penitentiaries and reformatories shall be directed with reference to fitting the prisoners to maintain themselves by honest industry after their discharge from imprisonment, as a primary or sole object of such labor, and such prisoners of the first grade may be so employed at hard labor for industrial training and instruction, even though no useful or saleable products result from their labor, but only in case such industrial training or instruction can be more effectually given in such manner. Otherwise, and so far as consistent with the primary object of the labor of prisoners of this first grade as aforesaid, the labor of such prisoners shall be so directed as to produce the greatest amount of useful products, articles and supplies needed and used in the said institutions and in the buildings and offices of the state or in any public institution owned or managed and controlled by the state or said labor may be for the state.

82\*8. "The labor of the second class shall be directed primarily to the labor for the state or to the production or manufacture of useful articles and supplies for said institution as above.

83\*9. "The labor of prisoners of the third grade in said penitentiaries and reformatories shall be directed to such exercise as shall tend to the preservation of health, or this shall be employed in labor for the state, or in the manufacture of such articles, supplies as are needed and used in the said institutions, and in the public institutions owned or managed and controlled by the state.

84\*10. "All convicts sentenced to state penitentiaries and reformatories in this state shall be employed for the state or in productive industries for the benefit of the state or for the use of public institutions owned and managed and controlled by the state, which shall be under rules and regulations for the distribution and diversification thereof, to be established by the Board of Prison Industries.

85\*11. "The labor of convicts in penitentiaries and reformatories in this state, after the necessary labor for the manufacturing of all needed supplies for said institution shall be primarily devoted to the state and the public institutions and the building thereof, and the manufacture of supplies for the state and public institutions thereof; But, provided, that if the demands of the state, the state institutions, and the school and road districts thereof, as herein provided, shall not be sufficient to furnish employment to all the prisoners of the penal and reformatory institutions of the state, then the Board of Prison Industries may and are hereby authorized to dispose of the surplus products of such labor to the best advantage of the state; but, provided further, that no more than 40 per cent of said prisoners in the penal and reformatory institutions shall be employed in the manufacture of products of industries heretofore established, which may be disposed of other than to the state, state institutions and school and road districts of the state; and, provided further, that the said Board of Prison Industries under the direction of the Governor is hereby authorized to employ not more than 40 per cent of said prisoners in the penal and reformatory institutions for the improvement of the channels of the Okaw, Coche, Little Wabash, Big Muddy, Saline, and Sangamon Rivers.

86\*12. "Crushed rock or other manufactured road material created by the labor of such convicts or prisoners shall be furnished *free* at such penitentiary or reformatory institution, upon the requisition of the State Highway Commission, but upon the express agreement that such material shall be placed in a permanent public highway.

88\*14. The Board of Prisoners in Illinois and the superintendents of reformatories and wardens of penitentiaries respectively are authorized and directed to cause to be manufactured by the convicts in the penitentiaries and reformatories such articles as are needed and used therein, and also such as are required by the state, and in the buildings, offices and public institutions owned or managed and controlled by the state, including materials to be used in the erection of the buildings. All such other articles manufactured in the penitentiaries and reformatories and not required for use therein may be furnished to the state or for or to any public institution owned or managed and controlled by the state at and for such prices as

shall be fixed and determined as hereafter provided upon the requisition of the proper official, trustee or manager thereof. No article so manufactured shall be purchased from any other source for the state or public institutions of the state unless said Board of Prison Industries of Illinois shall have certified that the same cannot be furnished upon such requisition, and no claim therefore shall be audited or paid without such certificates.

91\*17. "Every prisoner confined in any penitentiary or reformatory in this state who shall become entitled to a diminution of his term of sentence by good conduct, may, in the discretion of the warden of the penitentiary or of the superintendent of the reformatory receive compensation from the earnings of the penitentiary or reformatory in which he was confined, such compensation to be graded by the warden of the penitentiary and the superintendent of the reformatory for the prisoners herein, for the time such prisoners may work, but in no case shall the compensation allowed to such prisoners exceed in amount 10 per cent of the earnings of the penitentiary or reformatory in which they are confined. The difference in the rate of compensation shall be based both upon the pecuniary value of the work performed and also on the willingness, industry and good conduct of such prisoner: Provided, that whenever any prisoner shall forfeit his good time for misconduct or the violation of the rules and regulations of the penitentiary or reformatory, he shall forfeit out of the compensation allowed under this section, fifty cents for each day of good time so forfeited: And provided, that prisoners serving life sentences shall be entitled to the benefit of this section when their conduct is such as would entitle them otherwise to a diminution of sentence, subject to forfeiture of good time for misconduct as herein provided.

92. "Surplus to credit of prisoner.—The amount of surplus standing on the books of the penitentiary or reformatory to the credit of any prisoner, may be drawn by the convict during his imprisonment only upon the certified approval of the Board of Prison Industries of Illinois for disbursements by the warden of said penitentiary or superintendent of said reformatory to aid the family of such prisoner, or for books, instruments and instruction not supplied by the penitentiary or reformatory to the men of his grade, or may, with the approval of the said warden or superintendent, be so disbursed without consent of such prisoner, but no portion thereof shall be disbursed for indulgences of food, clothing or ornament beyond the common conditions of the others in his class in the prison at that time. Any balance to the credit of any prisoner at the time of his conditional release as provided by law, shall be subject to the draft of the prisoner in such sums and at such times as the Board of Prison Industry of Illinois shall approve. At the date of absolute discharge of any prisoner the whole amount of credit balance as aforesaid shall be subject to his draft at his pleasure: Provided, that any prisoner violating his conditional release, when the violation is formally declared, shall forfeit any credit balance, and provided further, that any prisoner may bequeath by will any sum that may be due him at the time of his death."<sup>101</sup>

Three points in these laws should be observed: 1. That if the

<sup>101</sup>The Revised Statutes of Illinois, 1917, pages 2217-2220.

demands of the state, the state institutions, and the school and road districts thereof, as herein provided, shall not be sufficient to furnish employment to all the prisoners of the penal and reformatory institutions of the state, then the board of prison industries may and are hereby authorized to dispose of the surplus products of such labor to the best advantage of the state. But, provided further, that no more than 40 per cent of said prisoners in the penal and reformatory institutions shall be employed in the manufacture of products of industries heretofore established, which may be disposed of other than to the state, state institutions, and school and road districts of the state.

2. That crushed rock or other manufactured road material created by the labor of such convicts or prisoners shall be furnished *free* at such penitentiary or reformatory institution, upon the requisition of the state highway commission, but upon the express agreement that such material shall be placed in a permanent public highway.

3. That in no case shall the compensation allowed to such prisoners exceed in amount 10 per cent of the earnings of the penitentiary or reformatory in which they are confined.

The meaning of these clauses of the law becomes clearer in their bearing upon the problem of paying a wage to prisoners when they are read alongside of the recent reports of the Illinois state penitentiaries.

Take for example, the report of the Southern Illinois Penitentiary<sup>102</sup> at Chester for the two years ending September 30, 1912.

The cost per prisoner per day for these two years was 53.98 cents. The total population is given as 1,188.

The total population working in the open market.....	141
The total population working for state institutions.....	643
The total population working in state service.....	364

Under state institutions are given clothing manufacture, 111; knitting factory, 14; brush and mop factory, 5; quarry, 513.

Under the title "open market" are included the following industries with the distribution of inmates: Knitting factory, 46; brickyard, 65; quarry, 30.

Under the heading "Prison Duties" are included the numerous divisions of the institution: Machinery, 79; farm and garden, 32; slaughter-house and cow barn, 3; stable, 20; gates, 12; officers' kitchen and dining hall, 16; convict kitchen and dining hall, 41; cell house, 32; tobacco shop, 2; ice plant and cold storage, 2; hospital and dispensary, 7; library, 2; clothing convict, 16; warden house, 24; sick in hospital,

<sup>102</sup>Report of the Southern Illinois Penitentiary at Chester for the two years ending September 30, 1912, page 35.

12; sick in cell, 1; incapable for duty, 18; confined in solitary, 6; idle in cell, 3; yard and runners, 20; laundry, 18; lawns, 7; barber line, 4; new greenhouse, 12; new stone wall, 13; tile factory, 2.

It is evident from this data that the labor of 141 men during the year ending September 30, 1912, worked for contractors. This represents about 14 per cent of the total population, about 18 per cent of the total productive labor of the institution. As a rule, contractors get the choice labor of penal institutions. Prison reports do not show the quality of the labor let to the contractors, but no doubt the labor so let in Illinois penitentiaries is no exception to the rule.

The producing of free road material takes a large amount of the productive labor of the inmates in the Southern Illinois penitentiary. For the year ending September 30, 1912, a total of 513 men were employed in the quarry producing this free road material; these men worked 156,238 days out of the total (182,378) days worked by all the inmates in the prison industries for state institutions, or more than 80 per cent of the days worked in the prison industries were spent in producing free road material.

The following statement made by the Board of Prison Commissioners at Chester is illuminating in connection with the above facts:

"In deference to the view held by the State Board of Administration and others, that our goods should be furnished to the state, and others, at practically cost, our products have been sold at a very close margin. Our profits, for that reason, have been small."<sup>103</sup>

The recent report of the Illinois penitentiary at Joliet gives the following facts with reference to the distribution of labor by days in that institution:

PRODUCTIVE LABOR			Total Days	Earned*
Departments	Days			
Furniture industry .....	69,705			
Shoe industry .....	16,149			
Broom industry .....	21,858			
Stone industry .....	60,508			
Foundry industry .....	2,156			
Rattan industry .....	77,866			
Rock pile .....	8,122			
		256,364	.....	

<sup>103</sup>Report of the Southern Illinois Penitentiary at Chester for the two years ending September 30, 1912, page 6.

\*Industrial report.

## NON-PRODUCTIVE LABOR

State shops .....	35,441	
Store and old farm .....	11,640	
Stables and teaming .....	5,448	
Washroom, laundry and solitary .....	18,802	
Convict kitchen .....	20,206	
Cell houses .....	20,539	
Warden house, office and library .....	26,875	
Yard .....	31,170	
Hospital .....	2,880	
Women's prison .....	17,306	
Band room and prison post .....	2,802	
Camp Dunne .....	5,505	
Camp Allen .....	4,975	
Honor farm .....	11,559	
	<hr/>	215,148 .....

## IDLE, SUNDAYS, ETC.

Sick .....	4,460	
In cell, idle .....	3,306	
	<hr/>	7,766 .....
Sundays .....	79,635	
Holidays .....	10,772	
	<hr/>	90,407 .....
		<hr/>
		569,685

The data given by prison reports is often impossible of interpretation. In a measure, that is the case with the data given in the report of the Joliet prison. But the statement made by the commissioners themselves justifies one in one's belief that the conditions in this institution are in general no different from those in the Chester penitentiary with reference to the employment of its labor. The commissioners make no statement with reference to the letting of labor to contractors, but their view of the crushed stone industry is clear:

"The crushed stone industry, under the existing law, is not productive of revenue. Crushed stone is given freely to township road authorities who will pay the freight on it and use it in making hard public roads under the direction of the State Highway Commission. With the heavy expense for maintenance of equipment, furnishing of power and the cost of maintaining 225 inmates, not one dollar comes to the institution for the stone furnished. On the contrary, the expense mentioned is met from the profits of other industrial departments of the institution. There was also charged up against the profits of the industrial department \$15,210.63 for maintenance of road camps and farm. In the two years covered by this report there was used on the public highways of the State of Illinois 228,714 cubic yards of crushed stone furnished by our quarry, as against



212,168 cubic yards for the previous two years, or an increase in shipments of 16,546 cubic yards. With the industries bearing this added expense of the quarry, camps and farm, it is gratifying to know that we will be in a position during the next two years<sup>104</sup> to furnish double this amount of crushed rock by reason of having installed a new crusher outfit which will be in operation in March, 1915."

It is evident from these facts that no adequate system of paying prisoners is possible from the point of view of the Illinois institutions while the law remains as it is.

It is reported that employees in the reed and rattan department where furniture is made in the Joliet penitentiary (obviously contract labor industry) are given a share in the earnings.<sup>105</sup>

Each employee in this department earned \$5.69 in March, 1914.

Prisoners in this work learn a trade which can be followed upon obtaining their freedom. In March, 1914, with 259 workingmen, 6,595 pieces were made, as against 5,153 in March, 1913, with 288 employees. In April, 1914, each man earned \$6.32.

This is evidently a bonus system for getting a maximum of work out of the men employed in the industry. It is not a system for paying a wage to the prisoners.

If the law of Illinois were changed so that none of the labor of the penal institutions is permitted to be let to contractors under any form, and so that a reasonable market price is credited to the Illinois penitentiaries and reformatories for their products, they could earn a small profit at least and pay a wage of some sort to their inmates who are able to work. This is being done in Ohio. There the inmates are allowed from one to three cents per hour. Up to November, 1915, \$75,000 had been paid to prisoners, \$20,000 of which was turned over to the dependent families.

## CHAPTER V

### PROPOSED PLAN FOR PAYING WAGE TO INMATES AT HOUSE OF CORRECTION, CITY OF CHICAGO

The historical and legal aspects of the subject have been reviewed. The practical phases of the problem of putting in operation a plan for paying a wage to prisoners are now to be considered.

A concrete example for our observation is found in the House of Correction, City of Chicago.

<sup>104</sup>Report of the Commissioners of the Illinois State Penitentiary at Joliet for the two years ending September 30, 1914, page 6.

<sup>105</sup>The Delinquent Vol. IV, No. 5, June, 1914; pages 19 and 20.

The steps already taken in the development of such a plan in this institution are as follows: Up to the year 1914 the labor of the inmates not used in the department industries was let to contractors. But after an investigation made at the request of the Committee of Finance, December 11, 1913, to March 24, 1914, which showed that the city was losing money on the labor let to contractors, and that these were making large profits from that labor,<sup>106</sup> it was decided to abolish the contract system. This was done early in the year 1914.

The City Council made a loan of \$10,000.00 to the House of Correction with which to open up new industries for the employment of the labor that would be rendered idle by the abolition of the contract system. The new industries thus promoted to take the place of the contract industries are operated under what is known as a capital account plan.

The House of Correction furnishes the labor of the inmates, provides foremen and housing for the industries, purchases machinery and materials, directs the entire process of production, and disposes of the products of the capital account, as well as of the department industries. A separate record of the operation of the capital account industries is kept. The House of Correction collects from the capital account at the rate of fifty cents per day for the labor of each prisoner engaged in the capital account industries. This a little more than covered the per capita cost of maintenance for the days the men were employed in these industries. The report of the House of Correction for 1915 gives the cost of maintenance as thirty-eight cents per day per inmate for that year.

During the year 1914 four industries were opened up under this account: (1) A bakery, which furnishes bread to the police department, city hospitals, and municipal lodging houses; (2) a sheet metal works, which manufactures galvanized dirt boxes and boulevard scrapers; (3) a printing establishment, which prints forms for the city departments; (4) a broom and brush factory, which makes brooms and brushes for use in cleaning the city streets.

<sup>106</sup>During the year ending September 30, 1913, the three important contract companies profited to the extent of approximately \$32,500.00 in the difference in value between labor in the competitive open market and contract labor. In addition the House of Correction suffered further loss during the same period by reason of letting out labor under contract without charging for space, light, heat, or power amounting to \$12,500.00. This makes a total difference approximately \$45,000.00 a year, which the contract shops profited by reason of these contracts with the House of Correction. This is the estimate made by the Committee.

Report on the Investigation of Prison Labor and Management, House of Correction. Page 18.

In 1915 three additional industries were opened up: (1) A garment factory for the manufacture of bathing suits for municipal beaches; (2) a greenhouse for the propagation of plants and flowers for the City Hall and municipal grounds; (3) a junk yard for the conservation of all old and unused materials obtainable from the various city departments.

The total profits from the operations of the capital account industries for the year 1914 and 1915 are approximately \$10,000.00.

The proposed plan for paying a wage to prisoners is based upon the earnings of the labor used in these industries. The results of the business are shown by the balance sheet and cash account and by the following table:

CAPITAL ACCOUNT INDUSTRIES, HOUSE OF CORRECTION,  
CITY OF CHICAGO, COVERING PERIOD 1914 AND 1915

BALANCE SHEET, 1914

	Assets	Liabilities
Cash .....	\$16,562.02	
Bills receivable .....	30.04	
Inventory of stock and material.....	13,173.27	
Inventory of Equipment .....	344.20	
Due to House of Correction for labor.....		\$10,746.00
Bills payable to City Council .....		10,000.00
Net profits .....		9,363.53
	<hr/>	<hr/>
	\$30,109.53	\$30,109.53

BALANCE SHEET, 1915

Cash .....	\$25,713.35	
Bills receivable .....	24.66	
Inventory of stock and material.....	17,167.94	
Inventory of equipment .....	4,973.40	
Due to House of Correction for labor, 1914.....		\$10,746.00
Due to House of Correction for labor, 1915.....		15,504.50
Due for materials purchased.....		1,604.69
Bills payable to City Council.....		10,000.00
Net gain—		
1914 .....	\$9,363.53	
1915 .....	660.57	
	<hr/>	<hr/>
		10,024.10
	<hr/>	<hr/>
	\$47,879.35	\$47,879.29

## CASH ACCOUNT, 1914

## Receipts—

Total receipts for the year.....\$45,683.44  
 On hand first of the year..... 10,000.00

Total receipts for the year.....\$55,683.44

## Disbursements—

Total disbursements for the year.....\$39,121.42  
 On hand at end of year..... 16,562.02

Total .....\$55,683.44

## CASH ACCOUNT, 1915

## Receipts—

Total receipts for the year.....\$80,290.18  
 On hand first of the year..... 16,562.02

Total .....\$96,852.20

Total receipts for the year.....\$80,290.18  
 Total previously reported ..... 55,683.44

Total receipts to date .....\$135,973.62

## Disbursements—

Total disbursements for the year.....\$71,138.85  
 On hand at end of the year..... 25,713.35

Total .....\$96,852.20

Total for the year.....\$71,138.85  
 Total previously reported..... 39,121.42

Total disbursements to date.....\$110,250.27

TABLE I

TABLE SHOWING LOSS OR GAIN IN CAPITAL ACCOUNT INDUSTRIES,  
 HOUSE OF CORRECTION, CITY OF CHICAGO, 1914 AND 1915

Industries	Losses	Gains	Men Days	Loss or Gain (per man day)	
1. Bakery .....	\$ 482.56	.....	3,622	.13	..
2. Sheet Metal Works.....	.....	\$ 462.89	13,304	..	.035
3. Printing .....	.....	9,626.25	13,980	..	.070
4. Broom and Brush.....	4,240.11	.....	13,795	.31	..
5. Garments .....	.....	3,483.80	6,251	..	.557
6. Greenhouse .....	.....	180.89	....	..	..
7. Junk Yard .....	.....	993.00	1,549	..	.641
Total .....	\$4,722.67	\$14,746.83	52,501	.08	.27
Net gain .....		\$10,024.16			.19

The following is a statement of the business of the capital account industries for the five years ending December 31, 1918. No attempt was made to have this statement checked up by an accountant. It is given as it appears in the sixty-second annual report of the comptroller of the City of Chicago, 1918:

Earnings to December 31, 1918.....	\$706,365.24
Expenditures to December 31, 1918 (including \$16,650.73 paid to pension fund) .....	610,669.21
Excess of earnings.....	\$ 92,686.03
Interest on deposits to December 31, 1914.....	\$84.08
Available cash balance, December 31, 1918.....	\$102,770.11
Inventory of material and equipment, December 31, 1918.....	26,643.29
Total value, December 31, 1918.....	\$129,413.40

The number of men days worked by the inmates in producing the capital account products gives rise to an important item of expense since the House of Correction collects from that account at the rate of 50 cents per day for this labor. In order to ascertain the correctness of the data given with reference to the men days, a careful compilation of the days served by the men of the entire institution was made from the reports of the foremen of the various departments for the year ending May 31, 1916. (It was impossible to make the compilation for the entire year, 1915, as a fire had destroyed the reports of the first five months.)

The reports of the foremen show that in some instances the department and the capital account industries are under the same foreman and are for that reason not reported separately. The bakery and garments industries, for example, provide both for needs of the institution and for the market supplied by the capital account industries. In such cases it was impossible to test the validity of the data. (This is not saying that the figures are incorrect, but from the reports in existence at the time the study was made it was impossible to tell the number of men days spent in producing for the sheet metal works, the bakery, the garments, the junk yard, and the greenhouse industries.)

But the printing and the broom and brush industries were reported by themselves. It is possible to compare the figures from which the liabilities for labor in the loss and gain statement of these two industries were computed with those taken from the reports of the foremen. Table No. II shows the comparison.

TABLE II

Table showing comparison between number of men days reported by foremen of indicated industries for year ending May 31, 1916, and those given in the original data for 1915:

	Foreman's Report	Original Data
Broom and brush.....	7,837	8,003
Printing .....	8,425	7,466

We can also compare the monthly averages of the men spent in these two industries, computing the averages as follows:

	Broom and Brush	Printing
Men days monthly average for twelve months of 1915 on basis of original data .....	650	622
Men days monthly average for last seven months of 1915, data from report of foreman.....	660	725
Men days monthly average for twelve months, June 1 to May 31, 1916, report of foreman.....	667	702

The small discrepancies are to be accounted for on the grounds that the periods are not exactly the same in any two cases. This at least satisfies the demands for the broom and brush industry. The differences in the averages of the printing industry are much greater, but here it is observable that the average for the last seven months of 1915 is larger by 23 than for the year ending May 31, 1916. These seven months may have been the period when this industry employed the bulk of the men for 1915. The other months may have had much smaller numbers and so brought the average down to 622. This is a speculation, but the average would incline one to accept the numbers given in the original data as valid.

The source of the original data was the report compiled for the warden from the reports of the foremen for the year 1915. The materials for testing the validity of the original data were compiled direct from the reports of the foremen, but for the year ending May 31, 1916.

There is no going back of the records of the House of Correction to test the validity of the other items of expense involved in the operations of the capital account industries. These items are reported in detail month by month in the original data. The following statement of loss and gain for the capital account industries shows the financial basis of the business:

LOSS AND GAIN STATEMENT OF EACH CAPITAL ACCOUNT INDUSTRY SEPARATELY  
FOR THE YEARS 1914 AND 1915

## I. Bakery—

Receipts, 1914 .....	\$ 8,802.30
Receipts, 1915 .....	9,833.19
Invoice of equipment (1915).....	450.00
Invoice of materials (1915).....	949.44

Total .....\$20,034.93

Disbursements, 1914 .....	\$ 8,390.39
Disbursements, 1915 .....	10,316.10
Liabilities for labor (1914).....	735.50
Liabilities for labor (1915).....	1,075.50

Total .....\$20,517.49

Loss—\$482.56

## II. Sheet Metal Works—

Receipts, 1914 .....	\$16,188.62
Receipts, 1915 .....	12,601.41
Invoice of equipment (1915).....	131.12
Invoice of materials (1915).....	1,886.32

Total .....\$30,807.47

Disbursements, 1914 .....	\$11,107.02
Disbursements, 1915 .....	10,980.87
Liabilities for labor (1914).....	3,857.50
Liabilities for labor (1915).....	2,794.50
Liabilities for materials.....	1,604.69

Total .....\$30,344.58

Gain—\$462.89

## III. Printing—

Receipts, 1914 .....	\$18,626.50
Receipts, 1915 .....	22,733.98
Invoice of equipment (1915).....	88.16
Invoice of materials (1915).....	364.46

Total .....\$41,813.10

Disbursements, 1914 .....	\$ 9,458.36
Disbursements, 1915 .....	15,738.49
Liabilities for labor (1914).....	3,257.00
Liabilities for labor (1915).....	3,733.00

Total .....\$32,186.85

Gain—\$9,626.25

## IV. Brooms and Brushes—

Receipts, 1914 .....	\$ 2,066.02
Receipts, 1915 .....	19,378.22
Invoice of equipment (1915) .....	287.02
Invoice of materials (1915) .....	8,410.08
Bills receivable (1915) .....	24.66

Total .....\$30,166.00

Disbursements, 1914 .....	\$10,165.65
Disbursements, 1915 .....	17,342.96
Liabilities for labor (1914) .....	2,896.00
Liabilities for labor (1915) .....	4,001.50

Total .....\$34,406.11

Loss—\$4,240.11

## V. Garments—

Receipts, 1915 .....	\$12,192.88
Invoice of equipment (1915) .....	1,317.10
Invoice of materials (1915) .....	5,557.64

Total .....\$19,067.62

Disbursements, 1915 .....	\$12,458.32
Liabilities for labor (1915) .....	3,125.50

Total .....\$15,583.82

Gain—\$3,483.80

## VI. Greenhouse—

Receipts, 1915 .....	\$397.55
Invoice of equipment (1915) .....	250.00
No invoice of materials given .....	

Total .....\$647.55

Disbursements, 1915 .....	\$466.66
Liabilities for labor not given .....	

Total .....\$466.66

Gain—\$180.89

## VII. Junk Yard—

Receipts, 1915 .....	\$3,152.95
Invoice of equipment (1915) .....	2,450.00
No invoice of materials given .....	

Total .....\$5,602.95



Disbursements, 1915 .....	\$3,835.45
Liabilities for labor (1915).....	774.50
	<hr/>
Total .....	\$4,609.95
Gain—\$993.09	
Total gain .....	\$14,746.83
Total losses .....	4,722.67
	<hr/>
Net gain for the two years.....	\$10,024.16

It is to be observed that in the statement of the greenhouse account no mention is made of the materials on hand as an asset or of the liability for the labor. No inventory of materials is given for the junk yard, either. The data for these items are wanting in the original materials furnished by the House of Correction. It may be also noted that the gain reported for the greenhouse is so small that, even if the materials on hand do not equal in value the liabilities for labor, the results are not seriously affected by the presence of this sum among the total gains. If there were materials on hand at the end of 1915 in the junk yard industry they would form an asset and enter into the net gain.

#### THE RELATION OF THE PLAN TO THE FINANCES OF THE HOUSE OF CORRECTION AS A WHOLE

Aside from paying their own expenses, the capital account industries have no relations with the financial conditions of the institution in general. The reasons for this are quite evident when one considers the facts pertinent to the finances of the House of Correction and the causes therefor.

The net cost of operating the House of Correction for the year 1915 was \$35,000.00. This shows that the institution is far from being on a self-supporting basis. It will not attain to that state so long as the expense of the hospital for the city's offending sick, conducted at the House of Correction, is charged to its account, and so long as certain classes of other offenders are committed to the House of Correction.

The number of days served by the House of Correction hospital patients was more than 1 per cent of the total number of days served by the inmates of the institution during 1915. And for the year ending May 31, 1916, an average of 28 men were in this hospital, or 1.9% of the male population of the institution.

The finances of the institution are also seriously affected by the

existence of a class of inmates composed of the aged, infirm, crippled, and otherwise unemployable for causes other than that of sickness. This class constituted 8.7% of the male population for the year ending May 31, 1916.

#### THE RELATION OF THE PLAN TO A CITY MARKET

The capital account plan has to do with the production of articles for the city's use. In a way it is dependent upon the city for a market for its goods. Furthermore, this market has to do with the financial success of the plan.

TABLE III

SHOWING DISTRIBUTION OF PRODUCTS TO CITY DEPARTMENTS OTHER THAN  
HOUSE OF CORRECTION FOR THE YEAR 1915

Department of Bureau.		Department of Bureau.	
Architecture .....	\$ 31.50	Library .....	\$ 2.50
Bailer .....	175.25	Maps .....	1,040.68
Board of Local Improve- ments .....	895.04	Mayor .....	188.63
Bridge .....	151.25	Medical Inspection .....	15.00
Building .....	279.50	Municipal Court Bailiff....	304.25
Chief Justice .....	20.00	Municipal Court Clerk.....	7,497.15
City Attorney .....	185.75	Municipal Plant .....	19.25
City Clerk .....	10.50	Oil Inspector .....	4.50
City Collector .....	1,030.42	Permanent Charter Com...	4.50
City Engineer .....	44.50	Police .....	2,391.13
City Hall .....	6,045.05	Pros. Attorney .....	68.50
City Physician .....	12.75	Public Service .....	187.30
Civil Service .....	1,028.95	Public Welfare .....	155.50
Compensation .....	29.00	Public Works .....	347.91
Comptroller .....	1,237.75	Records .....	12.50
Cook County .....	36.30	Rivers and Harbors.....	44.50
Corporation Counsel .....	55.75	Sewers .....	164.47
Disigning Division .....	90.75	Smoke .....	76.25
Div. Construction .....	36.50	Special Park Commission..	9,417.08
Engineering .....	962.21	Streets .....	26,921.03
Exam. Plumbers .....	2.50	Supplies .....	1,067.21
Exam. Engineers .....	14.50	Treasurer .....	46.00
Finance .....	21.00	Tuberculosis Sanitarium ...	13.40
Fire .....	1,529.63	Water .....	802.36
Fire Prevention .....	197.15	Water Meter .....	82.00
Gas and Electricity.....	716.56	Water Pipe Extension.....	767.63
Harbor and Subway.....	6.00	Weights and Measures.....	58.00
Health .....	13,481.72	Total .....	\$80,000.00

Table No. III shows the distribution of the products from the capital account industries to the city departments and gives detailed evidence of the fact that the city furnishes a market for House of Correction products. A city market for House of Correction products increased almost two-fold in two years. For the year ending September 30, 1913, the receipts for services rendered and from sale of products to city departments<sup>107</sup> amounted to \$47,000.00, and for the year ending December 31, 1915, to \$80,000.00 from the capital account industries alone.

It is impossible to state definitely whether the city has saved or lost on its purchases from the House of Correction, as it has no means of measuring the value of its purchases as yet. But some of the city's agents who were interviewed in regard to this matter confidently affirm that the city is saving on its purchases from the House of Correction. The agent in charge of the purchase of bathing suits for municipal beaches says that the city is saving from 25 to 33 per cent on its purchases of goods from the Bridewell.

The agent who lets the printing for the city departments informs me that the city makes a preferred market for House of Correction printing products. Forms that can be run at an advantage with other forms are sent to the House of Correction. In this way the city is saved a certain per cent that would otherwise go to private printing companies.

One of the superintendents of the Bureau of Streets and Sewers says that the products his department obtains from the House of Correction are inferior in value to those purchasable at the same price from private manufacturers. He further says, however, that even so, the city may be gaining, when everything is considered, by its purchases from the House of Correction.

#### RELATION OF THE PLAN TO THE LABOR OF THE INSTITUTION

An analysis of the distribution of the inmates of the House of Correction among the industries was made in May, 1916. This shows that of the total number of inmates serving sentences of one year or more, 53 per cent were engaged in capital account industries and 67 per cent were otherwise employed; of those serving sentences of from 6 months to 1 year, 20 per cent worked in these industries and 80 per cent in other departments; and of those serving sentences of from 2 to 6 months, 17 per cent were listed in the capital account industries and 83 per cent elsewhere.

<sup>107</sup>Report, City of Chicago. Ibidem. Page 20.

TABLE IV

Showing Actual Distribution of Male Labor Employed in Capital Account Inmates Working in Contract Shops, January, 1914; in Capital Account Industries and in Department Industries; Also the Distribution of Total Male Population, May, 1916

	One Year or More %	Six Months to One Year %	Two Months to Six Months %	Total %
Contract shops .....	57	38	5	100
Capital Account industries.....	24	37	39	100
Department industries or otherwise engaged .....	14	38	48	100
Total male population.....	17	37	46	100

Table IV presents for comparison the percentage distribution according to length of sentence of male inmates employed in contract shops (January, 1914), in capital account industries (May, 1916), in department industries or otherwise (May, 1916), and distribution of total male population (May, 1916).

TABLE V

Showing Actual Distribution of Male Labor Employed in Capital Account Industries, May, 1916, According to Length of Sentence

Length of Sentence	Print Shop	Junk Yard	Tailor Shop or Garments	Broom and Brush	Sheet Metal or Steel Bakery. Industry	
1 year or more.....	10	3	34	11	7	3
6 months to 1 year.....	9	19	33	6	15	21
2 to 6 months.....	6	65	12	2	8	16
Average length of sentence.	10 months	2 mos. 26 dys.	10 mos. 22 dys.	1 yr. 20 dys.	7 mos. 6 dys.	5 mos. 22 dys.

Table V gives the actual number of men engaged in the capital account industries according to length of sentence, also the average length of sentence being served in the broom and brush industry (1 year, 20 days), in the garments industry (10 months and 22 days), and in the print shop (10 months) were respectively the three longest average sentences being served in any of the departments of the House of Correction at the time the study was made. It may be observed from the statement of loss and gain that more than 90 per cent of the total profits realized from the operations of the capital account

industries were from the three here shown to have had the longest average inmate service. It is also to be noted that the broom and brush industry reported a loss almost equal to the entire losses reported for the capital account industries, and it had the longest average length of inmate service. There may, therefore, be no causal relation between length of inmate service and profits, but the preference shown by the contract shops for the long sentence inmate is substantial argument, if not evidence, that there is such connection.

The preference of the capital account industries is also shown by Tables IV and V to be for the long sentence inmate. This selection of the economically best labor augurs favorably for the success of the proposed plan.

CONCLUSIONS WITH REFERENCE TO THE PLAN IN ITS RELATION TO  
THE PROBLEM OF PAYING A WAGE TO PRISONERS AT THE  
HOUSE OF CORRECTION, CITY OF CHICAGO

The House of Correction has developed a plan whereby a part of the inmates can be paid a wage. But this cannot be done on the grounds that the institution is self-supporting, for it is not, as the figures given above show. The fact that the institution is costing the city for its support does not necessarily discredit the plan. For the House of Correction is charged with the care of a considerable number of sick, crippled, aged and infirm, who are not only unable to earn the cost of their maintenance, but are a burden on the institution. It seems unfair to charge the cost of the support of those who are unemployable or of those unable to earn the cost of their keep to the productive labor of the able-bodied inmates. This fact justifies the proposed plan in selecting the most capable inmates and permitting them to work in the most productive industries, where they can earn the cost of their keep and a wage in addition.

This plan is probably also limited as to the number of inmates it can be made to serve by reason of the large number of short sentence offenders committed to the House of Correction. The short sentence prisoner can hardly be made more than self-supporting. There is a certain amount of expense connected with the induction of every inmate into the institutions. So the larger the number of the new inmates, the smaller the returns from their labor. Furthermore, the problem of adjusting the new inmate to the changed conditions of his life and of fitting him into the order of the prison industries also makes the short term prisoner economically undesirable.

Undoubtedly a part of the present population of the House of Correction should be handled in some other way than is now provided for in the present system. The suspended sentence system, such as is used by Judge De Lacey of Washington, D. C., would be a decided aid in caring for part of the domestic relations cases.<sup>108</sup> The penal farm colony, as it has been developed in Kansas City and elsewhere, is needed to care for certain other classes of the short sentence offenders.

If these supplementary agencies were used and the hospital cases were charged to some other account than that of the maintenance fund of the institution, and certain initial expenses were provided for by appropriations from the city's funds, as was stated above, the entire remaining population might be made self-supporting and wage-earning under the plan proposed.

## CHAPTER VI

### ARGUMENTS FOR AND AGAINST PAYING PRISONERS FOR THEIR LABOR

In a historical discussion data from authenticated records are necessary. In questions of a legal nature the wording of a statute and its interpretation are important. In carrying out a financial project the opinion of an accountant is valuable. But these methods do not exhaust the possible considerations of a topic that is in a state of uncertainty and deliberation. Arguments, too, have weight in judging the merits of a matter while it is in this state. For experience has not had an opportunity to make valid or void the theories that are propounded. So a review of the arguments for and against the project is in place here.

A fundamental principle of criminal law is that a person guilty of criminal offenses may be deprived of his liberty only. Does this carry with it the right to deprive a man of his earnings, too; or is it like the pound of flesh that lawfully belonged to Shylock? Must society take away a man's liberty without injury to his person or to his business? It seems only just to demand that it be taken with as little injury to both person and property as possible. Of course, one cannot be deprived of one's liberty and still be free to carry on business affairs outside the place of confinement. The payment to the

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<sup>108</sup>The Municipal Court records show that during the year 1916 the number of sentences given on Domestic Relation Charges were 624; that the number of days served under these sentences amounted to 46,456 or an average of 74 days to a sentence.

prisoner of an equitable proportion of his earnings would in a measure satisfy the demand of justice in this regard.

When the state withholds all the convict's earnings it is said: "the state sets him a thief's example by stealing his wages."<sup>109</sup> The earnings of several state penitentiaries are large. The report of the State Convict Board of Alabama showed that the total gross earnings for the year ending September 10, 1912, were \$1,073,286.16. These figures do not include the earnings of one hundred convicts employed on the state farm, from whom the state would have received \$30,000.00 more if they had been leased on the same terms as the others.<sup>110</sup>

The Kentucky penitentiary, located at Frankfort, made improvements to the amount of \$40,905.55, and in addition to these the warden reports a surplus in cash profit over and above all expenses of \$30,026.21.<sup>111</sup>

The Maryland State Penitentiary report shows that the prisoners earned \$141,233.35 for the institution and by overwork \$32,937.73 for themselves.<sup>112</sup>

The Maryland Penitentiary officials received from all sources during the preceding five years (1905-1910) \$411,022.58; disbursed the sum of \$357,818.95; paid into the state treasury the sum of \$45,000.00, and there was on hand at the date of the report (1910-1911) \$8,203.63. There is to be set over against these figures the fact that for the same period the prisoners earned for themselves on an average \$11.73 1/3 by overwork.<sup>113</sup>

The annual report of the State Prison, located at Thomoston, Maine, for the year 1911, shows an average individual profit over and above subsistence and clothing of \$52.22; for the year 1912 the average individual profit was \$42.17.<sup>114</sup>

The State of Texas had during the fiscal years ending August 31, 1909, and August 31, 1910, 861 convicts employed on contract forces, 831 on share forces, and 185 on the railroad. The labor furnished to contract forces was at \$29.00 per man per month for whites.<sup>115</sup>

<sup>109</sup>North Am. Rev. W. D. Howells: "Some Unpalatable Suggestions." Vol. 188, p. 254. 1908.

<sup>110</sup>Outlook, Vol. 102, p. 7. Dec. 7, 1912.

<sup>111</sup>Annual Report of the Board of Prison Commissioners for year ending Nov. 30, 1911, p. 15.

<sup>112</sup>Annual Report of the Directors and Wardens of the Maryland Penitentiary, 1912, p. 5.

<sup>113</sup>Maryland. Annual Report of the Board of Managers and the Superintendent of a Maryland House of Correction for the Years 1910-11.

<sup>114</sup>Annual Report of the Maine State Prison. Thomoston, 1911, p. 15; 1912, p. 17.

<sup>115</sup>Texas State Penitentiary for the fiscal years ending Aug. 31, 1909,-10, p. 15.

There were two railroad forces: the Santa Fe, composed of 75 negroes, and the Sugarland Railroad force, composed of 125 white men. For the negroes the state receives \$1.25 per day and for the whites \$29.00 per month on the railroad forces.

According to the Leavenworth, Kansas, *Post*, the State Prison at Lansing saved the State about one-half million dollars during the fiscal year ending June 30, 1913. This, according to those who should know, is a very conservative estimate. It represents about one-half of the appropriation asked for by the warden to be used in constructing the new penitentiary. The twine and brick plants and the coal mines are the different departments in which most of the saving was made.

The twine plant supplied the farmers of Kansas with \$3,000,000.00 worth of twine last year at 9½ cents a pound. This represents a net profit of \$32,000, which went into the State treasury. If the farmers had been forced to buy from outside dealers at 11 cents a pound, it would have cost them \$45,000 more. This \$45,000 and the \$32,000 represents a total of \$77,000 saved the citizens of Kansas in twine.<sup>115a</sup>

The prison burns its own brick and lime and supplies brick to the different institutions over the State. The prison brickyard manufactured for the use of State institutions in 1912, 1,623,447 bricks of different grades. The prison received credit on the brick account for \$2,198. This was an average of about \$2.00 a thousand less than the same quality of brick sold for on the market. If these different institutions had been forced to buy on the open market, the cost to the State would have been \$15,344. This does not take into consideration the brick used in the construction of the new twine plant and other small buildings in the prison yard.

The coal mine is the big money-maker for the State. Last year the different institutions received 31,000 tons of coal from the prison, for which the prison was credited with \$77,500, or \$2.50 per ton. It is said that if the State had been forced to buy this coal on the open market, together with the 20,000 tons it takes annually to run the prison, it would have cost the State at least \$155,000.<sup>116</sup>

The profits of the twine industry and of the manufacturing plant of the new penitentiary at Stillwater, Minnesota, for the two years ending August 1, 1914, were \$687,794, or at the rate of more than \$300,000 each year. It is estimated that the annual profits to the

<sup>115a</sup>The data are given as they appear in *The Delinquent*, Vol. IV, No. 3, March, 1914, p. 15. It is impossible to understand how the compiler of the data uses his figures to get these results. An error is evident.

<sup>116</sup>*The Delinquent*, Vol. IV, No. 3, March, 1914, page 15.



State will increase rather than decrease. This new penitentiary has cost about \$2,500,000, and for this expense the State has incurred annual financial responsibilities for \$250,000 for the next ten years. (Really it will not cost the taxpayers a single cent, as the yearly profit will in all probability exceed \$250,000. This, of course, is merely speculation. But it shows how men are looking upon the Minnesota prison.)

The following table of receipts and earnings of inmates for the year 1914 shows the dealings of the Stillwater, Minnesota, Penitentiary with its inmates:<sup>117</sup>

Total earnings .....	\$68,964.26
Paid on discharge and parole.....	16,946.60
Dentist .....	4,543.80
Optician .....	1,297.20
Special allowance for support of families.....	5,005.40
Toilet supplies .....	7,614.38
Money sent away or paid to others by special permission..	3,627.67
Money sent to relatives .....	17,085.96
Newspapers, books, etc.....	3,292.31
Attorneys' fees .....	1,413.10
Christmas apple and candy fund.....	542.44
Miscellaneous .....	1,800.09
Average population for twelve months.....	1,113
Expense per capita .....	\$238.52
Earnings per capita .....	429.12
Excess earnings over expenses.....	190.60

The report for the West Virginia Penitentiary shows a surplus of \$69,627.18 after all bills were paid:<sup>118</sup>

The earnings of the New Hampshire State Prison for the two years ending August 31, 1912, were sufficient to pay all expenses and leave a balance, including appropriations of \$4,980.15, of \$12,814.98.<sup>119</sup>

These facts make the financial injustice of the State which does not pay its prisoners strikingly apparent. The only way the State can free itself from this crime against criminals is by paying its prisoners a just and equitable portion of their earnings.

Judge Gemmill of the Municipal Court, Chicago, says:

"The State owes to the prisoner and his family the duty of sharing with them a portion of each prisoner's earnings as soon as such earnings are in excess of the cost of his maintenance. A prison should never be-

<sup>117</sup>Eighteenth Biennial Report, Minnesota State Prison, pages 56, 61.

<sup>118</sup>Biennial Report of the West Virginia Penitentiary, 1907-8, pp. 195-6.

<sup>119</sup>Biennial Report of the New Hampshire State Prison for the two years ending Aug. 31, 1912, Vol. I, Part XIV, p. 483.

come an asset of the State. It should always be regarded as a necessary evil. The fewer prisoners a State necessarily has, the greater should be the pride in its citizenship . . ."<sup>120</sup>

The paying of prisoners is not only a demand of justice, but it is also a demand of expediency. The penal and reformatory institutions of the state are not primarily money-making institutions. It is not necessary to run them with the least possible expense to the State. If, however, a way can be found that will save expense to the State and at the same time prove most effective in rehabilitating the prisoners, it is all the more commendable. The paying of prisoners reduces the cost of administering the institution.

The North Dakota Prison report states that under the honor system the efficiency of the labor in the penitentiary has materially increased; that there has been a material decrease in the expense for officers and guards to supervise the institution.<sup>121</sup> And in the same report the warden requests that the institution be put on a profit-sharing basis. This is a necessary feature of the honor system. A man cannot be expected to be on his honor while some one else is robbing him. Nor can he be expected to co-operate in reducing expense and loss. Retaliation on the part of the State calls for the same from the prisoner.

Mr. Eaman of the State of Michigan says:

"It has been our experience in Michigan that the compensation of prisoners has not only made for better prison discipline, but has tended toward reformation, and has enabled men to feel more like men, and it is our hope and aim to increase our compensation from about fifteen cents a day to twenty-five cents a day. It has enabled us to make money out of the industries, and as soon as we have paid the men a little compensation for the overtime, we have found that the industries have turned from a losing venture to one that pays money to the state and to the prisoners as well. We find that we who are paying the convicts, as the State of Michigan and the other states where they allow compensation to prisoners, are helping ourselves solve the prison problem and the convict problem of the State."<sup>122</sup>

The married convict needs wages that he may support his wife and children. A man's relatives are not to be punished for his crime. This is an important principle of modern criminal law. In the more ancient savage states of society the offender's entire family came in for a part of the punishment often. The incident of Achan is familiar

<sup>120</sup>This JOURNAL, Vol. VI, No. 4, Nov., 1915, p. 508.

<sup>121</sup>First Biennial Report of the Board of Control of State Matters for a Period Ending June 3, 1912, page 33.

<sup>122</sup>Jnl. of the Am. Inst. of Criminal Law and Criminology, Vol. 6, page 519.

to Bible readers.<sup>123</sup> The Bedouins still claim the blood not only from the actual homicide, but from all his relations. Such claims constitute blood revenge. This has prevailed, or still prevails, among the Japanese, Cordeans, the Persians and Hindus, the Ancient Greeks and Teutons.<sup>124</sup>

We have abolished this practice in theory and purpose, but in not a few cases the execution of the law still works severe punishment to innocent women and children. When the husband and father is imprisoned at hard labor without compensation, his wife is worse than a widow; his children worse than orphans. These have first claim, morally, to the fruits of the father's labors, and the State wrongs both them and itself when it intervenes in this way.

The method in vogue in Chicago is to turn the family over to the care of the United Charities and the Cook County Agent while the husband is serving his sentence in the House of Correction. In order to learn how this method works, the records of the United Charities were consulted and several cases were thoroughly examined. The following are the conclusions reached:

1. It places a heavy burden on charity organizations.

The records of 45 cases were studied to ascertain the cost of supporting families during the imprisonment of the heads of these families. Thirty-five of the cases studied are recorded in the United Charities offices. Ten cases are from the records of the Bureau of Personal Service in Chicago.

Nine of the 35 cases were found in the records in the Northwest District of Chicago; these had been aided also by the Cook County Agent. These are typical cases of those who receive aid from both the charities and the county. The tables present the complete imprisonment record and the entire amount contributed annually to these families. They show plainly that the years in which the heads of the families were in the House of Correction were the years when the burden of the financial support of the family was heaviest on the charitable agencies. (See Tables Nos. VI and VII.)

Four cases whose records show that the head of the family served one or more sentences in the House of Correction, and that considerable money had been paid by the United Charities for the support of their families were selected for detailed investigation. Every detail given in connection with these cases was gathered. One of the four

<sup>123</sup>Joshua vii:24-26.

<sup>124</sup>Westermarck: *The Origin and Development of Moral Ideas*, Vol. I, pp. 31 and 32.

TABLE VI

IMPRISONMENT RECORD OF NINE MEN WHOSE FAMILIES WERE AIDED BY THE UNITED CHARITIES OF CHICAGO AND BY THE COOK COUNTY AGENT

	Earliest U. C. Record	1909	1910	1911	1912	1913	1914	1915	1916
1. K. ....	Feb. 15, 1913						Oct. 2, '14 in H. of C. for 6 mos.	(3 mos. of sentence falls in 1915)	
2. K. ....	April 11, 1911					Oct. in H. of C. for 1 mo.		Jan. 12 in H. of C. for 6 mos. Oct. 17 in H. of C. for 2 mos.	
3. K. ....	Oct., 1911			Oct. 11 in H. of C. 1 mo.	Sept. 18, 1912, given 6 mos. in H. of C.	Out Mar. 15, 1913			Mar. 17 put on probation for 1 yr.
4. B. ....	Nov. 23, 1914						Nov. 23 in H. of C. 6 mos.	(5 mos. of sentence falls in 1915)	
5. W. ....	Feb. 9, 1911			Aug. 8 in H. of C. for 1 mo. Released Aug. 26		June 3 in for 6 mos.	Oct. 26 in H. of C. again		
6. W. ....	Feb. 13, 1915							Feb. 13 in H. of C. for 6 mos.	
7. M. ....	1909	Dec. in H. of C. for 2 mos.	1 mo. of sentence falls in '10 April 22	1 mo. of sentence falls in 1911			Oct. 19 in H. of C. 2 mos.		
8. P. ....	Oct. 5, 1914		In H. of C. for 2 mos. Nov. 10 in H. of C. for 3 mos.				Oct. 5, '14, H. of C. 1 mo.		
9. S. ....	Aug. 17, 1913						Oct. 22 in H. of C. for 2 mos.		

TABLE VII  
SHOWING ANNUAL PAYMENTS TO FAMILIES BY THE U.C. AND C.C.A. WHILE HEADS  
ARE IN H. OF C.

	1900		1910		1911		1912		1913		1914		1915		1916		Total
	C.C.A.	U.C.	C.C.A.	U.C.	C.C.A.	U.C.	C.C.A.	U.C.	C.C.A.	U.C.	C.C.A.	U.C.	C.C.A.	U.C.	C.C.A.	U.C.	
1. R. ... {	....	....	....	....	....	....	....	....	....	....	\$24.00	....	\$27.00	....	....	....	\$ 51.00
2. K. ... {	....	....	....	....	\$3.00	\$2.00	\$25.00	....	\$12.00	....	85.00	....	33.00	\$13.65	\$26.00	....	2.00
3. K. ... {	....	....	....	....	5.00	....	28.00	....	30.00	\$69.44	....	....	....	....	....	....	134.00
4. B. ... {	....	....	....	....	15.00	....	....	....	....	....	....	....	....	....	....	....	106.35
5. W. ... {	....	....	....	....	30.00	....	18.00	....	45.00	....	30.00	....	32.00	....	....	....	63.00
6. W. ... {	....	....	....	....	....	5.36	....	9.00	....	39.34	....	41.63	....	5.25	....	....	191.11
7. M. ... {	\$35.00	\$18.89	....	....	....	....	....	....	....	....	....	....	23.00	....	....	....	18.00
8. P. ... {	....	....	....	....	....	50.00	....	....	....	....	15.00	....	25.00	....	....	....	28.50
9. S. .... {	....	....	....	....	....	....	....	....	....	....	....	....	5.00	....	....	....	155.00
	....	....	....	....	....	....	14.00	....	....	....	10.00	....	....	15.00	....	....	100.48
	....	....	....	....	....	....	....	....	....	....	26.00	....	25.00	....	....	....	23.00
	....	....	....	....	....	....	....	....	....	....	....	....	....	25.30	....	....	28.00
	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	75.00
	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	94.96
	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	15.00
	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	38.75
	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	65.00
	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	31.85
Total...	\$35.00	\$18.89	....	\$13.69	\$53.00	\$57.36	\$85.00	\$101.57	\$87.00	\$108.78	\$140.00	\$194.91	\$173.00	\$103.30	\$26.00	\$23.50	\$1,221.00

<sup>a</sup>To June 1.

cases is graphically presented here—the case on which the United Charities expended much money and which presents a long period of imprisonment. (See diagram.)

The other three cases may be briefly summarized thus:

S. Z. had begged of pastors for three years. He was arrested and put in the House of Correction for three months, October 10, 1914. The records show that during the last three months of 1914 and the first three months of 1915 the United Charities contributed about \$100.00 to the support of his family. Only scattering aid had been given before. (The man's imprisonment seems to have been a mere substitution for begging. Morally speaking, was it anything more?)

J. F. stole; he was sent to the House of Correction for three months and was released January 20, 1916. Out of a total of \$88.70 contributed to the support of his family \$47.75 is given during the three months that he was in prison.

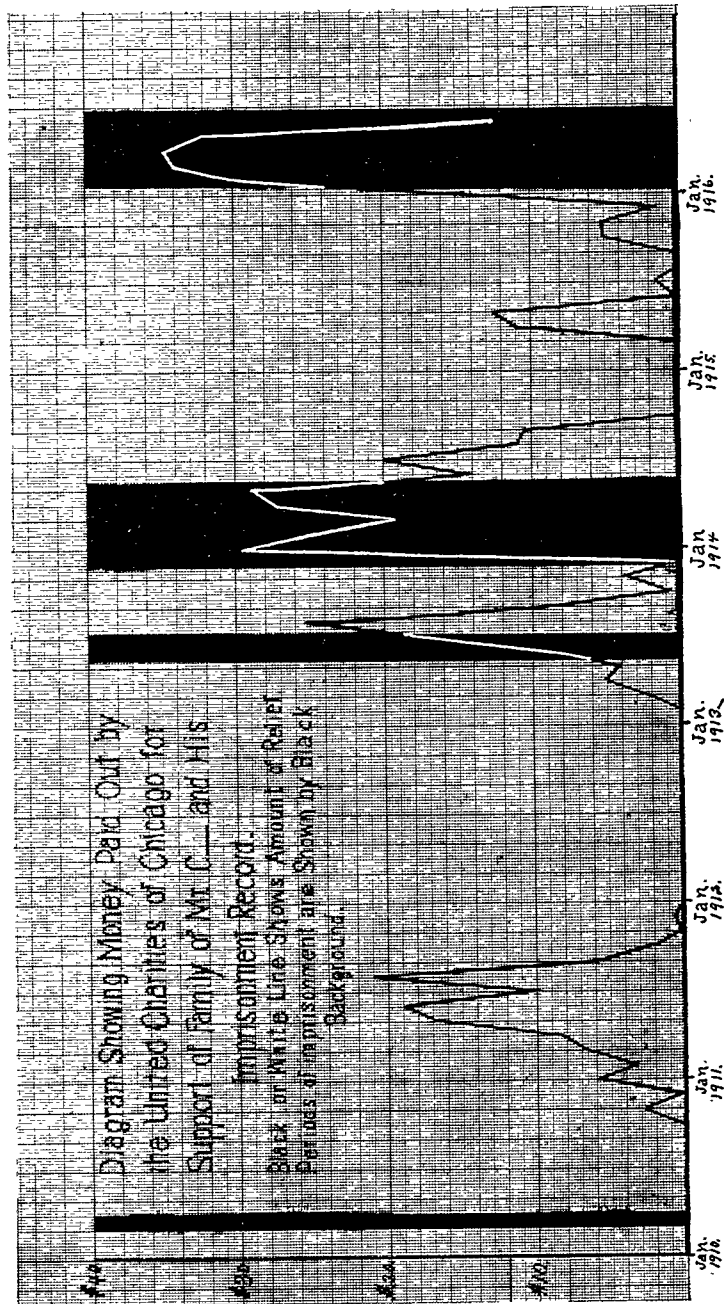
Mr. B.'s family received a little aid occasionally for four years. He was in the House of Correction three times. The first two sentences were short. But in July, 1915, he was put in for a year. During this time the United Charities expended for his family \$248.99 out of a total of \$310.32 expended during nearly five years.

Table VI shows that the nine men whose record was examined served more than 31 months in the House of Correction during the years 1914 and 1915.

Table VII shows that the C. C. A. and the U. C. together contributed \$1,221.00 to the support of these families during the years 1909 to 1915, inclusive. Of the amount, \$1,153.42 was paid during the years 1911, 1912, 1913, 1914, and 1915. And of this amount, \$611.21 was paid in the years 1914 and 1915. The years in which the bulk of the sentences fell are the years in which the heavy contributing is done by these agencies.

The ten cases furnished by the Bureau of Personal Service give evidence of the fact that the Jewish Charities expend much money for the support of the families of the inmates of the House of Correction who belong to that race. The cost for the ten men whose total imprisonment records amount to about nine years was \$2,212.32. The cost given is only for the number of days or months of service in the House of Correction. In many of these cases the men were absent from home and the Jewish Charities supported the families entirely, but this figure does not appear in the data given.

2. In some cases the imprisonment of the husband tends to make his wife more lenient toward him. Frequently the wife goes and begs the court to release her husband that he may help with the support of



the family. This often happens even where the wife has had her husband arrested for abuse or non-support. The following case is illustrative:

Phillip S. "Each time the effect of the man's imprisonment was to strengthen the desire of the woman to have her husband at home, and to defend him for his negligence to support her on the ground that he was physically unable to work. This might have been somewhat the case, but the man was too habitually a deserter to be justified. Furthermore, the charities, through their aid, encouraged the woman to forgive him, and lessened the responsibilities of the man."

3. In some cases it pauperizes the family or tends to do so. "Pat Mc." has served three or four court sentences. Each sentence has meant from three to six or seven hearings. Regular relief has been given every winter since the office has known the family, as "Mr. Mac." has spent every winter in the House of Correction. Each time he is released he makes less effort to get work and support his family. The United Charities paid out \$77.50 for this family for food from January to June, 1913. And since June 30th it gave \$128.00 in relief work. The Cook County Agent has helped this family, too.

Dominick P. was committed to the House of Correction April 5, 1912, to work out a fine of \$200.00 and costs. The United Charities expended \$76.90 for the support of his family. He was released from the House of Correction September 17, 1912. But before he was released the United Charities had Mr. Whitman present to him the bill. On October 18, 1912, the United Charities' visitor called and found Mr. P. at home. He told the visitor that there was no need of their sending the bill to him because when the case came up the United Charities promised to support his wife and children while he was in the House of Correction. He also said that the rent was due on the 15th of the month while he was still in the House of Correction so the United Charities must pay the bill, otherwise he would go to the judge about it.

(The very woman with whom he had illicit relations and for which he was sentenced to imprisonment helped to give a celebration in honor of his release from the House of Correction.)

Mrs. S. seems to feel that it was the duty of the United Charities to take care of her, now that her husband is in the Bridewell, although she admitted that he had contributed almost nothing to her support previous to this time.

April 4, 1910. Visitor feels that Mrs. Anton M. was spoiled by the attention which she received in the winter and that she feels that she would be supported more easily if her husband were in the House of Correction.

4. Some women pluckily accept the conditions and set to work to support the family by their own efforts.



Mrs. K. is the mother of three children; supports the family by keeping boarders and roomers while her husband is in the Bridewell.

Mrs. Antonio M. is the mother of seven children. Her husband was arrested and sentenced to the Bridewell October 27, 1914, for six months. After release he deserted entirely. For two years Mrs. M. supported her large family by working in laundry where she received \$8.50 a week. The work is hard on her and the children. Her health is showing the results.

Mrs. Mike W. is trying to support herself and two children by working and scrubbing while her husband is serving a six months' sentence in the Bridewell. She got in arrears with the rent three months and is unable to pay.

Antony B. has a wife and six children; the children are all under ten years of age. Mr. B. drank ever since he was married. His wife had him arrested six times through the Chicago Avenue Police Station. In August, 1915, he was put in the Bridewell for six weeks and was arrested a week ago and sentenced for two months. In 1913 he and Mrs. B. started a savings account with the 17th Ward Building and Loan Association and made the payments. They now have \$109.00 to their credit, but the book is in his name and she can withdraw no money. She owes about \$60.00 to friends and a grocer.

With such facts as these before one, he must conclude that the earnings of the married prisoner should be directed by the prison authorities to the support of his family. This will help the mother to keep the family together and to send the children to school. The family is the primary unit of society; its integrity must be maintained.

Moreover, for a husband to be supporting his family is in itself morally uplifting. This provides an interest for him of unequalled superiority. And when the day of release comes, what better protection can a man have against relapse into crime than the family which he has been supporting by his labor during his period of reformation? The fact that he is supporting his family assures him a welcome home when he is released, and this is in itself an aid to hopeful effort on the prisoner's part.

What is true of the married prisoner is in a measure true of the unmarried man who has parents or other relatives dependent upon him. To permit and make it possible for him to continue to support these, is a factor in his reformation. A man's task is his salvation both inside the prison and out of it. To take away this task or the possibility of his performing it, is to wrong him and those to whom he is under obligation.

4. The paying of wages to prisoners is beneficial to themselves. We are quite agreed today that one of the prominent purposes of punishment is the reformation of the criminal. Voluntary, purposeful work on the prisoner's part is a vital factor in this reformation.

Now, men outside the prison have the stimulus of reward to enable them to work. Men in prison need the same stimulus and are wronged if they are deprived of it.

The institution that offers its inmates pay affords them an opportunity to join the ranks of honest labor. A prison may compel its inmates to labor without the inducement that a wage affords. But such compulsion cannot be exercised beyond the period of confinement, for this is a feature foreign to the normal conditions of life. The kind of labor the prisoner needs is such as will stimulate his will for work.

Reward for his labor will do this if anything can. The weakness of will is probably the prisoner's chief defect, and this is society's opportunity to help him strengthen it. A proper system of paying prisoners is an important part of such a system.

A man compelled to labor for another without reward is in danger of losing—if he has ever had it—a sense of the value of labor. This is a serious loss. And the State is its own enemy if it causes such a loss to its subjects. If the circumstances of a man's life have been such that he has never learned the worth of labor, the State's duty is to teach this important lesson to him during his period of imprisonment.

Prison life does not develop habits of industry, thrift, and self-reliance. This is a serious defect. Everything is provided for the well-being, health and existence of the prisoner without any care or effort on his part. It is affirmed that the average "long-term man is lacking in forethought and provision for the morrow." These are qualities of great value to the man at liberty. To deprive a man of them is to do him a great wrong. A proper system of paying the prisoner an equitable portion of his wages, charging him for his board, clothing, etc., would do away with such atrophying of the capacities for self-reliance and foresight.

5. The paying of prisoners would make it possible for those without a family to support, but who have caused financial loss to others, to make restitution. There can be no surer evidence of an offender's reformation than his desire to make restitution to those whom he has wronged. But the practice of penal labor without reward takes away the possibility of such restitution. The State, by such methods of reformation, is not encouraging its offenders to assume any responsibility for their offenses. In France, the State may require prisoners to make restitution out of their earnings. This is entirely in harmony with the best policy for the reformation of a

criminal. It encourages him to take thought for others; helps him to develop a sense of responsibility for his conduct and affords him a reasonable basis for believing that he is forgiven both by society and by the individual wronged.

6. The problem of discipline is greatly reduced by paying wages to prisoners. The discipline and control of an army of lawbreakers is at best a difficult task. But this is largely accomplished when the convicts learn that the State has their ultimate well-being as the primary object in giving them the treatment it does. There can be no more convincing proof of this than the placing of a certain and equitable portion of the prisoner's earnings to their credit. This conduces to a better feeling toward the prison government on the prisoner's part and serves as an incentive to good behavior. The value of such a force in promoting the discipline of the institution cannot be overestimated.

When the California prison management had changed from working its prisoners in the manufacture of jute bags and crushing rock to the making of articles for State use (work which taught useful trades) the warden reported the following effect: The prisoners are nearly all anxious to work in the shops, and when so assigned they come to work in the morning with enthusiasm, show a livelier interest than those similarly employed outside the prison walls, make the enforcement of discipline superfluous, and in every way display appreciation for an opportunity to learn a useful occupation.

#### ARGUMENTS AGAINST THE PAYING OF WAGES TO PRISONERS

1. Criminals are an enormous burden to the State. They make necessary the expenditure of large sums of money annually for their arrest, trial, detention and maintenance. The criminal ought to pay the State for these costs. Taxpayers are already heavily taxed to maintain its penal and reformatory institutions. What justifiable reason can there be for adding to an already heavy burden that of paying wages to criminals? This would simply be paying a premium for crime; the greater the crime, the larger the premium.

The Boston Herald says:

"When the new prison<sup>125</sup> commissioner advocates the dedication of the earnings of the prisoner to the support of his family, or if he has no family that they should be held for his benefit when he is released he is proposing to load upon the State a charge which it ought not to bear. The State is

<sup>125</sup>The Delinquent, Vol. IV, No. 3, March, 1914, page 14.

entitled to the proceeds of the labor of its prisoners. With the handicaps which have been imposed upon prison labor by legislation such labor is not and cannot be self-supporting. The goods that prisoners make are excluded from the general market. Power machines are forbidden, for the most part, except in wood working."

Take the State farm, where the conditions are such that, if anywhere, the institution could be made self-supporting. With all possible use made of prison labor, the average cost for the care of inmates above the proceeds of this work is in the neighborhood of \$2.50 per week. Of course, the able-bodied, short-term men come nearer than that to self-support. But that is the average outlay for maintenance, allowing nothing for interest on the plant. The State has been put to the cost of ferreting out the criminal, arresting, trying, and convicting him. The State must provide for his safe-keeping, clothe him, feed him, shelter him with proper warmth. Under restrictions surrounding prison labor he will not nearly meet the expense to which he has subjected the State. If his family need support while he is imprisoned, let the municipality provide that. With all the work he can do, the criminal is a burden to the commonwealth. The State is entitled to all he can do towards self-support.

The question was put to a New York official: Why can these prisoners not earn wages in prison and support their dependent families? The Empire State answered:

"No reformatory institution in the State of New York is earning enough to cover the cost of its maintenance.<sup>126</sup>

"The convict population of the State of New York<sup>127</sup> at present (April, 1914) is 4,604, an increase of 88 over a year ago. The highest number confined at any time during the last year was 4,838. The total cost of maintenance during the fiscal year was \$814,583. Sing Sing earned \$73,371.50, a decrease of \$3,513 over the previous year. Auburn earned \$29,167.45, a decrease of \$39,954. Clinton earned \$36,963.72, a decrease of \$7,811."

The Kentucky prison, located at Eddyville, reported a deficit of \$28,316.33 for the year 1910.<sup>128</sup> The report of the Michigan State House of Correction and Branch of the State Prison in the Upper Peninsula shows that the prisoners earned about half enough to cover the annual expense of maintaining the institution. This does not take

<sup>126</sup>The Sixty-eighth Annual Report of the Prison Association of New York, 1912, page 51.

<sup>127</sup>The Delinquent, Vol. IV, No. 4, April, 1914, p. 21.

<sup>128</sup>Annual Report of the Board of Prison Commissioners, Ky., 1911, p. 15.

into account the cost of establishment, equipment, and upkeep of the institution.<sup>120</sup>

The following facts show the uselessness of many of the laws enacted for the paying of a wage to prisoners:

Several years ago California enacted a law whereby \$1.50 per day might be paid to the dependent families of prisoners; yet the law is a dead letter, mainly because its enforcement was left to the discretion of the various county authorities.

In 1911 the State of Texas enacted a law which provided for the payment of 10 cents per day to prisoners or their families. The law was in operation from June, 1911, to June, 1913, during which time \$136,905.64 was paid to prisoners or their families. It was found that the prisoners were not self-sustaining and in 1914 the Attorney-General gave his opinion that the law was unconstitutional, and it became inoperative. (See under Legal Situation, *supra*.)

In 1913 Kentucky passed a law providing for the compensation of prisoners. A small amount was paid to dependent families, but opposition arose and the matter was taken to the court of appeals, which declared the law unconstitutional. (See under Legal Situation.)

In 1912 the State of Nebraska enacted a similar law, but nothing has yet been paid under it, because the Legislature has steadfastly refused to appropriate money for that purpose.

New Hampshire passed such a law in 1912, but owing to the fact that the State was already overburdened with taxation, the Legislature refused to appropriate the necessary money to make the law effective.

New Jersey, in 1912, passed a law providing that a sum not to exceed 50 cents per day was to be allowed to prisoners, and that it should be paid either to them or their dependent families, as the Prison Board might determine. No appropriations have been made to carry out the provisions of the law.

Pennsylvania has long had a law which provides that the earnings of prisoners, after deducting the cost of lodging, clothing and food, shall be paid to them or their families, but the time has not yet arrived when there were any earnings after paying the costs of lodging, clothing and food. For this reason nothing has yet been paid.

2. Moreover, money in the hands of the prisoner is the worst thing he could have. Dr. Aschaffenburg, who has dealt with thousands of prisoners in Germany, says that under no condition must the

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<sup>120</sup>Biennial Report of the State House of Correction and Branch of the State Prison of the Upper Peninsula for the Two Years ending June 30, 1912, page 6.

prisoner receive money into his own keeping. Paying prisoners wages means that eventually this money will come into their hands.<sup>130</sup>

The State Agent of the Minnesota State Prison reports quite unfavorably concerning the system of good conduct earnings in vogue in his State. He says:

"For the past two years I have carefully watched the effect of good conduct earnings upon prisoners discharged direct from the penitentiary, and the result of my observation is that a larger number have been positively injured by the State's generosity than have received any substantial benefit from it. We have tried to obviate the harmful tendency by holding back all moneys due them, not actually needed for immediate use upon discharge, as the law allows the warden to do, but this appears to afford a doubtful or at least but temporary relief. As a rule, the discharged prisoners regard this money as justly due them upon discharge by reason of its allowance by law, and in consequence they become very bitter against the management for its pains in trying to protect them. As a rule they will not look for or accept work as long as any of this money is left. Many of them, naturally independent, live only in the present, and squander the money as fast as they can get it in spite of all that can be done to prevent it. With money gone, they face the world in a worse condition than if they had been discharged from prison with only enough money for immediate needs . . .

"The State is very liberal in the amount of money paid to the prisoner, the average amount paid to each man, upon his discharge, being about fifty-five dollars. Many of these men tell me that their crime was committed while under the influence of liquor, or in company with bad associates; yet, upon their discharge they will take the money generously paid them by the State and by returning to their former vicious habits or associates, place themselves in the condition to again commit crime, thereby making the State almost a party to the same.

"I have tried to correct this by withholding their good conduct earnings, paying the same in installments. This in some cases has worked well; in others, it is not satisfactory, as it only serves to prolong their period of debauchery, and my opinion is that our system of good conduct earnings is not without fault . . ."<sup>131</sup>

The main arguments brought forth in favor of and against the system of paying a wage to prisoners have been canvassed. They set the matter before us. We are at liberty to draw our own conclusions, but before doing so, it seems wise to digress apparently from our subject to consider the objects of penal labor that a foundation may be laid on which to base our conclusions. This is done in the following chapter.

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<sup>130</sup>Aschaffenburg: "Crime and Its Repression," p. 237.

<sup>131</sup>Eighth Biennial Report of the Inspectors and Warden of the State Prison of Minn., 1894, pp. 1-56

## CHAPTER VII.

## CONCLUSION

What has been established by the study up to this point? The investigation shows that a method of paying prisoners formed a part of the early penal system in the American colonies. The principle of this system was never abandoned voluntarily, but as a result of changed circumstances.

Compensation in the form of gratuities was a part of a most successful plan in operation in Irish prisons during the last half of the nineteenth century. The following figures are evidence of its success there. The number of persons convicted and sent to the convict prisons of Ireland (answering to our State prisons) was 710 in the year 1854; this number had fallen to 331 in 1860, to 245 in 1870, and to 123 in 1881. The number of commitments for minor offenses showed that the general volume of crime had undergone a vast reduction during the period. On the first day of January, 1851, the prisoners of all classes in the county and borough goals of Ireland numbered 10,084. On the first of January, 1881, they numbered 2,476. The 10,000 prisoners found in the minor prisons on the first day of January, 1851, were only a part of those under confinement for the lesser crimes. The bridewells in Ireland received in 1850, 88,899 prisoners; in 1881 they received 3,888.<sup>132</sup>

The "efficiency" of the Irish system was proved "by the orderly conduct of the prisoners and by the empty state of the prisons, notwithstanding the strict appliances in force for bringing old offenders to justice"; the "economy" of it by the very low cost of the Irish convict establishments, although the supervision of a small number of prisoners is always proportionately more expensive.<sup>133</sup> The Phillips-town Prison was closed, thus further reducing the expense to the State.

The legal survey shows that there is an effort being made to re-establish a wage-paying scheme as a part of our penal system. The success of this effort is shown by a report made at the annual meeting of the American Prison Association in 1917. This committee had been appointed at the 1916 meeting of the Association to investigate the matter of compensation of prisoners and report at the 1917 meeting the States in which compensation is determined and paid, and what action, if any, should be taken by the Association to place this information before Congress, with a view of securing the necessary legislation to provide compensation for United States and District of Columbia prisoners.

<sup>132</sup>The National Prison Association of the U. S. A. First Annual Report, p. 18. "Prison Reform: A Measure of Political Economy," by Eugene Smith.

<sup>133</sup>Carpenter: "Our Convicts," Vol. II, p. 196.

Of the states reporting any compensation at all, New York seems to pay the lowest amount: from 1½ to 20 cents per day is provided by law, but only the minimum figure is allowed. A special law for Erie County permits the payment of 10 cents per day to prisoners employed at roadwork.<sup>134</sup> Kansas reported that it pays 3¾ cents per day; Maine pays 25 cents per day; Ohio, 1 cent, 2 cents and 5 cents per hour; Pennsylvania reported that from 10 to 50 cents is authorized by law, but no appropriation is made for paying it. Washington reported authorization by law, but no provision for carrying it out. Wisconsin Reformatory pays 10 cents and 13 cents per day. Wyoming pays \$5 per month for roadwork only. Minnesota pays at its reformatory 10 cents and 15 cents, and at its prison from 15 cents to \$1.30 per day; the larger amounts are earned by the prisoners at piecework. The New Jersey Reformatory pays 50 cents per day. Ohio, Pennsylvania, and the District of Columbia workhouses reported payment in abandonment cases only.<sup>135</sup>

The study of the proposed plan for paying prisoners at the House of Correction in Chicago shows that there are financial difficulties to be encountered in putting a plan in operation, but that these may be overcome if it is so desired.

The positive and negative discussion shows that there are two sides to the question of compensation to prisoners. But even so, there are some facts that carry a preponderance of weight before the bar of reason. These facts are now to be re-emphasized in the light of the purposes of penal labor.

In a lecture on "Prison Labor" some years ago Franz von Liszt said:

"From its very beginning the modern prison presents itself under two aspects—deprivation of liberty and compulsory labor. Thus organized compulsory labor forms the essence of the institution of imprisonment, is its life principle, the element with which it stands or falls."

At the First Annual Meeting of the American Prison Association in 1870 (then the National Prison Association) a declaration of principles was drawn up. One of these principles presents labor as the basis of all reformatory discipline.

These statements present clearly the importance of labor in the institution of imprisonment. But as to the purpose of penal labor there is a variety of opinion. The view one holds with reference to penal labor has an important bearing upon the question of paying

<sup>134</sup>Report of the American Prison Association, p. 15.

<sup>135</sup>Report of Com. on Compensation of Prisoners, A. P. A., 1917, p. 71.



prisoners. So a digression is made here to consider the objects of penal labor in order that the conclusions drawn may be in harmony with sound principles of penology.

The purpose most commonly ascribed to penal labor is that of punishment. The law reads: "Eighteen months' imprisonment at hard labor." This may be understood to imply that something unpleasant is being added to the imprisonment to make it more retributive and deterrent.

No doubt this wording of the law carries us back to the time when this was the chief end of penal labor. And irksomeness and monotony were sought and secured by setting tasks that were useless to society. So the treadmill, oakum picking and stone-crushing constituted "hard labor." Useful work was avoided for fear it might become interesting and lose its penal character.

This method of employing the prisoner did not produce the desired results. It may have been retributive, but it was not practically deterrent. It was wasteful of labor power and had a hardening effect upon the prisoner subjected to it. It also increased his dislike for work and so tended to make him more likely to remain in some form a burden to society.

The prisons themselves have contributed to the formation of another purpose. The modern prison system is expensive. The State is heavily burdened by its offenders. So whatever they can earn really and rightfully belongs to the State. The labor of its prisoners should not be wasted on useless tasks, but should be put to work producing for the State. Prisoners should contribute to their own support and reimburse the State for the cost their crimes have caused.

This maintenance purpose of penal labor makes a strong appeal to the taxpayer who has his gaze fixed upon the State budget. But he may fail to see that in the end that is not necessarily the most economical policy after all; that if the system fixes attention merely on the pecuniary conditions a gain may be secured that is penny-wise but pound-foolish. The labor of a penal institution may produce enough to meet all of its expenses and net a profit to the State besides and yet be unwise and uneconomical in the end.

The vocational aim is one that is often advocated for prison labor. The theory of the most ardent advocates of this object of penal labor is that the offender has come to his fate because he was unskilled; he had no trade and was therefore handicapped in the struggle to get a living. On his discharge from prison he ought to be a skilled workman, and then he will not relapse into crime, as he will be able to

support himself by honest industry. The prison should teach each inmate a trade.

The advocates of this theory apparently overlook the fact that the majority of workers are in a very real sense unskilled. This is no argument against the teaching of a trade; but it is a mistake to plead too strongly the lack of skill as a cause of crime.

For a limited class of offenders no doubt trade training is important. The young normal adults who have been committed for a period of time sufficiently long to enable them to profit by such training should receive it. But even for these, too much stress ought not to be laid upon giving technical skill for the following reasons:

The opportunity for a person trained in a penal institution to find work at a certain trade is limited. The Employment Bureau of the New York Prison Association advises men applying for work "to begin at the bottom of the ladder." "We regard it as most important," says the bureau, "that the man just from prison should, as soon as possible, be able to say that he is working somewhere and at something definite."<sup>136</sup> It is a difficult task to find "jobs" for ex-prisoners.

It sometimes happens that a man does not want to work at the trade that he learned in prison. The ideas associated with the work done in prison are repulsive to him. He wants to have no reminder of his days of punishment. In such cases trade training is useless so far as its practical value is concerned.

Another says that the object of penal labor is not so much to impart skill in special trades as to discipline mind and body. The prisoner has never learned the joy of continued successful effort. Hence his character needs to be formed. He lacks the power of attention and exactness because his faculties are undeveloped and he is wanting in self-direction and self-control. What he really needs is not skill, but character. The advocates of this purpose claim that if character is developed and the proper measures are taken to place the ex-prisoner in suitable surroundings, he is likely to become a decent and self-supporting citizen.

Others maintain that in addition to the above objects the labor of the prisoner ought to enable him to make reparation to those whom he has injured. The advocates of this purpose say that the surest basis for real reform for the prisoner is the consciousness that he has by his own efforts made right the wrong he has done as well as paid the penalty of the law. Others say that his labor ought to provide for his dependents and lay up something against the day of his release.

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<sup>136</sup>Seventy-second Annual Report of the Prison Assn. of N. Y., 1916, p. 171.

With this review of the purposes of penal labor before us we may select the prime object of the institution of imprisonment and then determine the part a wage-paying scheme has in the realization of that end.

None of the above mentioned objects is irrelevant or immaterial; neither is any one of them sufficiently large. The object of the institution of imprisonment is the protection of society. The punishment or the reformation of the prisoner may be incidental to this end. Seemingly both are essential. Without penalty the law would be void. And without reformation imprisonment is corrupting.

Our present system of punishment is weak on its reformatory side and strong in its corrupting tendencies.

All figures must be taken with a proper degree of allowance for suppressed or unaccounted for facts. But even so the following figures tell a tale on our system and its workings.

In Massachusetts recidivists furnish 57.6 per cent of sentenced prisoners and 91 per cent of all sentences for crime. It is estimated that in the nation at large there are 115,000 recidivists. This estimate is made on the basis of 400,000 criminals and 28.5 per cent recidivists.<sup>137</sup>

In England out of 168,260 convictions there were 104,171 at least for a second time and 12,133 had been previously convicted over 20 times a piece and the noted Jane Cakebread 280 times.<sup>138</sup>

Even if due allowance be made for the factor of feeble-mindedness among recidivists, still such facts as these indicate a serious lack on the part of our penal system. It works corruption to a large number of those whom it receives.

The mere introduction of a wage payment to prisoners into the present system will afford no real remedy. It is no panacea for this disease that is afflicting modern society. In fact there is a possibility that such a plan not properly adjusted to other features of the penal system may help men to become repeaters rather than to prevent them from such careers. The system of gratuities of the English System in the early part of the last half of the Nineteenth Century is believed to have worked to that end, as we have already seen in Chapter I.

The English prisons still gave some gratuities in 1910, but were seriously considering the abandonment of the plan.<sup>139</sup>

<sup>137</sup>Beyers: President's Address, Annual Congress of the Am. Pris. Assn., p. 23, 1915.

<sup>138</sup>Healy: "The Individual Delinquent," p. 10.

<sup>139</sup>The Sixty-seventh Annual Report of the Prison Association of N. Y., 1911, p. 165.

In Holland able-bodied vagrants are sentenced to two imprisonments: the one is penal and is followed by a period of detention for preventing a return to this manner of life. The "colonists," as the prisoners are called, may earn up to 25 Dutch cents a day (10 cents in our money), two-thirds of which may be used for buying articles.

Von Hippel is of the opinion that the plan is a failure. He says that "most begging and vagrancy occurs in those judicial districts where sentence to the colony is most likely. After leaving the colony the same career begins again, ending with a return to the colony."<sup>140</sup> His attack on the plan is not aimed at its pay feature necessarily, but at the mildness of the system.

In Germany there is a provincial workhouse called Brauweiler; its inmates are vagrants and "pimps." The industrious receive a daily gratuity of from three to fifteen pfennigs ( $\frac{3}{4}$  cent to  $3\frac{3}{4}$  cents). They may use a part of this for the purchase of supplementary food, for the support of their families and for the purchase of additional clothing.

The results of the work of this institution are not very satisfactory from an educational and reformatory point of view. This is partly explained by the fact that many of the prisoners are middle aged. It does remove from the highways a large proportion of the vagrants who are a burden to society and employs them in a manner useful to the community in general.<sup>141</sup>

It is impossible to estimate the value of this method in our own system because of a lack of data. But there is no reason to believe that the results are any more satisfactory here than elsewhere. If this be the case we are brought face to face with the problem of finding a way that will work well. This is the task of administrators of prisons as well as of students of penology. Neither are left without experience to aid them, however. Many experiments have been tried and many useful and helpful things have been learned. The present need seems to be a successful combination of all the good features that are known into one centralized and unified system. The main features of such a system are: 1. Specialized institutions. 2. Classification of inmates. 3. Treatment for each class or type according to ability and needs. 4. Follow up work for discharged prisoners.

The sentenced offender would be sent to a clearing house. Here he would be placed in the hands of men trained and skilled in diagnosis and prognosis of offenders who would assign him to his proper class as, (1) normal young adult, (2) normal prisoner, mature, middle or aged,

<sup>140</sup>Ibid., pp. 102-111.

<sup>141</sup>Ibid., p. 131.

(3) insane delinquent, (4) defective delinquent, (5) or psychopathic delinquent, etc. The normal young adults would be assigned to the reformatory, the normal prisoners to an industrial prison, the insane to the hospital for criminal insane, the defective delinquents to an institution for feeble-minded criminals where they would remain wards of the State, the psychopaths to a ward or an institution fitted for their care and treatment.

The place of a wage-paying plan in such a system is all that can be dealt with further in concluding this discussion. It is concerned only with normal adults.

The proportion of the prison population that is classified as normal is not definitely known. Mr. B. G. Lewis, Commissioner of Correction for the City of New York, estimates that about one-third of the ordinary prison population is made up of men and women who have been unfortunate, who are capable and desirous of doing better, and who will do better if given an opportunity. They are the willing workers who seize every opportunity to better their condition and even endeavor to create an opportunity where none exists.

This estimate may be too large or too small. But that is immaterial. If such a class of persons exists among the prisoners, who can deny them the opportunity they seek? To refuse these an opportunity to work and earn a wage is suicidal. It means the atrophy of their faculties and the deadening of their sensibilities.

The fact that this class is willing and desirous and to a degree capable does not mean that they are highly competent. They may have incompetencies; the way to remove these is by training and directing them in self-activity. The opportunity for remedying these defects of character and training is made possible by the wage-paying plan of prison industries as a part of a carefully correlated system.

Another class which comprises in Mr. Lewis' opinion from one-third to one-fifth of the prison population is capable but unwilling; they willfully and perversely choose a life of crime. A wage-paying plan can hold out to such an incentive to co-operate with the authorities or suffer for a refusal to do so. If the co-operation of these can be won there is hope of reformation on their part. For they regard work as unnecessary and personal responsibility as a burden improperly imposed by social conditions. One cannot earn without assuming responsibility, exercising care and working. This class needs the development that comes from industry with the incentive of pay. It does not merit such opportunities. Perhaps it may deserve the lash.

But the sure way to protect society against this class is to win men from its ranks and prevent others from entering it.

The protection of society is the end of the institution of imprisonment and the reformation of the offender is the only sure way to achieve that end with those already engaged in crime. Probably one-half of those in prison at present would benefit by the opportunity offered by prison industries managed for the welfare of the prisoner.<sup>142</sup>

Men in the ordinary conditions of life have motives for exercising diligence, skill and intelligence in order to make their labor valuable. These same motives must be supplied in the unusual conditions of prison life if men are not to be unfitted for living again in the world of industry outside prison walls.

There are many causes assigned for the return of so considerable a proportion of prison inmates to crime after their release. Feeble-mindedness is responsible for some. (Byers estimates that the feeble-minded recidivists of Massachusetts were responsible for more than 18% of the detected and punished crime of that State in 1914. There seems to have been a tendency to overestimate this factor.) Industrial incompetency and instability of character as shown in lack of responsibility and want of discipline and in disorderly habits are also causes. For these last named causes there is a cure.

Dr. C. E. Sceleth, recently Medical Superintendent of the House of Correction and Sceleth Emergency Hospital of Chicago, says:

"I believe that if many of us who are classified as normal and are fairly successful in life, were subjected to the same environment and conditions that some of our habitual criminals have to contend with, we would be recidivists today."<sup>143</sup>

An environment as nearly normal as possible needs to be created and the criminal given every incentive to react rightly under skilled guidance to these surroundings.

Someone asks: Do you not make it easy for men to do wrong by paying them for receiving their penalty of their crimes? What is there to deter men from crime if criminals are paid a wage? The reply to this is: save a man's honor and he will be deterred. Destroy his honor and no deterrent is possible. Or if he has lost his honor, restore it as quickly as possible. Here is the only hope.

<sup>142</sup>Dr. Fernald states that according to findings at the Massachusetts Reformatory 25 per cent of criminals are mentally defective, about 75 per cent of prisoners are to be regarded as of competent mentality and fully responsible, or only subnormal. Fernald: "The Recidivist." *Journal of American Institute of Criminal Law and Criminology*, Vol. 3, p. 866.

<sup>143</sup>This JOURNAL, Vol. 5, 416.

Another feature of the problem of punishment of offenders is its effect upon the dependents of the prisoners. It may be impossible to inflict any penalty for violation of the law and not cause the innocent to suffer. But such suffering should be reduced to a minimum. To imprison a man who has been supporting his dependents and leave them to the mercy of charity is unjust.

The size of the class that is affected by the imprisonment of breadwinners is a matter of conjecture. Mr. E. F. Lyon says that a fair average of all the prisoners would probably indicate that about 25 per cent of all prisoners had been contributing some measure of support to others and that fully 50 per cent are in reality under moral obligation to kindred of some kind.<sup>144</sup>

Dr. Carol Aronvici of Philadelphia found upon investigating 167 cases of men serving time in a workhouse in a large city, that 43 of these men had one or more dependents; that the number of dependents amounted to 109 persons, 46 of whom were wives, 8 were mothers and fathers and 65 were children under 15 years of age, 83 of these 109 dependents were not living upon the earnings of their wage earner, who was working daily for a profit to the institution, but they were living off the relief that was given them by charitable agencies.<sup>145</sup>

A wage-paying scheme for prisoners makes it possible for those having dependents to continue to help support them. In fact the law requires a man to support his dependents while he is at liberty. Its execution should make this possible while he is in confinement.

It is not within the province of the student in his study to formulate programs that are designed to meet actual conditions; such programs must be worked out in connection with the concrete situation. But some features of a wage-payment scheme are evident from this investigation and may be summarized here as follows:

1. Wage-payment is restricted to selected groups of prisoners; mental defectives, men physically unable to work, and those serving short-time sentences are excluded.

2. The gradation of wage-payment is to be adopted to the concrete situation.<sup>146</sup>

<sup>144</sup>This JOURNAL, Vol. 3, p. 36.

<sup>145</sup>Schreiber: The Payment of Wages to Workhouse Prisoners. Proceedings of the National Conference of Charities and Correction, 1915, p. 389. The figures here given are evidently wrong; they appear as given here in the source cited, but the number of wives must be 36 instead of 46. This correction would make the total number of dependents 109, as given, and also make it unnecessary for any of the men to have more than one wife.

<sup>146</sup>Randall, Chairman, Massachusetts Prison Commission, suggests that the allowances made to prisoners in cash credits and their expenditure be regulated according to their real and proper needs, and that a fund be established from

3. From the standpoint of the reformation of the offender, wage-payment is desirable without regard to the profits of the penal institution. If profits, from a consideration of expediency or actual situation, are made the basis of compensation, a period of years rather than the fiscal year should be taken.

4. A scheme for the payment of earnings to the prisoner at the expiration of his sentence should be worked out in connection with a plan of after care.

5. The earnings of the husband and father should be paid to his dependent wife and children and should be supplemented by mother's pension.

6. Vocational training should not be sacrificed to wage-payment in the case of minors or other prisoners capable and desirous of receiving trade instruction.

To facilitate the securing of a comprehensive and adequate prison labor system with proper compensation to prisoners, certain constitutional and legislative changes may be necessary.

This program considers only the industrial side of the prison for normal adults. This feature of the institution should be supplemented by educational, religious and recreational activities. But as in normal conditions a man's job is an essential part of his life so in prison a full recognition of its importance should be made.

The worst enemy society can have is a class that has nothing to lose. Our present system of penal labor without compensation works in two ways to create such a class. In the first place it takes a man away from his job and sets him at a task for the performance of which he receives only a bad name. In the second place it takes away the support from the prisoner's wife and children. From the effects of this treatment the convict and his family rarely recover.

#### APPENDIX A.

From the viewpoint of the institution I have found no plan seemingly more acceptable than that in use in the Detroit House of Correction. Its essential features are as follows: The inmates are assigned to three classes. The compensation is respectively twenty, fifteen and ten cents per

which aid may be given by the prison authorities, in suitable cases, to the innocent dependents of prisoners, quite regardless of the conduct or services of the prisoner while under confinement, but wholly regardless of the needs and merits of their unfortunate situation. *Proceedings of the National Conference of Charities and Corrections*, 1915, p. 395.

Minnesota prison pays a wage to the prisoners and it also pays the families of the prisoners a sum to take care of their wives and children. These are also provided for by a mother's pension.



day according to the term of sentence for which they are committed, and taking into consideration their willingness, industry and good conduct. This applies to all who are committed to the institution for periods of not less than thirty days and remain imprisoned for that length of time.

Inmates assigned to the first class are those serving sentences of one year or more, who are of fair mental and physical ability, capable of performing a reasonable day's work, and whose general conduct is such as to warrant the belief that they are desirous of improving their present condition and by co-operation with the management, aid and assist in the general order, discipline and operation of the industries carried on in the several departments, to each inmate of this class there shall be placed to his or her credit the sum of twenty cents for each full day's work performed.

Inmates of the second class are those whose sentences are for periods of six months or more, and less than one year, and to each inmate of this class the sum of fifteen cents for each full day's work performed shall be credited under the same conditions as apply to inmates of the first class.

Inmates of the third class are those whose sentences are for less than six months and not less than thirty days. Each inmate of this class is credited with ten cents for each full day's work performed under the same conditions as apply to inmates of the first class.

Those incapable, through physical or mental disability, of performing a reasonable day's work, or those incorrigibles who fail to show a proper disposition to co-operate in the general welfare of the inmates as outlined above, shall have assigned to them either a smaller per diem amount or may be refused any remuneration whatever for their labor, as the circumstances surrounding each particular case shall warrant.

Those incapacitated through sickness, prisoners who work but part of a day, and those who fail to perform what is considered a reasonable day's work, as well as those reported for any infraction of the rules, shall forfeit the pay for that day.

Money credited to prisoners may be paid over to their families or may be used by the prisoners to purchase for their own use books, magazines or such articles as may be approved by the superintendent. The main object of this provision is to furnish prisoners with sufficient capital on their release to enable them to maintain themselves while seeking employment and so remove the necessity of their seeking aid at the hands of former criminal companions with the probability of their again entering upon a life of crime through evil companions. If a man has a family his earnings are expected to be used in its support. This plan was adopted in 1901 and it worked so well from the administration's point of view that it was extended in 1910. At first prisoners were paid only ten, seven and five cents per day respectively, but this was increased in 1910 to twenty, fifteen and ten cents.

Each prisoner is given a card which reads as follows:

"Under the system of operation employed in this institution inmates committed for periods of thirty days or more, who by their *willingness, industry, and good conduct* show a desire to improve their condition, may be rewarded by having a stated sum ranging from ten to twenty cents per

day (according to their sentence), placed to their credit, and which will be paid over to them at the time of their release. It is hoped that you will take advantage of this opportunity and so conduct yourself as to permit of our rewarding your efforts, so that when you leave the institution you will have the means to assist you in obtaining a new start.. *It rests with yourself.*"<sup>147</sup>—JOHN McDONELL, Supt.

The Fifty-first Annual Report<sup>148</sup> shows that the institution had a net profit of \$6,493.55 after disbursing \$13,640.33 to prisoners under the co-operative system. This institution also pays over to the Board of Poor, according to ordinance, \$5,000 annually. This sum is distributed for the benefit of families of prisoners while the husband or father is confined in the House of Correction. Thus we see that the profits over cost of maintenance are practically distributed and used for the benefit of the inmates and their families instead of, as formerly, being paid into the city treasury.

During the year 1912, \$6,652.21 were distributed among families of the Detroit House of Correction prisoners. This money went to 139 families, the members of which totaled 579.

During the previous year the earnings received by families of men sent to the Detroit institution amounted to \$3,355.50, the money going to 88 families or 360 persons.

The increase in the last year, the second year the plan has been in effect, was \$3,296.71 in earnings of dependent ones. Fifty-one more families received benefits than during the previous year.<sup>149</sup>

The increase in the number of persons participating in the earnings was 214.

The Fifty-fourth Annual Report shows that after the payment of \$14,701.55 to the prisoners under the co-operative system, and \$3,109.87 for repairs and final payments on the new dormitory building, there remains a net profit from the year's co-operation of \$46,086.94. Ten thousand dollars of this amount was paid to the Board of Poor Commissioners of the City of Detroit, as provided by city ordinance, to be used by them as required for the benefit of families of prisoners in need of assistance.<sup>150</sup>

The following statement by Mr. Eaman, of the Board of the State of Michigan, explains in a measure the success of the Detroit plan.

"In the House of Correction at Detroit a large source of income consists of contracts from various counties of the State that have no work-house, no House of Correction; they contract with the City of Detroit for the care of their prisoners, and the city makes a profit from the custody of the prisoners and still has their labor."<sup>151</sup>

Although the Detroit plan works well it still has some defects that should be eliminated.

<sup>147</sup>The 49th Annual Report of the Detroit House of Correction for the year 1910, pp. 31-40.

<sup>148</sup>For the year 1912, pp. 7, 8.

<sup>149</sup>The Review, Vol. II, No. 12, Dec., 1912, p. 42.

<sup>150</sup>Fifty-fourth Annual Report of the Officers of the Detroit House of Correction, 1915, p. 6.

<sup>151</sup>Jnl. of Criminal Law and Criminology, Vol. VI, p. 518.

We have already observed some of the evils that result from a prisoner having funds to use as he pleases when he is discharged. Experience has proven that this is in many instances not best either for the prisoner or for society. In Germany this evil is avoided by sending the amount to the prisoner's credit at his release to some competent person or association to use or direct him in using for his benefit, when in the director's judgment the prisoner would make a misuse of his earnings.<sup>152</sup> The plan of paying part at discharge and then conditioning the paying of any more upon the basis of the prisoner's conduct appeals to me as a wiser provision. This offers an incentive to the prisoner to live right during the early months of his release. The State should permit the prisoner to receive pay either during his sentence, at his discharge or after his discharge only on such conditions as will insure its being put to a proper use.

Another defect in the Detroit House of Correction system is that of determining the amount to be paid principally by the length of the convict's imprisonment. The long term prisoner is undoubtedly more productive financially as a rule. But the classification of inmates ought to be based on conduct, ability to work and actual production rather than on length of sentence.

Several States, Michigan and Missouri, for example, assign the convict certain tasks as a day's work and permit him to have put to his credit all that he earns by his work after these tasks are performed. There are serious objections to such setting of tasks. The amount of work that the average man can accomplish is not a fair standard for every man. Some men are able to do much more than other men. Those able to do more than the average man benefit financially by the "stint," but the undersized and weak men suffer from it. It is unfair to the strong man, for more ought to be required of him; it is unfair to the weak man because he ought not to be required to do so much. Where the "stint" is set the danger of wronging men is great.

State penitentiaries, reformatories and Houses of Correction should be run on a profit-sharing basis. The prisoner should be charged for his board and clothes and other necessary expenses. The profits derived from his earnings after his expenses are met should be divided between him and the state. Someone may say: "There are no such profits in many state penal institutions." Where this is the case something is wrong about the administration and management on the state's part. If one such institution can be run on a basis that will save the state expense and pay the prisoner a part of his earnings, others can be too. We have seen that this is being done in some places.

The rate of pay for a prisoner should be based on the value of the work he performs, the willingness with which he works, and the man's need. If he has dependents who would become state charges, or who would otherwise suffer because of their being deprived of his support his pay should be proportionally larger. The state should reserve the right of administering any or all the prisoner's earnings, both while he is serving his sentence and after his release, if in the judgment of its agents it is wisest to do so.

These are provisions which experience has proved to be necessary and practicable.

<sup>152</sup>Aschaffenburg, p. 278. Op. Cit.