

STATE OF NEW YORK

THE NINETYETH ANNUAL REPORT

OF THE

Prison Association of New York

135 East 15th Street, New York

1934



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PREFACE

This is an official report of the Prison Association of New York to the Legislature of the State of New York, which has been made annually since 1845, and constitutes the ninetieth of the series.

Paragraph 6 of Article XI of the Act incorporating the Prison Association of New York provides that "the said executive committee" (of the Prison Association), "by such committees as they shall from time to time appoint, shall have power, and it shall be their duty to visit, inspect and examine all the prisons of the State, and annually report to the Legislature their state and condition and all such other things in regard to them as may enable the Legislature to perfect their government and discipline."

The State law further provides for the printing of 500 additional copies of this annual report at the expense of the State. Additional copies are purchased from the State printers, at the expense of the Association, for distribution to its contributors and many others, not only in New York State but in other States and in foreign countries.

THE PRISON ASSOCIATION OF NEW YORK

In the latter part of the year 1844 there appeared in the papers of this city a notice addressed to the public, and signed by the President of the Board of Inspectors* of Sing Sing Prison, inviting "the attention of the benevolent to the destitute condition of discharged prisoners." Soon after the publication of this notice a meeting was held, and that meeting marked the birth of the Prison Association of New York, the first organization of its kind in the State. At the meeting it was decided that the scope of the Association's activities should not be limited solely to the care of the discharged prisoner, but that the Association should concern itself intimately and generally with the treatment of the prisoner, regardless of his place of detention. In other words, at the beginning, the sponsors of the Association recognized the importance and gravity of the crime problem and were not content to confine themselves to one phase of it. By an act of the Legislature the Association was incorporated in 1846 and given authority to visit and inspect the prisons and required to report annually to the Legislature. (See Preface, page 3.)

So the Association has gone on, year after year, unceasingly, and with earnest alertness, combating those things which impede progress in the solution of the crime problem, and initiating and giving utmost support to endeavors that indicated a forward movement. It has been faithful in endeavoring to reform those who have become criminals; in aiding the discharged prisoner and helping him to lead an honest life; guiding and helping destitute mothers, wives and children of men in prison; making prison conditions humane and effective, and securing legislation to improve court procedure and the administration of institutions.

*The managing body of the prison.

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THE PRISON ASSOCIATION OF NEW YORK

OFFICERS FOR 1934

<i>President</i>	<i>Recording Secretary</i>	<i>Treasurer</i>
EDWIN O. HOLTER	HAROLD K. HOCHSCHILD	C. C. AUCHINCLOSS

Corresponding and General Secretary

E. R. CASS

Vice-Presidents

GEORGE W. KIRCHWEY	MORGAN J. O'BRIEN
GEORGE W. WICKERSHAM	

*Executive Committee*GEORGE W. WICKERSHAM, *Honorary Chairman**Class of 1934*

WILLIAM A. M. BURDEN	ARCHIBALD S. ALEXANDER
RICHARD M. HYND	CHARLES SUYDAM CUTTING
RICHARD C. PATTERSON, JR.	DAVID DOWS
FRANK D. PAVEY	WILLIAM H. GRATWICK*
JOHN M. SCHIFF	HENRY G. GRAY
	HERBERT L. PRATT

*Class of 1935**Class of 1936*

IRA BARROWS
GEORGE BLUMENTHAL
JOSEPH E. DAVIS
MRS. E. MARSHALL FIELD
JOSEPH R. SWAN
BERTRAM DE N. CRUGER

Class of 1937

J. FENIMORE COOPER
ALEXANDER M. HADDEN
FREDERIC P. MOORE
MRS. H. HOBART PORTEH
WILSON M. POWELL
DEAN SAGE

* Died January 20, 1934.

STANDING COMMITTEES FOR 1934

COMMITTEE ON LAW

GRAY, KIRCHWEY, PAVEY, POWELL, WICKERSHAM, O'BRIEN,
BARROWS, ALEXANDER

COMMITTEE ON FINANCE

AUCHINCLOSS, SAGE, BLUMENTHAL, PRATT, SWAN

COMMITTEE ON DETENTIONS

BARROWS, BLUMENTHAL, HADDEN, MOORE, SWAN, MRS. FIELD

COMMITTEE ON NOMINATIONS

AUCHINCLOSS, BLUMENTHAL, SAGE

COMMITTEE ON PROBATION AND PAROLE

CRUGER, POWELL, MRS. PORTER, HURD, BURDEN, CUTTING

COMMITTEE ON PRISON ADMINISTRATION

DOWS, PAVEY, SAGE, SCHIFF, DAVIS, HOCHSCHILD

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NINETIETH ANNUAL REPORT OF THE PRISON
ASSOCIATION OF NEW YORK

March 4, 1935

HON. M. WILLIAM BRAY,

Lieutenant-Governor of New York:

SIR.—In accordance with chapter 163 of the Laws of 1846, we have the honor to present the Ninetieth Annual Report of the Prison Association of New York, and to request that you will lay the same before the Legislature.

Respectfully,

THE PRISON ASSOCIATION OF NEW YORK

BY EDWIN O. HOLTER, *President.*

E. R. CASS, *General Secretary*

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RECOMMENDATIONS TO THE LEGISLATURE

I. OLD SING SING CELLS

That the Legislature determine a date subsequent to which it will be forbidden by law to use, for the housing of prisoners, the stone, vault-like cells situated in the old cell house at Sing Sing Prison. These cells, built in 1825, have been publicly condemned for decades and were doomed by the Legislature when, in 1916, bills were passed for the rebuilding of Sing Sing Prison. The Prison Association of New York was conspicuous in the final campaign for a new Sing Sing Prison, and therefore deplors the fact that there are more than eight hundred of the old cells still available, and that at times it has been necessary to use nearly five hundred. The use of these cells is not to the liking of the State Department of Correction, but the Department has been handicapped because of the large prison population. However, since there is a decline in the population, and since the new institution at Woodbourne will offer accommodations for certain types of inmates, thereby relieving other institutions, this handicap is practically ended. Therefore, a specific legislative mandate prohibiting the use of these cells after a fixed date is in order, and until such action is taken the long condemned cells are likely to be used. It is paradoxical that at a time when the State of New York rightfully can boast of some of the best prison construction in the country, and the renovation of the old housing quarters at Auburn and Clinton prisons, it must also admit the use of so large a number of the long complained of cells at Sing Sing.

II. PRISON LABOR ON HIGHWAYS

That an appropriation be made for the use of prison labor on highway construction. It is regretted that an item of \$150,000 for prison camps and cantonments was stricken from the Governor's budget by the 1933 Legislature, and since then no similar appropriation has been made. This form of labor is universally approved by prison administrators, and, although there is some objection on the part of highway contractors, the extent to which prison labor, in competition with free labor, has been used on highway construction is negligible. Furthermore, the use of prison labor on highways is in accord with the State Use system of employing prisoners, the State Constitution, and the Correction Law. Attempts to repeal provisions of the law permitting the use of prison labor on highways should be defeated.

III. SPECIAL PERSONNEL

That an appropriation be made for the following positions in the State Department of Correction: (a) a director of foods; (b) a director of classification. A director of foods long has been needed

to make for the more scientific and economical feeding of prisoners. A director of classification is greatly needed to establish a central stimulus and co-ordinated functioning of the classification program and personnel of the Department.

IV. EDUCATIONAL PERSONNEL

The need of a well-rounded educational program in the administration of reformatories and prisons is becoming increasingly recognized in this and other states. The fact that institutions must do more than safely house their inmates is gaining popular support. Governor Lehman, in December, 1933, appointed a commission on the study of educational problems in penal and correctional institutions. That commission has made a preliminary report to the Governor and recommends an appropriation for educational personnel and supplies. These items representing a bare minimum to continue the good work that has been done along educational lines in the institutions and to lay the basis for the gradual expansion of the work, should have the prompt approval of the Legislature.

V. DIVISION OF EDUCATION

There should be established in the State Department of Correction a Division of Education to make possible the determination and administration of an educational policy for the institutions of the Department, and at the same time make for the stimulation direction and co-ordination of the educational work throughout the Department. In brief, there should be in the Department a central, energizing, vitalizing, harmonizing and directing force, so that education in its broadest sense can be made a reality throughout the institutions of the Department.

VI. OBJECTIVE OF PRISON EDUCATION

Section 136 of article 6 of the Correction Law, entitled *Prison Instruction*, should be re-entitled to read *Prison Education*, and should be rewritten to read as follows:

The objective of prison education in its broadest sense should be the socialization through varied impressional and expressional activities, with emphasis on individual inmate needs. The objective of this program should be that these inmates may be returned to society with a more wholesome attitude toward living, with a desire to conduct themselves as good citizens, and with the skills and knowledges which will give them a reasonable chance to maintain themselves and their dependents through honest labor. To this end each prisoner shall be given a program of education which, on the basis of available data, seems most likely to further the process of socialization and rehabilitation. The time daily devoted to such education shall be such as is required for meeting the above objectives. The Director of Education, in co-operation

with the State Commissioner of Education and the Commissioner of Correction, shall develop the curricula and the educational programs that are required to meet the special needs of each institution in the State. The State Commissioner of Education, in co-operation with the Commissioner of Correction and the Director of Education, shall set up the educational requirements for the certification of teachers in all State prisons and reformatories. Such educational requirements shall be sufficiently broad and comprehensive to include training in penology, sociology, psychology, philosophy, in the special subjects to be taught, and in any other professional courses as may be deemed necessary by the responsible officers. No certificates for teaching service in the State institutions will be issued unless a minimum of four years of training beyond the high school has been secured, or an acceptable equivalent.

VII. CLASSIFICATION OF PRISONERS

An evaluation of the functions of the various reception and classification units of the institutions of the State Department of Correction should be made with a view of determining to what extent their existence has made for progress in the distribution and treatment of the prison population. Some of these units are comparatively new and need time for development. However, the fact remains that in most of the prisons, and the same is true of the Elmira Reformatory and of the House of Refuge on Randall's Island, there is a mixture of population which brings into close association hopeful and less hopeful inmates, which is undoubtedly of detriment to the former. Decided progress has been made in the classification work of the Department in ferreting out the insane and potentially insane, as well as feeble-minded inmates. Notation has often been made of the psychopathic condition of inmates and recommendations as to their treatment, particularly with respect to housing, but if the reception and clinical personnel of the Department is to function considerably beyond the point of diagnosing and labeling prisoners there must be developed a more practical classification and distribution of inmates. This should allow for a greater emphasis toward reformation and rehabilitation for those inmates giving most promise of favorable reaction, and at the same time remove them from the harmful association with inmates giving little or no promise of reformation.

VIII. COMMITMENTS TO ELMIRA REFORMATORY

Attention should be given to the laws relating to commitment to the Elmira Reformatory. That institution was brought into existence largely through the efforts of the Prison Association of New York. The basic thought was that it should be available for the special care and treatment, through training and education, of those young offenders who gave reasonable promise of reformation.

It was intended for first offenders, beginners in crime, but through the years there has been a marked departure from the original thought, with the result that Elmira has been receiving inmates the greater number of whom are not beginners in crime or are unsuitable for the program of the institution. The purpose of the institution can be served better if more of the type intended in harmony with the original thought and law are committed to it. Some of these can be found in the State prisons. It is therefore urged that serious consideration be given to the proposal that commitments to Elmira directly from the courts be discontinued, that such commitments be made to the Department of Correction, and that following a careful study by a qualified classification personnel the decision be made as to whether the offender is a suitable type for the treatment which the Elmira Reformatory has to offer.

IX. CONFLICT OF SENTENCES

There is need for a change in the condition which arises when an inmate is transferred from a State prison to the Elmira Reformatory. The reformatory sentence is brief as compared with the sentences usually being served by an inmate who is being transferred from a State prison. A marked difference in sentences for inmates of the same institution is administratively disturbing and causes misunderstanding and resentment on the part of the inmates. An amendment to the law, allowing the Department of Correction or the Division of Parole to make rules and regulations regarding the minimum to be served by those committed to or transferred to the Elmira Reformatory, seems to be needed to adjust the conflict in sentences.

X. PRISON GUARDS

That favorable consideration be given to legislation intended to improve the prison guard personnel and the conditions under which they are employed. One outstanding injustice is that prison guards do not receive one day of rest in each week. This is a serious and unreasonable situation considering the important part which the right kind of prison guard personnel should play in the program of an institution. Though belated, it is now being recognized that the influence of the right kind of prison guard personnel on the prison population is most essential in the working out of a progressive prison program. Every experienced administrator will admit that his guard force can make or break his efforts toward good administration. Therefore, in addition to having the highest type of personnel, the conditions under which they are to labor, such as compensation, hours of labor and periods of rest, must not be overlooked.

XI. DESIRABLE REVISIONS

In our recommendations to the 1934 Legislature we suggested that a commission be appointed to study the Penal Law, the Code of Criminal Procedure, and the Correction Law. A Commission on Law Revision was appointed (Ch. 597, Laws of 1934), and also

a Judicial Council (Ch. 128, Laws of 1934). We urge that favorable consideration be given by the Legislature to recommendations by these bodies relating to better juries; reduction of exemptions from jury duty; the extradition of those charged with crime; the dealing with those accused of jumping bail; the permitting of defendants to waive right to jury trial; the allowing of five-sixths jury verdicts in non-capital cases; permitting the judge and prosecutor to comment on defendant's failure to testify; the forbidding of bail on appeal to seasoned criminals, and the requiring of advance notice of defense alibi. Legislation to improve the undesirable situations to which these proposals point should substantially add to the better administration of justice.

XII. SENTENCES BASED ON PLEAS TO CRIME OF LESSER DEGREE

The too frequent practice of committing persons to the New York County Penitentiary for a lesser degree of offense than that originally charged, should be studied. Courts and district attorneys give various explanations for the accepting of pleas to a lesser degree of crime. There are also those who feel that this procedure is an easy means of circumventing the law. However, regardless of the various explanations or suspicions, the fact is that the practice results in committing to the penitentiary types of offenders who should not be there. The penitentiary is intended for those who are minor offenders, and not for those seasoned in or inclined toward serious crime.

XIII. EXPANSION OF PAROLE

That serious consideration be given to the expansion of the indeterminate sentence and parole. The so-called Quinn-Robinson bill (Senate Int. No. 1396, Pr. No. 1588) passed by the 1934 Legislature but vetoed by the Governor, should be altered so far as it can be to meet with Governor Lehman's objections. It should be recalled that the Governor in his veto message said, "For many years I have been a strong advocate of the principle of parole. . . . I am thoroughly convinced that the principle of parole is sound and that it should be gradually extended."

XIV. INCREASED USE OF INDETERMINATE SENTENCE

That the distinction between indeterminate and fixed or definite sentences be abolished, and all convicted felons, with the exception of those sentenced for murder, first degree, receive an indeterminate sentence.

XV. FOURTH OFFENDER FELONS

In 1932 the fourth offender law was amended to provide an indeterminate sentence with a minimum of not less than fifteen years and a maximum of natural life. It was intended that this

change should apply to all who had been sentenced between 1926 and 1932 and subsequently, and that in all cases opportunity be given to reduce the duration of the minimum period through an allowance for good behavior. However, an opinion of the Attorney-General held that the good conduct provision could not be applied to those sentenced between 1926 and 1932. Therefore, to make for a uniformity of treatment in accord with a change in the public attitude toward the imprisonment of fourth offenders, as indicated by the action of the 1932 Legislature, it is urged that section 1442 of the Penal Law be amended to permit the reduction of the minimum sentence, through good conduct, of those sentenced as fourth offender felons between 1926 and 1932.

XVI. TREATMENT OF TRAMPS AND VAGRANTS

That attention again be given to the need for special care and treatment of tramps and vagrants. The experience of institutions and agencies during recent years shows that the State must take action. The Beekman site in Dutchess county, which was originally purchased by the State for a tramp and vagrant colony,* but was never used as such, and was transferred to the Department of Mental Hygiene, should be made available for its original purpose.

XVII. LUNACY COMMISSIONS

That legislation be enacted to improve the procedure of dealing with those charged with a crime who are suspected of being insane or otherwise mentally ill. The practice of appointing so-called lunacy commissions is costly and questionable. It is held that too many commissions are appointed, and too frequently the personnel of these commissions is not professionally and otherwise qualified to undertake the discharge of an important responsibility.

XVIII. COUNTY JAILS

Legislation intended to improve the county jail system in the State should be enacted. The glaring defects of that system have been described again and again in the reports of the Association. The county jails should be under the administrative control of the State Department of Correction. Constitutional restrictions make

*The Prison Association played a prominent part in the campaign in 1910-11-12 which resulted in legislation providing for a tramp and vagrant colony. The annual reports of the Association for those years contain considerable material on not only the State situation, but the treatment of the problem in foreign countries. For a renewed and up-to-date statement of the problem the reader is referred to a study made by the Committee on Farm Colony for Vagrant and Maladjusted Homeless Men of the Section on Homeless of the Welfare Council of New York City, appearing on pages 102 to 105 of the 87th Annual Report of the Association (1931). Original and subsequent legislation relating to the farm and industrial colony for tramps and vagrants, and subsequent action relating to the disposition of the site, is also given.

this difficult as an immediate change, but it is possible to effect by legislation the commitment and custody of sentenced prisoners in the jails. They could be sentenced to the county penitentiaries, which should be taken over by the State and placed under the jurisdiction of the State Department of Correction. The county penitentiaries can be made places of reformation, but so long as they are under county management there is little chance for the development of systematic industry and reformative influence.

XIX. EXTENSION OF AUTHORITY, DIVISION OF PAROLE

That consideration be given to the extension of the authority of the Division of Parole to apply to the Reformatory inmates at the Westfield State Farm and the inmates of the State Vocational Institution at Coxsackie (formerly the House of Refuge on Randall's Island). At the former institution it will relieve private agencies of work that is properly a State function. For both institutions it will make for a more uniform system of pre-parole procedure, the determining of fitness for parole, and supervision while on parole.

XX. CONTROL OF BRONX AND RICHMOND COUNTY JAILS

Through legislation discontinue the sheriff's control of prisoners in Bronx and Richmond counties, and also in the handling of prisoners between the New York City prison (the Tombs) and the Criminal Courts building, and transfer the control of prisoners in transit to the courts to the sole jurisdiction of the Department of Correction of the city of New York. Further, provide for the placing of the complete control of prisoners between the New York City District Prisons and the Magistrates' Courts under the Department of Correction of the city of New York. The above proposals, if effected, will make for economy, the elimination of duplication, security and the centralization of responsibility.

XXI. THIRD DEGREE METHODS

That a special committee of the Legislature be appointed to investigate the complaints of police brutality, commonly referred to as the "third degree." The reports of such brutalities and their denial, and at the same time the appearance of prisoners after their contacts with the police, suggest that an investigation would be desirable. As a first step, the proposal that prisoners when arrested be brought immediately before a magistrate should be put into practice.

XXII. COMPENSATION FOR INJURED PRISONERS

That study be given to the need for establishing a system of compensation for prisoners who are injured while employed in the industries or otherwise in the institutions of the State Department

of Correction. There are instances where prisoners have been seriously and permanently handicapped through no fault of their own, and yet have not been compensated by the State. There are also instances where prisoners have received large sums of money. It is, therefore, necessary to establish in law a procedure which will make for justice to the taxpayers and the injured prisoner, and at the same time set up safeguards against fraud and exploitation.

XXIII. EXTENSION OF FINGERPRINTING

Section 940 of the Code of Criminal Procedure should be amended so as to make it possible for the sheriff of the county to finger print all persons legally committed to the county jail.

XXIV. TERM OF SHERIFF

Legislation amending the Constitution, to allow a sheriff to succeed himself in office through re-election, should be enacted.

WHAT AMERICA NEEDS

It must be remembered that society has among its myriad problems that of keeping its citizens in order, and that laws must be enforced or they will mean nothing. Offenders must be shown that the laws must be obeyed, if only for the effect on others who might be inclined to get out of hand. Punishment is the only way, apparently, to carry out the mandates of the law to law-breakers. Punishment varies in degree from death to imprisonment, or liberty under prescribed conditions, but we must keep in mind that society has a complication of duties to perform when a man is taken into custody, for the tradition holds that a man is innocent until proven guilty. Too, there are duties and obligations after sentence is imposed. Once upon a time a prisoner was thrown into a dungeon and tortured. Compare the present day prisons with those of a century ago, or five centuries ago. Remember the campaign that Charles Dickens conducted against the terrible prisons in England.

Society has the obligation of carrying out the sentence pronounced by our courts, but we are morally bound to do so in a manner that will permit us to escape the onus of being the greater offender and convict us of being inhuman and unwise. *We must have in mind the day of release, when the prisoner goes back to live among his fellows.*

To the casual observer the problem of dealing with the law-breaker seems easy of solution. However, time after time it has been observed that the more interested people become, and the more they examine the many sides of the whole problem, the more they become convinced of its difficulty and complexity. Unfortunately, the public generally is cold or lukewarm, or entirely indifferent to the subject of crime and its treatment, and is more often amused and fascinated by thrilling stories relating to the exploits of certain types of criminal than in giving any thought or consideration to the need of a thorough and well-rounded program of treatment. *Public indifference and neglect is the greatest single cause of crime.* The exploits of some hoodlums and gangsters—the type that represent professional crime, that is crime as a business and as an easy means of livelihood—through their daring and killings, aroused special public attention during 1934. The usual cry of an eye for an eye was the result. Some gangsters and officers of the law were slain, and the details of these battles between law-breakers and officers of the law were highly colored by the press and made a kind of reading that interested and satisfied for the moment.

And so it went throughout the year, as in other years, a high peak of excitement, then a lull. However, a corresponding widespread interest in the same, dispassionate study and scientific treatment of the crime problem was noticeably lacking. Yes, it is true that crime commissions were established, bar associations became active, various studies, were made, reports and recommendations

were submitted, all resembling pretty much the expressions of other years or periods, but there seemed to be absent the kind of public interest and support that would make for a far-reaching and more substantial handling of crime. It is a sad commentary on American life that millions of dollars should be spent upon law enforcement, and hundreds of thousands of dollars upon special studies and investigations, and yet the professional criminal, particularly, seems to be master of the situation.

Repeatedly one is asked: Why were not the recommendations of national and state crime studying bodies put into effect? Why is it necessary to repeat year after year so many of these recommendations, since in the majority of instances they seem sound and in the interest of public protection? Aside from reasserting and in the interest of indifference and neglect is responsible, it is well to note that public indifference and neglect is responsible. He said that he the statement of a former police commissioner. He said that he believed the laws were adequate and that conviction could be accomplished with the aid of "an honest, vigorous prosecutor, and the victim will testify as to the facts." In referring to the proposed revision of the Penal Law and Code of Criminal Procedure, approved by the American Bar Association, he said, "nothing has been done except the filing of voluminous reports. Action in the Legislature is prevented by lobbies and other obstacles inspired from sources which are not difficult to locate."

During the month of December, 1934, U. S. Attorney-General Cummings called a crime conference at the Nation's capital. In papers read by representatives of the bar, prison officials, the police, the press, and others, references to a handicap in the fight on crime because of poor administration, politics, unsatisfactory and insufficient equipment and personnel, and inadequate procedure, were frequent. In other words, it is clear that much that should be done to cope with crime, and to the attention of our crime, has been brought from time to time to the attention of our citizenry and legislative bodies. If we could put into practice many of the sound suggestions pertaining to crime preventive activities and administration of the law, as well as the administration of institutions, which have been suggested and urged during, at least, the past twenty-five years, there would be less justified complaint.

That there are sinister influences identified with professional crime is little doubt. The highly organized manner in which such crime is conducted, from the commission of the crime itself to the prompt and, too often, highly experienced legal representation, is very significant. Yet, unfortunately, when public interest is aroused it is centered about one notorious criminal or his followers, and the impression is quickly gained that all who come into conflict with the law are of the same type and should be sentenced to death or given long imprisonment. This attitude is not new. One needs only to think of the days when capital punishment was the penalty for practically all crimes.

Until there is developed, not only by the Federal government, but by the citizenry of the various states, a demand that the complex problem of crime be dealt with persistently, dispassionately and intelligently, and not as at present in a hot and cold fashion, and sometimes in a bloodthirsty manner, there is little hope of achieving much good from the many careful and painstaking observations and studies that have been made. The passage of piecemeal legislation, or, as a matter of fact, of any legislation, is not sufficient. Human frailties always will be a handicap in the administration of any law, but public alertness can do much to counteract those human frailties that make possible the existence of professional crime. It has been well said by a high ranking public official, and very courageously so, that the professional criminal cannot operate without protection. It is that sinister influence, conveniently referred to as "protection" or "pull," that has considerable to do with the breakdown in the administration of criminal justice. If it were only possible to have the conscientious and right-minded members of the judiciary, prosecuting staffs, police, prison officials, and other agencies identified with the administration of criminal justice, frankly tell of their experiences, it is reasonable to suspect that their revelations would stagger the public mind.

What America needs is the prompt, fearless and impartial administration of criminal justice. This will come only when the people are more alert and constant in a demand for reform.

A NONAGENARIAN REPORTS

The Prison Association of New York, during its ninetieth year, regardless of the nation-wide troubled economic and social conditions, strove to keep faith with the purposes for which it was established. The battle of crime must be fought on many fronts, with one objective, the protection of society. The best interests of society always have been the basis of the Association's efforts. We strive to reduce crime through preventive activities, especially among the children of the families in our care; the improved and intelligent administration of court procedure and penal institutions, and the understanding but firm after-care of released prisoners.

Dr. Walter N. Thayer, Jr., Commissioner of the State Department of Correction, in writing about the Prison Association, said: "My acquaintance with the Prison Association of New York extends over thirty years. I have found the Association very helpful in its attitude toward the Correction Department of the State, very progressive and forward looking as to policies dealing with the criminal and with the management of institutions, also very helpful in its attitude toward the ex-prisoner and his dependents." Warden Lewis E. Laves of Sing Sing Prison has written: "The Prison Association of New York is the one group that seems to understand and is willing to co-operate in all matters relating to the improvement of our correctional system. I have always valued

its wise counsel and guidance, and have been keenly mindful of its initiative and alertness during the legislative sessions. When it comes to relief for inmates' families I have received greater co-operation from the Association than from any other group or organization.¹⁷

The Association's efforts to make for a maximum of public welfare and protection show each year a diversified approach to the various problems concerning the prisoner.

Education in Prisons Society is protected while the law-breaker is in prison, but that is only temporary. Most men who go to prison are some day to be released. The value of imprisonment is then put to the test. However, if the protection of prison gates and walls is to be reasonably permanent, it is imperative that something more be done than simply the keeping of men within an enclosure and under lock and key. If the many and varied conditions which make for crime in the community as well as in the individual are to be overcome, then there must be developed, so far as the man in prison is concerned, through intelligent and practical classification and separation, and individual study and treatment, a system of education that will serve to inspire him toward better living and give him not only the desire but the strength to despise and avoid, at the time of release and thereafter, all that was contributory to his downfall. In short, so far as is humanly possible, the atmosphere of the prison should be wholesome and such as will make for the development of character and moral upbuilding.

As a member of the Legislative Commission to Investigate Prison Administration and Construction* the General Secretary of the Association began, in the second year of the Commission's existence to urge the reorganization and expansion of the educational system in our prisons. It was his contention that modern buildings and equipment are not enough to do a well-rounded service of social regeneration. The commission responded with considerable zeal and there resulted the beginning of a recasting of the entire educational system at Elmira Reformatory. When the commission's term expired Governor Lehman was so impressed with what had been accomplished that he saw fit to continue the educational effort through the establishment of his own Commission for the Study of the Educational Problems of Penal Institutions for Youth. Dr. N. L. Engelhardt of Columbia University was selected to be its chairman, and the General Secretary of the Prison Association was included on the membership of the commission. On October 27, 1934, the commission made its preliminary report to the Governor. This report is set forth beginning on page 66. Fortunately, for the advancement of the educational experiment, the services of Mr. Walter M. Wallack were available, and his accomplishments at Elmira have resulted in his selection as director of the educational work of the State Department of Correction.

* See Prison Association reports for the years 1931-32-33.

Since the first attempt at a new deal along educational lines in the institutions of the State Department of Correction was made at Elmira Reformatory, it is fitting that there be a record of some of the changes that have taken place. Briefly, they are as follows:

1. The administrative procedure employed in the management of the reformatory has moved very markedly in the direction of embracing within it a new and up-to-date philosophy with reference to corrective treatment. The institution has taken on new life and leadership, with the result that tradition and hesitancy, reflected through the conduct of some of the personnel, is rapidly disappearing, and it is no longer necessary to urge the adoption of modern ideas, and therefore more energy and time can be given to the showing of how to carry out such ideas.
2. In the beginning the program at Elmira was strikingly lacking in unification of purpose. The different elements of the program, whether good or bad, were not co-ordinated for the common institutional purpose. Recently, all elements of the program have been knit together for the attainment of institutional objectives. This integration is being accomplished through the introduction of regular and frequent staff meetings, close supervision of personnel, and the checking of results. There has been an attempt to formulate a policy for the institution, to let all workers know what the policy is, their particular functions in its fulfillment, and their proper responsibilities to the inmates. The new policy carries through as the central idea.
3. There has been marked progress toward individualized treatment for inmates. The importance of case histories as sources of information from which training needs and other individual inmate needs can be partially determined is demonstrated. Through the findings of the psychologists and psychiatrists, information in the case histories, and numerous conferences and interviews during the reception period, an effort is made to classify an inmate for training. When the boy leaves the classification board he has been given a training prescription. His other needs are also prescribed for him to some extent, although not as much as they should be. *Formerly an inmate's weaknesses represented a point of attack. In the new procedure it is attempted to reach him, not through his weaknesses, but through his individual assets.* However, it is most important that individualization of treatment, so far as is practicable, be an essential part of any forward-looking program.
4. Teaching methods in shop and school classes have been modernized. In the shop classes modern techniques of job analysis and related vocational instruction have been introduced. Both in shop and school instruction is set up around areas of information and organized into projects and units with definitely stated goals. All sorts of visual aids, including motion pictures, are used extensively. Many materials have been secured from industrial

concerns, and there is being brought into the institution people from the outside, who, through demonstrations or lectures, help to vitalize various phases of instruction.

5. The educational offering of the institution has been analyzed for practical values. Numerous courses of instruction which were useless or outworn have been discarded. Others have been substituted. The program of curriculum revision has resulted in the enrichment of all instruction in the institution. The curriculum has been brought up-to-date and vitalized as extremely as conditions have permitted. New curricula developed at Elmira won the approval of the Curriculum Division of Columbia University, and have been cited as examples of the kind of curricula which should be in the correctional institutions.

6. New courses included in the revised curriculum have provided for personality development and mental hygiene needs. Several courses have as their primary aim the teaching of inmates how to live and get along with people—even to include personal manners and social etiquette. With very few exceptions all shop work has been reorganized so extensively as to practically make new courses. This is particularly true in auto mechanics, machine shop, barber shop, metal crafts, masonry, painting, shoe shop, and others. New courses in related instruction, science, related drawing, radio repair, automotive electricity, house wiring, theoretical electricity, occupational therapy, art metal crafts, handicraft arts, electricity, occupational and equipped. The new electrical classes are as well equipped for instruction as any that may be found anywhere.

Inmates are now assigned to maintenance work for instruction. All maintenance activities in the reformatory with few exceptions, are performed not only with the purpose of accomplishing work, but also for teaching inmates how to do the jobs in which they engage in an efficient and practical manner.

7. The personnel of the institution is constantly under instruction through frequent lectures and conferences and close personal supervision. During the summer months several instructors were given leave of absence to attend summer school courses in colleges and universities. Twenty-seven interne teachers, in addition to the regular force, were maintained on a daily average throughout the year. Some of these received compensation from foundation grants, while others gave their services for the experience. Many members of the institutional personnel were reassigned during the year to work in positions for which their personal qualifications were better suited. Five new positions were included in the educational department during the year, and it is expected that eight more will be provided for the coming year. These will consist of a director of education and seven teachers.

8. A far-reaching recreational program, under the direction of a competent man, is in operation. There are all sorts of clubs,

hobby developments, art work, craft work, sports, games, dramatics, etc. Many of these activities have been introduced into a new plan of evening program. Prior to 1934 inmates were locked in their cells from about 5:30 P.M. until 6:00 A.M.

9. A broad program of occupational therapy has been introduced into the psychopathic ward. A skillful teacher has been at work, and considerable equipment purchased to make for the success of the experiment.

10. Two new shop buildings and a new auditorium were completed and put into service during the year. New science equipment was added and also equipment for stenography and commercial education; two new mimeograph machines; new furniture and tables and chairs for the school rooms. In furnishing school rooms and selecting equipment, the trend is toward the creation of a school atmosphere suitable for reformatory inmates. Tables and chairs have been substituted for ordinary school desks, because many inmates do not like to go into a school which looks like one in which they formerly sat without interest or enjoyment. Text and reference books to the number of about four thousand have been added.

11. A procedure for observing inmates in training has been established so that they may be followed closely for needed readjustment.

12. A new library has been organized and equipped in the school and placed under the direction of a full-time librarian. The institution library has been moved from the inaccessible position it once had on the third floor of the administration building to the ground floor of the building located in the center of the reformatory group.

13. During the year radio broadcasting equipment has been placed in the auditorium, and each week a one-half hour broadcast is given, and about thirty inmates participate. All the music work of the institution has been reorganized and new equipment purchased.

Sing Sing Cells The complaint about these old, vault-like, stone cells has appeared in the press and various reports of the Prison Association have had much to say about them. In 1916, under the slogan, Sing Sing Must Go, the Association played a conspicuous part in a campaign which resulted in legislative action. By the enactment of chapter 594, Laws of 1916, formal notice of the Sing Sing situation was taken and the building of a new prison was authorized. It was felt that a great victory had been achieved. Every one familiar with conditions was happy in the thought that soon these old cells would be no more. Yet, in the year 1934, about 886 of the old cells still stand, and it has been necessary at times to use as many as 500 of them.

As a general average about 300 are in daily use. These cells are used for new admissions, and as vacancies occur in the new housed the men are transferred. There are also existent at Auburn prison about 549 similar cells, and at Clinton Prison 848, making a total of 2,283 old cells in the three prisons. The combined daily average population of the six State prisons for the year ending June 30, 1934, was 8,265. The total number of new cells, including those under construction at Auburn and Clinton, is 7,269. The combined number of old and new cells is 9,299. While the number of cells is in excess of the average daily population, the excess is not enough to allow for the complete abandonment of the old cells.

The old cells at Clinton and Auburn prisons will be displaced by new construction, but the Sing Sing cells, although legislatively outlawed, are likely to continue indefinitely. Therefore, the Association decided to repeat to the 1935 Legislature its recommendation to the 1934 Legislature, that a date be set for the discontinuance of the use of the old cells at Sing Sing, and their demolition. Also, during the year the Association kept in touch with the Commissioner of the State Department of Correction, making the suggestion that at every opportunity the use of the old Sing Sing cells be reduced to a minimum, and, also, that the State Department of Correction join in the protest at the continued use of the outlawed cells.

Parole

Parole in this and other states was attacked more during the year 1934 than at any time in recent years. There was the usual lack of accurate information and proper understanding, with the result that parole as a means of release, regardless of the fairness or truthfulness of numerous statements, was condemned. The public was ready to believe that all the ills in the administration of criminal justice, and, as a matter of fact, the whole crime situation were identified with parole. The systems in the different states, the personnel, the functioning of those having to do with the administration of parole, the adequacy of the parole organization, if such did exist, all of these essentials and others were lost sight of in the general attack on parole, with the result that the good and the bad situations were dealt with alike. In other words, with the usual display of public hysteria, there seemed to prevail the thought that if parole could be eliminated all our troubles would cease. Now there is no question that there is as much difference between the states in the administration of parole as there is between night and day. That there is such a thing as the abuse of parole, in which politics and other sinister influences operate, cannot be denied. The National Commission on Law Observance and Enforcement, headed by the Hon. George W.ickersham, in its report on Penal Institutions, Probation and Parole, submitted in June, 1931, showed the wide variance in the laws of the states governing parole, clearly defined parole, set forth its defects, gave samples of parole, and outlined the Federal Parole system. This

suggests that when parole is discussed in a national way it always should be kept in mind that what is true in one state may not apply in another.

The Prison Association holds a firm belief in the indeterminate sentence and parole. It was largely responsible for the introduction of both systems into this country. It served through the years without compensation as an agent for the State of New York in connection with those released from Elmira reformatory, as well as the State prisons. As the years went on it played a dual role in that it not only served the State, but at the same time took the initiative and was outstanding in its criticism of parole, particularly as it related to the State prisons. There finally resulted, as described in our previous reports, the establishment in 1930 of the present Division of Parole in the Executive Department of the State. When, during the month of May, 1934, it was announced that the grand jury of New York county had decided to investigate the administration of parole, the General Secretary urged by telegram the chairman of the State Division of Parole, Dr. Joseph W. Moore, to make a public statement welcoming an investigation. It was stated in the telegram that the attitude of the Division of Parole, to generally ignore public attack, is a mistake. On May 25, in a letter addressed to Governor Lehman, the General Secretary called attention to the telegram addressed to Dr. Moore, enlarged upon it, and also warned that the whole future of the indeterminate sentence and parole in this State was in danger. The Governor replied, advising that he had asked for a report on all of the matters relating to the parole system, and also that he was of the understanding that the Parole Board had requested permission to go before the grand jury. The Governor's faith in the indeterminate sentence and parole is indicated in the closing paragraph of his letter.

It was feared that the grand jury, headed by Mr. Lee Thompson Smith, would be hostile to parole. However, as time went on it became evident that Mr. Smith and his associates had determined to be open-minded until they had obtained all the facts and had made a complete study and evaluation. The thorough, painstaking, and freehanded manner in which the grand jury functioned re-establishes one's faith in such a body and entitles the members to high public commendation. The Prison Association made available to Mr. Smith its knowledge of the parole situation in this State over a long period of years, and laid emphasis on the long fight to bring about improvement. Further, it co-operated with him at every opportunity to the extent of giving information, advice and guidance. It was particularly gratifying to the Association to have the indeterminate sentence and parole upheld in the judgment of the New York county grand jury for the May, 1934 term. Significant is the statement, "It is the judgment of the grand jury that grave misconceptions exist regarding the operations of the parole system."

Of course, as was to be expected, the grand jury did not find the Division of Parole a perfect organization. However, it was convinced that the parole commissioners and the staff were doing the best they could with a trying and difficult task, and that there was no reason to believe that sinister influences were operating to bring about release on parole. The grand jury extended its observations to such subjects as the rehabilitation of prisoners, the classification of prisoners, social agencies, failures of the courts to co-operate with the Parole Board, the need for central bureaus of records, communicable diseases, consolidation of probation and parole, good time laws, the sentencing and transportation of prisoners crime, defense attorneys, control and consolidation of city, county and State prisons, the New York City Reformatory, and prison administration generally.

The grand jury frankly admitted in its presentment that some of its observations were not original, that is, they had been dealt with by other bodies previously. However, they did make a strong plea for action, and that of course is essential. Since much that is contained in the presentment is in accord with the views and efforts of the Association for years, this opportunity is taken to congratulate Mr. Lee Thompson Smith and his associates on a work well done.

Quinn-Robinson Bill Perhaps no other piece of legislation, during the 1934 session, attracted more attention than the so-called Quinn-Robinson bill. The purpose of this bill was to extend the operation of the indeterminate sentence and parole with certain exceptions. In practice it was intended that the members of the Division of Parole, and not the judges, should determine mainly how long a man shall remain in prison. Under the present law the judge fixes a minimum and maximum term within limits prescribed by law for those convicted for the first time of a felony, and after the expiration of the minimum sentence the Division of Parole takes jurisdiction over the prisoner and controls his release. In the case of second, third and subsequent offenders, under the present law the court determines the length of sentence. While serving what is known as a definite sentence, which all second or subsequent offenders receive, the prisoner may reduce the time to be spent in prison through the allowance known as "good time." However, in these cases the Division of Parole exercises no jurisdiction as to the determination of when the man shall be released. The Quinn-Robinson bill is not embodied a new thought. As far back as 1847 the Executive Committee of the Prison Association of New York called a convention of friends of prison discipline, which assembled in New York City. This convention brought forth interesting proposals as well as communications. Mr. Samuel J. May of Syracuse, N. Y., wrote in part:

You ask me for how long a time he should be sentenced to such confinement? Obviously, it seems to me, until the evil disposition is removed from his heart; until his disqualification to go at large no longer exists; that is,

until he is a reformed man. How long this may be, no human sagacity certainly can predetermine. I have therefore for many years been of the opinion that no discretion should be conferred on our judges in regard to the length of a convict's confinement; that no term of time should be affixed to any sentence of the court. The offender should be adjudged to undergo the duress and the discipline of the prison-house, not for weeks, months or years, but until that end for which alone he should be put there is accomplished; that is, until reformation has evidently been effected. All attempts by our legislators and ministers of criminal jurisprudence to decide upon the degree of criminality in different offenders must be abortive, because only Omniscience is competent to do this. Even if human wisdom can ascertain the different quantities of evil flowing through society from the commission of different crimes, surely no legislators or judges can be wise enough to determine the comparative wickedness of those who have committed these crimes. The man who has been convicted only of a petty larceny may be found, when subjected to prison discipline, a much more incorrigible offender than another who committed highway robbery, burglary or arson. . . . One of the greatest improvements in the administration of our penal code would be to withhold from the judges all discretion as to the time, for which convicts shall be confined. . . .

It should be noted that Mr. May was of the opinion that there should be withheld from the judges all discretion as to the time for which prisoners should be confined. This coincides with the basic thought of the pure indeterminate sentence. In subsequent years others have advocated that the judges should be deprived of the power of fixing the sentence. Included in such advocates have been judges, members of the bar, criminologists, penologists, heads of institutions, and in 1927 former Governor Alfred E. Smith advocated the setting up of a sentencing board and giving that body the power to determine just how long a prisoner should remain in confinement.

The Quinn-Robinson bill passed both Houses of the Legislature, and during its progress there developed growing opposition on the part of the press, the judiciary, police officials, and others. At the same time there was recorded with those supporting the bill substantial proof that it had many friends. Included among them were some of the State's outstanding citizens, representing business, the bar, the judiciary, the medical profession, etc. However, the opposition chose to label the bill a "jail delivery" and that proved to be a convenient catch-word, especially for some of the press. Among those outstandingly active while the bill was before the Legislature were Dr. Walter N. Thayer, Jr., State Commissioner of Correction, Warden Lewis E. Laves of Sing Sing Prison, and E. R. Cass, General Secretary of the Prison Association of New York. All three had had many years of experience with prisoners and were intimately acquainted with penological history and the various trends of thought and action in the field of prisoner care and treatment. It is nothing short of absurd to contend that they, as well as the many others who supported the bill, would welcome a jail delivery. One of their joint statements on the bill is as follows:

There has been no secret attempt to secure legislation extending the State parole system, unless it can be said that editorial discussion and preponderantly favorable comment during the last few weeks in several metropolitan newspapers and upstate dailies is "secret haste." Thousands of letters, seek-

ing an expression of opinion from representative citizens of the State have been sent out in the last six weeks. The long list of endorsers of this parole program includes men and women from every profession and calling, particularly those whose work to improve the conditions of the poorer classes—formerly those whose work came—entitles them to express an intelligently based opinion.

Under the provisions of the Quinn-Robinson bill, those convicted of the crime of murder, kidnapping, arson, rape and treason, in the first degree, the most serious crimes, are specifically exempted. Therefore, the bill can in no way be designated as a "jail delivery" measure. Moreover, the bill merely makes those who are affected eligible for parole after they have served a portion of their prison sentence. This procedure has been successfully followed for many years by the Federal government and most other states. To imagine that the New York State Board of Parole is interested only in releasing as many prisoners as possible is a conception of the problem that can be based only on a complete lack of knowledge of the record of the Board. The men on parole are not acted upon as a class, but as individuals. The Board of Parole is actuated by as deep a sense of public responsibility as that held by any district attorney, judge, or police official. Furthermore, the bill provides that the Board of Parole shall not consider an offender for release until he has been recommended by the Department of Correction as a fit subject for parole under strict supervision. The Commission of Correction does not make this recommendation unless and until the prisoner concerned has proved himself. That is, he must convince those who know him in daily charge, the superintendent of industries, and the doctor, that composed of the chief disciplinary officer, the psychologist, and the doctor, that he has overcome whatever anti-social tendencies actuated his commission of the crime for which he was sent to prison.

The Quinn-Robinson bill is a non-partisan measure, receiving the support of the Republicans and Democrats alike. The Commissioner of Correction, and the Department of Correction, including every warden in the State, and the Board of Parole, have all approved its provisions as socially constructive, and economically sound legislation. First offenders, with the major exceptions, are made eligible after two years in prison. In this connection it is interesting to recall that the Levisohn Commission, after a most careful and lengthy study, recommended that first offenders be made eligible for parole after serving one-half of their sentence. Under the proposed bill, second offenders are eligible after serving one-half of their sentence. This would bring New York State practice to about the same as that followed in all other states, for the Baumes Laws would merely be eligible under this bill after serving one year sooner than at present. Fourth offenders are not affected in any way. Unless the Quinn-Robinson bill is enacted, New York State faces the imperative necessity to construct more prisons to hold men who could safely be released under the strict regulations of the Board of Parole. The fiscal report of the Board shows that of 8,600 cases on parole, less than 7 per cent were returned to prison for any reason. The cost is \$43.19 per year to keep a man in prison and only \$46.81 a year to supervise him on parole. These figures speak for themselves; as does also the fact that two new prisons have been completed in the last two years. Still there is overcrowding in the State prisons and the solution lies either in the enactment of the Quinn-Robinson bill or the building of more prisons.

The forces that are opposing this measure are the same that put through the so-called Baumes Laws in 1923. Those drastic bills, doubling and halving the number of prisoners held at that time as a long step in the solution of New York State's crime problem. We were led to expect that the result would be a decrease in the number of crimes and State millions and millions of dollars in new prisons, maintenance and construction, to say nothing of the lives and the havoc they have wrought because of the long outmoded idea that severe punishment is the cure for crime. No other state in the Union and no country in the world now follows the practice of imposing such terrific

penalties that the ends not only of justice but of crime prevention and diminution are completely lost sight of. If any further evidence of the futility of such an approach to the problem were needed it is contained in the figures showing the tremendous increase in the prison population in New York State since the enactment of the Baumes Laws in 1923. Moreover, practically every person who has had contact with the problems of prisons and prisoners unanimously favors the use of parole wherever possible. Long and wide experience has proved parole to be a most effective means of protecting the best interests of all those concerned for the true welfare of society.

A hearing before the Governor was had on the bill, and on May 15 he vetoed it. However, his veto message, which is set forth below, shows him not unfriendly to the extension of the indeterminate sentence and parole:

"This bill provides that every person, now or hereafter, sentenced to an indeterminate sentence who has never before been convicted of a crime punishable by imprisonment in State prison shall be eligible for parole at the end of two years unless such person's minimum sentence is less than two years, in which case he is eligible for parole at the end of his minimum sentence; and that every person, now or hereafter, confined under a definite sentence as a second offender shall be eligible for parole at the expiration of one-half of the definite sentence and if confined under a definite sentence as a third offender at the expiration of two-thirds of such sentence. Persons convicted of murder, first and second degree, treason, arson first degree, kidnapping or rape first degree are excluded from the operation of the amendments.

For many years I have been a strong advocate of the principle of parole. Even before I entered public life I had studied parole and had urged its institution in this State. In 1930 I had the privilege of taking a very active part in the drafting and enactment of the parole legislation now on the statute books of the State.

I am thoroughly convinced that the principle of parole is sound and that it should be gradually extended. The enactment of wise legislation and the maintenance of sound administration will lead to further development of this principle. Unwise legislation would bring about a disastrous reaction in the public mind. A change in the Penal Law and the parole system so fundamental as that provided for in this bill should be undertaken only after the most careful and critical study.

At best, parole can never be an exact science. It obviously cannot be effective in all cases. There are bound to be some failures. I am convinced that parole in this State has on the whole been very successful. It has been necessary to return to prison only a gratifyingly small percentage of those who have secured the benefits of parole. There can be no doubt, however, that because of the inevitable and unavoidable failures, few as they may be in number, parole will for some time continue to be under fire and subjected to criticism from the public. It is because of this fact that those who are so deeply interested in the principle of parole, should make certain that any new step gives every reasonable assurance of soundness and effectiveness. The system of parole has been operating only a very few years. It has been gradually growing and strengthening itself. But a precipitous imposition upon the parole system of tremendously enlarged functions and duties might not only stunt this development but might bring about a serious reaction. The people must have faith and reliance on the parole system. That faith and reliance must go hand in hand with the progressive enlargement of the functions of parole.

It is just because of my very great interest in and sympathy with the principle of parole that I am vetoing this bill. I believe its enactment at this time in its present form would be hurtful to the cause of parole.

There are many reasons why I feel that I should withhold my approval of this particular bill. Some of them are as follows:

(a) The bill is far too general in character. It has not been carefully worked out in detail. It does not sufficiently differentiate between the seriousness of crimes. Under its provisions a first degree burglar or "stick-up man"

who commits a crime while armed may receive the same punishment as a man sent to prison for a comparatively unimportant felony.

Under this bill persons convicted of the serious crimes of robbery in the first degree, burglary in the first degree and all crimes committed by persons armed with a dangerous weapon are to be eligible for parole. In the cases of robbery in the first degree and burglary in the first degree, the Legislature has recognized the necessity of drastic punishment by providing for a mandatory minimum sentence of not less than ten years for first offenders. In addition, if in such cases the criminal is armed his punishment shall be increased by not less than five years. These are among the crimes most often committed by the professional criminal. Under the bill, such offenders would be eligible for parole at the end of two years.

(b) There is too close a connection between the functions of parole and the functions of correction. To have an effective system of parole in which emphasis is laid on rehabilitation rather than on punishment, it is important in my opinion to keep the functions of correction and parole as fully distinct from each other as possible.

(c) There was no public hearing on the bill in either house of the Legislature so that those interested in the question of parole had an inadequate opportunity to present their views.

(d) The bill carries no appropriation. Its enactment into law would at an early date impose vast new responsibilities on the Parole Board and therefore require a very substantial enlargement of its staff and equipment. The Parole Board, while charged with great additional responsibilities to the public would be left for many months without the means of discharging them adequately. This would be totally unfair to the public and to the principle of parole. The almost inevitable failure that would result, at least for a time, due to the greatly increased work without correspondingly increased personnel or equipment might jeopardize the interests of the public and subject the principle of parole to severe criticism.

Yet in disapproving this bill I do not wish it to be understood that I consider the general purpose of the bill without merit. Furthermore, certain particular features are very sound; for instance, the provision which places second and third offenders under the full jurisdiction of the Parole Board. The interest that this bill has provoked is proof to me that not only experts in criminology and correctional research but the general public is deeply concerned with the punishment and rehabilitation of criminals. And I hope that not in the distant future the people of our State will, through the Legislature, gradually enlarge the powers and functions of parole in a manner that its administration may continue to be sound and effective.

Classification On the theory that classification of prisoners is a vital part of an intelligent and progressive program of treatment, the Association has always given that need deep concern. To this end we have aided in the establishment of special institutions, such as that for the mentally defective delinquent at Napanoch, the Medium Security Prison at Walkkill, the Reception and Classification Unit at Sing Sing, and the change in the law allowing the Commissioner of Correction to designate certain institutions as receiving and distribution prisons. It was largely through the efforts of the Association that the first appropriation for the personnel of the Receiving and Classification Unit at Sing Sing was obtained. However, although we do have an institution for mentally defective delinquents, separate institutions for the insane criminal, and special institutions such as Elmira Reformatory, the Medium Security Prison at Walkkill, and the State Vocational Institution at Cox-

sackie, together with psychiatric units at the various prisons and the power of transfer in the hands of the Commissioner of Correction, *there is still lacking*, especially in the prisons, a distribution of prisoners on the basis of scientific observation and study. The Association is mindful of the many practical problems involved, but it is at the same time of the opinion that until we have a better rearrangement and distribution of the prison population we shall continue with a desire to do work scientifically, but with the absence of a corresponding degree of practical application. In other words, it is costly, and perhaps useless, for the reception and classification clinics to study and prescribe treatment for prisoners, and to suggest their distribution among institutions in the Department, if, in too many instances, the net result is the recording of that material on cards. Therefore, in its recommendations to the 1935 Legislature, the Association asks for an evaluation of the functions of the various reception and classification units of the State Department of Correction, with a view of determining to what extent their existence has made for progress in the distribution and treatment of the prison population. Prisons, at best, are unwholesome and there is always the grave danger of moral contamination. Therefore, until the State of New York pushes its classification ideas more vigorously, so that there will be a greater differentiation in the place of imprisonment and treatment of those who give promise of response and those who do not, the question as to the worthwhileness and long range value of the scientific approach to the treatment of the prisoner will continue to be debatable.

New Tombs and Court House This Association, as well as other bodies, has long deplored the continued use of the city prison known as the Tombs, and also the old Criminal Courts Building. For years it has been an almost perennial announcement that the Tombs is a disgrace, is gradually sinking, and the same is said about the Criminal Courts Building. While there is general agreement that both structures should be replaced, the funds necessary to do so have not been made available, although patchwork repair or renovation has cost the city considerable money. During the early part of 1934 the president of the borough of the Bronx urged that the city of New York request funds from the Federal Public Works Administration for the construction of the long proposed Bronx county jail. The Prison Association agreed that a new jail was needed, and while not disputing this took the position that the need for a new jail and court house building in Manhattan was more urgent, and suggested to Commissioner MacCormick of the New York City Department of Correction that he lose no opportunity to obtain the necessary funds for a new Tombs and Court House in Manhattan. We desire to express our appreciation for the prompt interest shown by Mr. MacCormick. However, funds were finally made available for a new jail in Bronx county. Through the year the Association continued, in its contact with Commissioner MacCor-

mick and others, to keep the new Tombs and Court House need alive. Suddenly, and during the month of June, Mayor LaGuardia announced that he had forwarded to the PWA in Washington a list of projects for which loan applications would be made at a later date, and included in that list was a central building to provide for criminal courts and a prison to displace the Tombs. There was also sudden activity on the part of architects, one in particular. In previous years the discussion centered around the desirability of having one building to house the court accommodations, including a central magistrates' court for the borough of Manhattan, and to provide prison quarters at the top of such a building. The convenient term developed was a "skyscraper court house and jail building." However, during the latter part of the year the thought was developed that instead of having one building there should be a group of buildings, one for the city prison, another for the court house building, and a third for office quarters for the district attorney and others. The Association is not particularly concerned with the exact layout of the final arrangements, so long as adequate, up-to-date, and satisfactory court and prison housing accommodations are provided. It has put itself on record with regard to architects to the effect that the architect who is to design the new building or buildings should be selected through competition in accord with the rules and regulations of the American Institute of Architects. At this writing there is nothing final to report, except to indicate that the part the Association has played in keeping alive the need for a court house and city prison has not been without result, and that there is reason to believe that the realization of the hope for these improvements is nearer than it has been for many years.

Central Magistrates' Court in Manhattan

Continuing its interest in the centralization of the Magistrates' Courts in Manhattan, the Association immediately brought to the attention of President Deutsch of the board of aldermen, Police Commissioner Valentine, and Chief

Magistrate McDonald, members of the committee appointed by Mayor LaGuardia to study reforms in the Magistrates' Courts, the brief on the centralization of the Magistrates' Courts prepared by the Prison Association and other organizations in 1929. The replies from these officials showed their appreciation and interest. This is another instance of the Associations' desire to keep alive needed reforms, and if the funds are finally obtained for the Tombs and Court House building, the proposal to have the Magistrates' Courts in Manhattan centralized in one building is very likely of fulfillment.

Bronx and Richmond County Jails

We continue the hope that some day the Bronx and Richmond county jails will be brought under the jurisdiction of the New York City Department of Correction. When the New York

City Charter Commission was in session the General Secretary urged that body to include in its considerations and finally approve

the proposal to transfer the two jails to the control of the New York City Department of Correction. Unfortunately, this opportunity to take care of the jail situation was lost because the commission disbanded unable to agree on other points. Therefore, we have the continuation of the anomalous situation whereby the control of the City Department of Correction applies to all city institutions having to do with those charged with or convicted of crime, with the exception of the Bronx and Richmond county jails.

Law Revision Commission

The 1934 Legislature, by the enactment of chapter 597, established a Law Revision Commission. This was in accord with a recommendation made by the Association to the 1934 Legislature. Dean Charles K. Burdick of the Law School of Cornell University was made chairman. It being understood that the commission would give attention to the Penal Law and the Correction Law, the General Secretary communicated with Dean Burdick and assured him that the Association and the State Department of Correction would be glad to co-operate with him and his commission. This offer of co-operation was well received. Various suggestions were transmitted to the commission, and while its work must necessarily be slow and somewhat limited for the year 1934, it is nevertheless felt that by the end of 1935 there will be ready for the 1936 Legislature numerous recommendations for changes in the Penal and Correction Laws.

Crime Prevention Bureau

During the early part of 1934 there was a disposition on the part of the new city administration to question the value of the Crime Prevention Bureau. It was the general feeling among interested organizations that the bureau would be discontinued and that prompt action was needed to save it. The Association on numerous occasions joined with other organizations in urging the mayor and police commissioners to give careful study and thought before entertaining seriously any proposal to discontinue the bureau. The Association pointed out that crime prevention activities, especially among youth, are essential; that New York City had taken a definite lead by the establishment of the bureau; that the bureau is still young and experimental in many of its activities and had probably made some mistakes, but if given a free hand and the right type of personnel could do an excellent work. Special reference was made to the ability of the head of the bureau, Miss Henrietta Additon. It was also suggested that there be fewer of the higher paid police officers attached to the work of the bureau, and that instead more of the grade of patrolmen of the younger type, after special training, be assigned to the bureau. This latter suggestion was made in the interests of economy and efficiency. The fate of the bureau remained unsettled for several months, and it was finally decided to continue it under a new title, Juvenile Aid Bureau. Unfortunately, in the meantime, Miss Additon resigned.

During the consideration of the mayor's 1935 budget by the board of aldermen an item for the director of the Juvenile Aid Bureau was deleted. The Association urged the mayor to restore this item, which he did.

Probation Commission

A former General Secretary of the Association, Dr. Samuel J. Barrows, was outstandingly active in bringing about the first probation law in the State of New York. The Association always has been an advocate of probation, and for years maintained a probation service in the Court of General Sessions in the city of New York. As time went on the Association recognized the inadequacy of this service and urged that it be taken over by the city. This was finally accomplished. We are unceasing in our desire for the maintenance of high probation standards throughout the city and hope that the day will come when there will be in the other probation departments of the city a level of personnel and work equal to that now in the Court of General Sessions. This will mean considerable added outlay, but the added cost must be met if real probation service is to be had. The success of probation depends, as is true of all other methods of treatment, on its administration. Without the right kind of personnel, and in adequate numbers, this cannot be had.

Gratifying to the Association was the appointment by Governor Lehman, on the recommendation of Dr. Thayer, Commissioner of the State Department of Correction, of its General Secretary as a member of the State Probation Commission.

American Bar Association Meeting

At the annual gathering of the Association in Milwaukee, in August, 1934, the General Secretary addressed one of the evening sessions, held under the auspices of the Section on Criminal

Law, of which Dean Justin Miller of Duke University, and now specially assigned to the Solicitor General's office in Washington, is chairman. Dean Miller, subsequent to the meeting, wrote to the General Secretary in part as follows: "Let me assure you again, both personally and on behalf of the American Bar Association, of our very great appreciation of the contribution which you made to the Section of our program."

The Prison Problem of America

During 1931 Alexander Paterson, M. C., His Majesty's Commissioner of Prisons for England and Wales, spent four months in America visiting and observing ninety reformatories and prisons and other institutions. As stated in our 1931 annual report, it was gratifying to this Association to have Mr. Paterson make its office his American headquarters and to assist substantially in arranging his itinerary. His letter of appreciation is recorded in our report for that year. During 1934 the full printed report

(The Prison Problem of America) of Mr. Paterson's visit was made available and distributed by the Association. This document, written by an experienced administrator, and entirely free from local interest or prejudice, should be of great value to American workers because of its keen insight, sympathetic understanding, and constructive suggestions. Part of the preface reads:

The Report was not easy to write. It represents necessarily the essence of a mass of information and observation which at times nearly overwhelmed me by its volume and its contradiction. The forty-eight States vary so infinitely that perhaps nothing is true of all of them save that all are kind to an Englishman. If, therefore, at times the Report seems to generalize unfairly, and to be harsh to all when the shaft should only strike a few, this must be forgiven. It is impossible to qualify every observation and to limit every judgment to its appropriate area. A prison is like a prisoner—never entirely good and never entirely bad. A shade of exaggeration may sometimes be allowed if it will help to rivet attention, foment indignation and stimulate action.

A friendly critic has suggested that instead of being content merely to describe what I saw, I have tended to project my own views into the Report and imposed opinion upon fact. This has been done because the Report is written partly to my friends in the States who know already far more than I can ever do about their prisons, and will be more interested in my reactions than in bold narrative of fact, and partly to my friends in England and elsewhere, before whom I wish to lay very humbly but very resolutely certain principles of penal administration.

International Penitentiary Commission

The commission will hold its Eleventh Quinquennial Congress in Berlin in August, 1935. The Prison Association of New York had considerable to do with the beginning of these Congresses, and has been closely allied with them and the International Prison Commission since the first Congress in 1872. The Congress serves as the great international gathering of persons interested directly or indirectly in the treatment of the crime problem in its many phases. The General Secretary was requested to prepare a reply to one of the questions to be discussed during the Congress and has submitted his paper.

U. S. Attorney-General's Crime Conference

For the first time, and during the month of December, 1934, there convened at the capital of the Nation, under the sponsorship of the Attorney-General of the United States, a Conference on Crime, in which representatives of the Federal, state, territorial, and local governments participated. There were also representatives of seventy-five organizations having to do in one way or another with the treatment of the problem of crime. The General Secretary of the Prison Association was invited to attend, and was appointed by the Attorney-General to serve as a member of the Committee on Resolutions of the Conference. Although the press reports gave the impression that the gathering was made up mainly of prosecuting attorneys and members of the various police departments, that is not in accord with the facts. There was a wide range of subjects under discussion, and this dis-

cussion revealed overwhelming evidence of an intolerable breakdown of law and order throughout the country. After four days of deliberation the Conference adopted the following resolutions:

I

That the Conference records its satisfaction at the substantial achievements of the Conference in informing and stimulating the forces of law enforcement in their difficult but vital tasks and even more in the promise it gives of earnest and persistent study and effort for the future. It therefore expresses its appreciation of the constructive leadership of the Attorney-General, shown in the conception, the organization and the successful execution of the plan for this meeting; and its further appreciation of the disinterested service of the more than 600 delegates, and the large number of visitors, who, at great personal sacrifice of time and money, have exhibited a fine spirit of public obligation by their attendance here; and further recommends that this Conference be developed into a continuing organization, with meetings biennially or oftener in Washington, on the call of the Attorney-General.

II

That the Conference on Crime, endorsing the recommendation of the Attorney-General, urges that a national scientific and educational center be established in Washington, D. C. for the better training of carefully selected personnel in the broad field of criminal law administration and the treatment of crime and criminals. It further recommends that an advisory committee be appointed by the Attorney-General to consider and report to him ways and means of accomplishing the purpose of this resolution.

III

That one of the outstanding benefits of this Conference has been an increased mutual understanding of our common problems by all groups. Effective co-operation by all departments and agencies of Federal, state, county and local authorities is essential to the accomplishment of our great objective. No encroachment upon state authority is intended. On the other hand, the Conference urges the strengthening of State resources. Especially in view of the deplorable condition of disorganization which exists in local law enforcement units, it is recommended that the various states give serious consideration to a better form of co-ordinated control by means of a state department of justice or otherwise. Modern conditions demand modern methods. The Federal government should stand ready within the limits of Federal law to offer aid and support as and when needed. In many such instances local, county and state activities can thus be effectively assisted.

The recently authorized State Compact Plan should help the states themselves in the achievement of more effective co-operation.

The major portion of the task of crime repression should still remain with local authorities whose devotion to the cause of law enforcement has been so amply demonstrated by their enthusiastic participation in this Conference and their whole-hearted willingness to join with others in the solution of its problems, as well as by increasing evidence of success in meeting the challenge of crime in their own communities.

IV

That the Conference recognizes that criminal careers usually originate in the early years of neglected childhood and that the most fundamental and hopeful measures of crime prevention are those directed toward discovering the underlying factors in the delinquency of children and strengthening and co-ordinating the resources of the home, the school, and the community for child training and child guidance. It commends the progress that has been made in certain states and localities in drawing together through such agencies as co-ordinating councils all available local forces to combat unwholesome influences upon youth. It urges state and national leadership through-

appropriate governmental and voluntary organizations, in fostering the development of these co-ordinating agencies, the provision of constructive educational, vocational and recreational opportunities for youth, and the provision of competent, skilled service to children in need of guidance and correction.

V

That the Conference condemns the use of methods of dealing with industrial conflicts and racial antagonisms which are not in accord with orderly and lawful procedures, and urges the administration of all phases of public safety by legally constituted law enforcement agencies only.

VI

That the conference deprecates the abuse of the parole and the pardon power as tending to undermine respect for law and order. Parole when courageously and intelligently applied is an integral and necessary part of a protective penal system.

The Conference recommends the continued use of parole as the safest method of release from prison, but under the following minimum conditions:

1. The minimum and maximum of indeterminate sentences should be compatible with adequate punishment, rehabilitation and public welfare and protection.
2. Paroles should be granted only by a fulltime salaried board of duly qualified persons.
3. Full information should be available and sought for the use of the board as to the prisoners' records, habits, environment, family and prospects.
4. The names of all persons endorsing a prisoner for parole should be made public on request of the press or any responsible person or organization.
5. No parole should be granted except where adequate employment and rigid supervision are provided.
6. Adequate appropriations must be provided for obtaining requisite data and furnishing necessary supervision.
7. One parole officer should not be expected to supervise more than a number to whom he can give adequate attention.
8. No political or other improper influence shall be tolerated.
9. Machinery should be provided for the prompt revocation of any parole when continuance at liberty is not in the public interest.

VII

That the Attorney-General's Conference on Crime believes that the time is ripe for securing a substantial improvement in criminal procedure, and it therefore recommends to all legislatures which are meeting in 1935, a careful consideration of procedural recommendations, and particularly of the model Code of Criminal Procedure prepared by the American Law Institute and approved by the American Bar Association and the Association of American Law Schools.

Specifically, it recommends the following provisions:

1. Giving the accused the privilege of electing whether he shall be tried by jury or the court alone.
2. Permitting the empanelling of alternate or extra jurors to serve in the case of the disability or disqualification of any juror during trial.
3. Permitting trial upon information as well as indictment. Where indictment by grand jury remains a constitutional requirement, waiver should be allowed.

4. Providing for jury verdicts in criminal cases by less than a unanimous vote except in the case of certain major felonies.

5. Adopting a principle that a criminal defendant offering a claim of alibi or insanity in his defense shall be required to give advance notice to the prosecution of this fact, and of the circumstances to be offered, and that in the absence of such notice, a plea of insanity or a defense based on an alibi shall not be permitted upon trial except in extraordinary cases in the discretion of the judge.

6. Adopting a rule permitting court and counsel to comment to the jury on the failure of the defendant in a criminal case to testify in his own behalf.

And it further recommends that committees on criminal law and its enforcement be appointed in every legislature for the consideration of these and other measures designed to improve criminal justice and that the American Legislators' Association co-operate with these committees.

VIII

That the Conference deploras the practice of unduly dramatizing stories of crime and glorifying the criminal. It commends the activities of those newspapers and periodicals which have rendered substantial aid in the identification of wanted criminals and have otherwise aided in supporting the law enforcing authorities.

IX

That the Conference specifically condemns (1) the unsafe, unsanitary and insecure conditions which exist in many local jails throughout the country; (2) the possession of firearms by irresponsible persons and known criminals; (3) the activities of lawyer criminals; (4) the protection which is too often given to professional criminals and racketeers by persons in professional, business, political and official positions; (5) the generally prevalent abuse of bail; and (6) similar generally recognized evils in criminal law administration; and recommends the reference of the same to the permanent organization which may be set up to perpetuate the work of this Conference for the purpose of studying and recommending remedial action relating thereto.

The 110 resolutions received by the Conference contain some further valuable suggestions for improvement. We recommend that all of these be given careful study by the permanent organization referred to above.

Legislation

As previously stated, the Association gave considerable of its time during the 1934 session in support of a bill generally referred to as the Quinn-Robinson bill, and having as its purpose the expansion of the indeterminate sentence and parole. For a complete statement of the bills supported or opposed by the Association see page 53.

American Prison Association Congress

The General Secretary of the Prison Association of New York continues to serve as General Secretary of the American Prison Association. The latter body was founded in 1870, largely as the result of the efforts of Dr. E. C. Wines, who was then General Secretary of the Prison Association of New York, and in 1871 was incorporated under the laws of the State of New York. The American Prison Association is the duly qualified medium for the registration of the opinions of prison administrators in the United States, and holds an annual Congress in some city on this continent. Nowhere else in America during the year is there a similar gathering. It is the largest annual gathering of its kind with the

exception of the National Conference of Social Work, which conference does not deal solely with delinquency. The 1934 Congress was held at Houston, Texas, September 17 to 21. There was representation from thirty-five states, the District of Columbia, Mexico and Canada. A wide range of subjects was discussed by able and experienced speakers and important resolutions were adopted. The Congress has a value similar to that of a trade or commercial gathering, in that those who attend can obtain the benefit of new ideas, new contacts, encouragement, and a desire to carry on with renewed vision and strength. The Proceedings of the Congress are widely sought by libraries, members of commissions and bureaus, heads of institutions, judges, lawyers, psychiatrists and psychologists, and social workers, as well as by those among the citizenry who are directly or indirectly interested in crime treatment.

Prison Labor

During this depression period, when the number of unemployed free men and women is spoken of in the millions, it seems anomalous to contend that prisoners should work. This Association believes that prisoners should work because the improvement of body and mind does not take place when people are obliged to spend their time in idleness. It is to the interest of the taxpayer that prisoners should work, because the expenditure of public funds for the apprehension, conviction, and maintenance of law-breakers is a large item in tax supported budgets. Labor is a part of the rehabilitation of the man who is in prison. However, although it believes that prisoners should work, the Association is opposed to the exploitation of prison labor for private gain. Prisoners should be employed for public benefit as well as for their own good. Through the year there continued agitation relating to the sale of prison products on the open market. To a degree, and without regulation, this practice makes for unfair competition with free labor. In our previous report we referred to the Prison Labor Authority and the Prison Labor Compact under the NRA, both having as their purpose the regulation of prison labor and the minimizing of competition with free labor. *During the year an important investigation was made by a committee appointed by President Roosevelt and consisting of three members, headed by Judge Joseph N. Utman of the Supreme Bench of Baltimore city. The report of this investigation begins on page 78.*

Also beginning on page 101 are comments made by the Prison Labor Authority on the report.

Although the Association believes that prison labor should be restricted, preferably as under the State Use system, it nevertheless regrets to note, and deploras the attempts being made in various quarters, including the introduction of legislation, to curtail and weaken the State Use system, although this system is generally acceptable to organized labor and many business interests. The State Use system does not of course eliminate competition, but it does remove the opportunity for the exploitation of prison labor

for private gain. Under this system, all that is manufactured is used by the state in its institutions or through its agencies, as well as by the institutions and agencies of its political subdivisions, and the sales are so small that there is no just cause for complaint. For example, in the State of New York, under the so-called State Use system, the potential market has been estimated as high as seventy-four million dollars, whereas the value of the products of the State prison industries in any year has not reached the two million dollar mark. Of course New York State is far from the settlement of its prison labor problem, that is from the standpoint of employing adequately the inmates of our prisons, but it is clear that prison labor is not detrimental to free labor, as the figures immediately above show. We urge those who oppose the exploitation of prison labor for private gain and unfair competition with free labor to use the same enthusiasm and zeal with which they combat it to criticize and attack any effort that makes for the curtailment of the State Use system of prison labor.

Employment and Relief Bureau One of the fundamental factors making for crime prevention is the adequate readjustment of the released prisoner to his environment.

This in itself is an extremely difficult problem, but given the added burden of widespread unemployment and poverty it becomes of alarming proportions. Nevertheless, such a situation offers a direct challenge and throughout the year we have earnestly endeavored to keep faith with one of the major purposes for which the Association was established—the rehabilitation of the man who has been in prison. The vast demands upon our limited resources necessitated critical discrimination of the cases referred. Only those referred with proper credentials by the courts, heads of institutions, parole boards, probation bureaus, and other reliable agencies interested in this same type of person were considered, especially insofar as material aid was concerned. An intelligent discrimination was also necessary in discerning between those deserving of help by virtue of the sincerity of their attitude and willingness to co-operate, and those who are abusive of such consideration and others who are impostors.

The Relief Bureau aims to treat each applicant according to his individual requirements. Readjustment must start largely with the man himself, but in a great many instances unless sympathetic understanding, wise guidance and direction are offered, devoid of sentimentalism, the individual's determination is in vain. Each man presents his own individual problem and it is only through long experience of dealing with this definite type of person, together with an intimate knowledge of the abnormal existence which has been led by the vast majority of these men within prison walls, that satisfactory assistance can be provided. Many are the relief and welfare agencies throughout the locality, but few indeed are the agencies primarily concerned with crime prevention and the rehabilitation of the ex-prisoner.

In these times when employment is so difficult to obtain for the man without a criminal record, it is, of course, doubly difficult to find placements for the released prisoner, no matter how sincere his intentions. *One of the fundamental elements of successful readjustment is an industrious hand and an occupied mind. Without such mental and manual occupation a return to crime is made easy for the ex-prisoner.* With this in mind the Employment Secretary, Mr. R. H. Coy, in addition to administering the relief problem of these men, has earnestly endeavored to locate as many placements as has been possible under the stress of the times.

The question arises frequently on the part of the uninformed as to just what the Association does for the applicants other than direct relief and the employment services. Mention of various of these services should be given, and they include proper references for medical aid; referrals to the City Home Relief Bureau; assistance with matters of insurance, Workmen's Compensation and Public Works Administration payments; proper referrals in legal matters; provision of transportation funds; securing of licenses and other necessities for prospective jobs; citizenship aid and other forms of valuable assistance. In many instances it is not the material aid that contributes most towards an adequate readjustment, but that individual and personal advice and help that comes only from years of experience.

Throughout its many years of existence the Association has never held a sentimental attitude towards its applicants, but instead is working for the *protection of society through an intelligent and firm treatment of the individual.*

Following is a compilation of statistics of the Employment and Relief Bureau for the past year:

STATISTICS OF EMPLOYMENT AND RELIEF BUREAU

January 1, 1934 to December 31, 1934

Interviews	6,382
Different men interviewed	4,419
Men who applied for relief	4,725
Times relief was given	4,117
Men who applied for employment	3,910
Men placed in employment	275
Meals provided	9,915
Lodgings provided	2,792
Men given clothing	57
Men given cash relief	1,760
Total cash relief given	\$2,894 11
Men interviewed in Tombs prison	1,313
Visits to other penal institutions	81
Men referred to hospitals and clinics for treatment	153
Visits to courts, probation bureaus and social agencies	486
Total amount spent for relief	\$4,886 92

(Includes meals, lodgings, clothing and cash as shown above.)

Bureau for the Relief of Prisoners' Families The work of the Association, in effecting its primary objective of public protection, has a major interest in the dependents of the men within prison walls. The purpose of this work is twofold: First, aid is given to the women and children who are left behind and who are in most instances innocent sufferers, bewildered, and usually unable to help themselves. The destitute condition of many of these people is an angle of the crime situation not generally seen by the public, and much juvenile delinquency can be prevented through experienced counseling and guidance. Second, work of this type with the prisoner's family and dependents oftentimes is the turning point in the prisoner's own mind from a life of crime. Many wardens are of the opinion that there comes a time in the life of a prisoner when a serious change of mind in that man is taking effect. Oftentimes this change is effected through the constructive work of an outside agency. A well-rounded institutional program of treatment of the offender and his training for liberty cannot be effective if the individual is gravely concerned over his family's welfare.

The material aid extended to the families of prisoners is one of the most important functions of the bureau. However, beyond that, and of incalculable value, is the understanding and sympathetic advice and guidance that is given to these families. Very often a family, suddenly deprived of its sole support, comes to merely exist without direction or purpose. This situation is an open door for lawlessness, especially on the part of the children, which may lead to serious juvenile delinquency. It is this crucial period in the life of the family that the Association must help. Even though living in the most congested section of the city no one can realize except through personal contact how isolated some of these families are. One of the disadvantages of mass relief by public agencies is the fact that the *personal element is omitted*, and the Association feels that *the human side of the work is equally as important as material aid*. Especially is this true in the prevention of juvenile delinquency. To this end attention is directed at creating a better home environment, the constructive use of leisure time and the correction of physical and mental ailments. Children and mothers have been directed to community centers, health and psychological clinics, summer camps and rest homes. Frequently the contacts made with the camp counselors and officials of community centers have a lasting influence on the child.

In the present complicated state of affairs there is much distress which is far greater than deprivation of the bodily wants. Governor Herbert H. Lehman of New York is of the opinion that *"It is just as important to save mentally and spiritually those who have been embittered with life through hunger and despair as it is to feed and clothe them, and it is here that the private welfare agencies in New York City are doing what no agency or department of government is now equipped to do."*

Vito, the father of a family of six children, was sentenced to serve ten years in State prison. At the time of his conviction the

oldest of the children was a boy of eleven, and the youngest a girl of two. Shortly after his imprisonment the warden requested the Relief Bureau, through the Relief Secretary, Miss Stella E. Packard, to aid the family. Since that time, and after determining the worthiness of the case, the Association has been responsible for keeping the family together and has conclusively prevented juvenile delinquency. The older children are already headed for promising futures largely because the Association considers its abstract assistance as equally important as its material aid. Three boys and one of the girls in this family were sent to summer camps, and the oldest boy, Frank, has now completed high school. Had the Association not learned of this destitute family situation, no such achievement would have been possible. Through the contacts Frank made with his camp counselors he has become interested in the priesthood and intends to continue in that ambition. Contacts with the Boy and Girl Scout organizations and community and health centers have been made and this added influence has resulted in immeasurable value.

This case is not an exception, but one of frequent occurrence. There are others where the situation is even more acute, and the problems presented require not only the best efforts of the Association, but the co-operation of other organizations and agencies. The Association does not attempt in its relief work for prisoners' families to make it easier for the man in prison, or to treat the families of prisoners as unfortunate and injured persons, but does aim to help these families *help themselves*, in the direction of *constructive living and self-support*, and concentrates particularly on the children of the families, all in the interest of crime prevention and the protection of society.

A statistical analysis of the work of the Bureau for the Relief of Prisoners' Families over the past year follows:

STATISTICS OF THE FAMILY RELIEF BUREAU FOR 1934

Families under care January 1, 1934.....	230
New applications received.....	209
Old cases reopened.....	75
Total number of families under care.....	514
Non-resident families referred to the bureau during the year.....	20
Total amount of relief given to families in 1934.....	\$5,653 44
Visits to homes, relatives and social agencies.....	1,874
Office interviews.....	1,826
Thanksgiving and Christmas dinners provided.....	825
Children given toys at Christmas time.....	260
Children sent to the country in summer.....	178
Boys sent to Federal forestry camps under the Civilian Conservation Corps.....	19
Girls and women referred to Camp TERA.....	6
Women and children sent to convalescent homes.....	56
Women and children referred to general medical clinics.....	94
Women and children referred to dental clinics.....	75
Women and children referred to eye clinics.....	38
Women and children referred to mental hygiene clinics.....	22
Women referred to prenatal clinics.....	23

Women with babies referred to baby health stations.....	26
Women and children referred to cardiac clinics.....	17
Women referred to asthma clinics.....	5
Women referred to tuberculosis clinics.....	3
Women and children referred to skin clinics.....	28
Women and children referred to orthopedic clinics.....	5
Women and children referred to hospitals for tonsillitomy.....	8
Women and children referred to the Visiting Nurse Service of the Henry Street Settlement.....	7
Women and children referred to the Visiting Nurse Association of Brooklyn.....	4
Women referred to the Family Courts of Manhattan and Brooklyn.....	9
Women referred to the Legal Aid Society.....	12
Women referred to the Voluntary Defenders' Committee.....	9
Boys referred to the Boy Scouts and Boys' Club of New York.....	51
Girls referred to the Girl Scouts and Camp Fire Girls.....	29
Children referred to settlement clubs and classes.....	56
Mothers with young children referred to day nurseries.....	67
Children referred to nursery schools.....	5
Children referred to summer play schools.....	11
Children referred to church clubs.....	9
Boys referred to the Y.M.C.A. and Y.W.H.A.....	25
Girls referred to the Y.W.C.A. and the Y.W.H.A.....	12
Boys referred to the Protestant and Catholic Big Brother organizations.....	27
Boys referred to the Jewish Board of Guardians.....	6
Girls referred to the Protestant and Catholic Big Sister organizations.....	26
Women and girls referred to employment agencies.....	138
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In connection with our fresh air work for children during the summer, we wish to express grateful appreciation to the following organizations for their co-operation.

The Little Mothers' Aid Association
 The New York Protestant Episcopal City Mission Society
 The Boys' Club of New York
 The Boy Scout Federation of Brooklyn
 The Children's Welfare Federation
 Greenwich House
 Stuyvesant Neighborhood House
 Hartley House
 Christodora House
 The Heckscher Foundation
 The University Settlement
 The Henry Street Settlement
 The Children's Aid Society of New York
 The Tribune Fresh Air Fund
 The North Harlem Community Council
 The Jewish Board of Guardians
 The Madison Square Boys' Club
 The Social Service Department of Stuyvesant Square Hospital
 The New York Urban League
 The Big Brother Movement, Inc.
 The Y.W.C.A. of New York

Tombs Interviews

During 1934 the Tombs City Prison received and handled thousands of men. Many of these persons were first offenders, some deliberate participants in crime, and others victims of circumstance. The first offender especially needs to be cautioned against accepting too readily the advice of the more experienced criminal, the operations or questionable lawyers, and others purporting to be of valuable assistance to him. Much has been said about the fact that many of our jails and prisons are veritable schools of crime, but little has been done to combat this, especially insofar as the jail is concerned. In a great many cases information and advice such as that given by representatives of the Association, act as a crime deterrent. This representation was continued throughout the year under the direction of Mr. Roberts J. Wright, Assistant Secretary, and the increase in the demands for the agent's time by the prisoners necessitated additional visits over the regular schedule.

During the year 1,313 different persons were interviewed in the Tombs, many in their teens and early twenties. Special attention was given to the first offender and to the complaints of prisoners who felt they were not receiving their due justice. Some of these complaints were unfounded and in each case a thorough investigation was made before any action was taken. Especially prominent were complaints of inactivity on the part of counsel assigned by the courts, and the complaints of excessive fees made by them. Special attention was also given those who made seemingly justifiable complaints of having been victims of third degree treatment at the hands of the police. The prison guards, knowing of deserving cases, also refer inmates to the Association's representative. Upon each of the many bulletin boards in the Tombs may be found a notice which informs the inmates of the full service the Association extends. Contact is made through visits with families, former employers, clergymen, relief agencies, and others who may be of constructive assistance to worthy cases.

Probably the most common request of the prisoners is for legal assistance. If the case at hand seems deserving and is without financial means, it is referred to the Voluntary Defender's Committee of the Legal Aid Society. The co-operation received from this committee is of the highest order and the Association records its regard for the prompt and efficient service rendered. Each case is considered in accordance with the purpose for which the committee was established, and without this service the public would be at a tremendous loss, and prisoners would be further exposed to designs of certain types of lawyers.

Throughout this branch of the Association's endeavor the one important point of effecting the maximum degree of public protection is ever in mind. In this day when crime is a major problem this consideration is of prime importance.

Tombs The group of buildings housing the Tombs
Lawyers Prison and the Criminal Courts conducts, over the course of a year, probably the largest volume of business of any similar combination in the country. Each of the various courts conducts thousands of cases a year, and together with the enormous turnover in the Tombs the number of persons involved is virtually beyond calculation. This situation makes for a veritable gold mine for unscrupulous attorneys and others purporting to be of assistance and influence to many an innocent citizen. Throughout the year the influence of the Association has been brought to bear in this midst in a number of ways. The operation of certain lawyers who, through their actions and methods, create for themselves a questionable reputation have been of specific interest to the Association. Several of these attorneys, through circumventing means and in spite of strict restrictions, circulate business cards and forms through the Tombs in solicitation of clients; others appointed as counsel by the courts at the expense of the taxpayers are dilatory and negligent and operate too frequently with only a mercenary interest, thus virtually necessitating the client to manage his own defense. These practices with many others constantly come to the attention of the representatives of the Association and are discouraged. An activity that was eliminated by the Association was that of a daring masquerade as an attorney by a man who had a long criminal record and who had never been admitted to the bar. This man posing as an attorney, audaciously practiced before city magistrates and a judge of the Court of General Sessions, and had he not been detected this would have continued to be a flourishing deception and imposition on the courts and clients. Through weeks of investigation the perpetrator was arrested and brought to trial with the result that he is now serving a three-year prison sentence. In this and other cases the work and interest of the Association in the suppression of such practices has been officially recorded in court proceedings. The question of a defendant's guilt or innocence is not of major concern, but the assurance of a semblance of justice and a fair trial together with the utmost of public protection is what the Association strives for in this branch of its work.

**Information to
 Officials and
 Others**

A United States Senator, active in the Committee on Appropriations, asked for expert advice on a proposal for an isolated island prison; the superintendent of jails of one of the southern states requests criticisms and comments on a plan that would drastically change the jail situation in his state; the chief justice of one of the mid-western states asked for an opinion on medium security prisons and forestry camps for convict labor; a member of the Council of Social Hygiene of an important southern state requests information for use in building a new women's prison; the director of the Penitentiary of Bogota, Columbia, South

America, made inquiries of an official nature; and hundreds of other public officials, students, professors, and interested citizens made use of the information service of the Association. This service is one of our important functions and in this day of much misinformation and ignorance on the prison problem an enlightened and intelligent public opinion is much to be desired. The Association takes considerable pride in its ability to dispense information and advice on these matters of public interest and in the moulding of a clearer understanding of the penal and crime problem.

A recent request from the supervising architect of penal institutions of one of the mid-western states concerned the subject of prison hospitalization. This state, noted for its inadequate prison hospital facilities, is seriously contemplating an enlargement of their accommodations, and is interested in establishing one of the best prison hospital systems in the country. The specific question asked concerned the proper ratio of a hospital's capacity to the general population of an institution. This information was forwarded and will undoubtedly influence the new construction program in that state.

The warden of the state reformatory of another large state, and one in which progress has been seriously hampered through political influence of the most callous nature, submitted a plan of reorganization of the correctional department that was outlined in an attempt to alleviate this disadvantageous influence. The Association offered constructive criticisms and made suggestions and additions to this plan, and at the present time the state legislature is favoring such a departmental reorganization.

Many are the requests, during the course of the year for general information on the prison and parole problem that come from college and university professors anxious to place before their students accurate data. Some of these requests over the past year have been received from the University of Illinois, Northwestern University, the College of the City of New York, the University of North Dakota, Yale University, the University of Minnesota, Amherst College, the University of Pennsylvania, Columbia University, Harvard University, and many other prominent educational institutions.

Only through an intelligent approach to the prison problem can improvement and progress take place, and to this end the Association directs its increasing growth of its information service.

Confiscation of Prisoners' Property An open defiance of police department regulations, but one that is gradually being decreased, is that concerning confiscation of a prisoner's personal property. The regulations direct that receipts must be given to all persons under arrest from whom property is taken, but in many cases the prisoner is not given this receipt. A typical case investigated during the past year was that of Harry L—. On one of the representatives regular visits

to the Tombs Prison where this man was confined, he stated that police officers took \$120 in cash from him at the time of arrest without giving him a receipt. This money was not the proceeds of a crime committed but legitimate personal property. Inquiring at the property clerk's office of the police department failed to reveal any record of this money as being in their files, which is the stipulated office for receiving such property. Following this, inquiry was made of the lieutenant in charge of the precinct station where this arrest occurred. The entry and receipt books indicated no record of any money having been taken from this man. This was also in defiance of departmental regulations, as records are required to be made on booking an arrest. The lieutenant suggested that the arresting officer, a plainclothes detective, be interviewed. The detective stated that inquiry should be made at headquarters, and when told that this had already been done but in vain, he immediately admitted having the cash in his own possession. The General Secretary communicated with the detective's superior officer, who also admitted that the money had not been regularly handled by the department, with the result that immediate steps were taken to have the money filed with the property clerk until disposition of the prisoner's case in court.

The original situation with respect to the holding of the money in defiance of regulations might have continued indefinitely had not the Association intervened. The Prison Association has long been instrumental in working for a more business-like procedure in the handling of money and other valuables by the police. The disappearance of such property which is held in the personal charge of individual officers instead of being placed in the custody of the property clerk exposes them to criticism and accusation. A business-like procedure is essential, not only for the protection of those placed under arrest, but even more so for the protection of the arresting officer and the reputation of the department.

LEGISLATION

The Association continued to make legislation one of its major interests. As usual a representative was in Albany during the greater part of the session, urging the passage of legislation deemed by the Association to be for the best interests of society in the treatment of the crime problem, and opposing legislation regarded as unwise. The following bills held the Association's attention during the 1934 session:

Bills Approved by the Association

Assembly Int. No. 1827, Pr. No. 2215; Senate Int. No. 1329, Pr. No. 1505: Amends sections 273, 303, Correction Law, by striking out requirement that superintendents of reformatories must be physicians. Chapter 423, Laws of 1934.

Assembly, Int. No. 1406, Pr. No. 1511: Amends section 438, Correction Law, by providing commitment to Napanoch institution by court shall wholly divest court of jurisdiction over prisoner under said commitment, except as otherwise provided by section 442. Chapter 267, Laws of 1934.

Assembly Int. No. 1826, Pr. No. 2020; Senate Int. No. 1330, Pr. No. 1506: Amends section 116, Correction Law, to permit wardens to use interest on moneys deposited for prisoners' fund and earnings, for welfare work among the prisoners including burial expenses. Chapter 481, Laws of 1934.

Assembly Int. No. 883, Pr. No. 918; Senate Int. No. 709, Pr. No. 750: Adds new section 15-a, Correction Law, authorizing Commissioner of Correction to make rules as to privacy of records kept in department or institution under its control. Chapter 102, Laws of 1934.

Senate Int. No. 1662, Pr. No. 1938; Assembly Int. No. 2124, Pr. No. 2449: Amends sections 658, 659, 661, 662-a, Criminal Code, for appointment by court of commission of three persons, one to be an attorney and one a qualified psychiatrist, to determine sanity of defendant or for commitment of defendant to a public hospital for observation and making other changes. Failed of passage.

Senate Int. No. 1663, Pr. No. 1939; Assembly Int. No. 2123, Pr. No. 2448: Adds new section 27, Mental Hygiene Law, for certification of qualified psychiatrists by a board of examiners in the Mental Hygiene Department. Failed of passage.

Assembly Int. No. 2000, Pr. No. 2256; Senate Int. No. 1507, Pr. No. 1725: Amends section 69, General Business Law, making violations of provisions against sale of convict made goods a misdemeanor. Chapter 326, Laws of 1934.

Senate Int. No. 1468, Pr. No. 1683; Assembly Int. No. 1977, Pr. No. 2230 (also same as *Senate Int. No. 1712, Pr. No. 2024*): Amends section 230, Correction Law, by providing every prisoner may earn compensation not to exceed ten, instead of seven and one-half days for each month of minimum term. Chapter 731, Laws of 1934.

Senate Int. No. 292, Pr. No. 1967; Assembly Int. No. 237, Pr. No. 2418: Amends section 112, Correction Law, so as to limit hours of guards and other uniformed employees in State prisons and reformatories to forty-eight hours for six days, at least one day a week to be a day of rest. Failed of passage.

Senate Int. No. 995, Pr. No. 1095; Assembly Int. No. 1339, Pr. No. 1434: Adds new article 17-B, amends sections 438, 439, Correction Law, relative to Woodbourne Institution for Defective Delinquents. Chapter 150, Laws of 1934.

Senate Int. No. 591, Pr. No. 619: Creates State debt and appropriates \$110,000 for constructing certain State buildings and permanent betterments at Westfield State Farm, Bedford Hills. Failed of passage.

Senate Int. No. 949, Pr. No. 1046; Assembly Int. No. 1690, Pr. No. 1837: Appropriates \$20,000 to increase supervisory services in State Education Department to develop more satisfactory preventive and corrective physical education and recreation programs for children and adults. Failed of passage.

Assembly Int. No. 878, Pr. No. 913; Senate Int. No. 713, Pr. No. 754: Amends section 230, Correction Law, for releasing on parole prisoners received in State prison prior to March 18, 1932, on conviction for attempt to commit first degree burglary or first degree robbery. Chapter 190, Laws of 1934.

Assembly Int. No. 119, Pr. No. 788; Senate Int. No. 139, Pr. No. 887: Creates State debt and appropriates \$7,302,850 for construction of certain State buildings and permanent betterments. Chapter 30, Laws of 1934.

Senate Int. No. 1241, Pr. No. 1384; Assembly Int. No. 1714, Pr. No. 1865: Amends chapter 30, Laws of 1934, relative to erroneous reference to section of State Finance Law, for appropriations for constructing certain State building. Chapter 98, Laws of 1934.

Assembly Int. No. 118, Pr. No. 787; Senate Int. No. 138, Pr. No. 594: Creates State debt and appropriates \$3,000,000 for construction work at State hospitals and certain other State institutions. Part approved by Governor, chapter 21, Laws of 1934.

Senate Int. No. 1874, Pr. No. 2271: Amends chapter 21, Laws of 1934, to permit Commissioner of Correction to employ architects for a new institution in the Department of Correction. Vetoed.

Assembly Int. No. 884, Pr. No. 919; Senate Int. No. 714, Pr. No. 755: Amends sections 2185, 2196, Penal Law, relative to commitments to Elmira Reformatory. Chapter 185, Laws of 1934.

Assembly Int. No. 1357, Pr. No. 1452: Adds new section 1916, Penal Law, making it a felony for any physician to change characteristic finger markings of a person's fingers or thumb by operation or otherwise. Failed of passage.

Assembly Int. No. 1387, Pr. No. 2421; Senate Int. No. 1160, Pr. No. 1785: Makes office of Broome county sheriff a salaried office at \$3,500 a year and maintenance, and repeals chapter 51 of the Laws of 1902. Chapter 520, Laws of 1934.

Assembly Int. No. 1668, Pr. No. 1811: Repeals title 4, adds new title 4, rennumbers section 836 as 870, Criminal Code, for a uniform criminal extradition act. Failed of passage.

Assembly Int. No. 1801, Pr. No. 1979: Amends section 14, Correction Law, relative to removal of probation officers by authorizing director of probation to file charges as required by Civil Service Law. Failed of passage.

Senate Int. No. 360, Pr. No. 367; Assembly Int. No. 481, Pr. No. 482: Amends the Judiciary Law, in relation to establishing the Judicial Council of the State of New York, defining the powers and duties of such council and making an appropriation therefor. Chapter 128, Laws of 1934.

Senate Int. No. 638, Pr. No. 675: Continues commission to investigate and collect facts relating to the administration of justice. Chapter 29, Laws of 1934.

Senate Int. No. 708, Pr. No. 749; Assembly Int. No. 882, Pr. No. 917: Amends sections 383, 439, Correction Law, for transfer of prisoners to Dannemora State Hospital and Institution for Male Defective Delinquents on certification of the psychiatrist as well as physician of penal institution. Chapter 208, Laws of 1934.

Senate Int. No. 994, Pr. No. 1094; Assembly Int. No. 1340, Pr. No. 1435: Amends chapter 518, Laws of 1932, so as to include outside watchman and signal system in appropriation for fire protection at Matteawan State Hospital. Failed in passage.

Senate Int. No. 1350, Pr. No. 1702; Assembly Int. No. 1837, Pr. No. 2037: Amends section 191, State Charities Law, relative to conveyance and temporary detention of children committed, by authorizing the State Training School for Boys at Warwick and the State Agricultural and Industrial School to employ male social workers to convey all males. Chapter 253, Laws of 1934.

Senate Int. No. 1396, Pr. No. 1588; Assembly Int. No. 1472, Pr. No. 2650: Amends sections 210 to 212 and section 223, adds new 212-a, Correction Law, relative to parole of prisoners confined in State prisons. Vetoed.

Senate Int. No. 1544, Pr. No. 2290; Assembly Int. No. 2001, Pr. No. 2800: Amends section 70, Correction Law, for naming the two new State prisons for men, one at Attica and one at Wallkill. Chapter 925, Laws of 1934.

Senate Int. No. 1646, Pr. No. 1920; Assembly Int. No. 2113, Pr. No. 2438: Amends section 555, Criminal Code, by providing if defendant is convicted of any crimes or offenses under section 552 he shall not be admitted to bail. Failed of passage.

Senate Int. No. 1900, Pr. No. 2307: Amends sections 941, 944, Criminal Code, by providing one copy of finger prints of criminals shall be forwarded to criminal identification unit of U. S. Department of Justice and making other changes. Failed of passage.

Assembly Int. No. 879, Pr. No. 914; Senate Int. No. 711, Pr. No. 752: Amends section 11, chapter 117, Laws of 1933, relative to an appropriation for Matteawan State Hospital. Failed of passage.

Assembly Int. No. 881, Pr. No. 916; Senate Int. No. 712, Pr. No. 753: Amends section 470-a, Correction Law, relative to the basis, temporarily, for computing retirement benefits of guards or other employees in State prisons and reformatories and employees of the Department of Correction. Chapter 100, Laws of 1934.

Assembly Int. No. 1606, Pr. No. 2823: Amends section 658, Criminal Code, by providing in New York City where defendant pleads insanity, court before proceeding with trial of indictment shall commit defendant to commissioner of hospitals for examination. Failed of passage.

Assembly Int. No. 880, Pr. No. 915; Senate Int. No. 710, Pr. No. 751: Amends sections 602, 604, Correction Law, relative to expenses of sheriffs for transporting prisoners to State prisons and to payments of accounts therefor. Chapter 101, Laws of 1934.

Assembly Int. No. 401, Pr. No. 401: Amends section 393, Criminal Code, by striking out provision that neglect or refusal of defendant to testify does not create any presumption against him. Failed of passage.

Senate Int. No. 192, Pr. No. 587: Amends sections 2, 160, 220, Labor Law, so as to apply eight-hour day provision to all State employees. *Approved in principle.* Failed of passage.

Senate Int. No. 140, Pr. No. 592; Assembly Int. No. 556, Pr. No. 562: Amends section 2, article 1, Constitution, by permitting Legislature to authorize jury verdicts in both civil and criminal cases rendered otherwise than by a unanimous verdict, except cases involving capital punishment. Failed of passage.

Senate Int. No. 463, Pr. No. 476: Amends sections 1620, 1627, 1628, 1632, 1633, adds new 1620-a, 1632-a, 1633-a, Penal Law, by providing for perjuries, first and second degrees, and relative to pleading of false statements and subornation of perjury. Failed of passage.

Senate Int. No. 464, Pr. No. 477: Amends the Judiciary Law, in relation to the power of courts of record to punish for criminal contempts. Failed of passage.

Senate Int. No. 740, Pr. No. 791: Adds new section 392-b, Criminal Code, relative to party impeaching his own witness. Failed of passage.

Assembly Int. No. 887, Pr. No. 1936: Amends sections 229-n, 248, 251, 260, 952-x, adds new 225-a, Criminal Code, amends section 62, Executive Law, by providing for special grand juries in counties of New York City and relative to proceedings before grand juries. Failed of passage.

Senate Int. No. 1650, Pr. No. 1924; Assembly Int. No. 2115, Pr. No. 2440: Adds new article 9-a, New York City Inferior Criminal Courts Act, creating a felony court with separate parts presided over by magistrate assigned by chief city magistrate, with jurisdiction over persons charged with felonies or any of misdemeanors and offenses under section, 552, Criminal Code. Failed of passage.

Bills Opposed by the Association

Senate Int. No. 1797, Pr. No. 2151: Amends section 2193, Penal Law, relative to calculating term of imprisonment by making provision also apply to time spent in prison or jail after conviction and sentence has been pronounced but pending determination of application for certificate of reasonable doubt. Vetoed.

Assembly Int. No. 243, Pr. No. 243; Senate Int. No. 255, Pr. No. 261: Repeals chapter 445, Laws of 1898, which makes office of Steuben county sheriff a salaried one. Failed of passage.

Senate Int. No. 1376, Pr. No. 1568; Assembly Int. No. 1858, Pr. No. 2070: Creates commission to study narcotic habit forming drug problem in this and other states and countries and appropriating \$15,000. Failed of passage.

Assembly Int. No. 784, Pr. No. 812: Creates commission to investigate juvenile delinquency and appropriating \$25,000. Failed of passage.

Assembly Int. No. 907, Pr. No. 945: Creates commission to study causes, extent and prevention of juvenile delinquency and appropriating \$15,000. Failed of passage.

In view of the many studies made by various agencies and legislative bodies there is no need for the commission proposed in the two bills listed above.

Senate Int. No. 109, Pr. No. 593; Assembly Int. No. 162, Pr. No. 162: Amends section 941, adds new 940-a to 940-g, Criminal Code, for registration of non-residents and residents in first-class cities, convicted of felonies and certain misdemeanors, police department to keep permanent records of such registrations. Failed of passage.

Senate Int. No. 1163, Pr. No. 2398: Amends sections 80 to 83, 163, 164, repeals 92, New York City Inferior Criminal Courts Act, by changing office of city magistrate from an appointive to an elective office, providing for expiration of term of appointed magistrates and defining number, qualifications, compensation and terms of office. Failed of passage.

Senate Int. No. 1649, Pr. No. 1923; Assembly Int. No. 2111, Pr. No. 2436: Adds new section 246-a, Correction Law, requiring prison warden forty-eight hours prior to release of any convict to notify chief of police both of city, town or village where convict proposes to reside and where he resided at time of conviction, together with certain information. Failed of passage.

Senate Int. No. 939, Pr. No. 1036: Repeals section 70, Highway Law, relative to application by town superintendents for services of prisoners on town highways. Failed of passage.

Senate Int. No. 940, Pr. No. 1037: Repeals section 179, Correction Law, relative to employment of prisoners on public highways. Failed of passage.

Senate Int. No. 941, Pr. No. 1038: Repeals section 180, Correction Law, relative to employment of State reformatory inmates on public highways. Failed of passage.

Senate Int. No. 868, Pr. No. 945; Assembly Int. No. 1274, Pr. No. 1354: Amends section 298, Correction Law, by providing women committed to reformatories on conviction of vagrancy shall not be detained longer than six months where conviction is under a or g of subdivision 4, section 887, Criminal Code, or under section 89, chapter 659, Laws of 1910. Failed of passage.

Senate Int. No. 869, Pr. No. 1496; Assembly Int. No. 1272, Pr. No. 1352: Amends section 891-a, Criminal Code, relative to persons convicted of vagrancy. Failed of passage.

Senate Int. No. 870, Pr. No. 947; Assembly Int. No. 1271, Pr. No. 1351: Amends section 891-a, Criminal Code, by reducing period of detention of persons convicted of vagrancy by reason of lewd or indecent acts or conduct. Failed of passage.

Senate Int. No. 871, Pr. No. 948; Assembly Int. No. 1273, Pr. No. 1353: Amends section 122, New York City Inferior Criminal Courts Act, by reducing to six months term of commitment of females convicted of certain offenses. Failed of passage.

Senate Int. No. 1528, Pr. No. 1757; Assembly Int. No. 1976, Pr. No. 2229: Amends section 212, Correction Law, by providing person never before convicted of crime punishable by imprisonment in State prison and convicted in any court of felony and sentenced to State Prison shall be subject to parole when he or she has served time equal to one-third of minimum sentence. Failed of passage.

NEW YORK CITY DEPARTMENT OF CORRECTION

The eyes of the thinking populace have been concentrated for the past year upon the work of the new Fusion Administration of New York City. Of special interest to the Association is the activity and progress of the City Department of Correction under the direction of Commissioner Austin H. MacCormick. The new commissioner assumed office on January 1, 1934, and is accepted as an experienced penologist. He had been an assistant director of the United States Bureau of Prisons for several years and has held other positions of importance in penology. He immediately acquainted himself with his new problems and responsibilities and specifically directed his attention to the Welfare Island situation. This sore spot has long been of interest to the Prison Association and as early as January 2, 1934, the new commissioner was urged by the General Secretary of our Association to give his first attention to the conditions in the penitentiary on the island.

The commissioner's first act of importance was the so-called raid conducted on the penitentiary on January 24, 1934. This was heralded far and wide by the press, and its spectacular nature caused it to be one of the outstanding events brought about by the new administration. Deplorable conditions involving gang leadership, drug traffic, contraband, and a complete breakdown of the institutional administration were disclosed, confirming earlier complaints of the Prison Association and other bodies, including grand juries. The fact that Mr. MacCormick with a free hand was able to restore order out of chaos will always stand in the opinion of the Association as one of his major achievements.

Following this step indications of improvement in the city penal institutions were apparent, and it is in this progress that the Association has its interest. Throughout the year the closest co-operation has been maintained between the department and the Association, and it is gratifying to present some of the results of a year of intelligent and earnest endeavor.

New York County Penitentiary

Considering first the penitentiary situation, after the raid a thorough reorganization of personnel was made. The warden, deputy warden, senior physician, and others were permanently relieved of their duties, and transfers were made to fill the vacancies. The discipline, one of the fundamentals of good prison administration, was returned to a proper level. The gang leaders and other incorrigibles who had previously been in control were isolated and some semblance of segregation instituted. Many of the younger prisoners were transferred to the reformatory on Hart's Island in order to enable them to escape the influence of the more experienced offender in the penitentiary. Sick cases and drug addicts were promptly transferred to the Correction Hospital

until only those physically able were retained. Sex deviates have been completely segregated, and at the present time they are entirely apart at all times from the general inmate population. A sociological study is being made of this particular group and the findings are awaited with interest. With the help of several young "career" men known as senior prison helpers, an increased program of individualization has been instituted. Efforts in this field are considerably handicapped both by a lack of trained personnel and by the physical condition of the institution which tends to preclude most of the work of this nature. However, the point to be emphasized is that much more is now being accomplished in this field than has been up to this time. Additional funds with which to enlarge the libraries of the city prisons have been obtained, and a trained librarian has been secured to properly supervise this work.

Anticipating the opening of the new Riker's Island Penitentiary and the later abandonment of the present one on Welfare Island, the administration has been reluctant to spend any more than necessary on repairs and improvements for the latter institution. However, additional sanitary facilities have been installed, safety guards for machinery erected and fire prevention equipment added. At the time of the raid it was found that the fire prevention facilities had deteriorated and this situation was immediately rectified. In an institution of this type, much of which was erected in 1857, fire hazards are bound to exist and with the general type of individual confined to contend with, the problem is further complicated.

Other items of improvement, perhaps seemingly negligible in themselves but quite important for a proper degree of inmate morale, are increased facilities for handling the inmate's civilian clothing and an increase in the allotment of clothing given to prisoners at the time of release. Heretofore, those employed in the clothing storeroom under the leadership of the various cliques in control would sell any usable articles of clothing for whatever money they could obtain. This meant that prisoners would be released lacking the clothing that they had when admitted. At the present time each person's clothing is stored in moth-proof bags and is then in proper condition at his time of release. The commissioner has also made it possible for those released in winter to have sufficient clothing.

Of greater importance has been the institution of several educational courses of an elementary nature. This can be considered only as a beginning but it is definitely a step forward. It is planned to increase this program extensively when the transfer to Riker's Island is made in the near future, where there will be adequate facilities. Commissioner MacCormick is considered an authority on penal education and the public can rest assured that everything possible will be done to promote an educational program in line with training for freedom. Every effort along this line will always have the whole-hearted support of the Association. Its interest in the development of education in the State institutions is referred to on pages 14, 24 and 66.

From the point of view of safety and security several changes and additions have been made. Guards stationed within the cell blocks have been relieved from their duty of carrying keys to the exits. With the elimination of this practice the opportunity of "rushing" the guard and effecting an escape is reduced to a minimum. To prevent a too free mingling of prisoners, and as an added obstacle to escape, heavy wire screens of close mesh have been installed between sections of the cell blocks. The commissioner feels that a "hurdle race is always slower than a flat run." A patrol boat was obtained and is now permanently stationed on the east side of the island under the direction of the New York Police Department. This addition is particularly effective during periods of unrest within the penitentiary. As a means of added precaution, especially against the smuggling of dope and other contraband, the commissioner ordered that screened booths be utilized for inmate visiting. Prior to the raid three sets of folding chairs were employed with one of the sets acting as an improvised barrier. When effecting this change the commissioner made it plain that he was opposed to the use of wire screens for visiting purposes, but added that in this particular situation there was no other answer.

The department points with pride to the fact that the commissary funds show a surplus for the first time in several years. There has also been a complete revision of the penitentiary medical service, this division of the department being ably directed by the second deputy commissioner, himself a physician.

Probably the one outstanding item of improvement, and of more importance than the institutional changes already mentioned, is the *elimination of political influence from the administration of the department*. Any person at all familiar with the history of New York City can readily comprehend the vast amount of influence that has been brought to bear upon city departments and especially that of the Correction Department. This was glaringly true during the fifteen months just prior to Commissioner MacCormick's administration. Representatives of the Prison Association have visited and inspected the various city prisons throughout the past year and with this question of political influence in mind have made inquiry of the institutional authorities regarding their opinion of this situation. From keeper to warden, Commissioner MacCormick's staff is wholeheartedly in support of him and of what he is attempting to do. The members of the department feel that they have the full support of the commissioner. They do not act in fear of being deprived of their positions, and fulfill their duties as they are charged when assuming public office. This feeling has greatly increased departmental as well as institutional morale.

Correction Hospital

Notable improvement has been made in other institutions of the department as well as at the penitentiary. Conditions at Correction Hospital, located on Welfare Island north of the peni-

tentiary, have been improved. As is the case with most of the other city prisons this institution is dangerously under-manned. From the point of view of security it is apparently one of the weakest of the city's penal institutions. At times during the twenty-four hour period there are but fourteen or fifteen keepers on duty to supervise the 1,200 prisoners. This condition is only necessitated by the financial state of the city and it is encouraging to note that the 1935 budget allows for a number of additional keepers to be assigned to the various prisons. As is the case with other of the city prisons there is no work available for the prisoners and the hazard of inmate idleness is continually present.

The age of the institution precludes much in the way of fire prevention. There are numerous fire extinguishers and hose available, but the latter lack the required nozzles. Question was raised as to the whereabouts of these articles and it was learned that they were kept out of reach of the inmates in a separate section outside the cell block proper. This is done as a precaution against the prisoners' use of them as weapons. This same situation exists in the other institutions and no adequate answer has been found for this condition. Should an emergency arise the use of the fire equipment would thus be delayed.

Repairs and improvements are being kept down to a minimum pending the future of the building. An innovation during the latter part of the year has been the institution of the privilege of weekly visits for each man. Prior to this visits were only bi-monthly.

Brooklyn City Prison

The Brooklyn City Prison, known familiarly as the Raymond street jail, is one of the largest of the city's detention prisons. Agitation for a new institution has been current for years but without success. The age and location of the prison make it a handicap to the proper functioning of the department. Its distance from the courts burdens it with a continual problem of transportation of prisoners and their security. It has long been considered as a fire trap, mainly because of its lack of a group cell-locking device. Such a contrivance permits all cell doors to be opened at once if necessary, whereas now each cell must be controlled individually. This prison has an approximate daily population of 450 and is considered to be efficiently managed. Authorities in this prison also remarked that there is now no interference from politicians and that the personnel is convinced of the backing of the commissioner. The opinion is that heretofore they have never had this support and that the political influence was demoralizing.

Seventh District Prison

The Seventh District Prison at 317 West 53rd street is another city prison that is hampered in its administration because of a lack of personnel. The warden expects to be assigned several additional

keepers around the first of the year. The general condition in this institution is one of over-crowding and at times there is not sufficient space for exercise. The question was asked of several of the keepers as to their opinion of the new administration, and without exception each one stated that the present commissioner had their support, and they felt easier because of the absence of political influence.

Riker's Island

Disappointing and discouraging is the delay in the placing of this new institution into operation. This situation is felt not only by the new Commissioner of Correction but also by those, including this Association and others, who for years have kept alive the need for a new institution and labored to finally obtain the necessary appropriations. Chief among the causes of delay were the entanglements surrounding the various contractors who had to do with the finishing of the buildings.

At this writing it is expected that transfers from the old penitentiary to the new one on Riker's Island will begin before the summer.

The new penitentiary contains approximately two thousand steel cells of modern construction. Each tier of cells is controlled in a group or individually by a mechanical device. Each cell is fitted with modern conveniences having a bed, chair, table, wash bowl, toilet and light. They are built in accordance with the latest plans of a maximum security prison. The two dining halls each seat about one thousand men. Adjacent are the library and chapel. The latter is so arranged as to enable three different meetings to be held at the same time, or by arranging a set of steel curtains the entire population can be accommodated in one meeting. The very serious problem caused by the dumping of refuse on part of the island continues. Smoke, unpleasant odors, cinder dirt, and rats, all make for a situation quite in disharmony with the new institution and its purposes.

A prominent feature of the institution is the separate cell block arrangement allowing for the classification and separation of the prisoners. It is planned to receive and house all new prisoners in a separate unit during the quarantine and study and classification period.

City Prison (The Tombs)

The Prison Association has long been an agitator for a new New York County Court House and Prison to replace the present antiquated Criminal Court building and Tombs Prison. Commissioner MacCormick has allied himself with this idea and has become one of its strongest supporters. The enormous turnover of population and the heterogeneous quality of the prisoners, together with its lack of modern conveniences and appliances makes the Tombs Prison a unique and difficult problem of administration. Constant overcrowding, necessitating the practice of housing two men in a

cell, is but one of its degrading features. Its age, which precludes the utmost of cleanliness and sanitation, and its lack of classification facilities add to the necessity of a new Tombs Prison. A special local committee, headed by Judge Finch now of the Court of Appeals, has been formed, consisting of persons interested in the project, of which the General Secretary of the Prison Association is a vice-chairman. While this project has been under consideration for a number of years, the prospects of raising sufficient funds are now more favorable than ever before.

Budget Items and Personnel

The budget for the department for the year 1935 shows an increase of \$349,662 over that for 1934. The entire cost of operation for 1934 was \$2,701,653.10, and \$3,051,315.60 has been appropriated for 1935. In an attempt to improve the standards of the department the commissioner has secured funds for a psychologist, a chief prison inspector, and twenty-one additional keepers. Other new positions are those of a mechanical engineer and a laboratory assistant. An allowance of \$135,000 has been made for the administration of Riker's Island. The commissioner has curtailed expenses wherever possible in eliminating excess positions, and the consolidation of duties has also reduced expenses.

In an effort to obtain the best qualified personnel, Mr. MacCormick was successful in persuading the Civil Service Commission to hold an examination for the wardenship of the city prisons, open to any qualified person in the United States. Eight men from several of the eastern states met the high standards set for this examination and a final list was made public. Future appointments of wardens will be made from this list.

General

For many years the Prison Association has urged a complete unification and consolidation of all custodial functions in Greater New York. At the present time the Bronx and Richmond county jails, court pens and transportation vans are not under the jurisdiction of the Department of Correction. A tremendous saving to the city would be made if a plan of consolidation could be effected. The present system of mixing a modern and efficient correctional department with the ancient sheriff system designed for the day of old New York is contrary to an efficient and economical administration. A saving of more than one hundred thousand dollars annually could be made under consolidation. The Department of Correction should administer all the city's prisons, instead of three separate administrations doing it. This lack of unity also affects the transportation of prisoners, as each sheriff is responsible for his charges as long as they are in his district. There is no question whatever that the entire system of divided responsibility is false economy and a sheer waste of public money.

The New York City Department of Correction deals with a daily average population of about six thousand persons, and an annual turnover of about seventy thousand. Probably no other city in the world handles as heterogeneous and as complicated a group of law-breakers. Coupled with this the commissioner must do his best to return these persons to society as decent, law-abiding citizens from institutions that were designed for this task fifty and seventy-five years ago. Many of these persons are hardened and confirmed criminals saved from severe state prison sentences through the flagrant practice of bargaining for lesser degrees of crime than their indictment provides. This practice assures the prosecution of a positive conviction and assures the Commissioner of Correction of a problem that in no sense should be his. A large number of the commissioner's charges are recidivists of considerable experience.

The Prison Association will continue to campaign earnestly for the many changes that are still needed in the Department of Correction, and it is gratifying to note in this regard that the commissioner is fully aware of and sympathetic toward these changes. The need of changing the reformatory at New Hampton from a reformatory in name only to an institution of rehabilitation is one of the important changes still to be brought about within the department. A well-rounded plan for the future points out the need for a *comprehensive program of education* within the institutions for those under sentence. Such an educational program is of prime importance if the penal institutions of today are to return their inmates to society with a more wholesome attitude toward living. Hand in hand with this problem is that of *classification*. An intelligent plan of classification is not based entirely on a prisoner's rehabilitation but also from the point of view of the welfare of society, and it behooves the citizenry to be as much in support of a scientific and intelligent plan as it does those officially concerned with it. Under such a plan the *elimination of certain types of persons* from becoming the responsibility of the department would be possible. At present there are many sentenced who rightfully belong in a city home or hospital under the Department of Public Welfare or Hospitals and not in a prison. This group includes the aged and infirm, and self-committed drug addicts ostensibly undergoing a cure. Adequate provision also needs to be made for the sentencing of the experienced and habitual criminal, as this type of felon has no place in a city prison designed primarily for the misdemeanant or lesser offender. This dangerous practice must be eliminated if our city's correctional institutions are to become as their name signifies.

EDUCATION IN INSTITUTIONS

Preliminary Report to His Excellency, Governor Herbert H. Lehman, from the Commission for the Study of Educational Problems of Penal Institutions for Youth

October 27, 1934

HONORABLE HERBERT H. LEHMAN, *Governor of the State of New York:*

YOUR EXCELLENCY.—On December 15, 1933, you sent to a selected group of educators and social workers the following letter in which you sought their co-operation as members of the Commission for the Study of Educational Problems of Penal Institutions for Youth, under the supervision of the Department of Correction of this State.

“For over a year the Department of Correction has been working upon a new program of education for the inmates of its institutions. The matter has been the subject of many conferences, and I am pleased to report that a gratifying degree of progress has been realized at the State Institution at Elmira, upon which institution efforts have centered, and from which institution it is expected new ideas relating to education will emanate, and those which have been proven to be not only wise but practical will be inserted in the curricula of the other institutional schools.

The project has already excited the interest of correctional departments and educators from other states, and several of these states have sent representatives to Elmira to observe the work going on there. These observers have been unanimously of the opinion that a very worthwhile effort was being made and the result may well be of importance, not only to New York State correctional institutions, but to those of the whole country.

In order to extend the co-operation which the project has already received from experts in the field of education, it has been thought wise to organize a Commission for the Study of Educational Problems of Penal Institutions for Youth. In furthering this plan I would like to include your name among those selected for membership in such a commission.

It is a matter of personal regret on my part that present economic conditions make it necessary to ask you to furnish this valuable service to the State without compensation of any sort save that of having made a very fine contribution to society in general and correctional work in particular.”

Organization of Commission

In response to your request, acceptances were received, an organization meeting was held at Teachers College, Columbia University, on January 12, 1934, and Professor N. L. Engelhardt of Teachers College was selected as chairman of the said commission.

The membership of the commission is as follows:

Dr. Herbert B. Bruner, New York
Dr. Edmund de S. Brunner, New York
Mr. Edward R. Cass, New York
Dr. William E. Grady, New York
Miss Jane M. Hoey, New York
Miss Julia K. Jaffray, New York
Dr. Franklin J. Keller, New York
Dr. Daniel J. Kelly, Binghamton
Mr. Sam A. Lewisoyn, New York
Mr. William McKee, Brooklyn
Mr. James Marshall, New York
Dr. Lois H. Meek, New York
Dr. J. Cayce Morrison, Albany
Dr. Nathan Pevsey, Brooklyn
Dr. Goodwin Watson, New York
Dr. Jesse F. Williams, New York
Dr. Lewis A. Wilson, Albany
Dr. Walter N. Thayer, Jr., *Commissioner*
Dr. Vernon C. Branham, *Deputy Commissioner*
Mr. Walter M. Wallack, *Secretary*

During the ten months that have elapsed, the members of the commission

(a) have met frequently in conference as a commission of the whole and in sub-committees. At these meetings the work of the commission was apportioned, the problems were discussed, and the treatment of these problems was presented;

(b) have co-operated in the conduct of a conference held at Teachers' College on August 10, 1934, during which, as shown by the attached program, distinguished educators, penologists, social workers, and officials of the Department of Correction discussed the problems relating to the juvenile delinquent and the criminal. A very interesting exhibit of work made in institutions in connection with educational programs was displayed at the said conference. This combined conference and exhibit was the first of its kind conducted by an educational institution in which the members of the faculty played so intimate a part in the presentation, discussion, and treatment of the problems. The interest in the subjects of the conference was evidenced by the large attendance of educators and workers from various parts of the country, and was further shown by the subsequent inquiries and requests for various

forms of data. The foreman of the May regular grand jury of New York county, on his own initiative, attended the conference and subsequently requested copies of the addresses and excerpts from the discussions for consideration by himself and his colleagues in their broad investigation and study of the problem of crime treatment in the county of New York;

(c) have visited all the institutions under the management of the State Department of Correction, have also visited many of the institutions under the management of the Department of Social Welfare, as well as some under private control, and have made visitations to institutions in neighboring states;

(d) have conferred with the wardens and the educational staffs of the various institutions and have discussed their impressions and findings in committee. These conferences with wardens and other institution workers have been held with the commission meeting as a whole, with separate committees, and at the various times of visitation to the institutions;

(e) have also co-operated with Teachers' College, Columbia University, in the development of a special course for the training of educational workers in the institutions for correction for youth. This course is being given during the winter session, it will be continued during the spring session of 1935 and is proposed, with certain expansion, for the summer session of 1935.

In making this interim report to Your Excellency, we wish to avoid the impression that the members speak with any degree of finality or seek to present a single solution of the very complicated problems presented by educational programs in reformatory and penal institutions.

The Commission's Point of View

Your commission starts with the premise that the ultimate and basic function of the reformatory or prison, after the demands of safety and security have been met, is the rehabilitation of those committed to its care, is their re-education, and, if possible, their restoration to community life upon release as normal, social beings. The prison inmate is "primarily an adult in need of education and only secondarily in need of reform." Experience indicates that this cannot be accomplished through mere incarceration, or through purely punitive procedures. Social readjustment will not occur automatically as a result of the denial of liberty and exclusion from normal social relations. The problem of the correctional institution is the refashioning of character and the adjustment of disturbed personality patterns. To accomplish this end, all of the resources of medicine, psychology, psychiatry, penology, religion, instruction, and wholesome social living must be utilized.

In the largest sense of the term, the task is that of education. This education, however, must be broadly conceived to reach the

fundamental conditions and circumstances that underlie the anti-social patterns of behavior. Institutional life must reach the heart as well as the mind of the inmate; his emotions together with his intellect must be re-educated. Faulty habits must be corrected, anti-social attitudes modified, and antagonisms eliminated. The individual must be trained for a constructive vocational and wholesome leisure life. Moreover, through an effective system of guidance and placement he must be assured of economic security for a reasonable period after his release.

In such program, which we regard as essential in the reformative situation, education cannot be taken as a mere gesture, nor as an institutional luxury. Expenditures for an efficient educational program constitute the best type of social insurance. The school and the shop must be regarded as vital agencies in the rehabilitation set-up. In their activities, together with those of the clinic and the recreational organization, lies the hope for future higher success in our institutional efforts.

Certain definite conclusions reached by the commission are hardly open to contradiction. They are as follows:

(a) The educational problem in penal and reformatory institutions is co-extensive with the entire life of the institution and cannot be met by any narrow, formal educational scheme.

(b) A sound educational program must be inclusive of the physical, religious, and social life of the inmate, and must make provision not only for elementary schooling but also for a development of attitudes and skills both vocational and avocational.

(c) The problem is essentially adult education, based upon individualized instruction.

(d) The success of any rehabilitation program is more dependent upon personnel than equipment. Both in the office of the Commissioner of Correction and in the different institutions, a properly trained and adequately compensated educational staff should be responsible for the planning and execution of educational programs intended to meet the varying needs of the different institutions.

(e) Immediate provision should be made in the budget for 1935-1936 to meet the foregoing requirements, because every educational need, whether it be supplies, equipment, or personnel, casts a financial shadow.

(f) Amendments should be made in the Correction Law to provide a legal basis for the changes proposed.

Admirable Beginnings of a Modern Educational Program at Elmira Reformatory

The commission has been greatly encouraged by the demonstration work at Elmira in which practically all of the foregoing principles have been embodied. Moreover, the commission is so fully

convinced of the need and value of the work that it urges adequate financial budgetary support for the maintenance and development of the demonstration. In the present budgetary requests of the superintendent of Elmira Reformatory, salaries for eight additional teachers have been included, and a recommendation for the increase in salary of the teacher who is acting as superintendent of schools. Should Your Excellency request that the director of the budget give these budgetary items favorable consideration, the commission will feel most grateful because it will mark an advance in correctional education. The situation is critical. If the budgetary allowances are not made, the result will be a collapse of the nationally-recognized advance which has been made in this institution.

Other Specific Recommendations at this Time

Organization and Selection of Personnel

It is definitely apparent that the greatest need in the Department of Correction is for a larger corps of trained and experienced educational specialists and teachers. At the present time not only is there an insufficient number of such persons at work in the prison and reformatory schools, but some of those now employed are improperly trained or lacking in experience and vision, or other personal qualifications for the work. The employment of an adequate number of properly qualified educational workers will mean the elimination of many of the defects which now appear in the programs in operation.

At present, education as an effective agency in reform is undervalued by numerous institutional heads. An important first step in the direction of eliminating this condition would be the employment in each institution of an educational director who possesses such qualities for educational leadership as would surely result in gaining for education in correctional work its proper relationship in the administrative set-up to the whole institutional program. Given alert leadership, with legally defined freedom to operate, there would be a progressive elimination of a large portion of the difficulties which now serve to make correctional education of doubtful value. Much ineffectiveness in present correctional education may be attributed to a lack of personnel possessing ability to solve elementary technical problems dealing with administration of educational work, development of curricula, development of teaching method, programs, text material, and the like. Able teachers generally solve such problems very well for themselves. They will never be solved in prison and reformatory schools so long as able teachers are not present and at work in such institutions.

After preliminary study of the educational problems, the commission makes the following recommendations with reference to the teaching personnel:

1. The selection and management of teaching personnel should be in the Civil Service under the direction of the Director of Education in the central office of the Department of Correction. He

should have authority to set up minimum qualifications for each position, to suggest minimum salaries therefore, to recommend transfers of educational personnel in the best interests of the service between positions and between institutions, and to recommend dismissal of any educational worker because of obvious incompetence or other unfitness. Selection of personnel should be in the non-competitive class. The Director of Education of the Department of Correction, because of his knowledge of institutional needs and objectives, shall advise with the Civil Service Commission.

2. There should be an immediate effort to begin the employment of additional personnel now required in the educational work of the various institutions.

3. The Director of Education of the Department should be authorized now and in the future to recommend within reasonable limits the addition of such personnel as is required in the various institutions.

4. It should be generally recognized that the minimum qualifications for any position in educational work in the Department of Correction shall never be less than those required for filling comparable positions in public schools.

5. The personality factor is of utmost importance in filling positions in the Department of Correction, and in the selection of teachers for correctional work this factor must be dominantly foremost in considering the qualifications of any candidate.

6. In line with the above suggestions regarding the establishment of a Division of Education in the Albany office, the present position of Director of Vocational Education should be abolished, and the present incumbent of that position should be placed as head of the Division of Education under the general budget for the Department. He should have two assistants, one of whom shall act as understudy to carry out such administrative functions as the director of the division delegates to him. The second assistant should be a field officer whose primary functions are the making of continuous contacts with the institutions for the purpose of gathering data to submit to the director of the division for the purpose of formulating standards and policies.

In-Service Training

A regular and continued policy should be maintained by the Department of Correction for the proper training of all of its personnel, including the guards, clerical workers, foremen, teachers, and all other employees. If a comprehensive educational program is to be advanced in the institutions of the State, it is necessary that all employees secure an understanding and appreciation of society's aim. The Department of Correction can accomplish its ends by having weekly programs of in-service training held semi-

annually in each institution. At these weekly programs attendance should be required of all employed personnel and comprehensive instruction should be given in the areas of knowledge most pertinent to the development of better morale and better understanding of institutional needs. The personnel should also be encouraged to secure further training through attendance at special courses given at universities and should be granted leaves of absence for the purpose of such special study and preparation. Regular attendance at conferences and conventions at which problems of correctional institutions are discussed should be encouraged for all members of the employed personnel. Such a program of training, and attendance at educational conferences, should be required of all of the teaching personnel. The Director of Education of the Department of Correction should establish a training school for the educational personnel so as to crystallize the educational policies of the Department and to bring about a unified and complete understanding of the objectives of a broad educational program.

Relationship of the Department of Education to the Department of Correction in the Formulation of an Educational Program

The Commissioner of Correction, the Commissioner of Education, and the Director of Education of the Department of Correction should endeavor to establish a policy whereby all of the advantages that may accrue from the work of the State Department of Education become available to penal institutions.

The educational programs advanced in each institution should be under the supervision of the State Department of Education. The suggestions made by this Department should form the basis for conferences between representatives of the Department of Education and the Department of Correction, and the teaching staffs of the various institutions. The vocational units to be developed at each of the institutions in the Department of Correction should be brought to the point where they can be recognized and accepted by the Department of Education as vocational training centers. A precedent for this desirable standardization and recognition can be found at the Medium Security Prison at Walkkill. This will have the effect of increasing the possibilities of placement of parolees, will ensure a standard of vocational training in the institutions, will serve as an incentive to the individual prisoner, and raise the standard and dignity of the whole educational procedure.

Compensation of Personnel

The commission recommends that there should be a uniform salary schedule for all educational workers on the various levels throughout the Department of Correction. Salaries in all positions should be slightly higher than in comparable positions in other institutions in order that the exceptionally well-qualified teachers required in correctional work may be attracted to it and encouraged

to remain in it. From the standpoint of compensation, the Department of Correction should be able to compete on equal terms in the purchase of teaching service with the public schools. Salaries now offered for teaching service in the Department of Correction are too low.

The teaching force of the Department on a general average is at least 30 per cent underpaid in comparison with similar positions in school systems within the community itself. The Director of Education for the Department receives a salary of \$3,600 per year. This should be raised to \$6,000 and his position transferred to General Fund from its present status under Capital Fund. The Director of Education should head up a division of education in the Albany office of the Department of Correction, with authority equal to that of an assistant commissioner so as to have the salary rating, title, and status of a superintendent of a city school system of moderate size. The dignity and importance of the functions of the Director of Education for the State Department of Correction deserve no less a status than that of city superintendent of schools.

The average salary paid for the head teacher in each of the prisons within the Department is \$2,400, without maintenance. The status of his position and the dignity of his work are commensurate with that of the principal of a public school of at least 1,000 pupils. The salary for such position, therefore, should be as a very minimum \$3,500 per year.

Other teachers are found only at Sing Sing and Attica prisons, and at Elmira Reformatory. The average salary of such a position is \$2,000. A salary schedule, with a maximum of \$2,500, should be devised and adopted.

Vocational instructors, with few exceptions, have no direct educational status but the services for such instruction are requisitioned from foremen of shops whose prime interest is production or maintenance rather than teaching. Exceptions to this arrangement are notable at the Medium Security Prison at Walkkill, and at Elmira Reformatory, respectively. The average salary of the instructors in vocational activities at these two institutions is \$2,280, the maximum salary accorded to guards.

A careful analysis of the budgets of the various institutions of the Department indicate that, on the whole, guards have a more satisfactory salary schedule than does the teaching force, regardless of the fact that no education or any particular training is required of them.

Unless the salary schedule of the teaching positions in the institutions in the Department are placed on a level with similar positions within the community, the indications are for the continuation of the following factors which tend strongly to nullify the progress that has been made in the educational program:

1. Adequately-trained men with good personality will not be attracted to the Department but will seek teaching positions elsewhere when the opportunity offers.

2. In times of economic stress good men who are in the Department will leave for teaching positions on the outside paying higher salaries and offering better professional opportunities for advancement.

3. Recruiting teachers who are more or less failures in public school systems will continue. There will be the likelihood of getting an older type of man who is looking for security rather than active competitive teaching.

Proposed Legislation

To effect the foregoing changes, the following legislation is strongly recommended:

1. An amendment to article II of the Correction Law, to provide for a new section (15-a) to be known as the Division of Education.

15-a. *Division of Education.* There shall be in the Department of Correction a Division of Education. The head of such division shall be the present Director of Vocational Education and hereinafter future appointments shall be made by the Commissioner of Correction. The head of such division shall be a person whose education, training, and experience shall cover fields of penology and of professional education. The educational qualifications shall include the satisfactory completion of three years of graduate work in education, penology, and allied fields. The head of the Division of Education shall have supervision of all educational work in the Department of Correction and shall have full authority to visit and inspect all institutions of the Department to observe, study, organize, and develop the educational activities of such institutions in harmony with the general educational program of the Department. He shall be responsible to the Commissioner and Deputy Commissioner of Correction.

2. Article II, section 7, should be amended by adding thereto a new section, No. 5, to be known as the Division of Education.

3. Section 136 of article VI, *Prison Instruction*, should be re-entitled to read "*Prison Education*" and should be re-written to read as follows:

The objective of prison education in its broadest sense should be the socialization through varied impressional and expressional activities, with emphasis on individual inmate needs. The objective of this program should be that these inmates may be returned to society with a more wholesome attitude toward living, with a desire to conduct themselves as good citizens, and with the skills and knowledges which will give them a reasonable chance to maintain themselves and their dependents through honest labor. To this end each prisoner shall be given a program of education which, on the basis of

available data, seems most likely to further the process of socialization and rehabilitation. The time daily devoted to such education shall be such as is required for meeting the above objectives. The Director of Education, in co-operation with the State Commissioner of Education and the Commissioner of Correction, shall develop the curricula and the educational programs that are required to meet the special needs of each institution in the State. The State Commissioner of Education, in co-operation with the Commissioner of Correction and the Director of Education, shall set up the educational requirements for the certification of teachers in all State prisons and reformatories. Such educational requirements shall be sufficiently broad and comprehensive to include training in penology, sociology, psychology, philosophy, in the special subjects to be taught, and in any other professional courses as may be deemed necessary by the responsible officers. No certificates for teaching service in the State institutions will be issued unless a minimum of four years of training beyond the high school has been secured, or an acceptable equivalent.

Budgetary Requirements to Meet the Foregoing Recommendations

Exhibit "A" attached herewith includes the proposed additions to the budget which the commission recommends for approval so that the present program of education may be continued and certain definite and necessary additions made which are in keeping with the foregoing recommendations. These budget proposals are divided into three parts: (1) for the development of the *Division of Education* and the payment of staff members outlined in the recommendations above; (2) for the continuation and development of the program at Elmira Reformatory; and (3) for the addition of new teachers in other institutions of the State so that the educational program proposed by the commission may be initiated under the auspices of the various institutions.

More Extended Future Report

By way of supplementing the foregoing presentation, the commission wishes to state that in the near future there will be submitted for your consideration an extended report covering various phases of the commission's study of the educational problems, such as:

- Administrative problems in correctional education
- Defining a basic philosophy for correctional education
- Classification work
- Curriculum program
- Health and physical education
- Libraries in correctional education
- The training, selection, and payment of personnel

Placement problems
 Religious education
 Vocational education
 Vocational guidance
 Probation and parole as related to correctional education
 Material provisions for correctional education
 Relationships between correctional education and public school education

The commission also wishes to record its conviction that the social importance and the complexity of the problem assigned to it calls for continued study and gradual re-organization of the educational work in institutions which will require a span of several years.

The commission also wishes to record its appreciation of the courteous co-operation extended to it as a body and to its individual members by the wardens, superintendents, and the staffs of the various institutions visited. In all cases the members were treated with courtesy and afforded every facility for inspection.

Finally, the commission wishes to record its appreciation of the courtesy of Dean William F. Russell of Teachers College in extending the use of the college for commission meetings, and also to Mr. Sam A. Lewisohn whose generosity made it possible to meet certain necessary expenses incident to the work of the commission.

Respectfully submitted,

(Signed) N. L. ENGELHARDT

*Chairman of
 Commission for the Study of the Educational
 Problems of Penal Institutions for Youth*

Headquarters: 525 West 120th Street, New York, N. Y.

Exhibit "A"

BUDGET PROPOSALS

- (1)—For the development of the Division of Education and the payment of staff members:

Director of the Division of Education in Albany.....	\$6,000
Two assistant directors at \$4,500 each.....	9,000
Travel and incidental expenses.....	6,000
Educational supplies.....	2,000
Total.....	\$23,000

- (2)—For the continuation and development of the program at Elmira Reformatory:

Fifteen positions, including the eight already in the institutional budget, enumerated as follows:	
1 director of education.....	\$3,500
1 teacher of commercial subjects.....	2,000
3 social science teachers at \$2,000 each.....	6,000
2 teachers of general science at \$2,000 each.....	4,000
2 teachers of English at \$2,000 each.....	4,000
1 teacher of illiterate adults.....	2,000
2 teachers of mathematics at \$2,000 each.....	4,000
1 school psychologist.....	2,000
1 teacher in the psychopathic clinic.....	2,000
1 teacher of commercial art.....	2,000
Educational supplies and equipment.....	20,000
Total.....	\$51,500

- (3)—For the new teaching positions at the following:

Attica Prison, Auburn Prison, Clinton Prison, Sing Sing, Great Meadow, Wallkill, Institution for Mental Defectives, Westfield State Farms, Institution for Male Defective Delinquents, New York State Vocational Institution, and Woodbourne State Farm.	
(2 teachers for each institution at \$2,000 each).....	\$44,000
Educational supplies and equipment to meet the needs of the additions to the teaching staff.....	22,000
(\$2,000 for each institution).....	
Total.....	\$66,000

Total proposed increase in the educational budget.....\$140,500

PRISON LABOR

Report of Committee on Competition
of Products of Cotton Garment Industry With Products of
Prison Labor*

and

Comments of the Prison Labor Authority on the Report†

WASHINGTON, D. C., November 26, 1934

TO THE NATIONAL INDUSTRIAL RECOVERY BOARD:

GENTLEMEN.—This letter of transmittal is to be regarded as an integral part of the report of the undersigned committee, submitted in accordance with the order of the President dated October 12, 1934. That order directed us to "investigate the effects of competition between the products of prison labor and sheltered workshops on the one hand and of the cotton garment industry on the other, study the operation of the Prison Labor Compact especially as to the enforcement of the standards of competition with private industry established therein, and report to the National Industrial Recovery Board concerning said matters not later than December 1, 1934."

In order to consider adequately the relatively narrow questions that have arisen and will arise between the Prison Labor Authority and the several Code Authorities administering industries subject to prison labor competition, we have taken into account the whole question of prison labor as it is related to

- (a) the underlying purposes of imprisonment for crime;
- (b) the economical and effective administration of prisons;
- (c) the extent and effects of competition between prison labor and free labor in specific industries;
- (d) the developed policies of state and national governments in relation to the whole subject;
- (e) attitudes of industry;
- (f) attitudes of labor;
- (g) the relationship of a proper regulation of prison labor to a rational attack upon the problem of crime.

At the outset we realized that we were dealing with a complex problem, about which it would not do to make a report based upon our general knowledge of the subject as obtained from the pre-existing literature. Particularly with respect to the narrower

* As directed by Executive Order No. 118-135 of October 12, 1934.

† Comments begin on page 101.

question before us, everything in the literature is outmoded by reason of the operation of the Prison Labor Compact and the changes it has made or attempted to make in the competitive relationships between prison industry and free labor industry. Therefore, we devoted the first part of the month to extended hearings at which there testified representatives of industry; of labor; of prison administration; of the legal and other divisions of NRA; and one witness who spoke not for any party to the manifold controversy but from the viewpoint of scientific criminology.

The case of industry was presented by the following witnesses:

Raymond A. Walsh, General Counsel, Cotton Garment Code Authority.

Col. R. B. Paddock, Executive Director, Cotton Garment Code Authority.

Ben Geaslin, Assistant Counsel, Cotton Garment Code Authority.
A. B. Dickinson, Washington Representative, Cotton Garment Code Authority.

Herbert Mayer, Chairman, Prison Committee, Cotton Garment Code Authority.

A. B. Salant of Salant and Salant, Incorporated.
Isadore Fine, President, National Workshirt Manufacturers Association.

Harry Johnson, Oberman and Company.
W. W. Harlin, Prison Committee, Cotton Garment Code.
C. F. Habegger, Prison Committee, Cotton Garment Code.
L. M. Jones, Prison Committee, Cotton Garment Code.
Walter Mitchell, Jr., Executive Secretary, Furniture Manufacturers Code Authority.

D. P. Porterfield, Director, Department of Marketing, United Typothetae.

J. H. Nelson, Secretary, Trade Practice Committee, Public Seating Industry.

W. C. Craig, Chairman, Binder Twine Agency of Code Authority.

J. S. McDaniel, Executive Secretary, Cordage and Twine Code Authority.

Organized labor expressed its views through

Thomas Rickert, President, United Garment Workers.
Charles N. Green, International Ladies Garment Association.
William C. Rushing, American Federation of Labor.
G. E. Meadows, American Federation of Labor.
Miss Rose Schneiderman, Labor Advisory Board, National Recovery Administration.

Jacob Petofsky, Assistant President, American Clothing Workers.

Sidney Hillman, in his dual capacity of president of the Amalgamated Clothing Workers and member of the Labor Advisory

Board, also conferred with us, although his statement is not included in the stenographic transcript. However, Mr. Hillman iterated to us the views expressed by him at the hearing before Acting Division Administrator Collins on May 26, 1934, which we have read and considered.

Prison Administration presented its case through

Hon. Sanford Bates, Director, Federal Bureau of Prisons.
Mr. James V. Bennett, Secretary, Prison Labor Authority.
Mr. Howard S. Gill, Economic Adviser, Prison Labor Authority.
Dr. Walter N. Thayer, Commissioner, Department of Correction, New York State.
Mr. H. H. Stewart, Superintendent, Prison Industries, State of Alabama.
Mr. Robert Chapman, Superintendent, Prison Industries, Missouri State Prison.
Mr. L. E. Kunkle, Warden, Indiana Penitentiary.
Mr. E. L. Pardue, Superintendent, Industries State of Tennessee.
Mr. C. L. Stebbins, Superintendent, Michigan State Industries.
Mr. Samuel E. Brown, Warden, Oklahoma Penitentiary.
H. E. Donnell, Superintendent, Prisons of State of Maryland.

We obtained important information regarding NRA policies and especially the steps leading to the formation of the Prison Labor Compact and its administration from

Mr. Linton M. Collins, Acting Division Administrator, National Recovery Administration.
Mr. J. M. Keating, Legal Adviser, Dress Manufacturers' Code Authority. Formerly Legal Adviser to National Recovery Administration on the prison labor problem.
Major B. H. Githell, Special Adviser, National Industrial Recovery Board.
Mr. H. E. Wahrenbrock, Legal Adviser, National Recovery Administration.
Mr. Peter Seitz, Legal Adviser, National Recovery Administration.
Mr. Lester Kintzing, Industrial Advisory Board, National Recovery Administration.
Mr. Mercer G. Johnston, Consumers' Advisory Board, National Recovery Administration.
Mr. Sol A. Rosenblatt, Division Administrator, National Recovery Administration.
Mr. David Ziskind, Labor Advisory Board, National Recovery Administration.

A detached view on many of the most vexed questions before us was presented by Professor Louis N. Robinson, of Swarthmore College. Professor Robinson is the author of a standard book on prison labor—"Should Prisoners Work?" He came at our express invitation to answer questions that had arisen out of the other testimony.

It thus appears that in spite of the short time at our disposal we have tried to assemble the pertinent facts and that our conclusions and recommendations are based mainly upon data taken from life rather than from books. For statistics prior to 1932 we have relied upon Bulletin No. 595 of the Bureau of Labor Statistics. Volume 9 of the Report of the National Commission on Law Observance and Enforcement (The Wickersham Commission) has been helpful to us. This deals with the whole subject of penal institutions and contains a valuable chapter on prison labor.

The testimony taken and exhibits filed with us comprise a stenographic record of over 1,200 pages. It would not be practicable to summarize the statements of the several witnesses but it is important to state that we have afforded all interested parties full opportunity to be heard. Through their several spokesmen they have stated their respective positions clearly and vigorously. These must be set out briefly and objectively because our conclusions flow directly from them.

The Argument for Industry

This part of the testimony falls into three sections.

First—The Cotton Garment Industry

From this source and from organized labor arises the most vigorous and determined opposition to the present status. Essentially, this industrial group demands the absolute and immediate removal of prison-made goods from the open market. It repudiates the workability of the Prison Labor Compact as a means to insure fair competition. It claims that a continuance of prison-made goods upon the open market will destroy the Cotton Garment Code and push the industry back into the miserable sweat-shop conditions from which it is emerging. It has a special grievance growing out of the grant to prisons, members of the Compact, of the National Recovery Administration Blue Eagle label which the industry declares is a fraud upon the consuming public. It claims that the action of Congress in adopting the Hawes-Cooper Act in 1929 led the industry to expect the virtual elimination of prison labor competition by 1934 and that relying upon that expectation its larger units have withdrawn from prison manufacture and made large new plant investments outside of prisons. It claims that it was misled further by early action on the part of the National Recovery Administration apparently looking to the immediate abolition of prison competition; e.g. the flat prohibition in the original drafts of the Retail Code, and special exemptions granted by the Labor Advisory Board regarding wages to apprentices in the industry. This industry also charges that the Prison Labor Authority in administering the Compact has failed entirely to co-operate with the Cotton Garment Code Authority, and the Administrator in charge of that Code has relied upon misleading data regarding current prices of merchandise and has insisted improperly upon an excessive labor cost differential favorable to prison labor as against free labor.

Asked whether they would prefer the untrammelled competition of unregulated prison industry to further efforts to co-ordinate that industry with free-labor industry under the Compact, the representatives of the garment trade answered emphatically "Yes." They profess absolute disdain of the possibility of effective control of prison manufacture; some of their spokesmen charge every agency of prison management with direct bad faith. They claim that unless the competition of prison labor is absolutely eliminated, the entire industry will be ruined and its 165,000 employees will be thrown out of employment.

The testimony given by this group is important out of all proportion to its accuracy in detail. A state of mind, whether based on fact, fear, or fancy, is something that must be reckoned with. These manufacturers are determined that competing prison labor must go. They regard the Prison Labor Compact as a means of perpetuating it, of increasing rather than decreasing the competition of prison made goods with those of their own manufacture. Right or wrong, they are prepared to fight on this issue to the bitter end. In this fight they are working hand in hand with labor, and they have the support of large sections of the distributing trade and the consuming public. Such women's organizations as the Federation of Women's Clubs, the Consumer's League and others have joined the manufacturers and labor in the dissemination of the thought that goods made in a prison are essentially wicked goods that must not enter into commerce.

This group favors the State Use system of prison production.

Second—The Twine and Cordage Industry

Although the prisons produce one-third of the binder-twine made in this country, this industry seems willing that prison industry in this line shall continue, provided that under the Prison Labor Compact there can be secured equality of competitive prices, and provided that each state shall confine its sales within its own borders. It relies upon the Hawes-Cooper Act and the Prison Labor Compact as means toward these ends, although it complains that a differential in favor of prison labor costs has been set up and that there has been a lack of co-operation with the industry in the fixing of prices of prison-made goods. It makes no charge of bad faith, but asserts vigorously that administration of the Compact has been inefficient.

Third—Other Industries, Particularly Furniture, School Desks, Etc.

Witnesses appearing before us indicate no immediately pressing questions in these lines. Generally, they object to a labor cost differential favoring prisons and urge closer co-operation between Prison Labor Authority and the several trade Code Authorities. They favor the State Use system but admit that in some states where that system prevails certain industries have succeeded in curtailing the distribution of prison-made products to state, county, and municipal agencies of government.

The Arguments of Prison Management

The case for Prison Management was presented in part by persons like the Hon. Sanford Bates and Dr. Walter N. Thayer, who have no personal or official connection with the controversial questions before us, and in part by various wardens, managers of prison industry, state superintendents of prisons and others who are concerned directly with the conflict. Upon certain points they all agree and it is not possible in a brief abstract to emphasize these points adequately.

1. Prisoners must work.

2. If imprisonment is to have any value as an agency for rehabilitation, prisoners must work in productive enterprises on a full time basis and under conditions approximately the same as those prevailing in free society.

3. There is now and for years there has been an appalling amount of idleness in most prisons; idleness in prison has increased greatly during recent years and will increase beyond the safety-point unless a remedy is found at once.

The evidence we have heard from this source has confirmed and intensified our conviction that prison management faces a grave crisis. A prison filled with idle men is a prison ready for riot and bloodshed. But even worse than that, the whole scheme of criminal justice and imprisonment for crime becomes nugatory, socially wasteful, and a mockery unless prison life can be made a constructive experience for the individual sent to prison.

These witnesses concede that prison labor ought not to compete with free labor to the injury of the latter, and that products made in prison ought not to be sold in the open market at prices that will depress the market price of like products. They assert that the Prison Labor Compact assures these conditions of fair competition. Under the Compact, contractors hiring prison labor are required to pay the prisons at rates based on the rates of pay for free labor, and states manufacturing and selling under the States Account system are required to sell at prices determined upon the basis of current prices of like products in the place where such sales are made.

Compliance with these provisions of the Compact is sought to be assured by a Prison Labor Authority, with powers and duties similar to those of the various Code Authorities under National Recovery Administration. Similarly, the Prison Labor Authority has obtained the right to issue to states and contractors operating under the Compact, a Blue Eagle label for use on garments manufactured in prison and is planning to issue similar labels to other prison industries when labels are required under the respective codes affected.

The labels now in use differ from ordinary NRA labels only in bearing the word "Compact" instead of a Code number. No ordi-

nary purchaser of goods would be likely to observe the difference. This similarity (denounced as a fraud by the spokesman for industry and labor, see *infra*) is defended by prison management, however, upon the grounds that the operation of the Compact has made prison labor competition fair competition, for the reasons stated above, and that without the label goods made in prison will be barred from the channels of retail trade by the terms of the Retail Code.

When their attention was called to the arguments of industry and of organized labor against the label (see *infra*) these witnesses insisted that the prisons ought, as a matter of right and justice, to enjoy the benefits of the label, as compensation for the freedom of action they have given up by entering into the Prison Compact. We then directed their attention to the fact that the Prison Labor Authority has granted prison-made goods a differential in labor cost amounting to approximately 2 per cent to 3 per cent of their selling price as compared with goods made by free labor.

When pressed, a number of these witnesses admitted that it was hard to justify both the label and the differential, although others insisted that without the differential they could not continue to manufacture and sell. All asserted that the label is absolutely essential and that if it is withdrawn the Prison Compact will be dissolved at once. This result they viewed with grave concern as they felt that the Compact is the first constructive step toward a real solution of the prison labor problem.

They testified that idleness in prison increased sharply early in 1934 due to the operation and the anticipated further effects of the Hawes-Cooper Act, and that although productive labor has begun to revive under the Compact there is at the present moment far less employment for prisoners than there was in 1933 and before that date. They admitted that prison industry has been concentrated in the manufacture of garments to an extent that explains, if it does not justify, the complaints of that industry and of labor. They explained this concentration as growing out of the following factors:

- (a) the relatively small plant investment as compared with other forms of manufacture;
- (b) the degree to which sewing machine labor lends itself to effective prison management and discipline.

"A large group of men, each anchored at a sewing machine, can be guarded with a minimum of supervision. They need not move about as in other shops and they use no tools that can be employed as weapons." To the suggestion that men in prisons working at this form of industry acquire no knowledge that will help them make a living when released, because outside prison similar work is done by women almost exclusively, they replied that such prisoners learn habits of industry and the discipline of shopwork. However, the more progressive members of this group admitted

freely that there ought to be greater diversification of prison industry and that it should be planned and operated with the main emphasis upon its value in fitting the prisoner to make an honest living when released from prison. Ninety-four per cent of the men incarcerated are released, sooner or later. The large proportion who relapse into criminal activity (recidivists) suggests that imprisonment fails in its aim to protect society by stamping out the criminal tendency. Most serious crimes are committed by former prisoners. A more thoughtfully conceived prison labor policy would be of outstanding value in society's war against crime.

These same witnesses agreed that the best plan to accomplish these constructive ends is the State Use system. They pointed out, however, that its introduction on a comprehensive scale will necessitate large capital outlays for plant construction and that the states in which these expenditures are the most needed are in many instances quite unable to raise the necessary funds. One state was mentioned where the needle trades are practically the only prison industry, and where it has been necessary to cut drastically school terms and teachers' salaries because the state's finances are at such a low ebb. The Governor of another state has not merely demanded that the Compact be administered so as to afford an outlet for the goods manufactured in the prisons of his state, but has addressed a letter to the President announcing that the state itself proposes to take legal action challenging the constitutionality of any action which would deprive the state of its investment in its prison factory.

In short, while this group as a whole favors the State Use system in principle, it emphasizes the practical difficulties that stand in the way of its general adoption. Therefore, its members urge that the Prison Compact be upheld and that practice under it be perfected; but they are positive that this can be accomplished only if the NRA label for prison made goods is continued in its present form. In answer to the suggestion that this label differs only metaphysically from the ordinary NRA Blue Eagle label of commerce and therefore operates as an instrument of deception to which the Federal government ought not give its sanction, they reply that under the Compact the labor of men in prison must conform to the same standards of hours, compensation, and sound working conditions as are required for free workers. They tend to blink the obvious facts that compensation paid to a state by a prison contractor is not precisely the same thing as wages paid a worker for his and his family's support, and that many states operating prison factories on the State Account system justify the payment of merely nominal wages to their prisoners (often as low as fifty cents a month) on the ground that the state spends \$1 or more per day to feed, house, clothe and guard each prisoner. And they ignore entirely the additional fact that goods made in prison and bearing a Blue Eagle label can by no stretch of the imagination be said to have been produced by labor invested with the right to collective bargaining.

The Argument of Organized Labor

The witnesses for organized labor take a firm and uncompromising stand. They assert:

- (a) Competition in the open market between goods made in prison and free labor production must cease at once.
- (b) The Hawes-Cooper Act is sound policy and good law.
- (c) The Prison Labor Compact has no legal or moral right to an NRA Blue Eagle label. The present form of label works a deliberate fraud upon the public and is unfair to labor.
- (d) To them the foregoing principles are so fundamental and so irrefutable that one of the principal witnesses in this group refused to discuss, even by way of assumption for the purpose of argument, such questions as (1) whether the differential allowed in favor of prison labor is so great as to defeat fair competition under the compact or (2) what, if any, administrative changes may be desirable to bring about a better co-operation between the Prison Labor Authority and the several competing Code Authorities.

This position is founded, says labor, upon long and bitter experience. Its spokesmen declare that they have absolutely no confidence in the prison group and refuse to deal with them. They avow a hostility to the Prison Compact that admits of no compromise. Asked if they would prefer the unregulated and uncontrolled competition of prison labor if the Compact is dissolved they do not hesitate in their answer. They assert that general public sentiment agrees with them that prison made goods are "outlaw goods," that Congress has so declared in the Hawes-Cooper Act, that many states have adopted supporting laws, and that labor will carry on its fight no matter what this committee or any other committee may recommend until all prison made goods are driven off the competitive market. They assert that prison competition has brought wage levels in some places down to \$2 or \$3 per week and that the Compact is powerless to control this evil no matter how or by whom it may be administered. Finally, they insist that every article of commerce manufactured in a prison means one less such article manufactured by free labor.

Therefore, with millions now unemployed, they say that society must choose between giving law-breakers an opportunity to work or giving a like opportunity to honest men and women. Asked if, as taxpayers, they are willing to support prisoners in idleness, they say rather than thus impose additional idleness upon the innocent and add another hundred thousand to the ranks of the unemployed who also must be supported out of taxation.

However, these same witnesses abandon their pitiless logic when asked about the State Use system. Quite uniformly, they express approval of it and admit that upon grounds both of humanitarianism and of what they conceive to be sound economic doctrine, the state has a right to employ prison labor for the manufacture of

products to be used by the state and its political subdivisions. They concede the penological necessity of employing prisoners both for purposes of discipline in prison and for the processes of rehabilitation. But this is the sole concession that labor makes. It declares war to the death on every other expedient.

The Testimony of Staff Members of the Legal and Other Divisions of NRA

These witnesses were very helpful to us in clearing away numerous points of difference relating to the proceedings leading to the preparation and adoption of the Compact and the authorization of the NRA label under the Compact. Especially in regard to the latter, it had been charged by the Cotton Garment Industry not merely that the label is misleading and deceptive but that it was authorized without notice and put into use surreptitiously. These witnesses detailed to us the official steps taken in these procedures and also told of various preliminary conferences between representatives of the interested groups. The importance of this testimony is reflected in our Finding III, (*infra*).

They insisted that the regulation of prison industry must be committed to its own Prison Labor Authority Administrator and that it would be unsound and impracticable to transfer this function to the several interested and competing Code Authorities and Administrators. But they conceded the desirability of developing a plan for the better co-ordination of these activities. They gave us convincing evidence of lack of co-operation and obstructive tactics on the part of the Cotton Garment Code Authority during the months that the Compact has been in existence.

The Testimony of Professor Louis N. Robinson

Professor Robinson was the only witness whose testimony may be described as entirely objective. In theory, he favors the State Use system above all others; but he pointed out that in practice this system not only has failed to reduce idleness in prison but in many instances has increased it. This he attributes to several factors, viz.:

1. Most states that have adopted this plan passed imperfect laws. A State Use law, if it is to produce satisfactory results, must prescribe the compulsory purchase by state agencies, departments, institutions, counties, and municipalities of all classes of goods produced in the state's prisons that are required by such agencies. Massachusetts is pointed out as the state that has devised and adopted the best statute.

2. He questions the sincerity of some of the proponents of this system. For example, individual members of a certain organization of manufacturers which is conducting an "educational campaign" for State Use are known to have tried, in states where the system is already established, to restrict the purchase of prison made goods to institutions for the housing of prisoners. Similarly,

the representatives of given industries use political pressure and like means to secure the exemption of their particular industry from the operation of the law. For example, in the State of New York, though the prisons are equipped to build furniture of all kinds, not a stick of school furniture is permitted to be made by prison labor. Certain labor organizations have been active in similar attempts to restrict the effective operation of the State Use system, in spite of the fact that labor gives the system its unqualified indorsement when it is discussed as an abstraction.

3. If the State Use system is to become effective in reducing prison idleness, each state employing it must conduct a careful investigation by competent production engineers to determine the needs of the state and of its political subdivisions that can be supplied by the labor of prisoners. This must be followed by a thorough overhauling of the state's setup of prison industry, always with an eye to the following requisites:

- a. The safe confinement of the prisoners.
- b. The provision for them of real, productive work on full time, as measured by free industry in like fields.
- c. The diversification of prison products to the greatest practicable degree, so that no one product will monopolize the market to the injury of outside industry and free labor.
- d. The selection, to as great a degree as possible, of industries for prison labor that tend to fit the prisoner to make an honest living after his release.

Professor Robinson admits that this ideal has not been realized anywhere up to the present time. But he attributes this primarily to the factors outlined in subdivisions (1) and (2) above and not to any weakness inherent in the system.

Findings of This Committee

The foregoing analysis of the testimony explains our findings, which are:

- I. *The Prison Labor Compact has not solved the problem of prison labor and will not solve it permanently and constructively*

We arrive at this conclusion regretfully and with extreme reluctance. The Compact was conceived as a great forward step and was hailed by thoughtful observers as a major achievement. It aims to bring order out of chaos, to render justice to the men in prison without injuring industry and free labor outside prison. It has failed for a number of reasons, some of which are so deeply rooted and as far-reaching in their social and economic implications that no mere modification of the terms of the Compact, no improvement of the technique of its administration, will overcome them, e.g.:

- a. The basic aims of labor are incompatible with the purposes of the Compact.

b. The Cotton Garment Industry regards the Compact as unworkable; and it is unworkable without the co-operation of that industry.

c. Other branches of industry will come into similar conflict with the Compact if under it other prison products enter the channels of trade in sufficient volume to endanger such industries. They have a legitimate fear that the Compact and the use of the label in prison industries may tend to expand the market for prison made goods and in the long run increase rather than decrease the problems of competition.

- II. *The Prison Labor Compact is an indispensable part of any larger plan for the real solution of the problem of prison labor. But it must be regarded as an interim measure*

Though we find that the Compact has failed and must fail of achieving its final purpose, nevertheless it supplies the only practicable means of regulating prison industry temporarily while a comprehensive plan for the solution of the question is being worked out and put into operation. This will be elaborated in our Recommendations, *infra*.

- III. *The Compact was the product of a genuine desire to solve a hard problem. It has been administered fairly by persons of the highest integrity. Any past errors in its administration have been only such as are inevitable in the development of a new instrumentality*

This finding is more important than might be supposed. The Compact must be kept alive and must be supported by the hearty good-will of Prison Administration, of industry, and of labor; only its ultimate purpose and its duration must be modified. The success of any comprehensive plan will be endangered if the suspicions, fears, and charges of bad faith reflected in the testimony are allowed to persist. States of mind, especially when tinged by emotion or inflamed by passion, are the most stubborn facts of life. Success in this difficult enterprise will be possible only if the parties to the conflict resolve to work together in a spirit of mutual confidence.

- IV. *The only true solution of the prison labor problem is one that will effectually remove the products of prison labor from the ordinary channels of competitive trade and commerce. This means the State Use system*

Many of the reasons for this finding and the limitations upon its validity are set forth in our analysis of the testimony of Professor Louis N. Robinson, *supra*. It seems unnecessary to repeat them here. We may add that though, under this system, goods made in prison do enter the field of use, and so compete with the products of free labor, this competition is made relatively innocuous because:

- a. Such goods are kept off the general market; hence they do not affect the price structure in any branch of industry.

b. The labor that goes into the production of such goods is not in direct competition with free labor; therefore prison labor cannot become an instrumentality for lowering of wages and the degradation of free labor.

V. *The present and potential competition of prison industry with the Cotton Garment Industry has created a special and acute problem that calls for immediate attention and relief*

The testimony we have heard shows that the principal friction and the most irritating conflicts have arisen between the Prison Labor Authority and the Cotton Garment Code Authority. This is due neither to accident nor to merely personal differences.

The Cotton Garment Industry is badly over-expanded. This has been brought about in part through expectations aroused by the passage of the Hawes-Cooper Act. As a result, prison competition, even on its present reduced scale, actually endangers the life of the Cotton Garment Code. The withdrawal of that industry from its own Code would be a major disaster to labor, spelling a large increase of unemployment and a return to sweat-shop conditions that were a disgrace to American industry. This must be avoided at almost any cost.

Here, again, the importance of maintaining Prison Labor Authority as an interim and emergency agency becomes apparent. It is not for this committee to pass in detail upon the appropriate remedy for the immediate relief of that industry. But we assert that its effective relief is impossible unless, through the co-operation of Prison Labor Authority, under the Compact a simultaneous control is exercised over the competitive products of prison industry.

If the price of the rehabilitation of the Cotton Garment Industry should be a temporary increase of prison idleness and a temporary addition to the financial burden of the prisons, it would be a price worth paying—provided it is part of a comprehensive plan for the ultimate and realistic solution of the whole difficult problem of prison labor.

Our committee believes that it has such a solution to offer. We have, in this letter of transmittal, attempted to point out some of the difficulties we faced when we undertook this investigation. At times it appeared that irresistible forces were opposed to immovable obstacles, that we should have to throw up our hands and report that we saw no way out of the mess. In the above findings we have hinted at our remedy. This will be stated definitely and fully explained in the body of our report.

Respectfully submitted,

JOSEPH N. ULMAN, *Chairman*
FRANK TANNENBAUM
W. JETT LAUCK

JAMES P. DAVIS, *Secretary*

Report and Recommendations

The committee's recommendations look to a definitive solution of the prison labor problem. No partial alleviation is practicable. The conflicts of opinion and interest between the contending groups are so sharp that no compromise of the issues at stake is feasible, and even if feasible would not be desirable. No such compromise would endure beyond the day on which it was affected, and in a new guise the old issues would persist in burdening the conscience of the community.

The specific issues that called this committee into being were:

A. The difficulties in the Cotton Garment Industry created by prison competition, and

B. The complaints against the operations of the Prison Labor Compact.

A. *The Cotton Garment Industry and Prison Competition*

The conflict of interests between the Cotton Garment Industry and the prisons is acrimonious and of long standing. For many years penal institutions have emphasized the production of cotton garments under a contract system and have marketed their products at prices which outside shops found difficult to meet. Prison labor competition made the maintenance of any standards in the industry outside progressively difficult, and forced the manufacturer into out-of-the-way places where child labor, night work, long hours, and poor pay became the rule. It has been impossible in the past for the industry to achieve stability, to increase its wages, or to improve its standards, because of the lower costs of prison manufacture. The prison contractor had the advantages of free rent, light, and heat, of low labor costs, and of a controlled labor force—there is ample evidence in the history of prison contracting that the disciplinary machinery of the institutions was often used to inflict physical punishment upon the prisoner who failed to complete his allotted task. The prison contractor supplied work for the prisoners and in one way or another added emoluments to the agents of the state who were participants in the execution of the prison labor contract. The system served the contractor and the prison administration. It was, however, in many instances a bane and a curse in the lives of the prisoners, and the low-priced products kept wages down and the standard of living below a decent level for the workers outside.

Against this system a ceaseless battle has been fought on the grounds that it perverted the prison to a factory for private profit, that it used the money of the taxpayers and of the prison contractors' competitors to undermine and destroy their basis of income, that it led to political graft and malfeasance in office, and that it served no useful ends in the lives of the prisoners when released. This conflict has raged back and forth for well-nigh a

century, with the prison labor contracting system gradually losing ground and being replaced by other systems of labor more or less pernicious. But in spite of its decline, the prison garment industry still made twenty-two million shirts in 1932, was still operative in twenty-two states, and still represented the greatest single labor activity in the prisons of the country.

The impact of the depression upon the Cotton Garment Industry made the effects of prison labor competition more keenly felt than ever, while the development of the National Recovery Administration not only brought the issue to a head but established machinery to deal with it on a national scale. Earlier attempts to resolve this problem were obstructed by the fact that prisons are state institutions, and that each state has a different policy.

In some states the forces opposing prison competition achieved its abolition without supplying a satisfactory alternative for keeping prisoners at work. In others the efforts of labor, industry, and interested social organizations completely failed to make any headway against the combination of prison contractor and local petty politics. The struggle culminated finally in an attempt to secure congressional legislation.

The Hawes-Cooper Act, passed in 1929, prevented the sale of prison-made goods in states that had legislation prohibiting the marketing of such goods from their own institutions. The law was to become effective in five years, thus giving the states an opportunity to reorganize their prison industries to meet the prospective limitation imposed by the law. The five years expired at about the same time that the National Recovery Administration came into being. In the meantime, most of the states had neglected to make the necessary adjustments to meet the restrictions upon their ability to market their prison-made goods, with the result that their problems became more acute. The reasons why the states had not set about preparing to meet the prospective limitations in the Hawes-Cooper Act are inherent in the very fibre of the prison system itself, and need not be here discussed. The fact is that the states "just drifted," as was testified by one of the witnesses before the committee.

This lack of preparation on the one hand and the coming into existence of the National Recovery Administration on the other brought the issues before the Federal government as an immediate and inescapable conflict. The Cotton Garment Industry seemed at last to have found the instrumentality to secure its long-sought objective. It sought by one means or another to put prohibitory provisions into the industrial and retail codes to prevent the marketing of prison-made goods. It was going to achieve at one blow what fifty years of public agitation and striving had failed to secure.

The prisons, unprepared, and now being threatened with a virtually complete shut-down of the open market for their prison industries, were faced with a very real crisis; a sudden and large increase of idleness, destruction of their capital investment,

demoralization of their system of prison discipline. They were faced with the complete and immediate destruction of the traditional system of penal administration which they had learned to operate by custom and which by a slow process of attrition had become more or less satisfactory to themselves. They had neither the insight, the time, the money, the experience, perhaps not even the desire to contrive an alternative way of governing the prisons. Institutions, no less than individuals, surrender their traditional ways slowly and grudgingly. Faced with genuine danger, they appealed to the Federal Administration for immediate relief.

It was to meet the danger inherent in the National Recovery Administration codes on the one hand and the failure of the state prisons to adapt their industries to the provisions of the Hawes-Cooper Act on the other that the Prison Labor Compact was developed.

The Compact, in brief, provides that the prison authorities set up conditions of fair competition in their prisons so as to meet the standards imposed by the codes on outside industry. The compromise achieved was one that, for the moment, kept the penal institutions from shutting down their work shops and gave outside industry some measure of protection against the hitherto unrestricted and uncontrolled prices of prison competition.

The working of the Prison Compact has since its adoption been subject to a great deal of criticism, especially on the part of the Cotton Garment Industry. And in this industry the conditions are such as to make the complaint very real and the necessity for relief urgent.

The source of the grievances of the Cotton Garment Industry arise from the fact that

(1) The industry has unduly increased its outside plant and equipment. The new capital investment was mainly motivated by the prospect of the withdrawal of prison competition under the Hawes-Cooper Act. In addition, evidence indicates that there was some further plant increase in the Cotton Garment Industry because the prospective influence of the National Recovery Administration seemed to point to a complete shut-down of prison industries. That there was some basis for this assumption is seen in the temporary exemptions granted by the National Recovery Administration for the training of apprentices in the new plants being developed.

(2) The manufacturer of prison-made cotton garments was allowed a 10 per cent lower direct labor cost basis than outside industry. This amounts to from 2 per cent to 3 per cent of the wholesale price of the merchandise.

(3) The prisons operating on the State Account system are allowed a price differential of twelve and one-half cents per dozen, sufficient to provide a definite advantage in a sensitive market.

(4) Finally, the prison-made garment has been granted a National Recovery Administration label which is not easily distinguishable from the ordinary label used in that industry by outside plants. The granting of the label by the National Recovery Administration may have been legal, it may in fact have been inevitable after the adoption of the Prison Compact, but it gives prison industry a kind of moral advantage it has never before enjoyed.

Until the granting of the label, prison-made garments were always on the defensive, and their origin was frequently hidden by false labeling so as to deceive the consumer. A number of state laws were, in fact, passed to prevent this deception. This function now comes under the auspices of the National Recovery Administration, and the prison industry, as one warden expressed it, "has been recognized for the first time." The protest of the garment industry is both natural and logical. The label tends to undo the effect of a campaign that has raged in the press and the pulpit for well-nigh a century. It makes prison goods respectable. It gives them a market free from opposition and makes the consumer incapable of distinguishing between prison and non-prison made goods. There is no question that the label tends to deceive, and that the prison contractor has secured the help of the National Recovery Administration in carrying out this deception.

To argue that prison conditions have changed so as to destroy the basis of the onus is to raise questions on enforceability, questions of the rapidity with which social institutions change their character; and in effect it shifts the basis of the argument. It is clear that the attitude of the government, as expressed through congressional action and through the reports of commissions, has been that it is undesirable social policy to promote profit-making industries in penal institutions. The action of the National Recovery Administration in granting the label tends in effect to promote and encourage profit-making industries in prisons.

In the face of demand for increased wages, shorter hours, and improved standards for labor, competition with prison-made goods is made more difficult for the Cotton Garment Industry.

The position of the committee is that the making of garments is from every point of view undesirable as a system of labor in the prisons; that it does not materially contribute to the ends of a penal sentence; that its effect upon the morale of the prison was in the past and in the future probably will continue to be unwholesome; that in view of the increase of outside plants and the changing standards enforced by the National Recovery Administration the continuance of prison competition is destructive of the Cotton Garment Industry and endangers the standards of life and labor for some 165,000 people; and that, as the prison industry is insistent that it can survive only upon the favoring feature of a cost and price differential and upon the contributory deception involving the Federal government through the National Recovery Administration label, it is better immediately and finally to remove prison-made garments from the open market.

The committee therefore proposes that the Federal Emergency Relief Administration temporarily purchase the garments made in the prisons. This temporary period should not last more than two years and should be on a declining scale in periods of three months during that time. This would give an opportunity to carry out the suggestions of the committee in reorganizing the prison industries. It will also prevent the increase of the Federal relief rolls that must ensue if the competition of prison-made garments is allowed to continue to absorb the work that would otherwise go to increase the labor of people outside of prison. It would immediately remove the source of contention of the Cotton Garment Industry that it cannot continue to meet the provisions of the codes of fair competition set up under the National Recovery Administration and increase the possibility of standardizing an industry that has been the most sweated and least influenced by the pressure for higher standards of life and labor for the workers engaged in it. It would also give the National Recovery Administration a real moral argument to push its insistence for higher standards and better enforcement in that industry. It would save the prisoners from idleness and the prisons from loss through a sudden destruction of an important part of their industrial system, and it would give time to plan and execute a different industrial system for the prisons looking toward the final abandonment of the Cotton Garment Industry as one of the chief occupational activities in penal institutions.

B. The Prison Compact

The second immediate issue that brought this committee into being concerns the operation of the Prison Labor Compact. On the whole the situation is not so pressing as in the Cotton Garment Industry, for the other industries under the Compact do not feel prison labor competition so keenly, and, excepting the Cordage and Twine Industry, where the problems are of very special character, the prison industries are not so large nor is their pressure against outside industry so effective. There is, however, sufficient evidence before the committee to show that the situation is serious enough to require remedial action, and that if such remedial action is delayed the problem will become more difficult and its ultimate solution less feasible.

The Prison Compact is, as has already been indicated, a voluntary arrangement between the states to maintain within the prisons standards of cost allocation to sales price that will make prison industries comparable to outside industries. General agreement upon costs is, however, always affected by traditional differentials in both costs and prices. Assuming the best possible enforcement, the prison would thus still have guaranteed to it a certain edge upon certain parts of the market because of these differentials. Enforcement of the Compact, in view of experience, would be difficult to carry out and dubious in effect. But even with the best

possible enforcement, the fundamental issues are in the main not different from those in the case of the Cotton Garment Industry. The Compact still involves the NRA in securing and protecting a market for a type of industry that the sense of the American people as reflected by their representatives, at least, over a long period of time and under many different conditions, has attempted to outlaw on what are claimed to be broad grounds of social policy on the one hand and narrow grounds of economic policy on the other. The NRA and the Prison Labor Compact have inadvertently reversed this trend of policy upon this issue, have tended to prolong the existence of the condemned type of prison industry, have in return for compliance with certain demands as to working conditions and prices opened to it the prospects of a more secure market than before, and would, if no change were made, impose upon the prisons continuance of the financial and profit consideration in the management of their industries, contrary to the expressed judgment of their critics.

There is the further specific grievance that the Prison Labor Authority has acted to change both cost and price schedules without consultation with the Code Authorities affected, Denials and recriminations one way or another do not seriously change the picture. Some remedial and corrective measures are essential even for the temporary period in which the Prison Labor Authority is to be accepted as an agency in the field, to meet the real danger that the Prison Labor Authority may, by developing interests and setting up expectancies, contribute to the freezing of the present prison industrial system, contrary to the repeatedly expressed policy of the American people as exemplified in the action of Congress and numerous state legislatures.

The immediate remedial action suggested by the committee is therefore to set a limit upon the expansion of the prison industries, by setting up quotas in the prisons to limit their production for the open market at a point no greater than the one existing when the Prison Compact was established; and to provide that no changes in price or cost schedules be introduced in prison industries without mutual agreement between the Prison Labor Authority and the special Code Authority involved. If necessary, an impartial chairman might be set up whenever agreement is impossible.

The Program

But the prison labor problem is more pervasive than the above discussion would indicate. The prison industrial system is an integral part of the very structure of the penal institution and must of necessity shape the lives of the men and determine whether the effect of imprisonment is to achieve those ends that the community has a right to expect from the penal institution. If the prison for one reason or another does not return to the community men strengthened in character, cleansed of poor habits, better able to make social adjustments, if it does not reconstruct their way of

life and make them less likely to follow the path of criminal degradations, then the prison system has failed. If the men in prison do not come out better fitted to take their places in the community as citizens, then all the efforts of society, all of its expenditures, of its manifold plans and programs for the combatting of crime break down at the point where the community has the greatest opportunity, the most time, and the best chance of achieving constructive ends with men who have failed in all other social relationships.

For the prison is the final opportunity of the community to undo the evil already done, and to retrieve both its own failures and the failures of the individuals involved. It is these considerations that have motivated the opposition to the essential perversion of the prison to a profit-making institution. The true function of the prison is neither to make profit for private contractors nor to make profit for the state. At its best the function of the penal institution is an educational one—education in the sense of re-creating a habit system adequate for social adjustment. To permit the profit motive to interfere with this broader purpose is to negate the function of the police and the judicial agencies, committed to the prevention of crime. The fact that so large a part of the men sent to prison continue in their career as criminals is evidence that the penal system now fails almost completely of these ends. This is not the place for a general essay on criminological reform. But it is the place to insist that no such reform is possible without an adequate prison industrial system; that no industrial system which subordinates the functions of the prison to the making of profit can meet the purposes of society; and that the present situation in regard to prison industry must change.

Surely no one will deny that prisoners ought to have work in prison. But it is no corollary to this statement to say that prison industries must be run for profit. In fact, the greater measure of the difficulties that have arisen is due to a willingness on the part of prison officials to shift to the shoulders of private contractors their burden of responsibility for contriving an adequate system.

The only alternative to a profit-motivated prison industry is the development of the State Use system. That has been recognized for a long time, and a number of states as well as the Federal government have abandoned the production of goods for the open market and have confined by law the manufacture of prison goods to the needs of the state. The difficulties that have arisen here are due mainly to two factors: first, an inadequate law; second, inadequately equipped and organized systems of prison industry. An adequate law requires that the public market—i.e., the market made by all tax-supported institutions—shall be reserved for the prison industries. An adequate prison industrial system is one that is sufficiently diversified and equipped to be able to produce the great variety of things that the tax-supported institutions need, and that by its diversity provides a limitation upon an undue concentration in any one industry, and makes possible the kind of administrative and educational classification of the prison popula-

tion needed to achieve the broader ends of the prison. An adequate law requires compulsory purchase by all tax-supported institutions of the things that can be produced in the prison; in turn, the prison must have equipment and organization to meet the needs of the tax-supported institutions both as to quality and quantity.

The State Use laws have been opposed for political reasons. The development of the state prison systems has been neglected because of inefficiency, political considerations, and lack of funds. The prison problem does not bulk large in the minds of the mass of people, and it has been allowed to drift without much consideration. We propose to solve the specific issues that brought this committee into existence by making it possible for the states to develop a satisfactory industrial system if the states will co-operate to the extent of passing a satisfactory States Use law. The law of the state of Massachusetts might well be considered as a model for such purposes. If the states will so co-operate, then we propose that the Federal government, in consideration of the elimination of the difficult national problems which the competition of prison industries has created, shall co-operate by providing the engineering staff to survey, and the funds to organize, a satisfactory prison labor system for each state. At no time has the occasion been more appropriate nor the opportunity greater to do a constructive task in giving the American people the kind of penal system that a civilized community ought to have.

We propose that the Public Works Administration set aside, subject to such modification, if any is found legally necessary, in the provisions of section 206 of Title II of the National Industrial Recovery Act, a fund of \$50,000,000 to be applied to surveying and reorganizing the prison industries of the states of the country as they pass the requisite legislation. Working in co-operation with the Prison Compact Group, this fund would set up an engineering staff to go into the co-operating state and make a comprehensive survey of the market available in the tax-supported institutions of the state, counties, and municipalities. It would then survey the prison and plan the prison industries to meet those specific needs, with all the factors in the situation fully in view. The Public Works Administration would then, by contract with the prison, help set up and operate this system of prison industries for a period of five years and set it well on its feet before withdrawing. We make no suggestion as to the conditions that the Public Works Administration would itself make in providing the money. It already has a basis in law and experience to determine its conditions of co-operation with the states.

Our insistence is that the requisites of an adequate law and a sufficient diversification be kept in view. We also insist that the new plan be operated under contract with the prison authorities and with their co-operation for a period of five years, which ought to be long enough to set the new model on a firm foundation in practice as well as in public opinion. The diversification is important because it would do two essential things. It would make

possible the reducing of pressure upon any one industry to a minimum. It would make possible for the first time an adequately developed educational system in the prisons, and a genuine effort to make the prison experience something more than a resting period between one series of criminal deprivations and another. With the help of the Public Works Administration a system of educational and occupational classifications could be worked out in each prison. The small shops could be adapted to their industrial as well as their educational utility, and we might get at last a system of penal administration that would become a constructive rather than a destructive influence in the lives of the men in prison and of society which has to determine how to provide for them. No such penal system could be operated for long without raising the questions of whether the experience of imprisonment is essential in all of the cases in which it is now imposed, and whether society could not achieve its own purposes in many instances by decreasing the number of individuals sent to prison. It seems logical to expect that the operations of such a system of penal administration as is here outlined would lead to a strengthening of the very useful agencies of probation and parole, thus alleviating the problem of prison industries by reducing the number of men sent to prison.

One of the legitimately proud boasts of the present administration is the abolition of child labor, which had so long been defended and maintained by a series of specious moral arguments and political chicanery. It seems to this committee that in the possible contribution to a final settlement of the prison labor problems and in the reconstruction of the penal system which must be one of the results of such a solution, another step of perhaps no lesser significance would have been taken. The community as a whole would acclaim such a solution of the prison problem, as it has acclaimed the abolition of child labor. The committee wishes to make it as clear and as impressive as possible that only by the doing of the larger thing can the narrower issues that called it into being be solved.

Recommendations

1. The committee recommends that the National Industrial Recovery Board use its good offices with the President to set up through the Public Works Administration a fund of \$50,000,000 for the purpose of helping the states to meet the conditions specified in this report, so as completely to replan and reorganize their prison industries, removing prison-made goods from the open market and finally bringing to an end the prison labor controversy which has burdened American industrial and political life for so long a time.

2. The committee recommends that in the interim between the present and the time when the reorganization of the prison industries can be effected by the use of the fund suggested above, the National Industrial Recovery Board use its good offices through

the President and the Federal Emergency Relief Administration to effect the purchase from the prisons of prison-made garments, or to utilize the labor now employed on prison-made garments to make such other garments as the Federal Emergency Relief Administration may deem preferable. The purchase of these garments by the Federal Emergency Relief Administration from the state prisons should be scheduled on a declining scale, and should cease at the end of two years.

3. In addition to the immediate adoption of the above program, the committee further recommends that prison-made garments be barred in the public market by the withdrawal of the National Recovery Administration label now attached to them, or by its modification to read "prison made." The committee suggests that a maximum of fifteen days after the publication of this report be allowed to elapse before the above proposal for the taking over of prison-made garments by the Federal Emergency Relief Administration be effected.

4. The committee recommends that the Prison Labor Authority be continued, and that its offices be used as the agency in co-operation with which the above program is to be carried out, and that the loss in funds to the Prison Labor Authority which may result from the withdrawal of the label or its modification be supplied from the funds set aside by the Public Works Administration.

5. The committee recommends that an Executive Order empower the National Industrial Recovery Board to require an agreement between the Prison Labor Authority and the Code Authorities in the industries affected by prison-made products in every instance of change in price or costs of products sold by the prison industries. If such an agreement cannot be had by mutual consultation, an impartial chairman especially designated for that purpose should be named.

6. The committee recommends that by co-operation between the National Industrial Recovery Board, the Prison Labor Authority, and the Code Authorities affected, a quota system be established for all prison industries, limiting their production for the open market at a point no greater than that which existed at the time the Prison Compact came into existence.

7. The committee recommends that if the above conditions be fully met then the remaining state, county, and city institutions now producing for the open market be brought under the Prison Compact.

JOSEPH N. ULMAN, *Chairman*
FRANK TANNENBAUM
W. JETT LAUCK

JAMES P. DAVIS, *Secretary*

COMMENTS OF THE PRISON LABOR AUTHORITY ON THE REPORT OF THE ULMAN COMMITTEE

The report of the committee* appointed by the National Industrial Recovery Board to investigate competition of the products of the Cotton Garment Industry with the products of prison labor, as directed by Executive Order No. 118-155, has been the subject of a thorough discussion by the representatives of the States Signatory to the Prison Labor Compact of Fair Competition and has also been given earnest consideration by the members of the Prison Labor Authority. It was the judgment of all of those who examined the report that it was prepared by able and thoughtful men and merits the most serious and careful attention.

The Ulman report evidences the profound interest of the members of the committee in penological questions and we commend the idealism and the progressive viewpoint on penal problems expressed in it. Thorough recognition is given by the committee to the need of making imprisonment a constructive measure for the rehabilitation of those confined. We agree wholeheartedly and, therefore, wish to re-emphasize the statement of the committee that "Surely no one will deny that prisoners ought to have work." (Page 18.) We hope that this principle will be accepted and given full recognition by all who must pass judgment on this subject.

Inquiry Curtailed by Time Limitation

However, it seems regrettable that the Ulman Committee was so limited in time to complete and report upon the subject assigned to it because, in our opinion, it seems to have been unable to give full consideration to all of the intricate questions involved. The speed with which the report was drafted probably accounts for the fact that the committee's recommendations and the solution it has proposed seem to push aside many difficulties which to us appear to be substantial. It also seems unfortunate that the committee occasionally has used language not justified by any testimony in the record, and sometimes not in strict accord with the facts. For instance, prison administrators are accused of lacking insight, time, money, experience, and even the desire to contrive an alternative way of governing the prisons. (Page 14.) This accusation, leveled against these public officials, is predicated upon the assumption that they failed to prepare for the conditions alleged to flow from the enactment of the Hawes-Cooper Act. Examination of the reports of the majority of the prisons of the country would indicate that a very large proportion of the prison administrators were fully aware of the need for a reconsideration of their prison labor policies. In many instances, they have been unable to secure the legislative support or appropriations to enable them to effectuate

* "The Committee" referred to throughout this report is the committee consisting of Judge Joseph N. Ulman, W. Jett Lauck and Frank Tannenbaum. (See page 78.)

new policies. Moreover, the committee's interpretation of the Hawes-Cooper Act does not appear to be in accordance with the intention of the authors of this legislation or in conformity with its plain terms.

Misinterpretation of Hawes-Cooper Act

Prison administrators did not fail to adapt prison industries to the provisions of the Hawes-Cooper Act for the simple reason that the act itself declared no affirmative policy respecting the sale of prison goods. This act merely divested such goods of their interstate character. It left each state free to choose its own method of determining whether the sale of prison products should be regulated or prohibited. It permitted each state to apply to prison goods shipped into it the same rules prescribed for prison goods made and sold in that state. Each state must determine what employment would be provided for its prisoners. The fact that some states have passed no new legislation on this subject does not mean that these have failed to carry out any affirmative duty placed upon them by the Federal statute. The Hawes-Cooper Act *per se* is not mandatory. Its provisions become operative within any state only through the legislation of that state. Legislative silence by any state means nothing more or less than that such state believes no new policy or law would be an improvement over its existing policy.

Opposition to Prison Labor

We also must reject the philosophy, which seems to underlie the report, that somehow prison-made merchandise is inherently vicious and injurious to the public welfare. The report seems to hold that there is no possibility of so regulating the sale of prison products in the open market so that such products can be made acceptable articles of commerce. Such a philosophy not only fails to be in accord with a number of court decisions, but would also seem to make impossible a constructive answer to the prison labor question. This is unthinkable. Some way out of the dilemma must be found.

We admit the committee has given ample evidence of the existence of strong opposition to the sale of prison-made goods in the open market. This is no new phenomenon. Most of this opposition is based on tradition and springs from abuses which formerly characterized the production and marketing of goods produced by convict labor. We understand the concern currently felt by free labor and industry and we realize that the depression has strengthened opposition to any unfair method of competition. At a time when law-abiding citizens are compelled to forego employment, it is natural that the cry against prison labor and the sale of prison goods on the open market should be intensified. But the prison executives assert that not one scintilla of real evidence was produced before this committee to show that goods made under the Compact were competing unfairly.

Prison Work Socially Imperative

The present unemployment condition should be looked upon from a broad social view. Our concern must include not only free labor, but the labor of prisoners. Idleness, as a factor contributing to social deterioration of the individual, is intensified when the liberty of the individual to move freely is denied. Labor in prison is primarily therapeutic. Its objective is not financial gain, and while its results incidentally contribute to the reduction of the price which taxpayers must pay for the upkeep of prisons, its greatest value is as an instrumentality through which prisoners may be rehabilitated. Broad social economy demands productive labor for prisoners. Failure to provide such is a failure of the state to function adequately in the discharge of one of its duties to itself and to our whole social organization. With the exception of Minnesota, there is not a single prison in the country which really has productive employment opportunities in industrial pursuits for more than 40 per cent of its population. Most American prisons today are vast idle houses in which criminals, aimlessly milling about, create a situation which, from the point of view of the prison administrator, is fraught with serious consequences, and, from the point of view of the average citizen, is full of social danger. Such idleness renders it impossible to give effect to the progressive penal philosophy expressed in the Ulman report. Certain it is that the country's general unemployment problem cannot be solved by throwing all prisoners out of work.

Prison Executives Initiate Action

Obviously, the situation demands constructive action. That the prison administrators themselves have realized this is evidenced by the fact that they did not sit idly by and allow the depression conditions to overwhelm them. They did not challenge the right of the Federal government to interfere with the rights of sovereign states by code provisions which would curtail the effectiveness of legal instrumentalities of the states for the treatment of law offenders. They freely offered to co-operate with the Recovery Administration. For the first time in the history of the country, the states on their own initiative co-operated in the development of a plan to meet the issues of competition inherent in the marketing of prison labor products. Prison administrators did not wait for the economy charting by Congress. Early in 1933, when it was suggested that action would be considered looking toward an effort at "planned economy," representative prison administrators met in New York and discussed the menace to prison management and discipline in certain proposed legislation emanating from a self-constituted committee. This meeting and others that followed in May and July developed and agreed upon four basic principles for the conduct of prison industries.

How the Compact Was Formed

Shortly after the establishment of the NRA early in July, 1933, these principles were submitted to the Department of Labor and to the NRA. Representatives of the prison administrators contacted the NRA with the suggestion that a separate code to govern prison industries should be adopted. Without committing themselves, the NRA officials encouraged this proposal. To make sure that the states would have knowledge of all that was involved in such a proposal, these administrators called a general meeting of representatives selected by the governor of each state. Upon one week's notice representatives from thirty-two states met in Washington. They decided to present a code. Such a code subscribed to by thirty-six states was presented to the NRA. After consideration, the NRA determined it was impracticable because the NRA was without power to enforce a code upon sovereign states.

Prison administrators then proposed that the states by agreement among themselves should do what was proposed to be done under the code which had been submitted. Accordingly, a compact was agreed to by the states and submitted to the NRA. Following consideration by its legal branch and by several of its boards, certain verbal changes in the proposed compact were made. In this new form it was again submitted to the states and was agreed to by the signatory states, thirty in number. When in final form, it was submitted to and was approved by the President.

This is an enlightening and an important record. It is documented completely in the records of the meetings of prison administrators, of the representatives of the states and in the files of the departments of the United States government and of the several states consulted and concerned in its consummation. This record is set forth in some detail here, as we believe such elucidation necessary at this time, not only because the Ulman report seems to have accepted as fact some unfounded statements as to the attitudes of prison administrators of the states, but also for the reason that the Ulman report is such a significant document that those who are to consider it as a basis for action by state and national agencies should have all the facts necessary to a complete understanding of the matters covered in that report.

The Ulman Committee found that the Compact was the product of a genuine desire to solve a difficult problem and urged its continuance. The committee also found that the prison executives had made earnest efforts to co-operate with other code authorities, only to be met by rebuffs and arbitrary attitudes. But despite these set-backs, it is our opinion that the states will continue to seek a constructive solution and, therefore, we welcome the suggestions of the Ulman Committee.

Difficulties Inherent in State-Use System

Subject to certain understandings and interpretations, the State Use system of prison employment should be a constructive method of solving the prison employment problem for the reasons so ably

stated in the report of the Ulman Committee, and its adoption should be facilitated greatly because labor and industry seem more willing to co-operate upon this than upon any other compromise.

But, the State Use system is not a universal panacea. We believe that the Ulman Committee has failed to consider sufficiently the difficulties inherent in any efforts to make this plan workable and practicable.

First of all, we believe that the committee's definition of the State Use system should be widened. It would appear from the report that the committee regards the State Use system of prison labor as one under which prisoners are engaged solely in the production of manufactured goods.

We regard the State Use system as one under which prisoners may engage in any type of work paid for by public monies. We would include within the definition of State Use such labor as that expended on public roads and other types of public construction, agriculture, mining, soil erosion projects, reforestation, flood control and similar projects, as well as the manufacture of articles for consumption by public institutions and tax supported activities.

Another problem which we fear the committee has neglected to consider fully is the attitude of the political subdivisions of the state with regard to purchasing products from state-operated institutions. It must be remembered that since the beginning of democratic government in America, local governmental entities have been jealous of their rights and have sharply limited grants of power to states and to Federal governmental bodies. In the United States, local governmental units are particularly insistent upon the administration and the control they exercise over purely local expenditures and the procurement of articles for local use. It has been, and is, no easy matter to overturn laws and customs grounded in generations of experience. This is a fundamental reason why the State Use system of prison employment never has been wholly successful in any state, although it has been tried by some states for over half a century.

Public Opinion and Other State Factors to Consider

Another difficulty in providing an effective State Use system arises from the diverse economic and social conditions prevailing in the different states. Predominantly agricultural states present problems quite different from those found in the more highly industrialized sections of the country. It is also of the utmost importance to take into consideration the public opinion of the state citizenry with respect to the various phases of the prison labor problem. In some instances, for example, a prison labor program including the sale of prison products on the open market has been approved by a vast majority of citizens of a state because they sought a means to frustrate monopolistic or other conditions which they felt were inimical to the welfare of their state. In other localities, various interest groups within the state have been so

strong that they have been able to prevent the establishment of certain kinds of prison industries even though the products were to be sold only to state institutions and agencies.

That these difficulties cannot be brushed aside is apparent when it is realized that none of the many states that have tried this system have taken full advantage of its opportunities. Pressure groups in many of the states have been so successful in exempting certain industries from the provisions of the State Use law that prison administrators have been deprived of the possibility of utilizing the prisoners in the manufacture of goods of certain types for state use. In the opinion of the Prison Labor Authority, there is not a single state in the Union which has been successful in operating the State Use system satisfactorily. It is true that some of the states committed to a State Use system have provided a modicum of employment for their prisoners and may be in a better position in this respect than other states who have refused to abandon the sale of prison-made goods on the open market, but nowhere has it really solved the problem.

There Must Be Evidence of Good Faith

This brings us to the most persistent obstacle to the adoption of the Ulman report by representatives of the states signatory to the Compact. They feel that they have compromised to the utmost and that now they can make no further concessions because the agreements they have heretofore entered into have been repudiated and undermined by interest groups. The Compact itself was a compromise on the part of the prison men and they believe that honest and sincere attempts to live up to its provisions have been frustrated by a minority industrial group which has shown complete inability and unwillingness to co-operate with the National Recovery Administration on this or any other problem. If the National Recovery Administration could, for example, secure the adoption of a clause in industrial codes of fair competition which would assure the prisons that their State Use markets would not be infringed upon, or in some other way evidence the good faith of labor and industry to preserve state markets for the prisons, there would be little difficulty in getting the adoption of the principle of the State Use system wherever such system could function practically as soon as the funds necessary to equip the prison industries were available. In a broad sense, it would become effective in practically every state in the Union. Some device, such as that just suggested, must be found that will give added support to the compulsory purchase clauses which now appear in the laws of only a few of the states and which must be part of every State Use law, for otherwise it may be impossible to secure the condition which the Ulman Committee Report (page 18) properly recognizes, viz.: that "An adequate law requires that the public market, i.e., the market made by all tax-supported institutions, shall be reserved for the prison industries."

Action Should Be Predicated on a Complete Survey

We are of the opinion that the difficulties inherent in the State Use system are so perplexing and pervasive that it is impossible to put the recommendation of the committee in this respect into effect in a hurried fashion. Because each state has its own peculiar problems we firmly believe that prior to any attempt to carry out the recommendations of the committee there should be a full factual research conducted which will permit the formulation of a law and the establishment of a system which is adapted to the conditions in each state. There is obvious need for surveys to be made by competent, trained persons co-operating with the respective state administrations, for the purpose of determining and evaluating all of the conditions which must be considered in the formulation of an adequate prison labor program. When such a survey has been completed in any particular state, a prison employment law may then be drafted which will embody so far as is possible the State Use feature. This problem which has baffled broadminded men ever since imprisonment as a form of punishment was introduced, cannot be settled hurriedly or by the fiat of some organization of the central government. Not one law governing prison labor in all states should be drafted, but an indefinite number of laws, suited to the conditions of specific states. Should the National Industrial Recovery Board decide to encourage or foster these surveys, which we believe absolutely essential, it would be desirable of course to begin work in those states which today are the foci of the difficulty. Pending these surveys the Recovery Administration ought not, it seems to us, attempt to exercise authority over prison industries as such action would be of doubtful legality.

We infer from the committee's conclusions recommending the removal of prison-made goods from the open market within a period of two years, that they assume adequate state legislation can be secured within this period. The committee has evidently failed to take into consideration that all but a few of the states of the Union will meet in legislative session early in 1935 and that all but four or five of these states will not meet again until early in 1937, unless extraordinary sessions are called. Fewer than ten states will meet in regular session in 1936. Consequently, any State Use law passed upon adequate research in each state cannot possibly be drafted in time for the 1935 legislatures.

Suggestions of the Prison Labor Authority Re Recommendations of Ulman Committee

It is not, however, impossible for the Recovery Administration to cope with this problem and bring about an improvement in the existing situation. Many of the recommendations contained in the report might well be adopted.

Recommendation No. 1

The committee recommended (1) "that the National Industrial Recovery Board use its good offices with the President to set up through the Public Works Administration a fund of \$50,000,000 for the purpose of helping the states to meet the conditions specified in this report, so as completely to replan and reorganize their prison industries, removing prison-made goods from the open market and finally bringing to an end the prison labor controversy which has burdened America's industrial and political life for so long a time."

We have attempted to make clear the difficulties facing the general introduction of exclusive State Use laws and to point out the type of inquiry and the length of time which it would take to introduce legislation which so far as practical would embody the recommendations of the committee. It is obvious that the surveys recommended would prove costly and that there will be need for funds to carry on this work.

We, therefore, would favor any plan which would permit the allocation of Federal funds for the purpose of making the necessary preliminary studies and to draft the appropriate legislation for the consideration of the respective state legislatures. Furthermore, the financial conditions of a large number of states would undoubtedly make necessary Federal support in order to put into operation some of the laws which might be enacted and many states would undoubtedly welcome such support although we are without information at this time upon which to base an estimate of the amount which would be necessary for that purpose.

At a meeting of representatives of twenty-eight states called to consider these recommendations, not a single voice favored the immediate adoption of an exclusive State Use system. However, these men and women were unanimous in their willingness to begin the installation of State Use industries or to improve existing ones with Federal aid. None was willing to give up the means they have of keeping prisoners employed until something had actually been developed to take its place. On the other hand, as one representative expressed it, most of them were willing to turn over one group of inmates after another to an experiment in State Use just as fast as industries could be established and proved successful. By such a program State Use might develop in any state to such a degree that it will be safe to discard all other systems. This plan was followed in Massachusetts from 1920 to 1934.

An informal inquiry at the PWA discloses that there is not now \$50,000,000 available and unallotted from the funds at their disposal. Since it will be desirable to proceed with preliminary surveys in the several states immediately and develop a program for each state, we believe funds sufficient for such surveys could more likely be obtained. As each survey indicated the amount of money needed to establish State Use industries, additional funds could be assigned. We estimate that not less than \$1,000,000 would be essential at the beginning.

We doubt the wisdom of establishing such a program under the PWA. The states will need every assurance that the work to be done will be undertaken by men experienced in prison work as well as in industry. We believe that either the Prison Labor Authority should be incorporated as a Federal corporation under title I of the NIRA, to carry out the State Use program to be adopted, or that a separate corporation should be created for this purpose. In suggesting that the PLA be used to effectuate the purposes of this program, we are not aiming to perpetuate that organization. If a corporation, the directors of which shall be different than those of the PLA, is formed, it should adequately represent the public, free industry, free labor, and the prisons. In either case we believe it essential that the agency to carry out the purposes of this program has the confidence of prison administrators in the states and be representative of them.

While attention would naturally be paid first to these states where the problem of competition is most acute, we believe that states, like Connecticut and Nebraska, which are not now selling on the open market but are in need of an adequate prison industry program should be encouraged to avail themselves of this aid. Hence, all states now having, or which later adopt, an adequate State Use program should be included under the provisions of the plan.

It is important to define what constitutes an "adequate" State Use law. In discussing this phase of the problem, prison men were emphatic in their declaration that it must include all tax-supported institutions and agencies; that it must contain a so-called compulsory purchase clause requiring all such institutions and agencies to buy from prison industries wherever possible unless released from so doing by a properly designated authority; that public works and ways including highways and perhaps even tax-supported relief agencies should be included under State Use, although it is not likely that prisons would avail themselves to any great extent of these outlets for obvious reasons; and finally, that no adequate State Use law should exempt any industry from being established in any prison.

Finally, the representatives of the states would be opposed to any Federal grant the conditions of which would impose upon them either a program or a personnel with which they were not in agreement or which was outside their control. The states will accept any reasonable conditions provided they are consistent with local needs and statutes. Unquestionably, they will grant any Federal agency the right to inspect, audit, or recommend, but they do not wish unnecessary and impeding restrictions.

Recommendation No. 2

"The committee recommends (2) that in the interim between the present and the time when the reorganization of the prison industries can be effected by the use of the fund suggested above, the

National Industrial Recovery Board use its good offices through the President and the Federal Emergency Relief Administration to effect the purchase from the prisons of prison-made garments, or to utilize the labor now employed on prison-made garments to make such other garments as the Federal Emergency Relief Administration may deem preferable. The purchase of these garments by the Federal Emergency Relief Administration from the state prisons should be scheduled on a declining scale, and should cease at the end of two years."

This recommendation can only be considered in the light of the facts of the situation. Cotton garments are now being manufactured in twelve prison factories—seven of which are operated under the contract system, three under a modified State Account system similar to the "cut-make-and-trim" system of free industry, and only two are operated on an out-and-out State Account system. In addition to these we must consider the potential production of such states as Nebraska, Kentucky, Connecticut, and possibly others with garment factories now closed down but which may reopen and produce for sale on the open market.

The rate of production of the twelve prison factories operating at the present time is approximately 1,200 dozen shirts and 1,500 dozen pants per day. The stock on hand probably does not exceed 1,000,000 garments all together. We question the expediency of requesting the FERA to purchase garments in such quantities from these prison factories.

It is unlikely that any of the prisons operating under contract will give up their contracts and go into State Account operation even if the FERA were to guarantee to take their entire output for any specified time. Some could not do so because they do not own the equipment and such changes would require an outlay of capital which they do not possess. Others could not change the system without legislative sanction. For the FERA to purchase from the contractors would only aggravate the present problem.

On the other hand if an offer is made to purchase all garments produced under state control and the Compact label is withdrawn simultaneously, a reaction so disastrous would ensue as to nullify any constructive results which might come from the report of the committee. We believe it is essential to consider this recommendation in its relation to the development of the whole State Use program and the limitation on sales of prison-made goods on the open market proposed under the committee's recommendation No. 6 below. After such limitations have been agreed upon, the FERA can then decide what portion of such goods they might be willing to absorb and the prisons will welcome their co-operation.

In other words we doubt the expediency of asking FERA to purchase for relief or State Use cotton garments made under the prison contract system, especially if such garments could be made by employable people now idle under the FERA work relief program. It may be that the prisons should be allowed to produce under State Use not only cotton garments but other products for the unemploy-

able just as they do for the insane and other people under the care of the state. Such production should not be limited to any period of time or to any specified amount.

Recommendation No. 3

"In addition to the immediate adoption of the above program, the committee further recommends (3) that prison-made garments be barred in the public market by the withdrawal of the National Recovery Administration label now attached to them, or by its modification to read 'prison made'."

After a State Use market for prison-made goods has developed to a point which would enable the withdrawal of all prison products from the open market, as we believe to be the intent of this recommendation, we would see no need for a continuance of the prison compact label or its modification. We do deem it necessary, however, to maintain the present label for goods which cannot immediately be absorbed by tax-supported agencies. We believe the issuance of labels to any state might well be contingent on the acceptance by that state of a limitation on the sale of prison products on the market as suggested under the committee's recommendation No. 6.

In view of the foregoing, we do not need to comment upon the suggestion that "a maximum of fifteen days after the publication of this report be allowed to elapse before the above proposal for the taking over of prison-made garments by the Federal Emergency Relief Administration be effected."

Recommendation No. 4

"The committee recommends (4) that the Prison Labor Authority be continued and that its offices be used as an agency in co-operation with which the above program is to be carried out and that loss in funds to the Prison Labor Authority which may be the result of the withdrawal of the label or its modification be supplied from the funds set aside by the Public Works Administration."

The Prison Labor Authority is anxious to co-operate in every way with the National Industrial Recovery Board to carry out any program which is practical and which will put into effect the penal philosophy expressed in the committee's report, namely, that each prison shall have labor adequate for rehabilitative purposes. Undoubtedly, there will be a continually increasing loss in funds to the authority due to the limitations placed on the sale of prison products in the open market and the development of State Use. In time the authority probably would be unable to function satisfactorily without securing some additional financial support. In this connection we wish to point out that the Prison Labor Compact gives to the authority no jurisdiction over goods produced for State Use and that unless the Compact be modified and the modification generally adopted by all the states, the power of the authority to co-operate with the program outlined will remain definitely

restricted. Unless the PLA becomes the agency to carry out the suggested program as well as its present functions, or unless the suggested corporation should receive from the signatory states the powers and duties of the PLA under the Compact, it will be necessary for the PLA to secure from the states jurisdiction over prison products made for State Use and authority to levy assessments on them for its support. Such authority can come only from the states signatory to the Compact.

Recommendation No. 5

The recommendation (5) that the agreement of the Code Authority affected shall be secured by the PLA "in every instance of change in price or costs of products sold by prison industries" is neither practicable nor just. The policy followed by the PLA in determining such price authorizations has been approved by the NRA and full information has been filed with the Code Authority affected and opportunity given to the Code Authority to protest or appeal; therefore the recommendation appears to be wholly unnecessary. In addition the burden imposed upon the PLA in securing an agreement as to price changes in every instance would prove so cumbersome as to defeat the need for action. Such changes often cannot wait on the calling of joint conflict of interests is so strong. Sales are made or lost often in the space of a few hours. No industry could function under such an arrangement. The suggestion that an impartial chairman be especially designated to arbitrate disputes as to price changes is already provided by section V of the Compact which authorizes the President or his representative to review any decision of the Prison Labor Authority. Until the remedies provided by the Compact are availed of and experience demonstrates these to be inadequate we cannot admit that the system now provided needs modification.

Recommendation No. 6

The committee recommended (6) "that, by co-operation between the National Industrial Recovery Board, the Prison Labor Authority, and the Code Authorities affected, a quota system be established for all prison industries limiting their production for the open market at a point no greater than that which existed at the time the Prison Compact came into existence."

Most prison men will agree to a limitation of their sales on the open market provided other means are provided for caring for their idle prisoners. Indeed the acceptance of such limitation might be a condition of the grant made to set up State Use industries with the aid of Federal funds. Provision for limitation of output of prison industries "in fair proportion to the industry affected" and prohibition of "the expansion of any existing prison industry which bears a disproportionate share of competition" are provided for in the Compact. The PLA has approved such action and appointed

a committee to assist in working out this policy. They have offered to meet in joint conference with the Cotton Garment Code Authority to discuss the application of this principle to the cotton garment industry. They have discussed it with the Binder Twine Agency of the Binder Twine and Cordage Code Authority. In fact approval of reasonable limitations in both these industries was expressed by the representatives of the states affected at the recent meeting of the Association of States Signatory.

Naturally, such limitations will necessarily be based on a separation of intra-state and interstate markets, and conform to local statutes and conditions in each state. The suggestion of the committee that "production for the open market (be established) at a point no greater than that which existed at the time the Prison Compact came into existence," may be used as a point of reference, but such quotas must necessarily depend on the constantly changing state of the free market as well as on other factors already mentioned. What may be proper in 1934 might be unwise in 1935, or again the production of hosiery for sale on the open market in April, 1934, might be a satisfactory limit for that industry but the production of binder twine at that time might be unsatisfactory to the cordage industry. Each quota must be worked out in the light of the needs of its own industry and the states affected.

The committee has expressed the hope that their recommendations "might get at last a system of penal administration that would become a constructive rather than a destructive influence in the lives of men in prison." We might further this aim and provide for idle prisoners if the FERA would establish for unemployed doctors, dentists, nurses, teachers, occupational therapists, case-workers, psychologists, welfare workers, recreation directors, and parole officers "work projects" in prisons co-operating under the proposed program. Such activities should materially reduce the number of idle inmates, help solve difficult disciplinary problems, and promote a rehabilitation program for which the average warden now has only one answer, viz.: a constantly diminishing industrial program.

Recommendation No. 7

The committee's recommendation (7) that "the remaining state, county and city institutions now producing for the open market be brought under the Prison Compact" is in accord with action already taken by the PLA. It awaits only the approval of the NRA and the local institutions affected.

Conclusions

In order to clarify our position we will summarize the conclusions reached by the Prison Labor Authority in the following program:

A. State Use

In order to promote diversification and to reduce the competition of prison-made products with the products of free industry sold on the open market, we recommend

1. That the States Signatory to the Compact accept the aid of the Federal government in setting up State Use industries;
2. That any state having or adopting an adequate State Use law may be entitled to a share in such aid;
3. That a State Use law to be "adequate" must include provisions that (a) all tax-supported institutions or agencies must purchase from the prison industries such supplies as are made by these industries and used by such institutions or agencies unless granted a written release from such purchase by the Governor or other officer legally authorized to issue such releases; (b) public works and ways including highway construction, agricultural, horticultural or mining activities constitute a proper State Use industry; (c) the SERRA or other state agency supplying products for the relief of unemployables on relief rolls, or for prisoners' families, shall be regarded as tax-supported institutions and agencies; and that (d) no statutory exemption from prison labor shall be granted to any industry;
4. That an "adequate" State Use law may be either a law establishing a State Use system exclusive of other systems or a State Use law concurrent with other systems as determined by the respective legislatures, so long as this law incorporates the essentials outlined under (3).

B. State Use Prison Industries Corporation

In order to carry out the purposes set forth under section A, we recommend

1. That a corporation known as the State Use Prison Industries Corporation be created by the President under title I of the NRA and that a fund of \$1,000,000 be set aside to carry out its purposes;
2. That the members of the PLA constitute the board of directors of this corporation with power to appoint a general manager and such other personnel as may be necessary to effectuate the purposes of the corporation;
3. That grants to the states for the purposes of setting up and operating prison industries shall be made only upon the recommendation of this corporation;
4. That in granting such aid the Federal government do so only on request from the properly constituted authorities and in anticipation of or subsequent to the adoption of an "adequate" State Use law in any state and after a careful study of the market for State Use and the necessary building, equipment, and personnel has been made by the corporation in co-operation with the proper state officers in charge of the state prisons affected;

5. That the corporation, on the recommendations submitted to it by its staff and approved by the state officers affected, shall recommend the grant of funds to be made to the state to build the necessary buildings, to purchase and install the necessary equipment using prison labor as far as practicable, and to supervise and operate such industries as are established by these means for five years, the cost of such supervision and operation to be paid from the funds allocated and all expenses and receipts and any profits or losses accruing from such operation to be charged against such funds, and all buildings, and equipment, and any balance remaining in the fund at the end of that period to be the property of the state as provided in the grant;
6. That the personnel to supervise and operate such industries shall be chosen in the manner and under the regulations governing the choice of personnel in the prison affected and subject at all times to the warden, superintendent or other authority in charge of the prison, but for a period of five years the corporation shall have the right to inspect and make recommendations as to the proper conduct of such industries and to audit their accounts.

C. Limitation on Open Market Sales

In such states as permit the sale of prison-made goods on the open market, we recommend

1. That it be a condition precedent to the granting of Federal aid as set forth in sections A and B, that an agreement be made, after consultation with the industrial code authority affected, between the corporation and the properly constituted state authorities and those in charge of prison industries, which shall establish the limits beyond which such prison industries may not sell on the open market;
2. That the FERA in anticipation of such limitation creating further idleness or even maintaining present conditions and in furtherance of a constructive penal administration, permit the co-operating prison administrations to introduce the following "work projects" for the free unemployed: medical, dental and nursing care; academic, vocational and avocational instruction; occupational therapy; case studies including the making of case histories, treatment programs, and psychological and psychiatric examinations and classifications of prisoners; welfare work among prisoners' families; recreation programs; and supervision of paroled convicts including preparation for release, such services to be supplied only upon the request of and to the extent asked for and under the rules and regulations prescribed by the state authorities.

D. Prison Labor Authority

With regard to the administration and enforcement of the Prison Labor Authority, we recommend

1. That the PLA be continued and that provided the signatory states agree all State Use products be brought under its jurisdiction and assessments made on them for the support of the PLA;

2. That for such goods as are sold on the open market by states complying with the Compact and agreeing either voluntarily or by statute to a limitation on such sales, the Compact label be issued as at present;

3. That the present price policy of the PLA as set forth in the minutes of the meeting of October 16, 1934, be continued with appeal to the NRA or to a permanent impartial arbiter appointed by the NIRB in case of dispute as provided in the Compact;

4. That the PLA be given jurisdiction over industries in any penal institution, jail, or house of correction which agrees to comply with the Compact.

Respectfully submitted for,

THE PRISON LABOR AUTHORITY,

THORSTEN SELLIN
JOHN J. HANNAN
STEPHEN B. HUNTER

CONSTITUTION AND BY-LAWS

An act to Incorporate The Prison Association of New York. Passed May 9, 1846, by a two-thirds vote. (As subsequently amended.)

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All such persons as now are and hereafter shall become members of the said association pursuant to the constitution thereof, shall and are hereby constituted a body corporate by the name of The Prison Association of New York, and by that name have the powers that by the third title, of the eighteenth chapter, of the first part of the Revised Statutes, are declared to belong to every corporation, and shall be capable of purchasing, holding and conveying any estate, real or personal, for the use of said corporation, provided that such real estate shall never exceed the yearly value of ten thousand dollars, nor be applied to any other purpose than those for which this corporation is formed.

§ 2. The estate and concerns of said corporation shall be managed and conducted by its executive committee, in conformity to the constitution of the said corporation; and the following articles that now form the constitution of the association shall continue to be the fundamental laws and constitution thereof, subject to alteration in the mode therein prescribed.

ARTICLE FIRST

The objects of the association shall be:

1. The amelioration of the condition of prisoners whether detained for trial, or finally convicted, or as witnesses.
2. The improvement of prison discipline and the government of prisons whether for cities, counties or states.
3. The support and encouragement of reformed convicts after their discharge by affording them the means of obtaining an honest livelihood and sustaining them in their efforts at reform.

ARTICLE SECOND

The officers of the society shall be a president, four vice-presidents, a recording secretary, a corresponding secretary, and a treasurer, and there shall be the following committees, viz.: a finance committee, a committee on detentions, a committee on prison discipline, a committee on discharged convicts and an executive committee. The number of the executive committee shall consist of not more than thirty-five, of whom not more than ten shall be officers of the society, and not more than twenty-five shall be persons other than officers.

ARTICLE THIRD

The officers named in the preceding article shall be ex-officio members of the executive committee, who shall choose one of their number to be chairman thereof.

ARTICLE FOURTH

The executive committee shall meet once in each month, and keep regular minutes of their proceedings. They shall have a general superintendence and direction of the affairs of the society, and shall annually report to the society all their proceedings, and such other matters as shall be likely to advance the ends of the association.

ARTICLE FIFTH

The society shall meet annually in the city of New York, at such time and place as the executive committee shall appoint, and at such other times as the president, or in his absence, one of the vice-presidents, shall designate.

ARTICLE SIXTH

Any person contributing annually to the funds of the association not less than five dollars shall, owing to such contribution, be a member thereof. A contribution of five hundred dollars shall constitute a life patron; a contribution of one hundred dollars shall constitute an honorary member of the association for life, and a contribution of fifty dollars shall constitute a member of the association for life. Honorary and corresponding members may, from time to time be appointed by the executive committee.

ARTICLE SEVENTH

A female department shall be formed consisting of such females as shall be selected by the executive committee, who shall have charge of the interest and welfare of prisoners of their sex, under such regulations as the executive committee shall adopt.

ARTICLE EIGHTH

The officers of the association shall be chosen annually at the annual meeting, at which time such persons may be elected honorary members as shall have rendered essential service to the cause of prison discipline.

ARTICLE NINTH

Any society having the same objects in view may become auxiliary to this association by contributing to its funds and co-operating with it.

ARTICLE TENTH

The executive committee shall have power to add to any of the standing committees such persons, as, in their opinion, may be likely to promote the objects of the society, and shall have power to fill any vacancy which may occur in any of the offices of the association, intermediate the annual meetings.

ARTICLE ELEVENTH

This constitution may be amended by a vote of the majority of the society at any meeting thereof, provided notice of the amendment has been given at the next preceding meeting.

The officers elected for the current year, under the constitution shall continue to be the officers thereof until others shall be duly chosen in their places.

And it is hereby further enacted that no manager of said society shall receive any compensation for his services.

§ 3. The said executive committee shall have power to establish a workhouse in the county of New York, and in their discretion, to receive and take into the said workhouse all such persons as shall be taken up and committed as vagrants or disorderly persons in said city as the Court of General Sessions of the Peace, or the Court of Special Sessions, or the Court of Oyer and Terminer, in said county, or any police magistrate, or the commissioner of the almshouse may deem proper objects, and the said executive committee shall have the same powers to keep, detain, employ and govern the said persons as are now by law conferred on the keepers of the bridewell or penitentiary in said city.

§ 4. The said executive committee may, from time to time, make by-laws, ordinances and regulations, relative to the management and disposition of the estate, and concerns of said association and the management, government, instruction, discipline, and employment of the persons so as aforesaid committed to the said workhouse, not contrary to law, as they may deem proper, and may appoint such officers, agents and servants as they may deem necessary to transact the business of the said association, and may designate their duties. And the said executive committee shall make an annual report to the Legislature and to the corporation of the city of New York, of the number of persons received by them into the said workhouse, the disposition which shall be made of them by instructing or employing them therein, the receipts and expenditures of said executive committee and generally all such facts and particulars as may exhibit the operations of the said association.

§ 5. The said executive committee shall have power, during the minority of any of the persons so committed to the said workhouse, to bind out the said persons so being minors, as aforesaid, as apprentices or servants, with their consent during their minor-

ity, to such persons and at such places, to learn such proper trades and employments as in their judgment will be most conducive to their reformation and amendment and future benefit and advantage of such persons.

§ 6. The said executive committee by such committees as they shall from time to time appoint, shall have power, and it shall be their duties to visit, inspect, and examine, all the prisons in the State and annually report to the Legislature their state and condition and all such other things in regard to them as may enable the Legislature to perfect their government and discipline. And to enable them to execute the powers and perform the duties hereby granted and imposed, they shall possess all the powers and authority that by the twenty-fourth section, of title first, chapter third, part fourth of the Revised Statutes, are invested in inspectors of county prisons and the duties of the keepers of each prison that they may examine shall be the same in relation to them, as in the section aforesaid, are imposed on the keepers of such prisons in relation to the inspectors thereof; provided, that no such examination or inspection of any prison shall be made until an order for that purpose to be granted by the chancellor of this State, or one of the judges of the Supreme Court, or by a vice-chancellor or circuit judge, or by the first judge of the county in which the prison to be examined shall be situate shall first have been had and obtained, which order shall specify the name of the prison to be examined, the names of the persons, members of the said association, by whom the examination is to be made, and the time within which the same must be concluded.

BY-LAWS*

I. There shall be a stated meeting of the executive committee on the third Thursday of each month, and special meetings shall be held on the requisition of the Chairman or any three members of the executive committee. The call for a special meeting shall, in all cases, state the business to be transacted at said meeting. The annual meeting shall be held on the third Thursday of January in each year at an hour and place to be designated by the executive committee.

The number of members composing the executive committee exclusive of the officers of the association, is hereby fixed at twenty-four, and divided into four groups or classes as follows: At the election held at the annual meeting of the year 1916, there shall be elected, to serve from that date, six members for the term of one year, six for the term of two years, six for the term of three years, six for the term of four years. At each annual meeting thereafter six members shall be elected for the term of four years in place of those whose terms of office then expire. Any vacancies in

* As amended by the Executive Committee of the Association at its monthly meeting on Thursday, December 17, 1931.

the membership of the committee by death, resignation or otherwise, may be filled either by the association at any annual meeting or, in interims between the annual meetings, by the executive committee.

II. At every meeting of the executive committee five members shall be necessary to constitute a quorum.

III. The order of business at the annual meeting shall be as follows:

1. Election of chairman and secretary.
2. Reading of the minutes of the last meeting.
3. Report of committee on nominations.
4. Election of officers.
5. Report of corresponding secretary on work of year.
6. Annual report of the treasurer.

IV. The order of business at every other stated meeting shall be as follows:

1. The reading and approval of the minutes of the last preceding meeting.
2. Report of treasurer.
3. Reports from standing committees.
4. Reports from the corresponding secretary.
5. Reports from special committees.
6. Report from the general agent.
7. Miscellaneous business.

At a special meeting no other business shall be transacted than that for which the said meeting was called.

V. The chairman shall appoint all standing and special committees and decide all questions of order, subject to an appeal; and the rules of order shall be those embodied in Cushing's manual so far as they are applicable.

VI. The recording secretary of the association shall be the secretary of the executive committee; and it shall be his duty to keep the minutes of the proceedings of said committee, to record them in a book provided for that purpose, and to give due notice of all meetings of the committee.

VII. The corresponding secretary shall conduct the correspondence of the executive committee and of each of the standing committees; and shall act as the general financial agent of the association, and shall report at each stated meeting of the committee.

VIII. The treasurer shall have charge of the funds of the association, and shall give such security as the executive committee may require. His duties are more fully defined in by-laws X.

IX. There shall be at least the following standing committees: executive; finance; law; detention; nominations; probation and parole; prison administration. Such committees in addition to any powers or duties conferred by these by-laws shall severally possess the power and be subject to the duties designated from time to time by the executive committee. Furthermore, the committee on probation and parole shall function as the committee on discharged convicts mentioned in the constitution, and the committee on prison administration shall function as the committee on prison discipline mentioned in the constitution.

The duties of the above named committees, not otherwise provided for in the constitution or by-laws, are as follows:

It shall be the duty of the committee on detention to inquire as far as may be practicable or necessary into the causes of commitment of persons held in institutions of the Department of Correction of the City of New York, and, when deemed desirable, to adopt available measures for procuring the discharge or providing for the defense of such as shall appear to be entitled thereto. It shall further be the duty of the committee, when arrangements are made therefor, to extend its work to jails, penitentiaries, reformatories and prisons outside of the City of New York and within the State of New York.

It shall be the duty of the committee on nominations to consider the qualifications of persons available for election as vice-presidents or available for membership on the executive committee of the association, and to make recommendations thereon to the executive committee for final action.

It shall be the duty of the committee on probation and parole to be associated with the operation of the probation, parole and employment bureaus of the association, and, from time to time, to make recommendations in respect thereto.

It shall be the duty of the committee on prison administration to consider the internal organization and management of county jails, penitentiaries, reformatories and State prisons, and the welfare of persons confined therein.

X. The committee on finance shall be charged with the duty of raising and caring for the funds.

The funds of the association shall be divided into two parts to be known as

1. The endowment fund.
2. The general fund.

The Endowment Fund.—The endowment fund shall consist of such contributions as shall be given with the restriction that the income only shall be used for the purpose of the association, and all legacies.

The Endowment and General Funds.—The endowment and general funds shall be under the immediate direction and control of the committee on finance, and all investments of the endowment

fund shall be ordered by the committee, of which the treasurer shall be a member and chairman.

The securities belonging to the association shall be kept in a custodian department of an institution selected by the members of the committee on finance.

The executive committee may in their discretion draw upon such portions of the endowment fund as are unrestricted, for the general purposes of the Association.

The General Fund.—The term "general fund" shall cover all receipts of the association not constituting a special fund or specified for the endowment fund, the intention being that all the income, except legacies, including donations for general purposes, and income from endowment fund, shall be credited to the general fund to which the authorized disbursements of each activity of the association shall be charged at the close of the fiscal year.

The treasurer shall notify the corresponding secretary immediately on receipt by him of any sum for the account of the association that such receipt may be entered at once to the credit of the proper account on the books of the association.

The corresponding secretary shall be the general disbursing agent of the association, the object of the provision being to keep in the central offices of the association all receipts for payments by him for the association of any kind, nature or description, and to have in the central offices immediate record of all his disbursements.

All donations received by the corresponding secretary shall be entered by him upon the proper books of the association and then deposited in such bank as directed by the treasurer to the credit of the association. Whenever the executive committee shall make an appropriation out of the general fund the corresponding secretary shall send to the treasurer a copy of the resolution making the appropriation, certified by the recording secretary, which certified copy shall be the treasurer's authority for transferring the appropriated amount to the corresponding secretary.

The treasurer shall keep an account covering the general fund in the name of the association, subject to his check as treasurer in such bank as may be selected by him and approved by the committee on finance.

The corresponding secretary shall keep a bank account in the name of the association, subject to his check as corresponding secretary for current disbursements, and shall deposit to the credit of said bank account all moneys he may receive from the treasurer drawn from the general fund.

The committee on finance shall arrange for annual audits of the accounts of the treasurer and of the corresponding secretary.

At each regular meeting of the executive committee the treasurer shall make a detailed statement of the receipts and disbursements for the preceding calendar month. He shall make a statement showing the investments and the receipts and disbursements of the endowment fund; he shall make, at the annual meeting of the association, a detailed statement of receipts and disbursements for the fiscal year.

XI. It shall be the duty of the committee on law to examine and report from time to time upon the penal legislation of the State, with their suggestions for the amendment thereto, to consider questions relating thereto which are under discussion in the press or the legislature, including pending bills, and report their views and conclusions upon them, also to care for the law business of the association.

XII. One or more agents may be appointed by the executive committee to assist the standing committees in their duties.

XIII. The president, chairman of the executive committee, and corresponding secretary shall be members, *ex officio*, of all the standing committees.

XIV. No alteration shall be made in these by-laws except upon notice of the proposed amendment given at a previous meeting of the executive committee.

THE PRISON ASSOCIATION OF NEW YORK

STATEMENT OF INCOME AND EXPENSES OF THE GENERAL FUND AS PER BOOKS

YEAR ENDED DECEMBER 31, 1934

INCOME			
Donations			
Special purposes	\$5,388	53	
Unrestricted	10,125	00	\$15,513 53
Endowment income			
Interest on mortgages	4,593	85	
Interest on bonds	7,559	90	
Dividends on stocks	748	00	
			12,901 75
TOTAL INCOME			\$28,415 28
EXPENSES			
Salaries and wages (General Administration)	\$10,996	47	
Relief—prisoners and families (cash, food, clothing, etc.)	10,490	45	
Relief—administration	2,932	08	
Employment—administration	2,851	77	
Appeal—administration	3,851	08	
Traveling expenses	672	12	
Printing and stationery	550	08	
Postage	386	24	
Telephone and telegraph	309	46	
Annual report	154	64	
Auditing and legislative service	320	00	
Periodicals, custodian, etc.	496	49	
House maintenance	1,832	55	
TOTAL EXPENSES			35,843 44
EXCESS OF EXPENSES OVER INCOME			\$7,428 16

We have audited the books, accounts, minutes, and other records of The Prison Association of New York for the year ended December 31, 1934, and, in our opinion, the above statement of income and expenses correctly states its operations for the year ended that date.

Respectfully submitted,
(Signed) WEBSTER, HORNE, BLANCHARD & TAYLOR,
Certified Public Accountants
50 Broadway, New York, N. Y.

CONTRIBUTORS

LIFE PATRONS

By Contributions of \$500 or More at One Time

Anchincloss, Charles C.
Blumenthal, George.
Brewster, Robert S.
Bureau of Social Hygiene Inc.
Clark, F. Ambrose.
Draper, Ruth, Relief Benefit Fund.
Field, Mrs. E. Marshall.
Harkness, E. S.
Hochschild, Harold K.
Holler, Mrs. E. O.
James, Arthur Curtiss.
Lewisohn, The Misses Alice and Irene.

Lotta Fund for Aiding Discharged Convicts.
New York Foundation.
Pratt, Herbert L.
Rockefeller, John D.
Rockefeller, John D., Jr.
Rockefeller, The Laura Spelman Memorial.
Sagan Holding Co.
Sage, Dean.
Vail, Mrs. Lawrence.
Woerishoffer, Mrs. Anna.

HONORARY LIFE MEMBERS

By Contributions of \$100 at One Time

F. S.
C. S. S.
G. W. W.
K. V. R. and O. A. V. R. (In Memory of).
Anonymous.
Anson, Mrs. Ernald.
Association of Grand Jurors, N. Y. County.
Auchincloss, Mrs. C. C.
Bachelors, The.
Bandler, Maurice E.
Baring, Charles.
Barksdale, Mrs. H. M.
Bell, Mrs. Gordon Knox.
Brokaw, George T.
Brown, Alexander H.
Brownell, Miss Matilda A.
Bulkeley, Mrs. Jonathan.
Burlingham, Mrs. Charles.
Carhart, Mrs. Hamilton.
Cary, Miss Kate.
Chapman, Mrs. John J.
Chisholm, George E.
Chisolm, B. Ogdin.
Clafin, John.
Clark, Mrs. Stephen C.
Clyde, Mrs. William P.
Coe, William R.
Connor, W. E.
Coolidge, Mrs. Sherman.

Cooper, James Fenimore.
Cromwell, James W.
Curtis, Mrs. James F.
Cutting, Fulton.
Davies, Frederick M.
Davis, Joseph E.
deBrabant, Mrs. Marius.
deForest, Henry W.
Delano, Mrs. Warren.
Devoe, Miss Harriet E.
Dick, Mrs. W. K.
Dodge, Mrs. Cleveland H.
Durand, Mrs. Frederic F.
Dwight, Winthrop E.
Eibert, Mrs. Robert G.
Ewing, William F. C.
Frost, Aaron V.
Gabriel, Mrs. E. Vivian.
Gardner, Mrs. Robert Folger.
Gerry, Peter G.
Goeliet, Robert W.
Grace Church.
Hadden, Alexander M.
Halkett, Mrs. Sarah.
Hall, Mrs. Bolton.
Harris, John F.
Haykes, Mrs. Morris.
Hawden, Charles.
Hearn, James A., & Son, Inc.
Herriek, Mrs. Robert F.
Hochschild, Miss Gertrude.

LIFE MEMBERS

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Hochschild, Walter.
Hubbard, Miss Anna Weir.
Hulswit, Frank T.
Hurd, Richard M.
Hyde, Mrs. Clarence M.
Jackson, Mrs. Charles H., Jr.
Jameson, E. C.
Jennings, Miss Annie B.
Jinks, The.
Johnson, Arthur G.
Johnson, Gilbert H.
Johnson, James W.
*Kunhardt, W. B.
LaFarge, Mrs. Oliver H. P.
Langley, William C.
Lehman, Mrs. H. H.
Lewisohn, Adolph.
Lewisohn, Sam A.
Livingston, Johnston.
Leitbard, Pierre.
Low, William G.
McHarg, Henry K.
McKinney, Price.
McLean, Mrs. James.
Markle, The John and Mary R. Foundation.
Moore, Edward S.
Moore, Mrs. William H.
Morgan, John P.
Morris, Mrs. Lewis R.
Mutual Welfare League of Sing Sing Prison.
Nichols, W. H.
Olyphant, Robert M.
Osborn, William Church.
Osborn, Mrs. William Church.
Ostwalt, F. E.
Perkins, Mrs. George W.
Pond, Miss Florence L.
Porter, H. Hobart.
Porter, Mrs. H. Hobart.
Post, James H.
Potter, William C.
Pratt, George D.
Pratt, Harold I.
Pratt, Mrs. John T.
Prentice, Barton S.
Rand, George C.
Reed, Latham G.
Reid, Fergus.
Remsen, Miss Elizabeth.
Sices, Mr. and Mrs. Alexander H.
Richardson, Mrs. C. Tiffany.
Rinckhoff, John P.
Rionda, Mrs. Manuel.
Riverside, The Church.
St. Thomas Church.
Satterlee, Mrs. Herbert L.
Schiff, John M.
Socville, Miss Grace.
Seigman, J. & W. Co.
Sexton, Mrs. A. G.
Shepard, Mrs. Finley J.
Simpson, Miss Jean Walker.
Siskel, Mrs. Roswell, Jr.
Sloan, Samuel.
Sloane, Mr. and Mrs. George.
Stillman, Miss Charlotte R.
Third Panel Sheriff's Jury.
Thompson, George M.
Townsend, Edward.
Train, Mrs. Arthur.
Trevor, Mrs. John B.
Untermyer, Samuel.
Vanderlip, F. A.
Van Gerbig, Mrs. Barend.
Van Norden, Warner M.
Warburg, Felix M.
Weekes, Harold H.
Wickersham, George W.
Wood, William.
*Woodin, William H.

LIFE MEMBERS

By Contributions of \$50 at One Time

A. H. (In Memory of).
A. Z.
C. S.
P. H. A.
*A Friend.
"From a Friend."
Acorn.
Agent.
Anonymous.
Adkins, Mrs. Leonard D.
Agnew, Mrs. George B.
Aldrich, Winthrop W.
Alexander, William.
Anderson, J. Cameron.
Arnold, Edward W. C.
Baker, Mrs. Walter.
Baldwin, William M.
Barrows, Ira.
Baumert, Frank J.
Bellak, C. Morton.
Benecko, Alex.
Benjamin, William E.
Bennett, Eugene B.
Biggs, Mrs. H. M.
Bliss, Cornelius N.
Bliss, Mrs. Robert W.

* Deceased.

Bogert, Mrs. Beverley.
 Borden, Albert G.
 Borg, Simon.
 Boynton, Herbert F.
 Brown, Everett L.
 Bryce, Peter Cooper.
 Bulkeley, Edwin M.
 Bulkeley, Mrs. Edwin M.
 Campbell, Mrs. O. A.
 Carey, S. W., Jr.
 Cary, Mrs. Ellen G.
 Chapin, Charles Merrill, Jr.
 Chapin, Simson B.
 Christ Church of New Brighton.
 Cheney Brothers.
 Childs, Mrs. Starting W.
 Christian Herald.
 Christie, Robert E.
 Clarkson & Ford Co.
 Cluett, Walter H.
 Comey, John W.
 Cooper, J. H.
 Coward, Mrs. Thomas R.
 Crownwell, J. H. R.
 Cross, John Walter.
 Cutting, Charles Suydam.
 Amy Elizabeth Davis.
 Davis, Henry J. (In Memory of Mrs. Amy Elizabeth Davis).
 de Florez, Mrs. Pedro R.
 De Lamar, Miss Alice A.
 Delano, William Adams.
 de Peyster, Miss Augusta M.
 de Ruyter, Mrs. John L.
 Dows, David.
 Dwight, Mrs. Edward F.
 Eastman, Mr. and Mrs. Lucius R.
 Ethington-Schild Co.
 Ellis, William D.
 Emmet, Mrs. C. Temple.
 Emmet, Miss Lydia F.
 Emmons, Mrs. Arthur B.
 Evans, Hartman K.
 Farrelly, Mrs. Gerald J.
 Field, Mrs. William D. C.
 Flagler, Mrs. Harry H.
 Foster, James, Jr.
 Fox, Mortimer J.
 Friendly Fund, Inc.
 Gabrilowitsch, Mrs. Clara.
 Gage, Mrs. B. W.
 Gallatin, Albert.
 Gallatin, Mrs. Albert.
 Geddes, Donald G.
 Goldman, Julius.
 Guggenheim, Mrs. Simon.
 Hamersley, L. G.
 Hammond, Mrs. John Henry.
 Heifetz, Jascha.
 Hickox, Mrs. Charles V.
 Hird, Miss Martha.
 Hoe, Mrs. Richard M.
 Homer, Mrs. Estelle de Peyster.
 Hunt, Mrs. Thomas.
 Hyde, Mrs. B. Talbot B.
 Hyde, E. Francis.
 Hyde, Frederick E.
 Irvin, Richard.
 Johnson, Mrs. Aymar.
 Jones, Edward.
 Jones, Mrs. Edward H.
 Jones, James J.
 Joost, Martin.
 Joost, Mrs. Martin.
 Jourdan, Edward R.
 Katz, Mrs. Hannah E.
 Kemble, George I.
 Kerr, Mr. and Mrs. Robert C.
 Kidder, Mrs. A. M.
 Klee, Walter S.
 Lamont, Miss Elizabeth K.
 Landauer, James D.
 Landon, Francis G.
 Lathers, Miss Julia.
 Leffingwell, R. C.
 Leon, Maurice.
 Lew, Miss Louis Curtia.
 Maurice, Miss Marian B.
 McClellan, Mrs. George B.
 Metcalf Brothers & Co.
 Metcalf, Mrs. Manton B., Jr.
 Moore, Benjamin.
 Moore, Henry Booth.
 Moore, Mr. and Mrs. Paul.
 Moore & Schley.
 Morgan, Miss Caroline L.
 O'Brien, Morgan J.
 Parish, Henry.
 Parks, Leighton.
 Peabody, George Foster.
 Pearl, Mrs. Frederick W.
 Peckham, Mrs. Wheeler H.
 Perkins, Mrs. Frederick C.
 Perry, Mrs. H. G.
 Peters, Mrs. Theodore.
 Phipps, Mrs. John S.
 Pierce, Mrs. Theron F.
 Pitkin, Mrs. Albert J.
 Polk, Mrs. William M.
 Pope, Mrs. Charles F.
 Potter, Howard.
 Powell, Wilson M.
 Pratt, Mrs. Charles M.
 Prospect Helpers, Inc.
 Prosser, Thomas.
 Randolph, Mrs. Francis F.
 Reed, Lansing P.
 Resor, Mr. and Mrs. Stanley.
 Reynolds, George G.
 Richard, Miss Elvina.
 Robbins, Mrs. Francis LeB., Jr.
 Roessler, Mrs. Franz.
 Root, Charles T.
 Rothbart, Albert.

Russell, Miss Marie L.
 Satterlee, Herbert L.
 Scott, Miss Mary Evelyn.
 Scott, Walter.
 See, Alonzo B.
 Sheldon, James C.
 Shepard, Finley J.
 Sieber, Dudley F.
 Simmons, Joseph Ferris.
 Sorehan, Mrs. Victor.
 Sparks, T. Ashley.
 Speyer, James.
 Stebbins, E. Vail.
 Steele, Charles.
 Stokes, J. G. Phelps.
 Stone, Samuel H.
 Stout, Mrs. Andrew V.
 Taylor, Lloyd.
 Thacher, Thomas D.
 Thompson, Mrs. Joseph T.
 Towne, Mrs. John H.
 Tucker, Allen.
 Tucker, Mrs. Carll.
 Tucker, Samuel A.
 Tuckerman, Mr. and Mrs. Paul.
 Twichell, Mrs. Burton P.
 Ulman, Mrs. Morris S.
 Van Vechten, F. R.
 Wade, Mrs. Alfred B.
 Watson, Mrs. James S.
 Wellington, Miss Elizabeth R.
 White, Mrs. Henry.
 White, Miss May W.
 Whitney, Mrs. Caspar.
 Williams, Harrison.
 Wilson, Mrs. Orme.
 Yaskman, Pope.
 Young, Miss Katharine V.
 Youngs, Graham.
 *Zabriskie, Mrs. Cornelius.

* Deceased.

CONTRIBUTORS' LIST

For Fiscal Year January 1, 1934 to December 31, 1934
Designation of Funds

Contributions preceded by name only are for the General Fund, for general purposes. Other contributions are designated as follows: G. R., General Relief (used only for relief); S. S., Special Relief (donations for specially designated instances of need); A. S., Assistant Secretaries' Fund (for salaries and incidental expenses); E. B., Employment Bureau; S., Special Purposes; C. T., Christmas Toys.

A.	Baker, George F.	25	00
Abbe, Miss Harriet C.	Baker, Mrs. Herbert S.	5	00
Aborn, Mrs. J. A.	Ballin, Miss Eric H.	3	00
Academy of Medicine.	Banck, Mrs. E. H.	5	00
Ackerman, Marion S.	Baring, Charles	25	00
Adams, Mrs. C. Thayer.	Baring, Charles	10	00
Adams, Mrs. Hall.	Barnes, Mrs. Courtlandt D.	10	00
Adee, George Townsend.	Barnes, Courtlandt D.	20	00
Adkins, Mrs. Leonard D. S.	Barnes, Mrs. E. W.	3	00
Adler, Mr. and Mrs. Ernest.	Barnum, Miss Laura C.	10	00
Adler, Mrs. Morton L.	Barnum, William Henry.	10	00
Agar, Mrs. John Giraud.	Barrows, Ira.	25	00
Agnew, Mrs. George B.	Barstow, Miss Cornelia K.	5	00
Albee, Ellery E.	Bartlett, Philip G.	5	00
Aldrich, Mrs. Richard.	Bartol, Mrs. Henry G.	15	00
Aldrich, Mrs. Richard	Barton, Nothera	1	00
Aldrich, Winthrop W.	Bass, Frederick W.	50	00
Alexander, Miss Agnes	Bassett, Mrs. Charles F.	5	00
Alexander, Mrs. Charles B.	Bawden, Mr. and Mrs. Clarence C.	2	00
Alexander, Miss Mabel W.	Baxter, Mrs. Julius	1	00
Alexander, William	Beckhard, Martin	5	00
Allen, George Marshall.	Bedford, Mrs. Alfred C.	25	00
Alsberg, William	Beer, Mrs. George L.	5	00
Altschul, Mrs. Charles.	Beer, Mrs. Julius	5	00
Altschul, Miss Clara.	Beers, Miss M. Elisabeth		
Amory, Mrs. Charles Minot.		G. R.	5
Anderson, Clayton & Fleming	Behre, Mrs. John H.	S.	3
Appleby, Mrs. John S.	Beltz, H.		5
Arnstein, Miss Frances.	Beller, William F.		5
Ash, Charles F.	Benedict, Elliot S.		5
Ashmore, Sidney B.	Benjamin, Miss Aline P.		5
Auchincloss, Mrs. Charles C.	Bentley, Miss N. R.		5
Auchincloss, Charles C.	Berger, Mrs. Charles F.		5
Auchincloss, Mrs. Edgar S.	Berkey, Mrs. Charles F.		2
Auchincloss, Gordon	Bernheim, Henry J.		10
Auchincloss, Mrs. Hugh D.	Bernheimer, Miss Cora A.		10
Auchincloss, Mrs. Reginald	Bernstein, Miss Kay	S.	2
Le G.	Bernuth, O. M.		20
	Bewer, Julius A.		5
	Biedermann, August		15
B.	Billings, Miss Elisabeth		
Babbitt, Mrs. Kurnal R.		G. R.	1
Bacon, Mrs. Francis McNeil.	Bit-Rite Baby Carriage		
Bailey, Richard F.	Company		3
Baird, David G.	Bitz, Mrs. Norman H.		10

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CONTRIBUTORS' LIST

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Binger, Mrs. Walter	5	00	Butterick, Miss Mary E.	10	00
Birdsall, Miss S. Josephine.	1	00	Butterworth, Mrs. George		
Blagden, Mrs. Wendell F.	10	00	Forrest		10
Blaney, Mrs. Charles P.	3	00	Byrne, Mrs. James		5
Blanke, Miss Katharine M.	2	00			
Bley, Henri Jacques	2	00	C.		
Blumenthal, George	250	00	Callender, J. A.		5
Blumenthal, Mrs. Rose	2	00	Carlebach, Mrs. Emil		2
Boardman, Henry F.	10	00	Carleton, Miss Ida		5
Boese, Edwin	5	00	Carus, Mrs. Arthur L.		10
Boettiger, Mrs. Theodore	2	00	Carter, Ernest Trow		10
Bowler, Mrs. Marjorie	10	00	Cary, Miss Kate		25
Bogert, Mrs. Beverley	50	00	Cary, Mrs. Melbert B., Jr.		10
Boubricht, Irving W.	10	00	Case, J. Herbert		10
Bonney, Mrs. Leonard W.	10	00	Cerf, Mrs. Louis A.		3
Bordick, Albert	20	00	Chambers, Robert A.		10
Botjer, Miss Bertha Louise	5	00	Chanler, Lewis S.		5
Bouvier, M. C.	5	00	Chapin, Miss Cornelia Van		
Bowie, W. Russell	3	00	A.		10
Bowler, Mrs. Marjorie	5	00	Chapin, Simeon B.		25
Bradley, Charles B.	10	00	Chapman, Mrs. John Jay		25
Brewster, Robert S.	50	00	Chapman, Miss Mary W.		5
Brill, A. A.	5	00	Chapman, Miss Mary W. S.		10
Brooks, Mrs. Frederick S.	10	00	Chapman, Mrs. William P.		10
Brouner, Miss Mary L.	1	00	Charles, Mrs. Mary de P.		5
Brower, William L.	3	00	Chase, Miss Jessie H. B.		
Brown, Mrs. Donaldson	10	00	G. R.		3
Brown, Miss Edith Harman			Chauncey, Miss Lucy		5
"In Memory of Mr. and Mrs. William Harman Brown"			Chester, Colby M.		10
Brown, Mrs. Emma C.	5	00	Child, Miss Ruth A.		5
Brown, Mrs. Geo. Alexander	3	00	Chisholm, George E.		15
Brown, Lawrason	2	00	Choate, Mrs. Arthur Osgood.		10
Brown, Mr. and Mrs. Thornton K.	2	00	Church of the Incarnation		5
Brown, William Adams	5	00	Clafin, John		50
Brunidge, Miss Elisabeth	5	00	Clark, Miss Amy		1
Brunswick, Mrs. Emanuel	10	00	Clark, Mrs. De Wolf		5
Brush, Mrs. Charles B.	S.	3	Clark, Mr. and Mrs. J.		1
Bryant, Samuel	5	00	Clark, Miss Maud S.		2
Bryce, Miss Mary T.	20	00	Clark, Mrs. Andrew A.		3
Buckner, Samuel O.	10	00	G. R.		
Buckner, Thomas A., Jr.	5	00	Clarke, Miss Helen MacG.		2
Bulkley, Edwin M.	20	00	Cleland, Mrs. T. J.		15
Bulkley, Mrs. Jonathan G. R.	10	00	Cluett, Walter H.		10
Bunnell, Mrs. W. L.	10	00	Cochran, Mrs. Stephen C.		10
Burchard, Miss Anna T.	1	00	Cockcroft, Miss Mary C.		10
Burlingham, Mrs. Charles.	25	00	Cocks, Francis E.		2
Burr, Mrs. Frederic M.	5	00	Coggill, Mrs. George		5
Burr, Mrs. Louis H.	5	00	Cohen, William N.		10
Butler, The Howard Russell Trust	5	00	Cohn, Mrs. Alfred E.		5
Butler, J.	G. R.	1	Collier, Mrs. Robert J.		5
Butler, Miss Mary M.	5	00	Colt, Harris D.		10
*Butler, Willard Parker	5	00	Colt, Mrs. Richard C.		10
			Condit, Filmore		10
			Conc Export & Commission Company		10
			Connelly, Marc	S.	5
			Couard, Mrs. Bryan		5

* Deceased.

Content, Mrs. Washington. S.	2 00	Dodge, Mrs. Cleveland E.	5 00
Conway, W. P.	10 00	Dodge, Mrs. Cleveland H.	25 00
Cook, James D.	5 00	Dodge, Mrs. Robert B.	10 00
Cooper, James Fenimore.	50 00	Dommerich, Mrs. Alex L.	5 00
Cooper, Oscar	10 00	"Dooley, John H.	3 00
Cox, James	2 00	Doolittle, Judson A.	2 00
Cox, James	2 00	Dortie, Miss Adole G.	5 00
Crafts, Miss Elizabeth S.	25 00	Douglas, Mrs. George Wil- liam	10 00
Crain, Miss Christobelle.	5 00	Douglas, Mrs. John Sheafe.	5 00
Creamer, Mr. and Mrs. Wil- liam G.	2 00	Douglas, Mrs. William P.	10 00
Creeker, Mrs. Katherine W.	10 00	Dowd, Benjamin	5 00
Crofoot, Mrs. L. F.	15 00	Dows, David.	50 00
Cronwell, J. William, Jr.	5 00	Drakenfeld, Mrs. B. F. G.R.	2 00
Cross, Edward W. G.R.	1 00	Dreyfus, Fred J.	2 00
Cross, Miss Emily K.	10 00	Driver, Wilbur B.	25 00
Cross, John Walter.	50 00	Duane, Mrs. James May.	5 00
Cudahy, Miss Clara A.	25 00	Dubois, Mrs. Leonce F. "In Memory of Leon Barre"	2 00
Cudahy, Miss Mary T.	2 50	Duffie, Mrs. Antoinette L.	2 00
Culbert, Miss Anna M.	5 00	Dugan Bros, Inc. G.R.	2 00
Cuning, Mrs. Rochester.	10 00	Dugan, Mrs. Peter.	2 00
Curran, Guernsey	10 00	Duncan, Mrs. Dora. C.T.	2 00
Curtis, F. Kingsbury.	5 00	Duncan, Mrs. Harry L.	1 00
Curtis, Mrs. James B. G.R.	10 00	Durand, Mrs. Frederic F.	50 00
Cutting, Charles Suydam.	50 00	Durell, Thomas P.	5 00
Cutting, Mrs. William Bay- ard	25 00	Duryee, Joseph R.	10 00
D.		Duryee, Samuel S.	5 00
Dall, Mrs. Charles Whitney.	5 00	Dusenberry, Miss Grace. G.R.	5 00
Dall, Mrs. Charles Whitney G.R.	5 00	Dwight, Mrs. Edward Foote G.R.	10 00
Dalmases, Henry	2 00	Dwight, Mrs. Winthrop S.	5 00
Dahlbl, Hugh	2 00		
Darling, Thomas E. D. S.	5 00	Eastman, Mrs. Lucius R.	25 00
Darlington, Mrs. Charles F.	10 00	Eastwood, Mrs. John H.	25 00
Davenport Home, The. C.T.	5 00	Eastwood, Mrs. John H. S.	25 00
Davis, Frederick M. S.	100 00	Eaton, Mrs. Frank.	5 00
Davis, Joseph E.	50 00	Edelestein, Michael	2 00
Davis, Mrs. Ella E.	10 00	Eder, Mrs. James M.	2 00
Davison, Miss Elizabeth H.	10 00	Edmond, Mrs. John Worth.	2 00
Davison, Mrs. E.	5 00	Edwards, Clarence	2 00
Dean, Mrs. Bashford.	10 00	Egbert, James C.	5 00
Dearborn, David B.	5 00	Egbert, James C. G.R.	5 00
Decker, Charles A.	10 00	Eldert, Mrs. Cornelius.	20 00
de Florez, Mrs. Pedro R. S.	50 00	Eldot, Herman	1 00
de Forest, Henry L.	10 00	Ellis, Mrs. Lawrence E.	5 00
de Forest, Mrs. Henry W.	10 00	Emerson, Mrs. Juliet W. G.R.	5 00
de Forest, Henry W.	25 00	Emmons, Mrs. Arthur B.	50 00
Demarest, Miss Mary G.R.	1 00	Engelhard, Charles	20 00
Deming, Miss Eleanor.	10 00	Erlander, Sidney C.	5 00
de Peyster, The Misses Au- gusta M. and Frances G.	25 00	Everett, Percy R. C.T.	5 00
Dickey, Mrs. Charles D.	10 00		
Dickey, Mrs. Charles D., Jr.	10 00	F.	
Dillingham, Frank A.	5 00	Fairfax, Mrs. Lindsay.	10 00
Dillmann, Mrs. Helen J. S.	1 00	Fairfax, William Bradford S.	10 00
Dimeck, E. J.	10 00	Falls, De Witt C. S.	5 00
Dimeck, Edwin	5 00	Farrand, Wilson	5 00
Dinsmore, Mrs. Thomas H. S.	5 00		
Ditson, Mrs. Charles H.	5 00		

Fast, J. R. G.R.	5 00	Goodwin, Mrs. James J.	10 00
Fatman, Mrs. Morris. G.R.	10 00	Gorley, Miss Edith F.	1 00
Field, William B. Osgood.	10 00	Gothlieb, Mrs. Paul.	5 00
Field, Mrs. William D. C.	20 00	Grace, Joseph P.	25 00
Filley, Oliver D.	10 00	Graeme, Mrs. Joseph W.	5 00
Fincke, Mrs. B. C.	5 00	Graham, Kelley	5 00
Fincke, Mrs. Harry S.	1 00	Gray, Henry G.	15 00
Findley, Mrs. G. W.	2 00	Green, Mrs. Edward H.	15 00
Fisch, Abraham M. S.	5 00	Greene, Carleton	3 00
Fish, Miss Julia Avery. S.	5 00	Greenough, Mrs. John. G.R.	20 00
Fisher, Frederick T.	5 00	Greenwood, Miss Mary M.	5 00
Fisher, Nathan	2 00	Griffith, Mrs. Susan H.	15 00
Flagler, Mrs. Harry Har- ness	10 00	Griggs, Mrs. John W.	10 00
Flexner, Dr. and Mrs. Simon G.	5 00	Gristede, D.	5 00
Flockhart, Mrs. Jane A. E. G.R.	10 00	Grossman, Mrs. Edward A.	2 00
Flook, Mrs. Anna MacDonald Floyd-Jones, Mrs. G. Stan- ton	1 00 15 00	Grunal, Edwin A.	5 00
Floyd-Jones, Mrs. G. Stanton G.R.	15 00	Guinzburg, Miss Lillie "Guinzburg, Richard A.	2 00
		Gwynne, Charles T.	5 00
		Gwynne, Miss Mabel.	1 00
		H.	
		Hackett, Miss Irene A.	2 00
		Hadden, Miss A. E.	3 00
		Hague, Miss Eleanor.	5 00
		Haines, Mrs. Charles D. G.R.	10 00
		Hall, Edgar H. C.T.	5 00
		Hammel, John.	5 00
		Hammersley, Louis Gordon.	50 00
		Hammel, Mortimer.	2 00
		Hammond, John Henry.	10 00
		Hammond, Mrs. John Henry Harburger, Mrs. Julius	5 00
		Hardenbergh, William P. S.	10 00
		Harkness, William Hale. S.	10 00
		Harrison, E. Roland.	25 00
		Harris, Overton	25 00
		Harris, Mr. and Mrs. Victor Harrison, George L.	20 00 10 00
		Harvey, L. J. S.	10 00
		Haskell, Mrs. J. Amory	3 00
		Haskins, E. W. S.	10 00
		Hastings, Henschell. S.	10 00
		Hayden, Charles.	100 00
		Hayden, Miss Sarah L. G.R.	5 00
		Hayman, Mrs. Dora D.	1 00
		Heely, Augustus V. S.	5 00
		Heiser, Miss Rosalie M. G.R.	5 00
		Hellawell, John A.	1 00
		Helme, Mrs. George A.	25 00
		Henderson, Mrs. E. C.	10 00
		Henricks, Henry S.	5 00
		Henry, Miss Florence	5 00
		Henry, Miss H. Maud.	5 00
		Herbert, Preston. G.R.	5 00
		Heroy, Mrs. Anna M.	5 00
		Herrick, Mrs. W. W. G.R.	10 00
		Herrman, Henry	10 00
		Hessberg, Mrs. Lena.	3 00
		Hickox, Mrs. Charles V.	50 00
		Hicks, Mrs. Frederick C.	5 00
		Hicks, Mrs. Joshua T.	1 00

* Deceased.

Hicks, Walter F.	1 00	Jones, Mrs. Adam Leroy	3 00
Hicks, Walter F.	2 00	Jones, Mrs. De Witt Clinton	G.R. 3 00
Hillhouse, Miss Sylvia R.	2 00	Joost, Mrs. Martin	10 00
Hiltman, Mrs. J. W.	3 00	K.	
Hilton, Mrs. Frederick H.	25 00	Kaufmann, Mrs. M. J.	10 00
Hirchirs, Mrs. Alfred E. S.	2 50	Keabey, Robert A. Company	5 00
Hirt, Miss Martha	50 00	Kelleher, Hugh G. M.	3 00
Hirsch, Mrs. Alfred	2 00	Kellogg, Mrs. Frederic R.	10 00
Hirsch, Mrs. Steven	5 00	Kellogg, Herbert S.	G.R. 10 00
Hoag, Mrs. J. Edward	2 00	Kellogg, Morris W.	10 00
Hochschild, Miss Gertrude	100 00	Kelly, Mrs. Francis C.	1 00
Hochschild, Walter	2 00	Kelly, Henry J.	S. 10 00
Hoffman, Miss Margaret E.	5 00	Kendall, Mrs. Edward H.	3 00
Hogan, Mrs. Jefferson	S. 10 00	Kenneth, Miss Ethel	5 00
Hollstein, Mrs. Gustavus M.	2 00	Kennish, Mrs. W. R.	S. 1 00
Holt, Mrs. John C.	2 00	Kernan, Mrs. Michael J.	3 00
Holter, Mrs. Edwin O. E.B.	25 00	Kerr, Robert C.	25 00
Holzheimer, Robert S.	10 00	Kirkham, Mrs. Edward	2 00
Hoppin, William W.	10 00	Kissel, Mrs. Gustav E.	10 00
Horn, Miss Sarah L.	20 00	Kitching, Miss Belle M.	5 00
Horton, E. P.	5 00	Kittredge, Mr. and Mrs. Samuel Dana	2 00
Housman, Miss Louise	2 00	Knapp, Theodore J.	25 00
Hubbell, Charles Bulkley	2 00	Knickerbocker Yarn Company, The	10 00
Hubbs, Charles F. & Company	3 00	Kries, George J.	5 00
Hudson, Paul H.	5 00	Knight, Mrs. George T.	5 00
Hull, Mrs. Cora A.	5 00	Knot, David H.	10 00
Hull, Mrs. George H., Jr.	5 00	Koegler, Mrs. Richard A.	G.R. 5 00
Hull, Miss Mary E.	5 00	Kohn, Daniel	G.R. 5 00
Hunter, Miss Margaret C.	1 00	Kohlstamm, Mr. and Mrs. Edward	15 00
Hyde, Mrs. Clarence M.	25 00	Kohlstamm, Mr. and Mrs. Joseph	15 00
I.		Kopetzky, Mrs. Anah Doob	G.R. 1 00
Ingalls, Mrs. Will C.	5 00	Kress, C. W.	2 00
*Ireland, Mrs. Frederick G.	5 00	Kress, Samuel H.	10 00
Irvin, Charles H.	11 00	Kuesel, Henry N.	3 00
Iselin, Mrs. O'Donnell	10 00	Kurland, Isidore	S. 3 00
Iselin, William E.	10 00	L.	
Iseman, Mrs. Percy R.	2 00	La Farge, Mrs. Oliver H. P.	10 00
Israel, Mrs. Albert	10 00	Lake, Miss Jennie S.	2 00
Ittleson, Mrs. Henry	10 00	Lambert, Mrs. Samuel W.	G.R. 5 00
J.		Lambert, Mrs. Thomas W.	10 00
Jackson, Mrs. William B.	5 00	Lanman, Thomas William	10 00
James, Mrs. Bayard	25 00	Lanman, Jonathan T., Jr.	10 00
Jay, De Lancey K.	10 00	Lasoff, J. Leon & Son	1 00
Jeffares, James N.	10 00	Lask, Miss B.	G.R. 1 00
Jefferson, Mrs. Ethel O. G.R.	1 00	Lauterstein, Mrs. Leon	2 00
Jerman, Miss Maria C.	10 00	Lawrence, Miss Clara Louise	15 00
Jessup, Everett C.	5 00	Lawrence, Miss Katharine B.	S. 1 00
Johnson, Mrs. Aymar	5 00	Lazarus, Leonard	S. 3 00
Johnson, Mr. and Mrs. Barges	5 00	Leaman, Walter E.	2 00
Johnson, Mrs. Elmer Harland	5 00	Lee, Mrs. Burton J., Jr.	5 00
Johnson, Miss Helen R.	5 00		
Johnston, Guy E.	2 00		
Johnstone, Miss M. J. S.			
"In Memory of Margaret A. Johnstone"	5 00		

* Deceased.

Leeb, Alfred	5 00	McAlpin, Mrs. D. Hunter	10 00
Lehmalter, James M.	10 00	McCall, Mrs. William A.	3 00
Leonard, Mrs. Edgar W.	25 00	McClellan, Mrs. George B.	20 00
Le Roy, Mrs. Robert	10 00	McCreey, Henry Forbes	25 00
Leventhal, Mrs. Abraham N. S.	1 00	McCutchen, Mrs. Charles Walter	G.R. 10 00
Levi, George	5 00	McDowell, Miss Florence	5 00
Ley, Ephraim B.	5 00	McGovern, Miss Eleanor	5 00
Lewis, Mrs. Louis	S. 2 00	Merritt, Miss Helen S.	5 00
Lewis, Mrs. August	10 00	Messeraue, Mrs. Jacob	10 00
Lewis, Mrs. Richard J.	10 00	Messner, Mrs. Fanny F. C.T.	1 00
Lewis, Mrs. Richard J. C.T.	2 00	Metcalfe, Mrs. Jessie S.	S. 10 00
Lewisohn, Adolph	10 00	Metcalf, Mrs. Mantion B. Jr.	25 00
Lewisohn, Sam A.	50 00	Meyer, Mrs. Charles B.	5 00
Lewisohn, Sam A.	S.R. 50 00	Meyer, Miss Jennie A.	S. 1 00
Lineolt, Mrs. Frederic W.	S. 5 00	Meyer, Monroe A.	5 00
Lindemann, Oscar	10 00	Middleton & Company, Ltd.	10 00
Lindsay, Miss Alice F.	5 00	Millburn, Mrs. Devereux	10 00
Lindley, Mrs. Erasmus C.	20 00	Miller, Miss Annie	25 00
Lockwood, Mrs. J. Ferris	10 00	Miller, Mr. and Mrs. Edgar	10 00
Loewenstein, Hermann	10 00	Grim, Jr.	G.R. 2 00
Loines, Mrs. Stephen	10 00	Miller, Mrs. Henry Wise	5 00
Lotta Fund for Aiding Discharged Convicts	525 00	Mills, David B.	10 00
Low, William G.	20 00	Minford, Miss Agnes A.	5 00
M.		Moeller, Miss Hannah T.	1 00
Mabon, Mrs. A. F.	G.R. 1 00	Mohn, Mrs. R. Dorsey	4 00
Maclay, Mrs. Alfred B.	25 00	Moore, Mrs. George C.	1 00
MacNeil, Hermon A.	2 00	Moore, Benjamin	10 00
Madigan, John H.	S. 5 00	Moore, Edward S.	10 00
Mages, John	25 00	Moore, Frederic P.	10 00
Mages, Sanford	10 00	Moore, Mr. and Mrs. Paul	50 00
Mallaby, Miss Theodora F.	5 00	Moore, Mrs. William H.	25 00
Manges, Morris	5 00	Morawetz, Mrs. Victor	10 00
Mance, William De Forest	10 00	Morgan, Miss Caroline L.	10 00
Maning, Mrs. J. J.	S. 10 00	Morgan, William Fellowes	5 00
Manfield, Howard	5 00	Morgenthau, Henry, Sr.	1 00
Mantrosse Corporation, The	S. 5 00	Morris, Mrs. Irma C.	C.T. 10 00
Marcus, Mrs. George E.	S. 5 00	Morris, Mrs. Lewis R.	S. 25 00
Markle Foundation, The	John and Mary R.	Morris, Lewis Spencer	10 00
John and Mary R.	100 00	Morris, Richard L.	10 00
Marquand, Mrs. Allan	10 00	Morris, William H.	10 00
Marquand, Miss Sarnia	15 00	Morse, Robert E.	G.R. 10 00
Marsh, John B.	5 00	Morton, Mrs. Paul	5 00
Marshall, Mrs. Chauceau	10 00	Mossman, Mrs. Howard Hill	G.R. 10 00
Marshall, Mrs. William Wallace	2 00	Mott, Lewis F.	10 00
Marx, John B.	S. C.T. 5 00	Mouraille, Miss Mathilde M.	3 00
Martin, Miss Florence C.	10 00	Mowbray, Miss Mary E.	5 00
Martin, William V.	5 00	Mueller, Jacob P. Company	2 00
Mason, Mrs. Eugene Waterman	10 00	Mueller, Albert Louis A.	G.R. 5 00
Mason, Mrs. Margaret I. S.	5 00	Munn, Mrs. Ector O.	25 00
Mathews, Mrs. Albert H.	10 00	Murphy, Miss Janet B.	5 00
Mathewson, Douglas	S. 2 50	Murray, Miss Catherine	2 00
Mauch, William C.	S. 10 00	N.	
Maurice, Miss Marian B.	25 00	Nathan, Miss Rosalie	G.R. 10 00
Maury, Mrs. Henry John	5 00	National Biscuit Company, The	5 00
Maxwell, Howard W.	10 00	Neave, Mrs. Charles	G.R. 10 00
Mayer, Mrs. Bernhard	S. 10 00	Neuss, William	10 00
Maynard, Miss Helen Louise	10 00	Newhouse, Mrs. Walter Scott	1 00
		Nichols, Mrs. Acosta	10 00

Nichols, George	10 00
Nichols, Mrs. John W. T.	15 00
Nichols, William W.	3 00
Nicola, Nathaniel	G.R. 10 00
Nitze, Mrs. Paul H.	25 00
Norris, Miss Fanny	G.R. 10 00
Nourse, Miss Juliet L.	5 00
O.	
Oakley, Alonzo Gore	5 00
O'Brien, Morgan J.	10 00
O'Brien, Morgan J.	S. 50 00
Ogden, Charles W.	10 00
Ohly, John H.	G.R. 5 00
Olafson, Olaf	1 00
O'Neill, Miss Annie	C.T. 5 00
Openlym, Wilfred A.	15 00
Osborn, Mrs. William Church	5 00
Otis, F. Burton	S. 2 00
Owen, Mrs. Walter T.	S. 5 00
P.	
Paige, Mrs. Douglas W.	5 00
Palmer, Mrs. J. Culbert	5 00
Pappenheimer, Mrs. A. M.	10 00
Parker, Mrs. A. W.	5 00
Parsons, Miss Anna H.	1 00
Parsons, William Barclay	5 00
Partridge, Theodore Dwight	10 00
Paulding, James Kirke	5 00
Pavestadt, Adolf J.	10 00
Pavey, Frank D.	10 00
Payson, Charles S.	25 00
Pearce, William G.	25 00
Peebles, Miss Frances H.	1 00
Pfeifer, Siegfried	5 00
Pell, James D.	10 00
Perkins, Mrs. Clarence E.	10 00
Perkins, Edward W.	5 00
Perkins, Miss Elizabeth	G.R. 5 00
Perkins, Miss Emily S.	5 00
Perkins, Mrs. George W.	75 00
Pfeiffer, Mrs. G. Oscar	1 00
Phelps, Miss Claudia Lea	2nd 10 00
Phillips, Miss Ellen A. G.	G.R. 2 00
Pierrepont, Miss Julia J.	15 00
Pitkin, Mrs. Albert J.	50 00
Pitney, Mrs. J. O. H.	10 00
Podesta, Luigi	5 00
Polak, Edward	G.R. 5 00
Polk, Frank L.	10 00
Polk, Mrs. William M.	20 00
Pollak, W. G.	10 00
Porter, H. Hobart	10 00
Porter, Mrs. H. Hobart	S. 10 00
Post, Abram S.	10 00
Post, Mrs. Carroll J. Jr.	5 00
Post, Miss Edwina M.	5 00
Pratt, Mrs. Charles M.	25 00
Pratt, Harold I.	S. 100 00
Pratt, Herbert L.	G.R. 50 00
Pratt, Mrs. John T.	10 00
Prescott, Miss Mary R.	10 00
Prince, Mrs. Benjamin	G.R. 2 50
Prizer, Miss Mary C.	5 00
Pruy, Mrs. Robert D.	15 00
Purrington, Mrs. William A.	10 00
Purrington, Mrs. William A.	10 00
Q.	
Quinto, Philip	2 00
R.	
Racky, Miss Bertha	2 00
Randolph, Miss Blanche F.	5 00
Randolph, Mrs. Francis S.	2 00
Randolph, Mrs. Francis F.	50 00
Ransom, Mrs. Paul C.	5 00
Raven, John H.	G.R. 10 00
Raynor, Mrs. Forrest	5 00
Reed, Henry Douglas	10 00
Reed, Mrs. Richard H.	G.R. 1 00
Reese, Miss Margaret M.	5 00
Reid, Fergus	100 00
Reilly, Miss Mary A.	C.T. 1 00
Remsen, Miss Margaret S.	10 00
Renton, Stanley H.	10 00
Renwick, Mrs. William C.	5 00
Resor, Mr. and Mrs. Stanley	50 00
Reynolds, Miss Emma C.	5 00
Reynolds, Miss Emma C.	10 00
Reynolds, George G.	50 00
Rice, Jacques B.	G.R. 5 00
Richard, Miss Elvira	50 00
Richard, Oscar L.	10 00
Richardson, Mrs. C. Tiffany	10 00
Richardson, Miss Edith C.	2 50
Richardson, Miss Marion	5 00
Richardson, Miss Marion	C.T. 5 00
Riegelman, Mrs. Charles A.	5 00
Rives, Mrs. Reginald B.	25 00
Roberts, Mrs. Henriette W.	5 00
Roberts, Miss Josephine L.	5 00
Robinson, Mrs. Franklin W.	5 00
Rockwood, Miss Katharine C.	15 00
Rodewald, Miss A. Leontine	5 00
Rosman, H. B.	2 00
Rogers, Mrs. Benjamin	25 00
Rort, Oren	10 00
Rosenbaum, Sol G.	10 00
Rosensohn, Mrs. S. J.	10 00
Rosenthal, Rudolph	G.R. 3 00
Rosenzweig, Mrs. Joseph	5 00
Rothardt, Albert	10 00
Rothschild, Miss Anna J.	5 00
Rumery, Ralph R.	2 00

S.	
Sabin, Mrs. Charles H.	25 00
Sage, Dean	E.B. 1,100 00
Sage, Mrs. Henry W.	20 00
Sage, Mrs. William H.	25 00
Sahier, Miss Helen G.	10 00
Sanders, Lawrence H.	S. 1 00
Sanger, Mrs. William Cary	5 00
Satterthwaite, Mrs. Thomas E.	10 00
Sattler, Anton, Inc.	2 00
Sawyer, Mrs. Conway	6 00
Sayre, Miss Mary Hall	5 00
Schaefer, Bernhard K.	S. 5 00
Schefer, Anton H.	5 00
Scherman Harry	G.R. 10 00
Schiff, John M.	100 00
Schley, Mrs. Kenneth B.	4 00
Schley, Reeve	25 00
Schmidhapp, Carl J.	25 00
Schuchardt, Mr. and Mrs. Frederick	S. 5 00
Schulte, Mrs. Anthony	5 00
Schulte, Mrs. Joseph M.	2 50
Schultz, Mrs. Albert B.	25 00
Schwab, Miss Emily	5 00
Schwarz, Robert	2 00
Schwarzbaunt, Emil	S. 10 00
Schild, Henry L.	10 00
Scoville, Miss Grace	20 00
Seelig, G. A. F.	1 00
Seeman, Joseph	S. 10 00
Seligman, Mrs. George W.	G.R. 3 00
Shaw, Mrs. Samuel T.	G.R. 3 00
Sheldon, Miss Edith	1 00
Shepard, Finley J.	25 00
Sherrwood, Mrs. Arthur H.	S. 5 00
Short, Mrs. Gertrude	S. 1 00
Short, Livingston L.	1 00
Shriver, Alfred	3 00
Sibley, Mrs. Hiram W.	20 00
Sidman, Edgar N.	G.R. 1 00
Sills, Mrs. Gladys	5 00
Simonds, Samuel S.	G.R. 2 00
Simons, Isaac	2 00
Simpson, Miss Jean Walker	G.R. 25 00
Simpson, Miss Mabel E.	S. 1 00
Slade, Francis Louis	5 00
Slade, George T.	25 00
Sloan, Benson H.	10 00
Sloan, Samuel	10 00
Sloan, T. Dwight	5 00
Sloan, Mrs. William S.	5 00
Sloane, Mrs. John	10 00
Sloane, John	10 00
Sloane, Mrs. William	25 00
Smith, Mrs. Fitch W.	10 00
Smith, Roy C.	5 00
Smithers, Christopher D.	10 00
T.	
Tanzer, Mrs. Laurence Arnold	S. 3 00
Taylor, James B.	10 00
Taylor, William Ambrose	10 00
Smyth, George W.	
*Solvinger, Mrs. Fernando	
G.R. 5 00	
2 00	
G.R. 5 00	
G.R. 5 00	
G.R. 10 00	
Speer, Mrs. Louis Dean	
Speranza, Mrs. Gino	
Speyer & Company	
Sprague, Seth	
Staub, Walter A.	
Steele, Charles	
Stein, Mrs. Emil	
Stein, Mrs. Gerda	
Stetson, Miss Ethel	
Stener, Mrs. Max D.	
Stevens, Mrs. Robert S.	
Stevenson, Miss Marion V.	
G.R. 5 00	
Stickney, Henry Austin	
Stiefel, Mrs. Isaac	
Stieglitz, Mrs. Albert	
Stillman, Miss Charlotte R.	
Stimson, Henry	
Stimson, Henry L.	
Stokes, Harold Phelps	
Stone, Herbert F.	
Stone, Junius H.	
Stone, Samuel H.	
Stoughton, Miss Lelia R. S.	
Stout, Henry P.	
Strasburger, Mr. and Mrs.	
Irwin	
Strauss, Mrs. George	
Strong, Mrs. J. R.	
Strom, John R.	
Stroly, Jacques M.	
Studdford, Mrs. William E.	
G.R. 5 00	
Sturges, W. W.	
Stuyvesant, A. Van Horne	
Jr.	
Stuyvesant, Mrs. William E.	
Styler, Mrs. Frederick E.	
G.R. 2 00	
Sulzberger, Mrs. Arthur	
Hay	
Sutro, Miss Mary L.	
Sutro, Mrs. Lionel	
Sutton, J. Wilson	
Swallow, Mrs. A. G.	
Swan, Joseph R.	
Swan, Mrs. Lyndon M.	
Sweet, Mrs. Paul F.	
Sweet, Mrs. Paul F.	

* Deceased.