A BLOW AT PRISON REFORM

THE NEW CONSTITUTION WILL STOP ALL PRISON INDUSTRIES.

What This Means to the 6,000 Convicts Confined in the State Prisons, Penitentiaries, and Reformatories, and to the State More than $600,000 Will Have to Be Raised Annually by Taxation to Support the Convicts in Idleness, While Under the Existing Law They Can Earn Enough to Make the Prisons Self-sustaining. The Mental and Physical Effects of Idleness in the Prisons When the Yates Sewing Bill Was in Force—Death Rate and Insanity Made Alarming Advances—Interviews with Superintendent Brockway and Wardens Sage, Stout, and Thayer—A Demand for Legislative Action

The people of the State of New York voted for a great many fool things at the last election besides reform. The greater number of these things were prepared for them by the late Constitutional Convention. THE SUN has told from time to time how that august body was operated solely as an annex to the Republican party; how the interests of the people were neglected so that the party might benefit. It has been said it sinned by commission and by omission, and it presented its work to the people for approval at a time when they were wrought up about an altogether different matter.

One thing that the Constitutional Convention got up and the people voted for—it must have been without a proper understanding of the situation—was this amendment to the prison laws relating to the occupation and employment of convicts.

"SECTION 29. The Legislature shall, by law, provide for the occupation and employment of prisoners sentenced to the several State prisons, penitentiaries, jails, and reformatories in the State; and on and after the first day of January, in the year 1897, no person in any such prison, penitentiary, jail, or reformatory shall be required or allowed to work, while under sentence thereto, at any trade, industry, or occupation, wherein or whereby his work, or the product or profit of his work, shall be farmed out, contracted, given, or sold to any person, firm, association, or corporation. This section shall not be construed to prevent the Legislature from providing that convicts may work for, and that the products of their labor may be disposed of, to the State, or any political division thereof, or for or at any public institution owned or managed and controlled by the State or any political division thereof."

The Convention presented this amendment in the face of the earnest protest of every State prison official in the State, and of all people who are interested in the reformation of criminals. They did it in the face of their own best judgment, according to all that can be learned. A man who was very much interested in the work of the Convention at the time said yesterday to THE SUN reporter:

"When the amendment was proposed, the men with brains who sat in that Convention were almost to a man opposed to anything of the sort. They knew the necessity of labor in State prisons, and the inhumanity, the barbarity of keeping the thousands of convicts without it. Common sense taught them that much. They knew that the passage of such an amendment as this meant practically the abolition of work in the prisons and reformatories, the utter ruin of prison discipline, and the saddling of $600,000 or more a year of expense on the people of the State to support the criminal population in idleness. They knew also that it meant the turning out of men after terms of imprisonment penniless, broken down in health and mind, ignorant of a means of earning a livelihood, and incapacitated even, by reason of long idleness, from earning their own living. In a word, it meant turning out men who were mental and physical wrecks, with nothing to do but to return to their old manner of living, of preying on the community at large, until they should again be apprehended and made still further incapable of honest labor.

"The Convention voted to propose this amendment for the sole purpose of catching votes. It was a time when the people were by demagogues and agitators; the leaders of men overcome by selfishness and self-interest who thought they saw in prison competition a future possibility of lessened income. This, at least, is what these men say they thought, though they must have known that under the laws as they stood there was no possibility of such competition in any class of trade that would or could affect the wages of any free man."

THE HISTORY OF THE AMENDMENT.

The history of the amendment is this: John P. Mclionough, a lawyer of Albany, was the leading labor advocate in the Convention. He was Chairman of the Prison Committee. For a great many years the chief source of trouble in furnishing work to convicts in State prisons has been the constant agitation of labor union men. They have gone to the Legislature time and again, and have had bill after bill passed restricting labor in the prisons until in 1889 they succeeded in having passed what was known as the Yates bill. This practically stopped all work in the prisons and reformatories. Fortunately, it was in operation only eight months. What the result of those eight months of idleness was will be told later on. The law was repealed by the Legislature at the session immediately following that at which it was passed; and there was then adopted the present law, which permits work in prisons on the public account system and the piece-price system. Ever since the repeal of the Yates law the labor agitators have been trying to get it reenacted, but the prison people have always been too strong for them. When the Constitutional Convention was called the agitators saw their opportunity. If they could get the Yates law enacted into an amendment to the Constitution the question would be settled for all time. So they devoted all of their attention while the Convention was in session to securing the passage of this amendment. Mr. McDonough, as the leading labor advocate in the Convention, drew up the amendment as it stands, containing practically all the features of the Yates law. As soon as the State prison officials heard of it, they began their work in opposition. Members of the Convention were visited personally, their views were obtained, and while they did not pledge themselves to vote against the amendment, the greater number of them expressed themselves as not in sympathy with it, and averred that it was almost certain to be defeated. Mr. McDonough is an able and a persistent man. He devoted his whole time to the work of getting the amendment through. When the time came for public hearings, the prison people had some of the ablest men in the Convention ready to come forward and make speeches on their side. They were going to make speeches at a labor demonstration up there, too, but, strangely enough, not a single member appeared, though it is said there were advocates in plenty on the side of the agitators, the only person who appeared against the amendment was Warden O. V. Sage of Sing Sing prison, who was at that time clerk in the office of Superintendent Lathrop of the State prison. And he spoke without any preparation at all.

When it came to taking the last vote on the amendment, the members who were there as political advocates tumbled over each other in their anxiety to get in a vote that they thought might win some labor votes for them at the polls. That is how the amendment came to be proposed to the people. Everybody knows how it and most of the other amendments came to be passed.

It will be noticed that this amendment commands the Legislature to provide for the occupation of the prisoners, and then says that they shall be occupied only in doing work for the State or a political division thereof. According to the prison men all the work for the State that can be done by convicts in State prisons can be done by 100, or, at the outside, 150 men. There are upward of 6,000 convicts in the State, and the impossibility of giving these 6,000 men's work among the 6,000 will easily be seen. State work is done in the prisons now, and it gives occupation to less than 100 men all told. Through the courtesy of the heads of the institutions, THE SUN reporter last week visited several of them for the purpose of finding out exactly what it was sought to destroy in these prisons in addition to the well-being, health, and minds of the unfortunate men who are confined in them. A description of these prison industries is interesting. It shows how much the convicts can do, how much they turn into the State Treasury, and yet, with it all, how little they interfere by competition with the free labor outside the prisons.

THE INDUSTRIES IN SING SING.

In Sing Sing prison six separate industries are at present conducted in addition to the State work that is being done. There is a shoe industry, a rag industry, clothing industry, brush fibre and horse hair industry, a foundry and an enamelling work. In these industries on the day THE SUN reporter made his visit there were engaged 795 men. Sing Sing prison itself is one of the oldest prison buildings in the State. The shops wherein the work is carried on are located in the center of the town. It cost to maintain Sing Sing last year $151,196. The State received from the earnings of the convicts $41,952.

The shoe industry would be one of the greatest in the prison were it not for the fact that the law specifies that not more than 100 persons shall be employed in it at a time. It is kept running at its full capacity. The several grades of shoes are made, every bit of the work being done by convicts, from the cutting of the leather to the finishing of the shoe, and the packing ready for delivery.

The industry is conducted on what is called the piece-price plan; that is, a concern contracts to take the output of shoes at so much a pair. It furnishes the foremen and instructors and the material and the State furnishes the labor and the guards. Last year the average number of men employed in the shoe industry was ninety-eight, and they finished 64,447 pairs of shoes plain and 55,643 pairs tipped. The State received for the labor of these ninety-eight men $8,081.21. The industry was conducted only eight months of the year. The shoes that were made were all disposed of outside of the State, and in no way could the labor done in that department have interfered, by competing, with the labor of any man in the State of New York.

The second of the industries visited was the rag industry; that is, the sorting of baled rags. This industry is divided into three departments. The sorters and seamers are in the first department, the second is where the sorting of clippings is carried on, and in the third the rags pressed and baled. The work is easy and the men employed in it are not the best in the institution. There were ninety-one at work on the day of the reporter's visit. The average number of men employed last year was 114. The industry was conducted eleven months of the year and it netted the State $12,150. It is also operated on the piece-price plan.

There is also a brass and iron foundry in the prison, and that, too, is operated on the piece-price plan. In it last year there was employed an average of 125 men. In the foundry itself, the day of the reporter's visit, there were 29 men working at very rough, hard work. In the brass moulding mill there were 73, and in the pattern room 4; in the brass finishing room eight, and in the enamelling room nine. All the work done in the foundry is turned over to the enamelling men.

This enamelling is a secret process, and the concern that operates the industry in the prison has also a factory outside, and has orders practically for all the work it can do. The amount of this work done in the prison is important, but it is not enough to affect the wages of any free workman. A great variety of articles are manufactured by the company; they include pots and kettles, bath tubs, closet fixings, and so on; other things, which it has become the fashion to make of iron and enamel. Just what the industry nets the State it was not possible to ascertain, but the amount is considerable. The industry was only begun in May last.

There was one other piece-price industry in Sing Sing until recently. It was called the granite industry. It employed 125 men on an average, and netted the State $7,419 during that part of the year it was in operation.

INDUSTRY DISCONTINUED, BUT WAGES DON'T RISE.

The granite industry was discontinued because a lot of labor men said it was interfering or was liable to interfere with their wages. This was six months ago. The wages of the men in the granite industry haven't been increased since then, and the fact is that the work done by the 125 convicts had practically no effect one way or the other on the industry. The discontinuance was at the order of Superintendent Lathrop and in compliance with the law, which reads:

"It shall be the duty of the Superintendent of State Prisons to determine what lines of productive labor shall be pursued in each prison, and in so determining the said Superintendent shall select diversified lines of industry, with reference to interfering as little as possible with the same lines of industry carried on by citizens of this State."

The moment the protest was made by the citizens in this case the industry was discontinued.

Of the other industries in the institution the largest is the clothing industry. In that at the present time there are 304 men employed, 34 in cutting, 60 in the manufacture of coats, 39 in the manufacture of vests, 59 in the manufacture of trousers, and 52 in examining the manufactured articles and pressing them. Last year there were employed in this industry an average of 223 men. They manufactured clothing to the value of $152,251, and they made for the State a profit of $21,627. The clothing shops are conducted better than very many such shops outside the prison. As is the case with the product of the shoe industry, not a single cent's worth of the clothing is disposed of in the State of New York. It is all sent to other States and sold there. This work, therefore, could not possibly interfere with free labor outside the prison, and it never has.

NOR CAN THIS INTERFERE WITH FREE LABOR.

Next to the clothing industry comes the brush fibre and horse hair industry. This is one of the most interesting of the industries in the prison, because it is the most unusual. The day the reporter was there there were 138 convicts employed in the shop. Last year the average number of men employed was ninety-four, and the State sold merchandise produced therein to the amount of $64,000, netting more than $10,000 profit. The industry consists in the sorting of Tampico and horse hair, which the State purchases in South America. Tampico is a much coarser material than the century plant. The horse hair comes in great bales. The men pick out the long straight hair, which is used for making hair cloth. The curled hair goes in another pile, and is used for bedding and upholstering. The tampico is prepared for the market in fresh bundles. There is a dyeing department in this industry. When THE SUN reporter was there the tampico and dyeing department employed fifty-two men, the horse hair department thirty-two, and the curled hair department twenty-five.

The brush fibre and horse hair industry certainly does not interfere with any free labor in the State of New York, because there is no industry of the kind in the State outside of the prison. There are only a few institutions in the whole country where the industry is carried on, yet it will have to go from the prison along with the others.

The next industry in Sing Sing is known as the department of miscellaneous manufactures. At the present time fifteen men are employed in it. They make shoes and clothing, which are sold to other State institutions. They are the only men engaged outside of the State work in Sing Sing at the present time except the men engaged in building and general work around the prison. The average number of men employed on miscellaneous manufactures last year was twenty-eight. They manufactured $23,509 worth of goods, and the State got a profit of $5,429 from their work. This is brief is the story of the industries at Sing Sing that will be entirely wiped out by the section of the Constitution quoted above. The 795 men employed in them will then have no work and will have to be locked in their cells.

Here is a list of the articles manufactured in the prison by convicts last year: 45,796 suits of clothes, 15,597 overcoats, and 571 dozen pairs of trousers, 6,389 pairs of shoes for State institutions, 1,360 pairs of slippers, 803 suits of clothes, 1,050 pairs of trousers, 1,000 vests, 660 blouses, 423 shirts, and 21 uniform suits, all for State institutions. For outside sale the convicts manufactured 120,046 pairs of shoes, put up 270,217 pounds of Tampico, 36,040 pounds of horse hair, 13,589 pounds of mixed Tampico and hair, and 277,563 pounds of brush fibre and horse hair. Also 1,038 pounds of rags were picked, 17,873 pounds skirted, 693,620 pounds assorted, and 4,004 bales of rags were pressed; 289,937 iron castings were made and 7,620 brass castings. The total value of the goods manufactured was $264,344.70. More men would be employed in these industries in Sing Sing at present if it were not for the fact that new buildings are being erected there. Two hundred and thirty-three men are now employed on these buildings. They will be finished long before the amendment takes effect, however, so that these men also must be counted among those who will be forced into idleness and confined in their cells.

WHAT THE PRISONERS DO AT AUBURN.

In the Auburn prison the industries are more diversified than in Sing Sing. There are fourteen separate industries conducted there. Until recently there were six teen, but two had to be abandoned, like the granite industry at Sing Sing, because it was claimed that they competed with free labor. They were the broom industry, which netted the State something like $17,000 a year in profit, and the horse collar industry, which made about $10,000 more. The horse collar industry was discontinued because a concern in Rochester manufactured horse collars, and although all of the collars made in prison were sold in the South, not one within 500 miles of New York State, the Rochester concern insisted that the prison was competing with it, and threatened to have a bill put through the Legislature to stop the prison works.

Of the industries in operation last week, when the prison was visited by THE SUN reporter, the most important was the furniture and cabinet industry. In that 142 men were employed. They were engaged in making desks and other articles, chiefly of office furniture. They occupy one of the new shops. The work is conducted on the piece-price plan, and the 142 men, none of whom knew anything about the business when they went into the institution, were turning out fine work. Last year this industry brought into the State Treasury $18,729. The average number of men employed in it during the year was 153, and nearly 29,000 pieces of furniture were manufactured.

Next in point of interest of the Auburn industries is the broom industry, at which fifty-five men are employed in the manufacture of various salable articles from horn. They make horn hairpins and horn combs, and a lot of other fancy things of like nature. Last year the output of this industry was 8,456 gross of pins of various sizes and kinds, and the State profited from it to the extent of about $300. The average number of men employed was only thirty-four.

One hundred and sixty-nine convicts were at work in the brass industry last week. Last year the average number of men employed in it was only eighty-eight, but they netted a profit of nearly $1,000. They manufactured 364,000 brass castings, including brass bedsteads and no less than a dozen other different articles.

There is also a chair-caning industry, in which forty-six men are employed. The work is not hard, and it does not interfere to any great extent with outsiders, if at all. It is done by men who are not able to do heavier work. Last year there were twenty-one men employed in the industry, and the State profited several hundred dollars by it. Besides the chair-caning industry there is an industry in which several kinds of wooden chairs are made. This is a piece-price industry, which at present employs thirty men. Last year fewer men were employed, but the State got several hundred dollars profit out of it. The chairs manufactured are mostly of the cheaper variety, and the work on them does not interfere with outside labor.

There is a woodworking industry at which convicts are taught to carve. This is a State account industry, and last year fifteen men were employed in it and turned out 20,000 wood novelties. At present there are thirty-six men working there, and they are becoming good wood carvers. Another industry, employing at present about 100 men, is the pollow-ware industry. Last year this turned out work which profited the State $18,022. The ware consists of pots, kettles, and such things, which later go to the enamelling industry as at Sing Sing, and the interiors are there enamelled. In the iron castings and enamelling industry 140 more men are employed, at a profit to the State last year of $8,755.

GOOD PAY TO THE STATE.

There is also at Auburn a machinery and tool industry where several kinds of tools are made, among them a patent vise. This industry is conducted on the piece-price system, and eleven men are employed. These eleven men last year netted for the State $2,378. The industry is one of the best paying and one of the cleanest in the institution. It is also one of the most valuable for men to learn; it enables them to get good situations and earn good salaries when they become free men.

Another of the fourteen industries in Auburn is the marble industry, where last year an average twenty-seven men were employed. They cut nearly 8,000 cubic feet of marble into various articles, and their work profited the State $4,365. Thirty-two men are employed in it now.

The pearl industry is also very profitable. In this pearl buttons are the chief article of manufacture, and the convict thoroughly learns the business. All kinds and sizes of buttons are made from shells brought from other countries. Besides buttons, fancy shells are turned out, such as are used for ornaments. These shells come chiefly from Japan, and in their rough state look utterly useless for any purpose; but when they come from the hands of the convict polishers they are exquisite. The forty-three men employed in this industry last year earned nearly $3,000 for the State. The last of the prison industries is the willow and rattan industry. In it last year twenty-six men are employed, most of whom are not in the fit physical condition to be employed at any heavier work. They make baskets of all kinds, but chiefly big clothes hampers.

As will be seen, the greatest number of men employed on any industry in the prison is 155, in the furniture department. In the other industries the number runs under fifty and as low as eleven. Just how so few men can furnish any formidable competition for free labor outside of the prisons it is hard to see, and yet it is on the ground that they "compete" that the labor agitators demanded the abolition of work in prisons. The average number of men employed in Auburn prison in these manufactures which will have to be abandoned when the new constitutional amendment takes effect is 854.

INDUSTRIES AT CLINTON PRISON.

Clinton prison's industries were almost as diverse as are those at Auburn until February of last year, when several of them were given up because it was alleged they might compete with outside labor. One of the largest still in operation is the chair-caning industry, in which on an average eighty-two men were employed during the year. This is just like the caning industry at Auburn, and it does not interfere with outside manufactories. These men last year earned $4,753 for the State. They have a new industry at Clinton known as the tin ware and novelties industry. This was only established in April, and before it was established the Superintendent of State prisons and the Warden looked around very carefully to see if there were any free men who might be injured by it. Apparently they were not, and 100 men were put at work. The average is now less, but in the six months before the last report of the Warden was made, the net earnings of the industry were $4,207, and it gave promise of paying much more than that.

The other industries are the making of wrappers and skirts, scoops, shoes, and corset covers. The towel industry is also conducted on a small scale. A great many Clinton prisoners are employed building roads. The manufacturing industries, which will be stopped by the operation of the constitutional amendment, netted the State last year about $17,000. That amount was small, but work on these industries was conducted only five months out of the twelve, the reason being the hard times and the want of market for the goods. The convicts were saved from idleness by State work, which at that time needed doing, but which being now done no longer furnishes them any work, and as in the case of the other prisons work must stop, and the prisoners in all probability be confined in idleness in their cells.

THE STATE'S BIG INDUSTRIAL INVESTMENTS.

The law which provided for the carrying on of these various industries in the State prisons was passed in 1889 and was known as the Fassett act. It appropriated the sum of $500,000, to be known as the Prison Capital Fund, and to be used for the purchase of machinery and materials for manufacturing purposes in the State prisons. The Yates law, before referred to, was passed at a special session of the Legislature in 1888, and its effect was to stop work entirely. Under the Fassett act about $400,000 of the Prison Capital Fund has been invested in machinery, plants, and material. The industries have returned to the State treasury $400,000. If the amendment becomes operative, then, of course, these plants will become useless, and the money invested for machinery will, of necessity, become idle capital, the State losing the interest to which it is entitled on its investment, and if the plant be sold at a tremendous sacrifice. But as this loss does not entail the raising of any money, of course it will not be noticed.

A loss that will be seriously noticed is the earnings and the cost of keeping 5,000 or 6,000 men in idleness. The last appropriations for keeping up State prisons is $550,000 for the three State prisons and $30,000 for the woman's prison. The only way to raise this money is by taxation. The annual loss to the State by the stoppage of the manufactures will be more than $200,000. The income last year was that amount, despite the fact of the business depression. With an ordinary market the prisons would be self-sustaining, and they would not cost the citizens of this State one cent.

NO MORE EARNINGS FOR CONVICTS.

But there is a still more serious loss, and that is to the men who are confined in the State prisons. Under the Fassett law, "Every person confined in the State prison who shall become entitled to a diminution of his term of sentence by good conduct while in prison, or confined in the New York State Reformatory at Elmira, may, in the discretion of the Agent and Warden, or of the superintendent of said reformatory, receive compensation from the earnings of the prison or reformatory in which he is confined, for the time which such prisoner may work." This compensation is fixed at 10 per cent. of the earnings of the convict.

The law further provides that: "The amount of such surplus standing on the books of the prison to the credit of any prisoner may be drawn by the prisoner during his imprisonment only upon the written order of the Superintendent of the State prison to aid dependent relatives of such prisoner, or for books, instruments, and instruction not supplied by the prison to men of his grade. And any money to the credit of any prisoner at the time of his release shall be subject to the draft of the prisoner at his pleasure."

The amount convicts can earn under this system is very small indeed; but it is sufficient to give them a start in life when they get out. The payments to prisoners during the last three years at Sing Sing were as follows: 1892, $8,183; 1893, $8,464.67; 1894, $7,670.44; the total earnings of the prisoners those three years were $340,477, and their percentage was $24,947. If the industries cease of course the earnings must also cease; and hereafter prisoners will be turned out of jail with only a tendollar bill, which the State gives them, and a suit of clothes. Just how serious a matter that is can easily be understood. It is not an easy thing for a man who has spent several years in State prison to get work outside. He cannot get it in a few days, unless he has influential friends, and very few convicts have influential friends. They must support themselves until they get work, and the $10 that the State gives them. How long will $10 last a man who has been in jail four years? The average amount of money that prisoners have been able to earn in the past has been about $8 a year. The average term of convicts sent to State prison is three years. In gold or coin they have had about $25 in cash which they have earned, $10 which the State gives them, and their suit of clothes. Even $35 is a pretty small capital on which to start life over again, but it is vastly better than $10, and he possessing it has a good deal more chance of getting work before it is gone.

WITHOUT MONEY HE MUST RETURN TO CRIME.

With only $10 in his pocket the average convict will in every probability, unless he gets a job within a very few days of his discharge, have to fall back again on crime for a living, no matter how wishful he may be to lead an honest life. The taking away of compensation, therefore, it is asserted by all prison men, will be an act that will very largely increase crime. It is a very serious matter to the State itself, as well as to the convicts who are young and lose their lives in jails, but in fact, almost as serious as the enforced idleness will be; but the combination of idleness and poverty is of greater account almost than can be estimated.

The industries of all State prisons have been told about, except that at the women's prison, which is also situated at Auburn. But one industry is carried on there, the making of garments. The workshop in the prison is equipped with twenty or more sewing machines, and the women are kept busy. Those who are not working at machines sew by hand. The figures of last year's work at the institution are not at hand, but the women are able to earn about thirty cents a day each for the State; and, of course, they get their percentage of that amount. In the case of women convicts, the loss of earnings, small as they are, is more serious even than in the case of the men, as will easily be appreciated. They will lose all it the amendment goes into effect.

THE ELMIRA REFORMATORY HARD HIT.

But the most important blow at reform is that dealt by the amendment to the Reformatory at Elmira. The main idea of the Reformatory there is to reform men who started in crime young. The oldest prisoner there is 30 and the youngest is 16. The average age is 21. Very few of them have any trade whatever when they get into the Reformatory. They must be taught to earn their living outside, or they will continue in crime on their release. For the purpose of teaching these men, more than for the profit there is in it, there are schools and shops where many industries are carried on. The State has more than $50,000 invested there in machinery and tools. There are classes in carpentry, cabinetmaking, wood carving, hard wood finishing, wood turning, upholstery, patternmaking, mechanical wood working, boat building, iron moulding, blacksmithing, machinist work, brass working, stone cutting, tailoring, clothing cutting, shoemaking, sign painting, and bookbinding. In the trade class departments the State conducts a hardware department where various articles of hardware are manufactured for sale, and last year the prisoners at work there manufactured $101,000 worth of goods. Included in this department is a foundry, where nearly 100 inmates are employed. In the wood working department last year $40,000 worth of goods were manufactured, and the young men employed there were thoroughly taught the trade. In the umbrella department $6,312 was earned; in the clothing department $4,220, and in the caneseating department $2,980. In each one of these departments the workers learned the trade thoroughly, and left the institution able to make a living, and with money in pocket. The amendment to the Constitution will make it necessary, if these departments are conducted still, to destroy the product, for the law states specifically that no product of prison labor or reformatory labor shall be sold but to the State. The State has no use for the things manufactured at the Reformatory, if the industries are abandoned the result will be deplorable beyond calculation.

In addition to the institutions which have been mentioned, work will have to stop in the six penitentiaries and in the House of Refuge for Women. The principal penitentiaries are at Blackwell's Island, Crow Hill in Kings county, Albany, and Buffalo. In all of these are industries of considerable importance. At Blackwell's Island and at Crow Hill some of the industries rival those at the State prisons, and their earnings are considerable. So are their investments. They all must stop. There can be no work in any of them except what is directly for the State, and that is so small it is insignificant.

It is hard to estimate the total value of all the industries carried on by the State and counties that now help to lighten the burden of the taxpayer, and that in good times would relieve them entirely of the support of the great prison population, but it cannot be short of $7,500,000. It might not be a wild guess to put it at that. The loss of work means $750,000 of idle capital and $600,000 of actual cash taken out of the pockets of the taxpayers each year for the support and ruin of idle men.

So much for the financial aspect of the situation. Now as regards the necessity for labor in prisons and the physical and mental results of idleness to the men themselves, who are to be the real victims of the amendment. The men who have spent their lives in penal institutions, striving for the reform of criminals, are of course the men best fitted to talk about that.

The most competent man in the service of the State to-day is Mr. Z. R. Brockway, Superintendent of the Elmira Reformatory. To the request of THE SUN reporter for an interview he said:

SUPERINTENDENT BROCKWAY ON THE NECESSITY OF WORK FOR PRISONERS.

"Prison labor is indispensable to a penitentiary system. Without labor the treatment of criminals for crime by their confinement in penitentiaries would deteriorate to the level of the present abominable and corrupting jail system. The practical effect of the section in the new Constitution relating to prison labor must be to leave the prisoners in idleness, or so derange and demoralize their industrial employment that the result would be substantially the same as if they remained in idleness.

"The penitentiary system is for the protection of society from crimes. That is to say, the purpose of the penitentiary system is to receive into confinement convicted criminals, and after their detention shall have continued for a time, return them to society as reasonably safe citizens. Most crimes are against property. The bulk of the prisoners of the State are committed for such offences. The immediate cause of crimes against property is the inability or indisposition of the offender to obtain his gratifications by legitimate means and within the law. Doubtless, also, immediate causes of crime exist in the ignorance of the criminal, his lack of reasoning powers, and consequent false estimate of values, arising in his case from self-control. Unreasoning obedience to impulsion of instinct is a very common characteristic of criminals committed to prisons, but it is amazing that so many of them are deficient in industrial capacity. Prisoners convicted of offences against property are committed to prison because they are unable to go at large, because they do not, for whatever reason, support themselves by their own proper effort and do not observe the laws of their community.

"It scarcely needs to be stated that such prisoners so convicted must, for the purpose intended, during their period of imprisonment, be trained to additional self-regulating power, must be increased in their intelligence, that their conduct after release may be governed by good sense; and especially they must be taught industrially, so that they shall have the skill and the application to earn their living, since the disposition and ability to earn their own living in the same manner that the average good citizen who does not commit crime earns his living.

"More than 60 per cent. of the prisoners in the State prisons, and of all the prisoners in this Reformatory, are young men from 16 to 30 years, which is a period of life when they are susceptible to increased self-control, to improved mental powers, with better judgment, and to training in trades so that they are able and are inclined to properly employ themselves on their release. The protection of society by the training of prisoners while in prison is only had incidentally by the incapacitation caused by their confinement in prison during the period of their stay. It is mainly had by their returning to free life, able and disposed to honest industry and to keep the laws.

"It must be ascertained if the education of the prisoner to prison what would have been his true place in the world's work had he found it and followed it and never fallen out of it. This ascertained, the reformation, in any proper sense of that term, consists in placing him in that position and training him in the employing trade in it, while until his tastes and choices lead him to continue it.

USEFULNESS OF PRISONS IMPAIRED.

The highest usefulness of the prisons to the State is impaired, always, by any legislative restriction upon the selection of industries for the prisoners, and as above stated, their usefulness must be well nigh destroyed by the prohibitory clause of the Constitution, if it is allowed to take effect. There is not really any occasion for the prohibition, for the act of 1889 affords abundant opportunity to provide a system of prison labor for all the prisons and prisoners that should guard against injurious competition for every important interest, and should satisfy every reasonable demand. Such classification of the prisoners as the State as contemplated in the act of 1889 at once suggests, and according to the terms of the act requires, such employment of the prisoners as must be satisfactory, namely: (a). The instruction and training in suitable diversified trade occupations of the reformable prisoners. (b). The separate confinement, and care in the hospital prisons of incompetent and untractable prisoners. (c). The employment upon roads and public works of a limited number of prisoners found suitable for such work. (d). The appropriation by purchase or otherwise of some course of industry of diversified character carried on within the prison establishment for the practical employment of the remainder of the prisoners.

The introduction of employment and the hard-labor sentence feature introduced into our penitentiary system in early history, say about 1825, was required by the purpose of punishment. But it was soon discovered that labor is not a punishment. Indeed, in a report on the penitentiary system of the United States by Commissioner Haynes in that year, he earnestly urged that for the worst criminals, whose punishment it was desired to make more severe, employment at labor should be prohibited, and for the sake of punishment they should be kept in idleness. Soon it was discovered by the frugal instinct of the American people that prison labor might be made profitable, so profit was pursued to the hurt of the prison system until a reaction comes by the opposition of competing organizations.

Now, the true place and purpose of prison labor is unquestionably, as first above stated, to facilitate the rehabilitation of the prisoner and his restoration to the ranks of good citizenship, and no factious opposition should be permitted to interfere with it. The unfortunate constitutional prohibition once out of the way, the law of 1889 made effective, the administration of the prisons left free to pursue the benevolent purposes for which they were established, I am sure the best solution of the prison labor agitation will be found, and the true interest of the public and the prisoner himself will be best subserved by carrying out the spirit and requirements of the act of 1889.

IDLENESS A CRIME BY THE STATE.

The men who were in charge of the State prisons five years ago, when the Yates law was in operation, all had something to say from experience with prison idleness at that time. Warden Brush, who was then in charge of Sing Sing, and who had had great experience in the arrangement of prisons, said then:

"Over one thousand men are now locked in their cells in this prison with nothing to do. They are exercised about four hours a day by walking them in the yard. Every effort is being made to keep the prison clean and the prisoners healthy.

"Idleness in a prison is horrible to contemplate, especially to prison officials, who understand fully its consequences. The prisoners soon become restless, unhappy, and miserable. Time, with them, passes slowly; their bodies soon become unhealthy and the mind must become diseased. In fact, nothing but disease, insanity, and death can be expected from this condition.

"But it is unnecessary for any extended remarks, as all intelligent people must know the inevitable results of idleness on men when confined in prison.

"Idleness in prison means:

"First—A crime on the part of the State against the prisoners themselves.

"Second—A wrong to the taxpayer.

"Third—A wrong to the property owner.

"There are discharged from this prison about 800 men annually. When we had productive labor, nearly every man discharged was physically and mentally able to go out and earn a living for himself and family. He had for capital, upon his discharge, habits of industry, well-developed and trained muscles, and a trade. But under the system of idleness in prison, he has absolutely no capital when he is discharged; no muscle, no habits of industry, no trade; and he must of necessity prey upon the property owner for a bare subsistence, and he at once becomes a dangerous element in society.

"The State alone is responsible for this condition; and it is to be sincerely hoped that our next Legislature will give us some system of labor, so that the prisoners can be employed at some productive industry, and thereby be better fitted to earn their living when discharged from the prison.

"It is now a well-established fact and admits of no argument that, without labor, there can be no hope of reformation among prisoners."

Warden Durston, who had been in charge of Auburn prison for years, said this at the end of eight months:

"The convicted criminal must be required to labor for the good of himself, for the relief of the taxpayer, and for the benefit of society. His enforced idleness demoralizes his mental and wrecks his physical system."

PHYSICAL AND MENTAL DEGENERATION OF PRISONERS.

Dr. Barber, the prison physician at Sing Sing, said from his personal observation, speaking of the great death rate and alarming increase of insanity:

"Of the causes which produced the increased death rate during the year, there can be no serious question. Under the labor system of the previous year, with a larger daily average population, the mortality was considerably less. The abolition of all forms of productive industry was a crime against humanity, an outrage upon the physical, mental, and moral well being of the convicts, without even a shadow of propriety, and utterly devoid of excuse as a matter of public policy. In this institution it has resulted in unquestioned general physical and mental deterioration, an increased hospital record, a death rate swelled by more than 50 per cent., and a probably increased insane list over the previous year.

"In this prison, during the years of industrial pursuits, the percentage of insane convicts has been very small. From Oct. 1, 1887, to Sept. 30, 1888, out of a daily average of 1,534, only four were sent to the asylum for insane convicts at Auburn. For the year just closed, out of a daily average of 1,448, thirteen were transferred to the asylum for insane convicts, an increase of more than 300 per cent.

"The foregoing is a plain and simple statement of recorded facts. I make no comment upon the influences and agencies by which they were made possible, but a fearful responsibility rests somewhere. God grant that under the new system of labor upon which we are entering, the convicts in our prisons may pass from this darkness of idleness, affliction and suffering into the sunlight of healthy and improved physical and mental prosperity."

HOW THE PRISONS REASONED.

Superintendent Lathrop, in his report on State prisons that year, started out by saying:

"With regret the Superintendent is compelled to report that the prisons have distinctly and positively receded in condition and in their tendency during the last year." Then he continued:

"There has been a distinct and positive decline in the physical and moral condition of the convicts from the point that was attained, and which was so encouraging to all sympathetic or interested observers of the salutary effects and obvious tendencies of the prison system in its operations before it was crippled. This phase of our prison system cannot be tabulated in figures. But the solemn truth of it is supported by conclusive testimony. The unfortunate men in the prisons are deteriorating in mind, body, and moral stamina. The disciplinary and reformatory influences in the prisons are diminished. These facts are plain."

PRISON LABOR CANNOT COMPETE WITH FREE LABOR.

As to the justice of the charge that convict labor, as it has been carried on in the State prisons, competes with free labor outside the prison, men say that the law shows that cannot be true. It says:

> The total number of prisoners employed at one time in manufacturing one kind of goods which are manufactured elsewhere in the State shall not exceed five per centum of the number of all persons within the State employed in manufacturing the same kind of goods, as shown by the last United States census or State enumeration, except in industries in which machinery is used, and where less than ten men are employed. Provided that not more than one hundred prisoners shall be employed in all the prisons of the State in the manufacture of stoves and hollow ware, and not more than one hundred prisoners shall be employed in all the prisons of the State, in the manufacture of boots and shoes, and not more than one hundred prisoners in the State shall be employed upon any one of said specified industries, in any of the penitentiaries, reformatories, or houses of correction in the State; except in making articles for the use of the public institutions of the State.

This section has been strictly enforced, as has also the section which says that industries shall be chosen which will interfere as little as possible with free labor. Under it not more than a hundred men have been employed in State prisons in any one industry, the product of which was sold in the State. A great many less than one hundred have been employed in the greater number of industries, as is shown above.

MAY BE A GREAT STATE FOUNDRY.

Ever since the amendment was adopted by the people the prison officials and penologists have been puzzling their heads about what can be done to avoid the consequences of the amendment. Warden Thayer of Auburn, Warden Sage of Auburn, Warden Walter N. Thayer of Clinton prison, and Superintendent Brockway of Elmira are a unit in the opinion that the amendment is the worst blow that prison reform ever received, and that some plan must be devised by which the men may be kept at work. Warden Sage said:

"It is useless for me to express myself about the effect of idleness in the prison. Common sense will teach any man what that is. As to what can be done in case the amendment goes into effect it is hard to say. The thing to do now is to appeal to the Legislature and get another amendment to the Constitution striking out this one. But if that fails, then some plan must be devised.

"I have studied the law carefully, and it seems to me that it is just possible that these men have overstepped themselves and have left a loophole by which they can continue to work, at least. The amendment says we may manufacture things for the State or for any political division thereof. Now, suppose we establish a great foundry here at Sing Sing and proceed to make structural and bridge iron. We might manufacture iron bridges for every county in the State, and at prices that could not possibly be competed with, because we would get our labor free. That is one thing I have thought of. We might employ all the men in this one place. It is possible, too, for us to employ some men in road making, but that can not be done within certain limits. We could not, as the law is at present, take the men so far away that they could not return to the prison at night.

WHAT KIND OF SOLDIERS WOULD PRISONERS MAKE?

"If I find nothing else for them to do here, I shall make soldiers of them. I shall form them into companies and regiments and drill them, say, two hours a day, twice a day. They are good material to work on in that line, and I could make as fine soldiers of them as the State ever saw. My plan would be to get a military man for the Colonel and have the commissioned officers and the non-commissioned officers from the ranks, letting them earn their place by good conduct and faithfulness. It seems to me that this might make them useful citizens to the State on their release."

Warden James C. Stout of Auburn said:

"A good evidence of the deteriorating effect of idleness in the prisons is that nearly all the troubles we have with our people occur Monday morning or after a holiday. On Sundays the men are confined in their cells. Monday morning they come out unhappy and inclined to mischief. The fights that occur happen then. This is after just one day of idleness.

"In case the amendment goes into force the only thing that I can see to do is to build roads. It will require some lawmaking and the employment of many keepers, but I think it is practicable. With a sufficient guard and camping equipment I think we could work men from here to Buffalo. The work is healthy, for it is all outdoor work. Good roads are needed, and the labor for building them could be provided, but that is all. The other expense would of course have to come from the pockets of the people."

WARDEN THAYER'S MANY IDEAS.

Warden Thayer is the most prolific of ideas as to what might be done in case the amendment becomes operative. In response to a request for an interview, he quoted the following letter, which he sent early this year in response to an invitation to attend the fiftieth anniversary of the Prison Association in this city and speak on the subject:

"We are all agreed that the prisoners must be employed as a requisite to mental and physical health. That being the case, let me make this suggestion: Starting with the proposition that the State has the right to utilize the labor of the convict for the benefit of the State, i. e., for the manufacture of anything that the State consumes, I would ask that you consider the propriety of securing legislation in that direction. I would respectfully suggest that a committ