thus confined that it was practically abandoned, and in the following year Elam Lynds, the head keeper, and John Cray, the head architect, devised the world-famed "Auburn Prison system," which consisted of solitary confinement at night and silent but congregated work in a common workshop by day. It can readily be seen that this was but a modification of a direct imitation of the Pennsylvania example—a modification which was considered by its exponents to mark a great advance in prison administration, but which was regarded by the adherents of the Pennsylvania system as a retrogressive step towards the corrupting influence of the former promiscuous association of convicts. It is scarcely necessary to mention the fact that for more than a quarter of a century nearly all the controversy over prison administration centered about the respective merits of the Auburn, as opposed to the Pennsylvania system.*

It is not necessary to summarize at this point the early achievements of the *Philadelphia Society for Alleviating the Miseries of Public Prisons*. It has been shown that they played a dominating part in bringing about all of those progressive changes which characterized the origins of modern penology, and that the society constituted what Tarde would call the "radiant point of imitation" for the early developments of prison reform in America, and, to a lesser extent, in Europe.

(To be concluded in the next number)

MEMORANDUM IN RE LETTER OF PRESIDENT HARDING

By ERNEST N. VOTAW

On 29th April, 1922, President Harding, through his secretary, wrote in reply to a letter from Philadelphia Yearly Meeting of Friends (Orthodox), a note, a copy of which is as follows:

The President asks me to make acknowledgment of your communication of March 31st, in behalf of those who are in prison for the violation of war-time legislation which has since been repealed. The President asks me to say that he is ever ready to give consideration to a meritorious appeal for Executive clemency, but he does not look upon those who would destroy the government by force or who practice sabotage for the promotion of their campaigns, as mere political prisoners under war-time legislation, even though they may have been convicted under the provisions of such legislation. He is always ready to deal justly, to the best of his ability, with every petition for consideration at his hands.

The persons referred to are the men convicted for violation of the espionage act, the number of whom has been reduced to about ninety, of whom the great majority are the members of the I. W. W., who were tried in three trials at Chicago, Sacramento and Wichita. The remarks which follow apply particularly to the I. W. W. In the case of the Chicago trial the conviction was overthrown except on the charges of violating the Selective Service Act and the Espionage Act. The time for the sentence on the first charge has expired, so that they are now in prison for conspiracy to create insubordination in the army—the charge under the Espionage Act. In the Wichita case, convictions for the two above offences were sustained, and also for violation of the Lever Act. In this case, also, the time of all sentences except under the Espionage Act has expired. The Sacramento case was not appealed, but the indictments were practically identical, so that an appeal would no doubt have had the same result.

* This controversy can best be followed in the publications of *The Philadelphia Society for Alleviating the Miseries of Public Prisons* and of the *Boston Prison Discipline Society* from 1825 to 1855.

It seems to me that the President's reply is open to criticism. Had he replied that these men were convicted of conspiring to cause insubordination in the military forces of the United States (a severe offence), and he did not feel that they had been sufficiently punished, one could hardly quarrel with his principles of action, while one might disagree as to the necessity for, or efficacy of, such punishment. But he has not done so. He bases his refusal to release these men on the ground that they "would destroy the government by force" or "practice sabotage." Granted that both reasons charge offences for which the men should be put in jail, I feel that their application in this instance involves rather doubtful principles.

With regard to the first reason; these men have not been charged with attempting or planning to attempt to overthrow the United States government by force. Any evidence thereof must be found in sources entirely outside the evidence in these trials. To hold these men in jail for this reason is to hold them for committing an offence of which they have not been charged. It is one of the reasons we gave for not liking the reign of George III. I cannot help feeling that the United States is fully competent to guard itself against those who would destroy it by force, by the use of open and direct methods, without resorting to methods which add ammunition to those who call us unfair.

The second reason is included in the charges in the first and second counts of the Chicago case and the first count of the Wichita case, which have been held in both cases by the Circuit Court of Appeals to charge no crime against the United States. To keep these men in prison for this reason, then, is to keep them in for acts which were not criminal when committed, which is obviously wrong and unjust.

In both instances there is involved an assumption by the Executive of the right to keep men in prison for political or economic opinions or actions which are not criminal, or for which they have not had a trial, which seems to me is entirely contrary to the spirit of the constitution of our government.

I have, of course, not intended any personal criticism of the President; but have merely desired to point out the implications of his stand, which may not have occurred to him. I have also not referred to the trials, for while I am personally fully convinced, by the letter to President Wilson of Major Alexander Sydney Lanier, by the testimony of the men themselves, by the testimony of men who have read the transcript of the case, and by my own recollection, that these men did not have a fair trial, even though all the legal forms of a fair trial were gone through, I realize that another person might quite sincerely draw an opposite conclusion. It is a question of fact, and not of principle.

But, granting that the men have been fairly convicted, I do not feel that they should be retained in jail except upon the principle that men guilty of violating the Espionage Act, by expressing opinions by speech or writing which would tend to cause insubordination among the military forces of the United States, have not been sufficiently punished or reformed by five years and more of Leavenworth. Because of the action of other countries in releasing the men confined for similar offences; because of the action of this government in releasing Debs and others; because of this reply of the President, I do not feel that this Government or the President holds that any further punishment for this offence is necessary or expedient. I, therefore, feel that the Government has no justifiable reason for continuing their imprisonment.

ORGANIZED LABOR AND PRISON INDUSTRIES

We have always been gratified when an official in a labor organization recognizes the right of a prisoner to have employment and realizes the demoralization arising from enforced idleness.

At the recent meeting of the General Federation of Women's Clubs, held at Chautauqua, N. Y., Hugh Frayne, an organizer for the American Federation of Labor, while speaking on the problem of prison labor, declared that the nation's prison problem can be solved by the industrialization of the prisons and the employment of all inmates upon an adequate wage basis in the production of commodities required for governmental consumption. He challenged the women of the nation to take the first step by forcing governments conducting prisons to provide the necessary market by centralizing these supply purchasing functions. This would lead, he said, to uniform standardization and quantity orders for production that would make possible the reorganization of prison industries upon a productive basis that would permit the payment of adequate wages to prisoner workmen.

"One hundred thousand men and women," said Mr. Frayne, "can be found on any given day in the prisons and reformatories throughout the country, and 100,000 more in the county jails and municipal lockups. The security of society makes it necessary that this army of law-breakers be deprived of its liberty until, with safety to the public, it can be released.

"No consideration of public policy, however, demands that this army should be deprived of its liberty and kept in comparative idleness at the cost of the State, with no opportunity of earning wages wherewith to support itself and its dependents. The failure of our governments to develop an effective system of employing prisoners in productive industry, for their own rehabilitation, to afford them a chance to provide for their dependents and to relieve the State of the cost of their maintenance, has contributed largely to the ever-increasing class of professional criminals that is a serious menace to the security of the public."

"No industry, in the prisons or outside can last," continued Mr. Frayne, "unless it has a profitable market for its products. In the hundreds of millions of dollars annually expended by governments which conduct our prisons, there is an ample market for the products of prison industries in supplying the commodities which those industries can profitably turn out. Centralization of the purchase of supplies by these governments will force the adoption of uniform standards. Single orders for the same commodity will then replace hundreds of purchase orders for a great variety of commodities required for the same purpose."

We would be glad if Hugh Frayne and those whom he represents would be willing to allow a little more freedom in certain lines. On the condition that prisoners shall be employed on an adequate wage basis, as he suggests, why should they not be allowed to have a portion of their output sold in an unrestricted market? If they are employed in farming, let the surplus be sold at the prevailing market price. If their surplus is canned, let the same rule prevail. At the present time in more than one-half of the States, there is no restriction as to the sale of certain products. A restricted market often presents difficulties, and also there often results a considerable amount of friction in the effort to compel public institutions to buy prison-made goods. A. H. V.

THE COUNTY JAIL AT MEDIA

To the Citizens of Delaware County, Pennsylvania:

It is generally conceded that the county prison at Media is obsolete and unsanitary, and that in the near future some different accommodations should be provided for our prisoners, both sentenced and untried.

No one desires sumptuous quarters for this class of our population, yet in the interest of health, and therefore economy, some better system of housing should be devised.

The trend of public opinion is in the line of providing such employment for our prisoners as will enable them to support themselves and to earn some compensation. To this end Industrial Penal Farms are proposed, on which most of their food should be raised, the surplus to be sold at the prevailing market price. On each such farm there should be other industries, such as broom-making, rock-crushing, canning, basket-making, since the majority of prisoners are incapable of engaging in agricultural operations.

The prisoners may be employed in constructing their dormitories, which should be built of reinforced concrete, and also in the erection of the other buildings needed on a farm. Waste land may be reclaimed.

The present Department of Public Welfare will urge legislation designed to place on such farms all the convicts of the Commonwealth which are now detained in the county jails. In the State of Indiana there is one such industrial plantation which last year earned twenty thousand dollars more than the cost of maintenance. Hence our Commissioners, if they are wise in reading the signs of the times, will not be hasty in authorizing the erection of an expensive prison in Media to take the place of the present structure.

What is needed at Media is a house of detention for those who are held for trial. On June 21st of this year, the number thus held was 72. While the present structure might be altered so as to make the inmates fairly comfortable, we believe the community will best be served by the construction of a new house of detention, with entirely separate quarters for the women prisoners, for whom a building of reinforced concrete containing ten cells and a dormitory with forty beds would seem to be sufficient. For the men a dormitory with eighty beds, or two dormitories with forty beds each and cells for twenty, would be ample.

If the proposition of the Department of Public Welfare for the establishment of four or five Industrial Prison Farms in this Commonwealth, to which farms the convicts in our county jails are to be sentenced, should receive legislative and executive sanction, it will still be some years before these farms are ready for the reception of such prisoners. Hence we suggest that in the meantime the convicts in our present county prison should be held and employed on the farm now belonging to the county. The prisoners themselves could construct temporary barracks for their accommodation.

The farming project for convicts is gaining ground every year in this country, and in the face of the advantages and probabilities of this plan, we desire to state that it would be a monstrous mistake at the present time to proceed with the erection of a large and expensive prison in the heart of Media.

THE PENNSYLVANIA PRISON SOCIETY.