

Economic Club of New York

93rd Meeting

May 5th, 1930

Hotel Astor

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Mr. Ely: In the unavoidable absence of our president, Governor Miller, it is a pleasure to introduce Mr. Julius Henry Cohen, of the Executive Committee, who will be our presiding officer this evening (Applause).

Mr. Cohen: The Secretary has duly impressed me with the fact that this is a serious meeting, which means, of course, that there is no opportunity for the toastmaster to get off any of his old stories.

The first order of business is the report of the Nominating Committee, the annual election of officers.

The chair recognizes Mr. Herr.

Mr. Herr: After careful deliberation your committee respectfully nominates for your consideration the following candidates for the offices of the Economic Club of New York to be filled at the election this evening:

For a term of one year, from October 1, 1930 to September 30, 1931:

President:	Samuel McRoberts
Vice-Presidents:	R.C. Leffingwell, Franklin Q. Brown

For a term of three years, from October 1, 1930 to September 30, 1933:

Executive Committee: Joseph N. Babcock
Eugene G. Grace
Paul D. Cravath
James G. Harbord
Nathan L. Miller.

Respectfully submitted,

Edwin M. Herr, Chairman
Mortimer N. Buckner,
Jasper A. Campbell,
S. M. Evans,
Charles L. Robinson,
Myron Sulzberger

New York, May 5, 1930 Nominating Committee

Introduction

Julius Henry Cohen, Presiding

Gentlemen, you have heard the report of the Nominating Committee. What is your pleasure?

(Moved and seconded that the report of the Committee be accepted, and that the Secretary be instructed to cast one ballot for the nomination.)

Mr. Cohen: The motion is that the report be accepted, and that the Secretary be instructed to cast one ballot for the nominations. All those in favor of the motion will please say aye; opposed, no.

The secretary reports that he has already cast one ballot, not prematurely, though he knew what was going to happen.

Members of the Economic Club, ladies and gentlemen: Tonight we have a most interesting discussion. This is an economic club, but more and more we are coming to understand that those subjects that have heretofore been regarded as social rather than economic find their place in the discussions of businessmen's organizations. At the last meeting of the Chamber of Commerce of the State of New York, the report on Law Reform was made by a committee of that association which starts off with these few lines: "The administration of justice in our courts has long been a subject of criticism. We believe that it is time for business associations and other organizations of laymen to want to assume their own responsibility in this matter."

It is the custom to lay the blame for defects in the law, for the law's delay, upon the courts and lawyers. This week in Washington there is a meeting of the American Law Institute. That meeting will be attended by lawyers and judges from all over the country. They will discuss problems of law and problems of administration of the law. But here is the recognition of the fact that businessmen should play a more important part in the study of the administration of justice. "There has been too little appreciation of the laymen's responsibility," says this report of the Chamber of Commerce. "The law exists for his benefit. If he wants to change it he has the right and duty to see that changes are made."

It is appropriate, therefore, that in this forum there shall be discussed such matters as the topic of this evening, that consideration of it shall not be limited to lawyers or to judges or to penologists or to psychologists, but that businessmen shall hear all phases of the problem discussed so that there may be a healthy businessman's opinion.

The first speaker of the evening is an old and valued friend of the toastmaster. He would not wish me to disclose how many years I have know him. I like to think of myself as a youth sitting at his feet. The impression prevails generally that the District Attorney is a man whose business it is to send people to jail. That is a very false conception. The prosecuting officer must administer the law, but he is a judicial officer. The courts have so ruled. The picture of the prosecuting attorney that we get is the front page headlines of the trial of notorious criminals. But through the office of the District Attorney pass many matters that never receive consideration of the public at all, and properly should never be known by the public. In that capacity he judicially determines whether or not a case shall be prosecuted. It has been said, not merely in words, but with the deliberate purpose of the law back of it, that he is there just as much to protect the innocent as he is to prosecute the guilty. The judicial training, which the next speaker has had over a long period of years, qualifies him to be a judicial officer in the County of New York whom we call the District Attorney. I present Judge Crain to you (Applause).

First Speaker

Honorable Thomas C. T. Crain

New York District Attorney

Mr. Toastmaster, fellow members of the Economic Club, ladies and guests of the members:

I regard it as a great honor and a rare privilege to have the opportunity of addressing my fellow members of the Economic Club. I have attended a number of dinners of this association and I confess in the light of the carefully prepared talks that I have heretofore listened to, coming as they one and all did from qualified experts, I was surprised that I should have been chosen to speak on the top of crime, its prevention, and its punishment. In many lands, at different times, deep philosophic books have been written on the subject of crime. My home circle knows that I am not a reader of deep books, and those books that might very properly perhaps have been read by me and which, had they been perused, might have qualified me to speak more or less as an expert on the subject, have remained, as far as I am concerned, unopened and un-perused.

When a witness is called to the stand, an attempt is made at the very threshold to elicit by appropriate questions what his familiarity with the matter as to which he is to give testimony is.

For seventeen years, beginning with January of 1907, I was a judge of the Court of General Sessions, a court as you know of exclusive criminal jurisdiction. I endeavored to calculate just

about how many cases came before me for consideration during that people of seventeen years. I am very much afraid of exaggeration. I am going to place the number at a figure doubtless considerably less than in point of fact I was called upon to consider. 7,500 cases at least must have come before me for consideration. In a number of them the accused was placed on trial. In a number there was an interposition of a plea of guilty. Wherever a trial resulted in conviction, wherever there was a plea of guilty, there always rested upon me the obligation of determining within the limits of the law what the punishment should be. That involved a painstaking consideration of the history of the one who was to be the subject of punishment, what his environment had been, what his opportunities had been, the more immediate circumstances leading to the commission of his offense, how it came about that he did the wrong for which he stood accused and had been found guilty or admitted his guilt; and as the result of the examination, which was painstaking in each of those cases, I reached certain conclusions regarding the cause for crime, some conclusions as to how crime ought to be dealt with, and it is in the light of that experience that I shall venture to address you for a few minutes tonight.

In the first place I realize that the environment of the one accused was very often very considerably responsible for that which he had in point of fact done; environment acting not upon the normal human being but upon the abnormal. And so it will be well to consider for a moment the field in which the New York City criminal finds himself and where he operates.

He lives in a city of large population, of some very congested districts, of great contrasts between wealth and poverty, with manifestations on the one hand of the numberless desirable things that money can buy and with evidences on the other hand of the unfortunate conditions which are the concomitants of poverty. He lives where perhaps the highly critical might be disposed to say that there are at least some social conditions that do not make for the highest type, looking at it from the standpoint of morals, influences that are not character up-building but that make for the degradation and the lowering of moral standards. It is always a dangerous thing, very frequently an unfortunate thing, to attempt to ascribe social conditions as the source of criminality. In other words, to state by way of excuse that after all the guilty one is not really responsible for the wrong thing that he has done because he has been living under a condition which have brought about the disgraceful and the tragic happening. But it is not going too far to say that undoubtedly if we could conceive of a generally higher moral plane, higher standards in business, higher ethics in the professions, and a more generous and sympathetic outlook upon life, less, perhaps, of the strain and the stress of competition; more, if you please, of the kindness and sympathy that one finds in less congested communities, there might be a betterment in criminal conditions.

All crime is attributable to the yielding of one who is abnormal to one or the other of the classes of temptations, either greed, lust, anger, malice; all those crimes which are the result of indifference, carelessness to the rights of others, obligations which one is under to other people and, of course, while it may seem a Utopian thing to say, the thing that would bring about the prevention of crime would be the creation of conditions which would lead to a change of heart, a

different outlook on life on the part of those who now engage in criminal pursuits. It is a hard task to reform and change one who has advanced in years, whose character has been formed by the experience of many months, and who has been subjected to the stress and the strain of varied and great temptations. And yet that noble work of reform is undertaken whole-heartedly by some generous people who never are willing to admit that a man who is down is necessarily out, but who will take him by the sympathetic hand and leave no stone unturned to up-build his moral and spiritual nature. There is no nobler work than that, and I can conceive of nothing that ought to bring more joy to the right-minded man or the right-thinking woman than to have been instrumental in taking from, I will say, a pitfall one who was just about to be overcome or who has been overcome, and by kindly action, discreet, sound and wise advice, placing them again on what has ever been the uphill road to a rehabilitation or a right-about-face, and the doing of the things that are right.

But if it be difficult to do that with the adult, it is comparatively easy to work upon the susceptible nature of children during the character forming period, during the years of youth, and I would lay down as the first practical step in crime prevention a systematical general effort on the part of grownups of today to mold in right ways the forming characters of the boys and girls, that great on-marching army that soon are to take the places of those who are the men and women of today. And that molding process is something that is to be done in part in school, where there must be an education of the heart as well as an education of the head, but is still more to be done in the home, and the first step is that the home shall be a Godly home, that

religion shall be a real power in the home, that the great truths that human beings owe obligations to one another and that right conducts consists in the doing to another that which one would wish that the other should do to him, shall be enforced by example as well as by precept of the home.

There is no place where respect for authority can be so well established as in the home, providing the joint rulers in the home, the father and the mother, shall be in harmony, and provided that every punishment administered shall not be indicated of faulty temper, of the irritated parent at that moment, but shall be a wise exercise of that control and the wise administration of punishment having for its object the leading of the one to whom it is administered in a correct way. For that there is no substitute. But how often men have tried to find a substitute for that?

It is an old-fashioned doctrine to proclaim that there is no substitute for religion in the home, and the man or the woman who wants to engage in systematic, sensible crime prevention will gather the little ones of the home and there, by example and by precept, mold character.

There should be comradeship between father and son, between mother and daughter. There should be a breadth of sympathy; there should be a complete understanding so that the boy has no secrets from his best friend, his father, and the girl none from the one who she loves more dearly than any companion of her own age, her mother. If you can establish in the home a God-fearing atmosphere, if you can establish in the home comradeship, if you can have in the school

an education of the heart as well as an education of the head, if you can teach the young to look at things from the moral angle, considering every problem from the standpoint of right and wrong, you are doing very much in the way of crime prevention.

Then I believe in unqualifiedly fair trials. I believe in fair trials in civil cases, but more particularly and especially in crime cases, so that everything shall ring true to the very highest tests of fairness. Often a verdict may be entirely warranted by the evidence. The change may be entirely impartial. No judicial error may have been committed during the trial. It may stand the tests of appeal, and yet the prisoner in his lonely cell will feel that there was some unfair incident during the trial. In his loneliness he will revolve it in his mind. Every time he thinks of it he will become more embittered and finally he will emerge to take his place in society not as one desirous of upholding the law but as one who considers that he has a grievance against the judicial system, against the society that has permitted the injustice. So whenever any suggestion is made of making the road easier for District Attorneys, and any suggestion is made of lowering any of the seemingly high and at times almost insuperable barriers to the securing of convictions, I say let them stand as they are. They are all expressive of what, after all, is the final judgment of broad-minded, warm-hearted men, and when a man's liberty and his reputation are involved, you cannot do too much to assure to him and to the others who may be likely situation, that everything shall be unqualifiedly fair.

I am a believer in a very widest judicial discretion in the disposition of cases; a maximum penalty prescribed by the statute, but not a single instance where a minimum is mentioned; with unqualified power on the part of the judge to look into all the surrounding circumstances and to determine in the light of the one who has gone wrong and all the facts attending the crime exactly what the penalty should be. I know that there were cases in which it would have been better had the discretion not existed. It is not the safe or the sensible way to cut down judicial power just because temporarily somebody may feel that in some instances it may have been abused. On the other hand, we have by our elective system a remedy in our own hands. But judicial discretion should no be curtailed at all.

Then the criminal imprisoned should be made to feel that he has not lost all rights; that if he conforms to certain fundamental, plainly expressed rules of conduct, that he will earn as a matter of legal right a fixed commutation; that his discharge will not depend upon the whim or the caprice of any official; that he is not outside of our beyond the power of the law, but painted, it may be on the gray wall of the cell, there ought to be simple rules which following will entitle him automatically to a discharge as the result of proper behavior, wherever the imprisonment is not for a lifetime.

And, finally, let me say that society can do a great deal for those who are out on parole, those who are out on probation. Their watch and care is not altogether to be confined to paid functionaries to look over them. It is entirely possible for the businessman to snatch away the

lifeline that the judge has thrown out, by treating the one on probation or on parole unfairly, which means as he would not treat one who had not had such an unfortunate experience. Society sometimes turns its cold shoulder to the one who having gone wrong is trying to right-about-face and do right, and it can do very much the other way by helping those who are struggling to do what is right under adverse conditions.

So I come not as an expert, not with any new theories, but just as an announcer of the old principles, that humanity is living in a certain atmosphere, that people are more or less influenced by their environment and surroundings, that we can do much by bettering those conditions, particularly in our contact towards the oncoming manhood and womanhood of America. (Applause)

Mr. Julius Henry Cohen: The distinguished District Attorney referred to the government of the joint rulers of the home. The next speaker and I had a few moments of private conference at the table, and neither he nor I will admit that there is such a thing as a joint ruler-ship in the home. (Laughter)

I want to tell you a story. Children ask is it a true story? This is a true story. There was a graduate mining engineer who had been a colonel in the military intelligence of the United States army during the war, an administrative officer, had been decorated by two foreign governments, and he thought before he would settle down and raise a family that he would take a trip around the

world. He had no political connections, no desire to make any political connections. He has a sense of public service and he was found out. Sometimes when you have a sense of public service it is discovered and then you find out that you cannot be let alone. Well, there was a job that nobody particularly was attracted to, the head of the Department of Correction, and our debonair Mayor, Jimmie, who is down in Bermuda, had to find somebody to fill that post. He did not know this young man, but somebody who did know him and knew him through and through, told Jimmie about him, and the first thing he knew was that an emissary of the Mayor was down at his place on Long Island drafting him for the job. He took time to consider it. He did not believe that he was being drafted, but he thought it was an opportunity for public service, and he met the Mayor for the first time just about ten minutes before he was sworn in. He received the Mayor's pledge that he would be given a free hand in running his department, that he was expected to run it in accordance with his own standards of what was proper conduct, and he assured me that he has had that free hand and he has had the devoted support of the Mayor during his term of office. Now to those of us who cannot believe that a public office in the City of New York can be filled by anybody but a politician, I want to introduce one of the wonders of the world, Commissioner Patterson. (Applause)

Second Speaker

Honorable Richard C. Patterson

Head of the Department of Correction

Mr. Chairman, members of the Economic Club:

Just what I am expected to speak on this evening is a mystery. You have just listened to the distinguished District Attorney who puts them in. Sitting in front of me is Warden Lawes who keeps them in. On the right of Warden Lawes is that brilliant dean of penologists, Dr. Hart, who tells us what to do with them after they get in. So the only thing left for me to speak of is getting them out, and I am afraid if I were to speak on that subject and they all got out, I wouldn't have any job left. So I will try to steer a straight, safe middle course and talk to you about the public interest in crime.

When one is asked the reasons for the prevailing interest in crime, he is like the man who was asked to tell who designed the first Chinese laundry ticket. It simply cannot be done. All one can do is to propound his particular theory with such assurance as he can summon, fortified by the fact that if he cannot prove it at least no one else can disprove it.

As long as ten years ago crime to the average citizen was something very much remote and fantastic. It existed, to be sure, but it did not exist so far as the average citizen was concerned, and it had no interest to him or his family, and with the possible exception of debates on capital punishment and its abolition, crime was seldom a subject for public discussion. Today I think you will agree that there is hardly a gathering of any kind where the subject is not discussed. Now why has this come about? There are many factors operating, and of importance, I believe, is

the desire of the individual to satisfy his instinct for color, for excitement, and for romance. This interest manifests itself even in little boys that play on the streets, when they play the game called "Pirates," and "Robbers and Cops."

Years ago, a long time ago, men's jobs gave them that color and excitement which they craved, but with the coming of machinery and mass production these jobs no longer gave them excitement and romance which their spirits craved, so they got an indirect stimulus by reading detective stories and the lives of criminals.

Another important part in making the public crime-conscious has been played by prohibition, the threads of which are so closely interwoven into the general fabric of crime. Why your Volstead Law had scarcely been enacted before its opponents claimed that it was responsible for an increase in all kinds of crime. Whatever the cause, whatever the reason for this interest in crime, I think that we undoubtedly will agree that it cast a heavier drain on the pocketbooks of taxpayers than any other evil with which the country is confronted. The cost, as district attorney Crain can so well tell you, of detecting and confining the huge army of law-breakers in this country amounts to an appalling figure every year.

Whether this interest in crime is temporary or permanent, I do not know, and it does not seem to me to be particularly important. What is important is that we should capitalize that interest that is now aroused to cause reforms and changes in our criminal law and in our criminal code and in

our penal institutions. These reforms must be instituted if we ever expect to make any real progress in solving the crime problem.

Last year 39% of our convicted prisoners were recidivists, that is, they had served one or more terms in our own prisons. How many terms they had served in other prisons, I don't know, because there is no central clearing house in the United States where this data is collected. Let me give you some figures on this. In 1929, 3,443 prisoners had previously served two terms with us; 1,587 had previously served three terms with us; 525 had served five terms with us; 130 had served ten terms; 42 had served 15 terms, and two 51 terms; one had served 87 terms. The one who served the greatest number of terms was a woman, and I leave it to you to decide whether this proves that women excel here as in other fields of endeavor.

The sentences of this particular woman ranged from a shortest period of five days to the longest period of six months. She was arrested forty times for intoxication, convicted forty times of intoxication, twenty times for disorderly conduct, and seven times for vagrancy, and I might add that 14 of these intoxication convictions have been since prohibition. On numerous occasions she was arrested the same day she was released. (Laughter). She used 13 different aliases, but on each occasion we were able to identify her by her fingerprints.

Gentlemen, the utter folly of releasing such offenders to prey upon society again and again, to say nothing of the incidental expense involved in pursuing, capturing, and convicting hem, is too

obvious to require comment. Had this particular woman been examined by a psychiatrist the second or third time she was brought to us, she would probably have been in an institution today and would not have been returned to use for the other 64 or 65 times. Warden Lawes was wise enough to establish a psychiatric clinic at Sing Sing, and we in this city are hoping to do the same thing this summer. I do not want to debate, unless I have to, the advisability of psychiatrists in penal work, because I am advised that the best of physicians are unable to properly diagnose mental defectives and certainly we have nobody in our own department who is equipped to determine whether a prisoner is on the borderline or is insane. It is unfair to the prisoner and to the community at large, if the prisoner is not examined and sent to an institution for proper treatment. I am told that had we had a psychiatrist in our employ we could have weeded out five to ten percent of all of our prisoners a long time ago.

Just a few weeks ago Mrs. Patterson and I drove over to the Penitentiary on Saturday afternoon, I wanted to stop in and see our physician, and I fortunately found him talking to some of these borderline cases, and I asked him if he objected to my sitting in and he said no, and he examined four cases that were quite on the borderline. When he finished, he said to me, "Commissioner, you can see the utter impossibility of a physician definitely determining whether these men should be sent to an institution for treatment. I cannot do it."

Well, that convinced me finally that a psychiatrist was very much needed in prison work. We do not have much trouble, we won't have much trouble, if the Board of Estimate this summer gives

us the funds for this clinic which I am in hopes they will do, and which the Mayor has assured me he will support us on. At the present time in the Department of Correction we have an average daily census of over 6,000 prisoners in our 18 jails, prisons, and reformatories. This census of over 6,000 is an increase of 15% during the past six months.

We do not have trouble in keeping our prisoners safe. Indeed, in the last year, in 1929, we had only four escapes, which I am told is a United States record in that it is the lowest ratio of escapes of any penal system in the country. I think possibly this record is due to the fact that two years ago, with the assistance of Dr. Hart, whom you will hear later, we established a prison school, the first of its kind in America, where all guards go to school for two long months before they ever see the inside of a prison, just the same as your rookie police school here. The Police Commissioner makes the rookies go to school before they are really given responsibility. This school for prison guards established January 1, 1928, teaches the guards department, discipline, and rules of the Department. They are taught how to search the prisoner, which is an art by the way. They are taught how to disarm a prisoner. They are taught first aid, fingerprinting, segregation, classification. They are taught something about writs and bail money. Prior to this school being established these guards entered upon their work with little or no knowledge of their duties, and their experience was gained by observation and accident.

The guard learns the first day he enters this school that he will be dealing with the first offender with whom sympathetic advice might mean a determined effort to go straight. He will also deal

with the hardened criminal with whom the taking of life means little or nothing. He is taught in this school how to prevent smuggling in of narcotic drugs into our prisons, because drugs, unknown to the new guard, are smuggled under postage stamps, in the visors of caps, in the cuffs of shirt sleeves, and it is even soaked into paper upon which letters are written. The guard is taught all these things. We have part of a day on the drug problem which takes an evening in itself to discuss, and which is probably our most important problem with which we contend in prisons today.

The guard in this school is taught how to shoot. We have built in our five largest prisons, five revolver ranges where every year every guard must take a course. He is given instruction by an army colonel who is one of the crack shots in this country and gives his time gratis to the Department of Correction. Many of these keepers have been carrying their revolvers for 15 and 20 years and had never fired them. That warden of one of our large institutions admits frankly that for over 20 years he had carried his revolver on the wrong side of his belt. The bullets were corroded and had he attempted to use it the revolver would probably have exploded. So the obvious necessity of pistol ranges, instructing these guards how to shoot, needs no comment from me.

The guard in this school is also taught the first day how to assist a prisoner when he cuts himself, has a fit, or attempted to commit suicide. These keepers in this school are taught 40 and 1

different things essential to their work, and they enter upon their new duties alive to their obligations and their responsibilities.

During the past six or eight months the public interest in crime has been accentuated by numerous prison riots and escapes, culminating a few days ago in the Ohio prison fire. I would like to say incidentally that I am not inclined to agree that these disturbances were the direct result of overcrowding, poor food and increased number of life termers and narrow cells. These are contributing causes, and they increased the irksomeness of prison life. But many of our penitentiaries and county jails throughout the United States have been overcrowded for years. Many of our institutions, like our penitentiary is 100 years of age this year, and they have been overcrowded for years, many of these county jails and institutions with narrow stone cells which can only be described as dungeons, and most of them serving food which by no stretch of the imagination can be described as good.

As to the increased number of life termers, I am told, because I am not an expert at this work, that it is axiomatic among prison wardens that the best-behaved group in any prison are the life men. Yet these institutions where one or all of these conditions prevail have had no major disturbances during the past 20 to 30 years. Riots such as we have had I am inclined to feel are engineered by a small percentage of the more vicious and desperate criminals for the purpose of covering up an attempt to escape. That there have been such a large number of riots in such a short time may be caused possibly by infection, just like a curious kind of murder or suicide,

given wide publicity, is followed by murders and suicides of similar kind in widely separated parts of the country.

Now the treatment of the criminal may be divided into three epochs. First, is the cruelty epoch, when they had dungeons, physical tortures, and neglect as the only solution to the elimination of crime. That was the epoch 100 years ago. The second epoch may be called the creature comfort epoch, which means giving the prisoner a clean, well-lighted, well-ventilated cell, with wholesome food and a proper amount of exercise and recreation. That is the present epoch. Now the third epoch upon which we are now entering is that of individual study. Individualization of the prisoner should come without undue delay, and until it comes our crime colleges, certainly a more accurate term than correctional institutions, will continue to return men and women to society in even worse conditions than when they entered these institutions.

Before we can even begin to work towards individualization, we must bring our prisons and physical equipment up to date. I am told that there has not been a prison in New York City in over 30 years. But I am glad to say now that we have just launched upon a \$14,000,000 building program which will give to New York City the most modern prison buildings in the United States, and when this prison construction program is completed, we will then have facilities for the segregation of prisoners, which is essential for the individual study of the criminal. We can then work out a program to have the abnormal and the subnormal, after proper study, transferred to institutions more suitable for their care and treatment than a penitentiary, to be held until

cured, or to be held for life in necessary and a cure is found impossible. This will do away with the present barbarous practice, and it is barbarous, which has existed for countless years, of admitting indiscriminately into the prisons of this city the mentally, emotionally and the physically sick.

Now these reforms I believe should come without undue delay. If paralleled with a comprehensive crime prevention program among the youth of the country we shall then strike the criminal problem from two directions, salvaging the derelict and saving youth. Gentlemen, if these two efforts are carried out they will do more to decrease crime than all the laws on the statute books. (Applause).

Mr. Julius Henry Cohen: It is a little difficult to believe that anyone who has the job of running a prison can be a kindly and considerate person. But I am sure you will agree with me that a man who will take the pains to tell us what a recidivist is, after using the word, is one of the most kindly persons in the world. (Laughter)

This difficulty that the Commissioner speaks of on the part of psychiatrists in determining whether or not a man is on the borderline or not compels me to repeat a story that we have heard once or twice in the office club from Don Seitz who comes from Maine. He was visiting up in Maine not long ago and on the street he met a man whom he had known since boyhood, and he

said, “Silas, how are you coming on?” “Pretty good, pretty good. They say I lost my mind.”

“Well, how does it feel when you have lost your mind?” “I don’t miss it.” (Laughter)

Talking upon insistence upon equal rights on the part of women, I am sure you recall that incident in England where the fight of women for equal rights led to the step of opposing the limitation in the law of capital punishment to men. The women insisted they had just as much right to be hung as the men.

The next speaker is another one who belies this reputation of horns and the devil’s tail. I had heard a good deal about Warden Lawes. I had read about him in the magazines and in the newspapers, and when a very nice, kindly gentleman was put at our table and I was introduced to him as Warden Lawes, I thought he was a substitute. You know he has the reputation of being the most outstanding warden of the country. I spent part of my time in Westchester County and I cannot recall, I have been trying to remember tonight, any outbreak in Sing Sing prison while Warden Lawes has been there. Do you recall any? I will let him tell you if there has been any. Warden Lawes. (Applause)

Third Speaker

Mr. Lewis E. Lawes

Warden, Sing Sing Prison

Mr. Chairman, and gentlemen of the Economic Club:

I am really glad to see some familiar faces. (Laughter) Don't misunderstand me, please. After all, listening to Judge Crain's address, it gave me a great deal of inspiration, and the Commissioner who has done so well in New York, I was glad to hear him state about individual treatment because, after all, the man or woman or boy or girl who is arrested by a policeman, brought to the District Attorney's office, indicted by the Grand Jury, convicted in court, and who comes to prison, while the public really forget him, they don't remember that he is a continuing social problem. They dump him on the lap of the prison warden to handle. As a matter of fact the problem does not start with the commission of the crime any more than it ends when the prison doors close on this particular individual.

If you ask the average fellow on the street what to do about crime, he will sum it up in a few words. He will say "Hang all those who kill, put the rest of the criminals in prison for their natural life, sterilize the mental defective, spank the juvenile offender, and send him to bed." It just cannot be done. I recall while I was superintendent of the New York City reformatory, that I used to go down occasionally in the office now so well occupied by Commissioner Patterson. One day we had occasion to send down into the Civil Service Commission and there was an examination being held there for inspection in the Health Department, and one of the questions asked a young, husky Irishman, was "What are rabies, and what can be done for them?" He

promptly replied with assurance that rabies are Jewish priests and you cannot do a damn thing for them.” (Laughter)

As a matter of fact, isn't it true of the average man's opinion about crime and the criminal, once a criminal always a criminal, once a thief always a thief? Is that really true? What is crime anyway? Are we all susceptible to this germ, or are we built on a higher plane? Is it possible that we can commit crime?

If you ask some of the officials of some of our large surety companies, they will tell you that 90% of the people are potentially dishonest, and there will be a little bit of difference of opinion on that, but the percentage is large. If you ask the hotel people they will tell you everybody is crooked as far as towels and everything that is movable is concerned. If you ask the surety companies they will say that women are more honest than men, and if you ask the department stores they will say that women are more dishonest. You have a great many theories and ideas that will undoubtedly deceive you.

I am going to ask you to assume for a minute that you are appointed warden of Sing Sing Prison. I don't think you would accept it. You are too prosperous, and I don't wish you any hard luck, but I am just going to ask you to come along with me. Probably you had accomplished something distinguished as Commissioner Patterson had and were drafted in, and not starts as I did 25 years ago as a guard at Clinton Prison, at Dannemora, N.Y. I am going to withhold your

appointment for a minute until I tell you – I haven't any set speech – 25 years ago I was appointed as a guard in Dannemora. That was then, as it is now, the Siberia of America, probably because of its location – the next station is Russia. (Laughter) I had heard then that prisoners did not reform, that the men who went to prison came out worse than when they went in. I hear that more often now perhaps. I saw where men were locked up and fed in their cells just like animals. They had none of the religious services, of any kind, except a perfunctory one once a month, with some chaplain who was out of work who would come in holding his watch while he talked to the men, and they knew it, and he did not get any message over and he did nothing worthwhile. There was no school. There was not enough work to keep the men employed, so consequently they were locked up.

After all, you probably consider that a prison is a jail. The city prison in Manhattan, the Tombs, is a jail. Ramond street jail is a jail; Hart's Island and Rikers Island and Welfare Island, no. Prison is not a jail. A prison is a community. It is easy enough to run a jail if you can lock a man up and throw away the key and simply feed him. It doesn't take a great deal of intelligence, and sometimes they lock them up and they stay locked up when they ought to let them out. I wondered as I looked around, not that men returned to crime, but that any man was a better man.

I left there and went to Auburn prison. That is located in this state, and you have heard of it this year a couple of times. Originally it was the first system established next to the Friends in Philadelphia. The Friends in Philadelphia established what they believed was the correct system.

They believed in separate solitary confinement because they felt that the prisoner or criminal further associating with one another must of necessity further corrupt one another. Finally men became insane; they could not work even with the little amount of work that they had to do. So auburn established what is now known all over the United States as the Auburn system, separate cellular confinement at night, permitting men to work together during the day. In those days they did not permit any communication of any sort. If they did, strict corporal punishment was administered. I went to Auburn and found practically the same thing there.

Finally I went to the New York City reformation at Elmira, which was established about 1873 or 1874 by G.R. Brockway, a very capable man, but he had two things that he established that I disagreed with. When you consider reformatories today everywhere in the United States it is a little Elmira, exactly the same, no difference. He believed any young man, and they do not lost their citizenship there, they are sent from 16 to 30, do not lose their citizenship; any man that violated a rule, any fellow that did not learn his lessons did it because he did not want to, and he thought that a sudden shock was the only thing that would bring him to his senses. He did not put in the electric shock, which was too dangerous, and in those days water therapy had not been brought up to the point that it is today. So he had recourse to the old-fashioned paddle. Well, I have seen a lot of fellows in prison that a good licking would help, and a lot outside, but I have also seen those whippings administered and I have seen the brutality of it seep into the institution, affecting every many from the warden or the superintendent down to the man who was whipped.

After all, gentlemen, if you treat a man like a dog he is going to respond in kind. He is going to be a dog. If I should walk and say, “You are not a gentleman,” and give you a sock in the jaw, you would probably give me one back. The same thing is true of a man confined to a degree.

Another thing he believed in was treating every man alike. That is all right. We are all willing to go along if we get the same break. We are willing not to park our cars in a prohibited block provided another fellow is not getting away with it. We are all willing to do that. But, after all, are they alike? You have some men of the sixth year mentality up to super-normal, asking to have them to do things that they are absolutely incapable of doing. Well, one day they asked me to go down to assume the superintendent of the New York City reformatory then located at Hart’s Island. There had been a riot the previous Friday night. I should be partial to riots, but they would not call it a riot in those days, because it was just simply a soiree. But nevertheless, they had thrown a few dishes, pails, and so forth. I arrived on Monday and went to the Courthouse. In every prison they have a Courthouse. They had it in the army, and it sometimes was called a cooler, and sometimes a jail. It actually is a jail within a jail; sometimes a reflection chamber or meditation room. But it is a place of punishment, a place of segregation, where men are presumed to think over what they have done and be sorry for it. There were 27 young men locked together in 17 cells. They were all young men in for misdemeanors. 50% of the crimes that they were in for are no longer crimes. They do not lose their citizenship; they are presumed to be educative and reformatory. He was locked in with the type of prisoner who has been in 51

times that the Commissioner talked about on the same island. I walked around and talked to these young men, and the leader apparently was a young fellow who was part Italian and part French. He was in fact named Mike the rat catcher, and the reason they called him that was because he had an uncanny faculty of catching rats without the aid of a trap. That made him the big shot with the other gang. So he always had three or four rats as his particular pets and was the big shot because of that. Mike was the leader. I looked him over. In those days psychiatry and psychology had not advanced in institutions that have that today. I got a report from the Protectory. This fellow started in at five years of age. His father and mother having died they placed him in an institution. He promptly became institutionalized rather than socialized, and then drifted to the House of Refuge. Finally he came to Hart's Island where he was then well schooled, and a leader. So they told me that Mike was the subject of permanent custodial care, that he ought never to be released. Well, it indicated to me that was probably correct. However, I am going to tell you more about Mike in a minute.

We decided to get off Hart's Island because that is where Potters field was. We moved out in the country where New Hampton is now located, to build at that time, with the prisoners doing the work, and institution. We had to go through the state of New Jersey. We brought 560 young men without handcuffs through the state of New Jersey. Those fellows were all from the east side and the west side of New York, so were the keepers and the guards. We brought them out where finally the work had to be done. We had no walls, no bars, no water. We didn't have to figure that a man might scale a wall or out the bars, but nevertheless, we were there and we had to

function as an institution. We did not lose anybody. We arrived there rather disheartened, but nevertheless we were there. Next day about nine o'clock they sent for me. We put these men out in work gangs 25, 30, or 35, with picks, shovels, to fix up the water and sewage. Well, I was called out by the officer of one of these gangs and he said this fellow won't work. I saw a young man about 31 or 32, a pretty decent appearing fellow, and he said "I never worked with a pick and shovel on the outside, and I haven't the slightest intention of starting jail." I said, "Come with me." I had nowhere to bring him to or nothing to do. As I said before, it is easy enough to run a jail if you can take a man and look him up and forget him. We had to do something. Then I had to do something which was quite unusual in prison work, that is, use your head. So I got up to the gate and I smelled the aroma of the stew. In the army they call it slum. But nevertheless it smelled pretty good. I said, "You wait here. You cannot go in, you won't eat." He said, "Can I walk up and down?" "Yes." "Can I sing?" "If you are able, yes." Thereupon he walked up and down, perfectly happy. He was going in to be fed, and finally when everybody came from their job he wanted to go in to be fed. I said, "If you don't work naturally you are not going to eat." I had to keep that man under the eyes of a guard; at least he was under the guard's eye when I left him at 12 o'clock, if the guard did not go to sleep after that. But every man and every prisoner there saved half his grub to give to this particular fellow. It was up to me. I say this because it is important in handling prisoners, particularly boys, either that fellow was going to be a tough guy or he was going to be a boob. It was up to me to make a boob of him if I could in the eyes of his fellows. Therefore, we got him into the boob squad in placing him at the gate, and that was the only punishment that we had to have during the time that we were there, with forfeiture of

privileges. After all, if all you have to do is put a young man under a lock and key, and continue him there on restricted rations, which is bread and water, he is so debilitated, that he can sleep 22 hours a day. He gets so he can sleep for weeks and it doesn't bother him.

Mike the rat catcher the second day asked me for a job over on the farm. I had a farm up about a mile away and I thought it over and I said Mike wants to escape, he wants "to cop a moke" as they say. I thought if anyone is going to escape I would just as soon Mike go as anyone I know of. I sent him over, but he did not walk. He asked to take care of a team. He did take care of them pretty well. The only thing we had to watch after was that he did not steal the oats and hay from the other fellow's team to give to his own. If we had a vestige of sense we would have known that a fellow that could have tolerated rats would have loved horses. He took great care of them.

Finally he went out, went over with the 27th Division, had a good record, came back a corporal, now in Brooklyn—don't hold that against him—married and has two children and still driving probably the only team left in Brooklyn. But he is still out and he is still driving a team; is not the brightest fellow in the world; probably never will become president of the United States, may become a Congressman—I am not so sure of that. (Laughter) After all, it shows you if you place a man at something he likes, something he can do, that he may get somewhere.

We are going to bring you back to Sing Sing. You arrive at Sing Sing, as we say. You probably have looked up Lombrosio, and you have heard of the criminal type, and you think there is one,

and you have read of the Supreme Court judge of this day who says he can determine by physical characteristics, stigmata, whether a man will pick your pocket or commit murder. We selected a group of lawyers to send to this judge, but we got cold feet.

You read where an English judge says that all criminals are blue-eyes, and you find there are a few Spanish and Italian criminals. So you arrive there with a number of preconceived notions, and you want to be fair to the community, you want to be fair to yourself, and you want to be fair to the prisoner. You might just as well determine to do what you like, what you believe is right, because you are going to be 50% wrong anyway, and the one thing that everybody can do is to run prisons. I get five, ten and fifteen letters – “Don’t feed them meat. Under no conditions ever permit them to smoke. If you do you are going to continue to have criminals.” “Try spiritualism. Then they will be all right.” And I am going to tell you a story about spiritualism.

There was a fellow going to die one night, and he asked me if he could go to the chair in a white shirt, and I said sure. I was giving away ice at that. So he asked if he could have a tie, and I said yes. I gave him one of these ties rather than a four-in-hand that he might hang himself with, because that is what we have to watch, that they don’t do the same thing the law says we must do to them. I said to the principal keepers “Permit this fellow to go in a white shirt and tie without cuffs.” Over 130 or 140 men have died since, and they have all had white shirts, and only one man has had cuffs, two we had to carry in. This fellow said, “I believe in God, but I haven’t and real religion except a belief, and a firm one, in God. I think that I can come back.” Whatever

religion he had was spiritualism, “and I am going to come back tomorrow night and see you.” I said, “Hamby, if you are going to do that for me, don’t do that,” and I was on the level with that too.

Finally the next night I had forgotten all about it. We have a very old house and I was walking and it was squeaking, and I had the lights out, and started to go to bed and I heard some music faintly. I thought it over and I thought of what Hamby had said, and that must be heavenly music. I was going to investigate, and I said, “No, I am going to bed,” and then I heard it again. Finally I did investigate, and I found down in the basement where the men who worked around the house, they had neglected to take in a mandolin, and there were three or four kittens playing over the mandolin. I probably would have been a spiritualist if I had not gone downstairs.

Now if you get to Sing Sing the first thing you say is “What is the acreage?” 45 acres, two miles of wall, 2,200 men or mechanics, prisoners. You won’t need to get a saw. All of them have hack saws that need them. They have machinists, electricians, carpenters; every one of those mechanics is a prisoner. If one fellow cuts a bar another prisoner comes along and fixes it up because, after all, about 5% of the men are your troublemakers. If you have 2,200 men, you would have 110 men who are potential troublemakers. We haven’t as yet had any trouble in Sing Sing and I am hoping we continue not to have any. (Applause)

I want you to get some ideas of some of the heads of departments. You call in your doctor and he tells you, you have a hospital that is O.K., approved by the American College of Surgeons, three full time surgeons, visiting staff, dentist, pathologist, and you have a full time pharmacist and trained nurses. That is a pretty good hospital. You ask the doctor what is the reason for crime and he tells you, I think if you correct these deformities and bring them with correct eyesight and teeth and correct flat feet, and so on, and so forth, that those are contributing causes. You call in the next man who is a psychiatrist, Dr. Baker, and you look at Dr. Baker's report and you will find that 25% only are normal. You look at another report in another prison, and 10% are normal; another one five, another one none. We are just simply a natural place for mental defectives, or an insane hospital. This is not a prison. You look down the different categories and you see egocentric and somebody tells you Teddy Roosevelt was egocentric, and you say it is not so bad, and then you recall a very good friend of yours who looked out of the window one day and saw a number of people, colored people, playing, and he said, "if I ever come back on earth I want to come back as a negro," and then it might make you think of that old ditty that said "See the happy moron, he doesn't give a damn; I wish I were a moron, my God, perhaps I am."

(Laughter)

As a matter of fact there are no more criminals among mental defectives as a class than there are among normal, and there are no more criminals among the insane. 25 years ago every fellow that committed a crime was insane, and finally it got down that every fellow that committed a crime was a mental defective, and so now it is glandular function or dysfunction. I believe that a crime

is a matter of effective temptation, pretty largely. I think a man is like a horse tethered to a rope. The longer the rope, education and environment and background, the less likelihood of crime, and in like manner as the rope narrows down to the environment that Judge Crain so well says, then I think the rope is very short, but seldom is the rope so short that the man does not know the difference between right and wrong.

Someone has said that psychiatry is an intelligent guess. If it is intelligent guess, let us have it. Anything that is intelligent we should have. After all, the psychiatrist must be a doctor; he must know something about social history; he must know something about psychology; he must be of some value, with experience. He won't always be right, and the friends of psychiatry that think it is a panacea are perhaps hurting it, because after all the man who is an intelligent man will pick out three cases, how they will turn, and they will probably turn the wrong way, but if it be 100, he would be right more often than he is wrong. So for the psychiatrist, we need him, it is progressive and fine.

If you should speak to the principal keeper he will tell you "Warden, I know these fellows. I will tell you, they have never been disciplined in their lives. Let them know there is law and order."

If you say to the superintendent of industry, "Well, what do you think," he will say, "They have never worked, so let us teach them a trade, teach them the dignity of labor," and if you go to the

school teacher he will say, “Very faulty ideals, misconception; teach it to them, they don’t know, teach it to them.”

Then you think probably education, that is the reason, lack of education, that is why they are here. You look it up and you find you have 3% of college men; on the outside you find that they have only two; you have them beaten one percent; Wall Street deserves a little acknowledgement.

Then you think how about the foreign fellows, these are the fellows that are filling our prisons. You go up and you find that they are way behind the quota, below the quota. All right. Then you find that Americans, 75% of the Americans, are first generation children, and there is the crux of the situation. The home that should be, as the Judge says, is practically impossible sometimes because the old people are working people, and perhaps do not speak English; the youngsters do; the old people think they are smart and so do the young men. They get out in the street and they think that they are becoming Americans when they are becoming hoodlums and possibly criminals.

And then you speak to the chaplain and he will tell you “I believe that an ounce of right feeling is worth a pound of right thinking.” After all merely because a law is a law, that does not mean anything unless he thinks that law is right. I have known good men to violate the 18th Amendment, the Volstead Act, good men.

After all, you have a divergence of opinion, a number of very capable men, educated, intelligent, all specialists, and the warden must attempt to keep his feet on the ground. After all, running a prison is a matter of good judgment, and good judgment is a matter of common sense plus experience. Personally, in the words of John Galsworthy, if I had but one prayer to offer it would be “Good God, give me the power to understand.” I thank you. (Applause)

Mr. Julius Henry Cohen: I think you will all agree that the quality of common sense that Warden Lawes says is necessary to run a prison is really a fine quality of humor. I am sure that none of us have ever listened to more interesting and entertaining address than the Warden has given. He threw me back about 15 or 20 years when we were first coming in contact with this new psychology, and perhaps you will forgive me, there is little time to spare on the calendar, if I tell you a story that is part of my professional career. About that time it was part of my job to prosecute crime. I had been retained by various trade associations to prosecute fraud, commercial fraud, and part of the agreement consisted in coming into bankruptcy court and examining bankrupts as to how they disposed of their property, and if we caught them lying then we tried to have them punished for contempt of court.

We thought we had one fellow that we had caught in a bare-faced lie. He told the most absurd story of what he had done with his bank account and his books and his property and everything else, and we haled him up before Judge Hough, one of the most common sense judges we have

ever had in the community, and a very able man, and lo and behold, this man turn up with an expert who solemnly asserted that the responded had pseudo alcoholic paresis. How did he know all that? Because he had read the record of the testimony given by this man, and any man who answered questions as this fellow had answered the questions must be crazy. Therefore he decided that he had paresis. That man has since become a very distinguished psychoanalyst.

(Laughter)

I was glad that Warden Lawes referred to love of animals of the rat catcher, how he loved his horses. More and more I think the effort that is being made in regard to the treatment of the criminal is in the determination of what conduct will bring out the best that there is in the man. I have learned tonight sitting at this table, and I am sure you have, that the new idea is to treat the criminal individually, not to take all criminals generally and not to think merely of protecting society, but to think of the individual criminal, how can we make a man of him?

Contrary to what the Warden says I got the impression that we ought to deal with him in this way, to treat him like a dog. Treat him like a dog and you will find that there is hardly any animal that is so responsive to real consideration as a dog. None will be more loyal and more faithful to you. We treat our dogs a great deal better than we treat men. We started with the notion a century or several centuries ago that a diseased child was one to be destroyed. We started with the notion that insane people were not to be kept longer, and for a long time we have gone upon the notion that anyone who violated the law so as to be committed as a criminal was just so much waste

product and that accounted for our willingness to put them in these cruel places and treat them in a way in which the Warden discovered they were treated when he first got into the game.

You remember in Trader Horn's story of Africa how they used to drown old women because they were no longer useful, and how that shocked our sense of civilization. To those people in Africa that seemed a perfectly legitimate thing. The old lady was no longer useful, let them get out of the way and make place for somebody else. But gradually our humanity, in spite of its defects, is achieving a better understanding of life and its meaning and we are coming to appreciate that old people, even those that are gone in the agony of disease, have got something spiritual there that should be preserved, and those who approach the problem of crime and punishment, and approach it with that heart and common sense that Warden Lawes reflects, and also with the spiritual attitude that showed its way through his humor in spite of himself, they are the ones who are really going to solve this problem.

The next speaker is a man who has given many years of his life professionally to the study of the problem. He is an observer with the scientist's eye, but with religious spirit back of it, a deep sense of the spiritual value of man, and earnestness and a desire to find a solution. We haven't got the solution yet. After all this is only the year 1930 and we hope there are going to be many thousands of years after we pass away. We have still to leave some problems for the still coming generations. I have great pleasure in presenting Dr. Hart.

Fourth Speaker

Dr. Hastings R. Hart

Mr. Chairman, ladies and gentleman: I have a very great advantage over my predecessor here tonight. I am a consultant in delinquency and penology, and I don't know of any better fun than to advise other people how to spend their money, how to discharge their obligations, but without any responsibility. Each one of these gentlemen has laid upon him a very heavy responsibility, and he is hampered by that, and then having a degree of modesty, he has to be more careful as to what he says or what he claims for his own accomplishments.

I was a country preacher in a little country village when the State Board of Corrections and Charities was created in the state of Minnesota, and they hadn't much money. They had to have a cheap man, and they tendered the job to me, and I didn't know what the State Board of Charities was, and they finally appointed me to that place. I had no office. I had an alcove in the State Librarian's office. I had no clerk. I traveled up and down the state and wrote reports. I was an inspector of public institutions for 15 years. At that time the great leader and thinker in this line was Dr. Howard Wyans. Dr. Wyans gave me a very valuable piece of advice. He said "You have come into this work now. My advice to you is to go to school, to the people who are administering institutions in your state and until you get where you know as much as they do," and I think I never had a more valuable piece of advice, and I have been doing it ever since. Most of what I have learned along these lines has been by coming in personal contact with the men on

the job like those who have been speaking to you tonight. I have had special advantage from my relations to two men who are in administrative positions here, Warden Lawes and Commissioner Patterson. I suppose I ought not to do any advising, but I want to say to you if you want to get a clear and intelligent idea of what the prison system of the state of New York has been in the past read Warden Lawes' book on "Life and Death in Sing Sing." It is illuminating and it is exceedingly frank. I think that is one of the great values of Warden Lawes, I that he was expressed himself with frankness and without fear, even though it might involve some criticism of our penal system. As for Commissioner Patterson, I have admired the way in which he has taken up his task. It is a very remarkable think that in the short time of three years, building, it is true, upon the foundation which was laid by some of his very worthy predecessors, he has gotten an appropriation for the most complete detention house for women, including a hospital for venereal cases and for drug addicts, the most complete institution of the kind in the world, which is not under construction, and he has gotten approval of the Board of Estimate and Apportionment, and recently by the State Board of Commissioners of Correction, he has gotten approval of a \$11,000,000 proposition over on Rikers Island to reconstruct the prison system of this city, and he has set free for the use of the people a most valuable piece of land. I don't know how many millions it represents, but I do know that the land which will be set free for public use is worth all that the improvements are going to cost on Rikers Island and the city is going to be a clear gainer. That has been accomplished by the tact and patience and confidence which he has established in the minds of the people of this great city, and I thank God that we have that kind of people.

I want to say to you that the present so-called prison problem, as has been said by the chairman, has by no means reached its solution. We have great defects in our prisons in this state. We have throughout the country. These dreadful riots which we have seen are no accidental. They are the result of long increased causes, and especially to two that were not mentioned by the Commissioner a few minutes ago. One of those causes is the dreadful idleness in our prisons, where a large proportion of the prisoners have nothing to do; where those who are employed are employed in such a way as not to lead to any practical industry. I had occasion a few weeks ago to hear the superintendent on work of the prisoners in our State penitentiaries declare before a committee that the work of our prisoners in the state of New York is only one-tenth efficient. He said, "I have equipment for employment of 2,000 prisoners out of 6,000." And he said "If I had adequate equipment and modern machinery, and if I had the right kind of industries with 200 citizens I would undertake to produce as much value as can be produced from 2,000 prisoners." That means that those men are not learning that which will enable them to go out in the world and make a living. They dawdle in their work. In the weaving shop you will find a man on every loom, where outside you will find one man running four looms. We have much to learn.

I want to say a word at this point about the forgotten inmates of our prisons, and the first of these forgotten inmates is the Warden. Have you ever thought of the responsibility that is placed upon a prison warden? He is put in that position, in charge of twice as many men as ought to be kept in that institution, that is our situation in this state. Some of our prisons are overcrowded from 50 to

100%. He is absolutely responsible for those people. The law says that slavery or involuntary servitude, except for crime, shall not exist within the boundaries of the United States. When a man comes into prison he becomes a slave. He must subject his will to that of the Warden, and it is necessary, and if he rises in rebellion the warden may offer him shot in his tracks, and think if the responsibility that is laid upon the man.

We have seen these dreadful outbreaks, and we have seen that the chief cause of these outbreaks is what? It is the extinguishment of hope in the minds of the prisoners. We have abridged the parole privilege. We have cut down on the good time allowance for good conduct and labor. We have increased the length of our sentences. We have in our prisons produced such public sentiment that Governors are reluctant to extend pardons to the same degree that they did formerly.

Hope springs eternal in the human breast, and it is hope that we need. We hear a great deal about Great Britain and the prison system over there. You know what they are doing over there? We send a first offender to Elmira to be reformed. That is a man that is convicted for the first time. He may have committed 20 burglaries before he was sent there. In England they make a careful investigation as to whether he is a genuine first offender, and if he is they do not send him to prison. They put him on probation and then if he violates parole he goes to a reform prison called a borstal prison, and he wishes he had not gone. In England a man is sent up for penal servitude for five or 10 or 15 years. This is done on the old revenge theory that you are going to give him

punishment according to his deserts. The law in Great Britain provides that when a man is convicted of a crime if the judge has reason to think that that man may be an habitual criminal he may either institute an investigation and take testimony as to whether his is an habitual criminal, and if he is an habitual criminal the he is sent to an institution on the Isle of Wight which is known as punitive detention, and the judge explains to the prisoner: “When you have served your sentence then you have paid your debt to society, but for the protection of the community I am going to give you an additional sentence to the Isle of Wight.”

When that man gets to the Isle of Wight he has his own place, he has a little cottage, perhaps, and he may have a garden. He may even have a path of his own. He has the privilege of liberation, but they keep him. But they don’t take away hope from him because the law of Great Britain provides that that many at any time when he can convince a Parole Board that he is a safe citizen to go at large, they may parole him, and many of them are paroled. I found to my surprise that it costs two hundred pounds for each man. But that was the plan which they used to make a man realize what it means to commit a criminal offense.

I saw we must remember the forgotten people in the prisons, the wardens. Then the prison officers, the guards. Do you realize that a prison guard lives in that prison just as much as the prisoner does? That is, for his eight hours a day he is constantly in contact with unsocial people, and some of those people are dangerous. It requires a great deal of tact and patience for a man to be a good prison guard, and Commissioner Patterson will tell you that it was not very long ago, I

don't know whether the condition still exists, when the compensation of the guards in our city prisons for years was so small that men with families could not live on it, and many guards at night when they would go home, and perhaps it took them an hour and a half to go home, after that would do work for two or three hours additional to support their families. He was not even graded like the policeman and fireman. But that Commissioner labored faithfully and finally has gotten an advance in compensation. The compensation will equal that that is given the police and fire department, I believe.

COMMISSIONER PATTERSON: The minimum is the same but not that maximum.

DR. HART: The minimum is the same but not the maximum. But there is another thing about it. The firemen and policemen automatically get increases from year to year if he makes good. But the prison guard is not classed, and in order to get his increase he must be transferred into another class. The Commissioner is now working to have that changed so that the prison guard will automatically come to what belongs to him.

I have admired greatly the success that has attended upon what is still only an infant industry, the school for prison guards of this city which has been established by the Commissioner, and already the testimony of the Warden is that although it has only been in operation for less than three years, the already there is a distinct improvement in the personnel and of the spirit of the guards, and in their fidelity, and that brings us right back to another question. Whatever you do,

the secret of success in dealing with the criminal problem in our prisons and in our institutions and in our probation and in our parole, the secret of success lies in the matter of personnel, and I was delighted tonight to have this audience witness the kind of personnel which has come into the Department of Justice of this City, and which is in charge of the prison work of this City, and the man that is the head of the principal prison of this state.

It had been suggested that we have not yet heard of an outbreak, but do you know that Warden Lawes handles the most difficult matter of this state because he takes practically all of the fellows that come out of the City of New York, so that for him to carry on that prison and maintain the morale which exists there and the spirit which prevails, that is an achievement of which a man might be proud.

Now we have at the present time a very vigorous and earnest effort to improve the prison situation of the State of New York. The Governor of the state has been doing his very best. He called two conferences last fall to discuss how this matter might be dealt with. We have the Crime Commission, which has been gradually making progress from month to month and year to year. The Crime Commission today manifests a very different position. Their ideas and their ideals are different from what they were three or four years ago, steadily going forward, and it has been very interesting to watch them. I was present at a meeting where they discussed the subject of probation and parole two and a half years ago. I went in with another man and as I came into the room they said, "This is a very busy commission, 15 or 20 minutes will be

enough.” I said plenty. They heard me two and a half hours, and then they took us to lunch and back for another two and a half hours, and they expressed the idea that perhaps there were some things they did not yet realize, and sometime after that they held a session for psychiatrists, and they brought together Philadelphia and New York, and they spent the whole day, from ten o’clock in the morning until five in the afternoon discussing psychiatry, and they were astonished when one of the leading psychiatrists of this country told them that he thought the chief qualification for a psychiatrist was practical common sense. That was amazing. One of the members of the Board said, “These fellows seems to be wanting just the same thing we are.” They did not seem to realize that psychiatrists are men of practical common sense. And so I say this matter of personnel is a matter of utmost importance.

You take a policeman, and he is on his beat and he has got a lot of friends and he is out in the air. He keeps moving around, and he has perhaps one man in a thousand who may be in some way dangerous to him. But you take the prison guard. He is on duty eight hours right in close contact with these people, some of whom are dangerous. He has to be continually on his watch. He has bad air, the overcrowding of which he is a part, and it is not an attractive job, and the wonder to me is that you are able to get as good material as you are, and to get them on that job.

During the past winter they had at work a joint committee of the Senate and Assembly working on the matter of a program for the state of New York prisons, and that program was presented with the estimate that there might be properly expended within the next four or five years,

appropriated within the next four years \$39,000,000 to execute no less than 13 prison projects, so you see what the Governor had to contend with and you see what this joint legislative committee had to contend with. Under the laws of the state of New York there was one architect put on the job of laying out the estimates for these 13 prison projects, and after he had worked on them for nearly 11 months, he completed his work, and walked out of the door, and then under the laws of the state of New York in came another architect representing the Department of Architecture to review these estimates, and he criticized them and he scaled those estimates down from \$41,000,000 to \$39,000,000, and when the legislative committee came in they found it was just exactly what could not be helped, because there was not time and there was not the force to handle this estimate work properly. They found they did not have the data on which they could intelligently make appropriation, with which they would have been able to employ labor and to carry on this work in order to get a start on this work. The Governor is again attacking the matter, and the Legislative. What was done is this: I had the honor of being invited to attend hearings called by the Governor and by the Crime Commission and by the Legislature. I attended in all I think some 12 sessions, and it became apparent in these sessions that these three bodies—the Governor held two conferences, the Crime Commission held three, the legislative committee held six. Each one of these committees heard witnesses, men brought from distant states, and when they got through they could not put it together. What we need at present is that the Governor and the Crime Commission and the new commission which is to be appointed under the law recently passed, that they shall work together, shall sit together, that they shall hear the same things, and that they shall be able to go ahead, and we need right at this minute the same

policy which is being performed by the United States Government. Mr. Bates, the new Commissioner of Prisons, is at work on an expenditure which will aggregate five or six million dollars, and how is it done? He has secured three different architects, each of whom has had experience in building prisons. Each one of these architects is working on one section. One works upon the jail and work house; another works on the reformatory for the United States Government, a third works on the penitentiary. Each one of these architects is putting in his best licks without any promises whatever that he will get any job or money, but simply as a matter of patriotism, with the hope that he will get something in the way of work. When they have gotten through their work will be reviewed by the architects of the Treasury Department, which has been the custom for that to be done, and the United States is going to get somewhere.

When we come to spending such a vast sum of money, let us try to spend it in such a way that we will get value, that these wardens will be furnished with buildings and equipment and machinery and fittings and working capital that will enable them to carry on their work in such a way as to accomplish what they want to do, first, for the protection of the state, seconds, for the salvation of as many people as they can.

I am going to stop at this point and thank you for your kind attention, but it is to me a most striking thing to find that this Economic Association is taking up seriously the consideration of a problem which concerns all of us throughout the whole state. The Governor ought to have the most ardent support; the Crime Commission ought to have the good will of the people and

legislative committees, all of which have been doing splendid work, day after day, and trying to get at the wisest solution. Let us all work together and let us see if we cannot find a way out of this dreadful mess in which we have been wandering, and if we can put a stop not only to these dreadful outbreaks, but that we in this state shall immediately take such steps that no prisoner locked up behind bars in a steel cell will ever be in danger of being roasted at that place.

(Applause)

Mr. Julius Henry Cohen: I am going to detain you just long enough to express on your behalf our thanks to the speakers of the evening for the information and the inspiration that we have been given by them. I am sure that those of us who have attended Economic Club dinners for years have never had a more interesting and informative evening than we have had this evening.

The meeting is adjourned. (Applause)