

## II

## PRISON REFORM IN VIRGINIA

"Blackie was in some way involved in a bank robbery and was sent to prison with a life sentence. He was kept in a dark cell for twenty months with no bed or blankets, sleeping on the bare stone floor winter and summer and keeping his reason only by inventing games.

"At the end of this time he came out of the dark cell, blind in one eye and ill with tuberculosis, which eventually brought on his death; and with a grim and sullen hatred for humanity and a determination to 'get even', as he called it."

In these words Thomas Mott Osborne, former warden of Sing Sing Prison, New York, sums up the result of the penal system which all too often fails to reform offenders, fails to send them out into the world better, stronger citizens.

Mr. Osborne says that no system will ever succeed in the punishment of criminals, which leaves wholly out of consideration the fact that the beings who are to be punished are human. "Society has the right to send a man to prison, but reformation is the only legitimate purpose of prison discipline. Society has no right to deprive a man of his health, his capacity to work, his faith in God. . . . There is no such thing as a criminal type, mentally, morally, or physically. Criminals are not a type of beings set apart and different from other men; they are just natural human beings rendered abnormal by an unhealthy environment."

Accepting the soundness of Mr. Osborne's convictions, I shall try to give a clear account of conditions as they have existed in the prisons of our country and, more particularly, I shall set forth some of the most beneficial reforms being undertaken in our own state.

The main charges which are brought against the present penal system are these:

First, brutality has often characterized the treatment of prisoners, and this breeds in the prisoners a feeling of hatred and revenge for prison authorities, and indirectly for the state.

Second, solitary confinement in cells that

are unsanitary in every respect causes disease to flourish. The lack of exercise and the enforced silence reduces the prisoner to a state of depression and often of insanity.

Third, there is no organized system of labor in the prisons, as a rule. Men are assigned jobs regardless of ability or preference. They have no incentive for working, save that of fear, as they receive no return for their labor. Under these conditions a very inferior class of work is done. Whereas, if the men were paid a living wage and required to pay for their maintenance and allowed to save any surplus, there would be a real incentive for good work.

In 1919 a law was passed in Virginia allowing a man ten cents for every day he works. This is a start in the right direction, but it is far from being sufficient, for if a man works twenty-six days in every month in the year and saves all he makes, at the end of the year he will have exactly thirty-one dollars and twenty cents. Suppose he has a family.

Fourth, the monotony of prison life breaks whatever spirit the men may have. There is nothing to vary the same deadly, grinding routine, year in and year out. Each day is like every other day. There is nothing to arouse interest or to give variety to the dead gray scene. All are dressed alike, all act alike, all feel alike.

Fifth, the constant watching causes suspicion, fear, and a deep hatred for officers. Everyone distrusts everyone else.

Sixth, loss of individuality means a loss of initiative and hope. "This loss of individuality is a symbol of the system," says Mr. Osborne, "the effort to reduce all men to the same level, the level of the lowest and worst."

The victim develops a feeling of "What's the use, anyway?"

## DEFECTS IN VIRGINIA'S PENAL SYSTEM

In seeking to analyze the steps now under way toward prison reform in Virginia, it is well that examination first be made of some of the defects now apparent in our penal system.

First, a law which makes the sheriff of the county the jailer; the officer is the keep-



er of his prisoner; and the prisoner must board with the officer who arrests him. The harm comes in putting the temptation before the sheriff of jailing every man he arrests, that he may thus have another boarder, or that he will be slow in releasing his prisoner or in transferring him from his custody to another prison, thereby losing a boarder and so reducing his fees.<sup>1</sup>

Second, there is no parole officer connected with the penitentiary. In 1909 Superintendent Morgan pointed out that Virginia was the only state with a parole system and no parole officer. It seems strange that the Virginia Legislature should be satisfied to ignore this defect.

The penitentiary should be looked upon as a reformatory institution—a place where a man who is morally sick can be cured of his disease and receive training which will give him the right ideas concerning his responsibility as a citizen.

Consider this extract from a letter written by a released prisoner. "I thank God that I was sent to the penitentiary, for before this I was going from bad to worse as fast as I could; now I have Christ in my heart and I am going to live a right life."<sup>2</sup> This shows what a prison with the idea of reformation rather than of punishment can mean to men.

That a penitentiary should be a reformatory institution is clearly set forth in a report of the Prison Survey Committee of New York. The prison problem is approached as an educational problem: "The main purpose of the committee is to create and develop an incentive to right living."<sup>3</sup> Hardly a mention of punishment is made in the whole report. It is a far cry from the prison as a place of harsh punishment and 'legal revenge' to the prison as an educational center, but this is becoming the aim of nearly every modern prison.

Third, justice works too slowly. A speedy trial is the very beginning of justice, and is duly provided for by law, but as we know, there are many cases in which this

provision is violated and the accused is held for many months before he is given a trial.

Fourth, there is no system by which prisoners may be segregated according to the nature of the offense or the age of the offender. A boy or young man who has committed an apparently trivial crime on the impulse of the moment and with no malicious intent is sent to the penitentiary, numbered, and held in confinement with the the worst type of criminal, who makes his boast that none can reform him. This is entirely contrary to all natural laws.

In any line of commerce the product is graded. An apple grower sorts his apples according to quality. And he is careful not to put good apples with defective ones, as he knows this will cause the perfect fruit to decay. The above-mentioned young man is more severely punished by simply receiving the sentence, by wearing the stripes, and by the confinement, than his cellmate would be by the most severe corporal punishment. We must realize the fact that the same punishment can not be meted out to all alike. We must take into consideration the individual who is to be punished.

#### REFORMS UNDER WAY IN VIRGINIA

In Virginia in the last few years there have been some very beneficial reforms; the people of the state are slowly awakening to their responsibility. Governor Westmoreland Davis has concerned himself with plans for the re-organization of our penal system and these have been available for use in this paper through the courtesy of the Governor's aide, Colonel LeRoy Hodges, and the superintendent of the penitentiary, Mr. J. B. Wood. These plans include:

First, complete physical examination of all prisoners. In regard to the care of sick prisoners, the Superintendent of the Penitentiary in 1909 reported that the tuberculosis hospital at the state farm had proved a success beyond his expectations and the increase in the number of patients had made it necessary to consider the erection of additional rooms.

The death rate at the farm in 1899 was sixty-two per thousand; in 1909 it was thirty-three per thousand; and in 1918 the death rate was only seven per thousand.

<sup>1</sup>This was brought to my attention by Rev. J. R. Ellis of Yancey, Virginia. For this law, see Sect. 2869 of the Code of Virginia.

<sup>2</sup>Annual Report of Ex-Prisoner's Aid Society—1910.

<sup>3</sup>The Survey—October 30, 1920.



The following statistics taken from the annual report of the penitentiary for 1909 and 1918 should be of interest:

	1909	1918
Total in prison	2,724	1,923
Total deaths (disease)	26	6
Tuberculosis (treated)	22	12
Rheumatism (treated)	143	37

These figures taken at random from the two reports could be extended to include many other heads, but they alone are sufficient to show that there have been some very marked improvements in health conditions in the penitentiary.

The Prison Survey Committee of New York states that no prisoner with any communicable disease should be released unless there is absolute assurance that he will be sent to a hospital where he will receive proper care and attention and where there will be no danger of his spreading the disease. In line with this attitude and under the auspices of the medical fraternity of Virginia, all venereal diseases are now being scientifically treated.

Second, under the direction of Dr. K. J. Hoke of William and Mary College, a mental examination and classification of all prisoners at the penitentiary is being made. The work is being carried on by members of the William and Mary faculty.

I am informed by Dr. Hoke that the prisoners are being classified by means of the Stanford Revision of the Binet-Simon Test, in order that adequate training may be provided for the inmates. Two classes in common branches of school subjects for those with very little training have been opened, and plans are being perfected by which there may be given vocational training in connection with the automobile industry, printing, tailoring, shoemaking, and woodwork.

This plan conforms with the announcement of the Prison Survey Committee of New York to make all mentally and physically normal prisoners self-supporting. The statement points out that no manufacturer hiring free labor would employ three men of subnormal or abnormal ability to work beside two normally intelligent persons in his factory. Yet this is done in effect under our

present penal system which puts into one institution—and often in the same shop—the low-grade moron and the normal inmate. Until we learn to distinguish between these and to segregate them in separate institutions, all hope for industrial progress in the prisons must be abandoned.

These mental tests will, to a large degree, facilitate the classification of the prisoners.

The mental examination and classification will also have an important bearing on the parole, as no prisoner should be released who is either mentally or physically unsound, unless reasonable assurance can be given that he will be properly taken care of outside.

Third, the recreational and amusement activities of the prison are to be re-organized, according to Colonel LeRoy Hodges. Superintendent Wood informs me that the penitentiary now has a good band, moving pictures, baseball in season, and that all such things along these lines have been in use for the past eight years.

Fourth, the stripes have been abolished and prison uniforms of brown have been substituted. Superintendent Wood says, "The change of uniform is only partially completed, and has been in vogue for such a short time that I am rather unwilling to pass judgment upon the effect it will have, but I cannot see how it would be otherwise than pleasing to the prisoners." This should have a very desirable effect on the men. They will come to feel that each one is a distinct being who is entirely responsible for his own acts and not just a part of the seething gray mass, with no initiative, no responsibility, no individuality.

Fifth, a prison library has been established, and daily newspapers and current magazines will be admitted for the use of the inmates. The library is in charge of a prisoner and is accessible to everyone in the prison.

In addition to these reforms, attention should be called to the work of the Ex-Prisoner's Aid Society. This society was organized at Richmond in 1909 and has always been an ever-present help to released prisoners. The chief work of the society is to visit men in the penitentiary before they come out, inquire into their plans, and offer



them the sympathy and aid which they need. On the morning of his discharge, each prisoner is met at the penitentiary and taken to his home or his train, and whenever possible he is given his breakfast.

Suppose a man has been in prison for several years and has no relative or friend to whom he may go for help upon his discharge, what a difference it would make to him to have someone at the prison gate to meet him, take him to breakfast, and help him get his bearings again.

In his annual report for 1910, Rev. G. F. Williams, superintendent of the white department of the Ex-Prisoner's Aid Society, mentions two instances of discharged convicts with exactly opposite experiences:

A convict was discharged from prison and had eighteen dollars saved from his work. He at once sought employment, but was met by requests for his credentials and was turned down. He went from place to place with the same results.

After several days of such effort he had spent all his money. He asked a man for something to eat; the man looked at him and said, "You are as able to earn your living as I am." In desperation he went on and soon came to a jewelry store. He went in and slipped a piece of jewelry from the counter, was immediately caught, taken back to jail and booked as a confirmed criminal.

An opposite case cited in the same report is this:

"A man met me at the Locomotive Works and warmly grasped me by the hand and with a radiant face said, 'I am getting along fine. I have put in a solid month's work here. I have paid my board bill and have some left. Life is worth living after all, but I had about come to doubt it before you came to see me the morning before I was discharged.'"

The contrast of the two is indeed instructive.

Progress, then, is most evident in the tendency toward the following objectives, as a part of the movement for prison reform:

1. Abolition of cruel punishments.
2. Parole of convicts whose conduct has been good.

3. New attention given to a study of prisoners, their environment and past history.
4. Probation without imprisonment for first offences, with friendly surveillance.
5. A higher standard of prison construction and prison administration.
6. Recognition that labor is an agent for good.
7. An allowance to prisoners of a share, if not all, of their earnings.
8. Separation of accidental from habitual criminals.
9. New emphasis laid on preventive rather than reformatory measures.
10. An increased consciousness on the part of society as to its responsibility.

The last I mention as a probable tendency, although in reply to my query Mr. Osborne has said, "The nation is only beginning to show signs of awakening." He adds, "The main trouble is that the public, while it is easily aroused to sentimental interest in the matter, before it rushes to something else, fails to understand the real principle at the bottom."

RUTH RODES

#### \$10,000,000 LARGELY WASTED?

In the opinion of Dr. David Snedden, of Columbia University, the \$10,000,000 spent annually in the United States teaching children foreign languages is largely a waste of money.

Speaking at an N. E. A. session at Atlantic City, he said: "What proportion of pupils really have use for a foreign language? Only two percent of graduates at the age of thirty are interested in foreign language and its literature; the other ninety-eight percent care nothing about it."

The one hundred and twenty-fifth anniversary of the birth of Horace Mann will be observed in many schools on May 4.