

# Prison Industries In New Jersey

A 200-Year Chronicle

New Jersey State Libr

by

Irving Seligman

SELIGMAN

Prison Industries  
In New Jersey

A 200-YEAR  
CHRONICLE

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Over ninety-eight percent of all prisoners are reintegrated into society after serving their sentences. During the past two hundred years, prison labor has evolved from the crude tasks of breaking rocks and grinding meal to today's special industrial programs which through comprehensive training, aid ex-inmates in securing post-release jobs.

This book traces the development of public attitudes toward inmates, prison systems and industrial operations which use prisoner labor from the early Quaker colonies up to present-day conditions. It focuses mainly on the penal system in New Jersey over the years, correlating national interests with influences relative to the correctional activities.

Mr. Seligman points out, "Society has endured a lengthy penological experience and is still looking for lasting and acceptable solutions to counteract many anti-social attitudes. Work programs continue to endure as the basic, reliable training operation within most correctional environments of inmate incarceration. Prisoner personality differences require the utilization of various degrees and methods of treatment. It is

(Continued on back flap)



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**A HEARTHSTONE BOOK**

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This book is dedicated to the capable and devoted staff employees of the Bureau of State Use Industries—past, present and future!

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## PREFACE

For a variety of reasons, most prison industrial operations have maintained a low public relations profile. Many of my colleagues have observed that the public realistically knows little about industrial programs within our correctional institutions.

The majority of correctional literature deals with the criminology and penological aspects of incarceration. Various inmate treatment philosophies have been advocated in recent years. There has been a concentration of writings dealing with educational, psychological and sociological programs. Many of the latter have been given trial periods and abandoned, when deemed ineffective.

Little has been written by practitioners associated directly on a daily basis with prison industrial operations. The ratio of correctional writings involving prison industries has been proportionately sporadic. The author anticipates that this effort will stimulate other industrial personnel to publicize their valuable programs.

"Work" has endured as the basic reliable operation impacting favorably on the inmate population during periods of incarceration. While this seems to be a biased viewpoint, it is not intended as a reason for eliminating other useful and beneficial inmate treatment schedules. Individuals require varying degrees and methods of treatment. It is of paramount importance that correctional institutions maintain a realistic balance among their available inmate programs as a continuing incentive.

It is my purpose to concentrate on the unique expansion of prison industries, listing some major historical precedents, work philosophies, and legislative or legal approaches.

The first five phases deal with the chronology of historical development. The next several chapters depict the legislative changes leading to the philosophies associated with the "umbrella-type," centralized Department of Institutions and Agen-

cies. The latter relied on honorary, non-salaried Boards to assist in governing the Department and various institutions. This was an administrative organization that for many years was unusual within the State of New Jersey.

The later phases enumerate some of the difficulties encountered with theoretical problems, internal policies, and changes in social outlook, particularly after World War II.

As one of my primary objectives, an attempt to emphasize the Bureau of State Use Industries varied activities and functions has been made. The favorable impact of industrial operations, generally has relevance as an important overall factor in the correctional picture.

It should be noted that the policies of our Commissioners and Directors determined the level of industrial priority acceptable within the New Jersey Department's correctional program. The degree of Legislative restrictions further channelized our industrial operations and continues, even today, as a restraining consideration in any projected plans for prison industrial expansion.

Without assistance from numerous sources, the preparation of this book would have been quite impossible. I wish to acknowledge my professional contacts with members of the Correctional Industries Association, the Northeast Correctional Industries Conference and the American Correctional Association. I am indebted to them for the exchange of viewpoints and discussions of problems—both correctional and industrial.

The variety of literary sources utilized included encyclopedias, pamphlets and numerous government publications. I would like to extend my thanks for the availability of reference and library facilities located at: Mercer County Community College, Rider College, Rutgers University, Princeton University and the New Jersey State Library at Trenton, New Jersey.

My appreciation is extended to all authors and associates that have contributed ideas or concepts which were assimilated in this work.

I am grateful to members of my staff at the Bureau of State Use Industries for their cooperation. Special thanks are due to Lucas J. Filipponi (my Assistant Chief) and Angelina Chipman (my Secretary) also to Ann Sanders, Executive Assistant, New Jersey Department of Corrections. Much valuable background and research material was obtained with their assistance.

No expression of appreciation would be complete without ac-

knowledging the tremendous effort expended by my wife, Julia E. Seligman. She contributed immensely by advising on the book form and content, by proofreading copy and the final preparation of the typewritten manuscript. Her support and assistance has encouraged me to complete this dissertation on prison industries.

Irving Seligman

## INTRODUCTION

The development of prison industrial programs in the United States is primarily a responsibility of state administration. A majority of all the prisons are state institutions, supported by budgeted appropriations provided by their legislatures. Since the punishment of crime is a major concern of the various states, the methods of care, discipline and reformation of criminals must necessarily be a state problem. The treatment of prisoners is linked closely with each state's penal code and its organization for the administration of justice. There are differences in laws among the various states, differences in the methods of dealing with criminals, in the use of parole, in the extent of segregation of convicts and even in the legal and public attitudes concerning problems of prison administration.

There is a common belief that inmates of correctional institutions should be employed in useful work activities or given suitable vocational training. Such inmates work assignments are most important in achieving an effective and economical institutional operation. Work programs also build morale, help in maintaining discipline and reduce internal tensions. Many correctional authorities have observed that the principal value of work activity to the offender is the inculcation, or the reactivation of attitudes, skills and habit-patterns which can be highly beneficial in his reformation and ultimate release from confinement.<sup>1</sup> More than 98% of all prisoners are subsequently re-integrated into the social community.

Enforced idleness can be very debilitating. A prison industry program performs an important function by keeping offenders occupied constructively. Working prisoners are also provided an opportunity to earn monetary and other rewards while learning basic work habits and skills. Such training is frequently beneficial in assisting ex-inmates to secure and retain post-release employment.

Industrial programs should avoid "make-work" situations as

undesirable for the inmate worker. Standards must be established and maintained to produce quality goods and delivery services required by customers of the industries. A successful prison industry operation requires quality and quantity production standards, similar to industrial situations in the private sector.

It is highly desirable for prison industries to provide reasonably modern working facilities and machinery for the inmate work force. Realistically, prison industry operations are necessarily compact and cannot offer the range of working experiences available in the free world. The impact of prison industry programs in competition with private enterprise is negligible. "The total value of prison-made goods is but a small part of the total amount produced in the country."<sup>2</sup> Prison industries are usually self-sustaining. The inmates are employed and trained in a diversified program of industrial activities which provide finished goods and services to tax supported institutions and agencies. Under present day statutes, the market is limited by law and competition with free labor and private industry is kept to a minimum, as a matter of governmental policy. It is the goal of correctional administration to employ as many inmate workers as possible in productive and useful labor. There is an urgent and continuing need to reduce idleness, improve the inmates self respect and provide a tangible sense of purpose to the confinement imposed by society for violating its rules.

It has been stated that the best substitute for imprisonment and all of the social problems involved would be the prevention of criminal behavior. It is unfortunate that until the various social pressures on the human personality can be altered significantly, we will be forced to deal with the casualties.<sup>3</sup>

There is a widespread reliance on our prison systems to curtail crime and criminals. From the number of recidivists and the growing prison populations it is evident that present-day correctional methods have failed to curb criminal activities.<sup>4</sup>

It has been customary to utilize the labor of prisoners for the direct or indirect benefit of the state. The motive has been chiefly for profit or economy of maintenance. Inmate labor gradually became part of the program for social and economic reformation of prisoners. But, unfortunately, past history also indicates that hard labor was introduced as a punitive factor in addition to detention.<sup>5</sup> "The oldest known theory of criminal treatment, revenge, is still behind many of our laws and prison practices. Any

progressive attempt to alter this concept has resulted in accusations of molycoddling prisoners and of running country clubs.”<sup>6</sup>

The best prison community is no more than an extreme totalitarian society. It usually produces a good convict, but this can be quite different from a good citizen. Harry E. Barnes defined the function of a prison as threefold: (a) custodial (b) coercive and (c) corrective. Penologists gradually arrived at the realization that convict reform must be achieved in that environment to which the offender must ultimately adjust himself, if a suitable reformation is to occur.<sup>7</sup>

I have devoted more than 25 years working as a staff professional administrator in the Department of Corrections on behalf of the citizens of New Jersey. Most of this background experience has been acquired within the prison industrial operation. My original objective was to concentrate only on the historical development of the Bureau of State Use Industries. However, a review of the research literature made it apparent that no one had previously published a complete history of our prison industrial program.

There were numerous problems which affected the development of New Jersey's prison system and our neighbors in the northeast area. While New Jersey pioneered some important contributions to the field of corrections, it was also influenced by the successful experiences of other states—namely Pennsylvania, New York, Connecticut and Massachusetts. In the following pages an attempt will be made to depict a brief history of the chronological development of work programs for the criminal offender. The nation's experiences with economic, political and social circumstances strongly impacted on the attitudes of the public toward prison systems and their industrial operations. By reflecting on the happenings of the past, the reader will hopefully be directed to a better understanding of the present status of correctional industries in this state.

## FOOTNOTES

- <sup>1</sup>——, *A Manual of Correctional Standards*, The American Correctional Association, New York, 1959, p.375
- <sup>2</sup>Louis N. Robinson, *Penology in the U. S.* John C. Winston Co., Phila. Pa., 1923, p.172
- <sup>3</sup>Will C. Turnbladh, *Substitutes for Imprisonment*, American Academy of Political and Social Science, Phila., Pa., 1954, p.112
- <sup>4</sup>*Loc.cit.*
- <sup>5</sup>Louis N. Robinson, *Prison Labor*, Encyclopedia of the Social Sciences, Volume XII, 1934, pp. 415-419
- <sup>6</sup>Peg and Walter McGraw, *Assignment: Prison Riots*, Henry Holt and Co., New York, 1954, p.5
- <sup>7</sup>Harry E. Barnes, *Prisons*, Encyclopedia Britannica, Volume 18, 1959, pp. 514-519

## CONTENTS

Phase I (1780-1820) Post-Revolutionary War .....	17
Phase II (1820-1830) The Revival of Penal Reform .....	29
Phase III (1830-1860) Pre-Civil War Period .....	35
Phase IV (1860-1880) The Civil War and the Reconstruction Era .....	51
Phase V (1880-1915) The Reformatory Movement .....	59
Phase VI (1915-1925) A New Administrative Concept for New Jersey Institutions .....	73
Phase VII (1926-1933) The Early Regime of Commissioner William John Ellis .....	89
Phase VIII (1933-1945) The Later Regime of Commissioner William John Ellis .....	107
Phase IX (1945-1952) The Prison System in Transition ..	123
Phase X (1952-1954) Factors of Social Change .....	145
Phase XI (1955-1962) The Tramburg Era .....	164
Phase XII (1963-1971) The McCorkle Years .....	210
Phase XIII (1972-1973) The Old Regime Ends .....	244

Phase XIV (1974-1976) The Renaissance .....	255
Phase XV (1977-1978) Creation of the Department of Corrections .....	281
Phase XVI (1979-1982) The Resurgence of Prison Industries .....	297
Epilogue .....	323
Appendix .....	327
Bibliography .....	353
Index .....	360

**PRISON INDUSTRIES  
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## **P H A S E I (1780 - 1820) POST REVOLUTIONARY WAR**

Toward the end of the 17th Century, the two Quaker colonies of Pennsylvania and West Jersey repudiated the puritanical, savage criminal laws which existed in Europe. By adopting their Criminal Code in 1682 these colonies abandoned the practice of corporal punishment and substituted imprisonment as the accepted method for treating criminals. Except for capital offenders whose sentence mandated execution, this humane treatment was continued after American independence from England was firmly established.<sup>1</sup>

With fewer colonies available to which prisoners could be transported, the British were forced to review their methods of handling criminals and the "Age of Reason" had finally arrived in the civilized world.<sup>2</sup> In 1778 the English Parliament authorized the building of a penitentiary. The Quakers had identified the latter as an institution for producing penitence or penitentiary reform, thereby expecting to abandon the principle of retribution.<sup>3</sup>

In establishing this English concept of prison discipline, the Quaker doctrine was adopted and the purpose of the new penitentiary was stated as follows:

By sobriety, cleanliness and medical assistance, by a regular series of labour, by solitary confinement during the intervals of work, and by due religious instruction to preserve and amend the health of the unhappy offenders, to inure them to habits of industry, to guard them from pernicious company, to accustom them to a serious reflection and to teach them both the principles and practice of every Christian and moral duty.<sup>4</sup>

Thus, modern penology credited the Quakers with evolving the principle of abolishing corporal punishment and the doctrine that imprisonment should be at hard labor and not in idleness.<sup>5</sup> The modern prison as a permanent institution was thereby established.

The idea that inmates could be reformed in prisons had its roots in Philadelphia. "In 1786, local criminals were being sentenced to continued hard labor, publicly and disgracefully imposed. They were confined in jails, but sent out daily into the city streets dressed in bizarrely colored clown costumes to dig ditches and repair roads."<sup>6</sup> Behind this punishment was the theory that anyone tempted to break the law would be deterred by the spectacle of public humiliation. However, there were drawbacks to this program. The citizens went out of their way to taunt the prisoners. As a result, the latter picked the citizen's pockets and on occasion dropped their leg restraints (iron balls) on the toes of obnoxious individuals.

The "Philadelphia Society for Alleviating the Miseries of Public Prisons" was revived in 1787. This organization subsequently became the "Pennsylvania Prison Society" and has been an advocate for prison reform within that state for more than 200 years. Many of the Society members were Quakers. Their primary purpose was to relieve the physical suffering of prisoners. But, in addition soon attempted to modify punishment by (a) advocating reduction in the number of capital penalties and (b) substituting solitary confinement for the death penalty.<sup>7</sup>

The City of Philadelphia was a recognized center of American civilization and political life during the last quarter of the 18th Century. "As the capital of the country during much of the period, Philadelphia received many distinguished foreign visitors, bringing with them the doctrines of their countrymen."<sup>8</sup> The interchange of concepts assisted the city in developing some of the early programs of social reform in this new nation.

During this same period in our American history we witness the emergence of the first prison system. Prison labor was looked upon chiefly as a means of punishing and disciplining the inmate. It was intended to make the life of the prisoner hard and laborious, thus making him repent more quickly. There were no organized industries and prisoners were assigned to crude tasks such as: manipulating a treadmill, grinding meal or breaking rocks. A number of years were to pass before prison labor began to be considered in relation to economic costs, manufacturing productivity or financial income.<sup>9</sup>

While the Quakers were wrestling with social reform and prison development, many of the surrounding states were also involved with similar problems.

Connecticut converted an old copper mine near Simsbury into a prison facility about 1773. This institution was used until 1827 when their new Wethersfield Prison was opened.

The Commonwealth of Massachusetts converted the Castle Island military post in Boston harbor into their first major prison in 1785. There were escape problems in operating this unit and a new prison was built in 1805 at Charlestown as a replacement.

New York's first major prison was built in 1796. This famous institution was called Newgate Prison and it was located in the Greenwich Village area of New York City.

New Jersey's State Prison at Trenton was established in 1798 in a suburb known as Lamberton.

Various other states built similar institutions to confine offenders—Virginia 1800; Vermont 1808; Maryland 1811; New Hampshire 1812; Ohio 1816.<sup>10</sup>

As contrasted with local jails, the erection of state prisons was not due to humanitarian concerns for the welfare of prisoners. "The motive was to obtain greater security for persons sentenced to long terms of imprisonment. The number of prisoners with long sentences was increasing because of the development of opposition to the death penalty." Prison labor was also introduced because in itself, imprisonment was not believed to be sufficient punishment. It was also hoped that by their labor, prisoners might be able to pay the expenses of the institution.<sup>11</sup>

The Act of 1789 passed by the Commonwealth of Pennsylvania was the first legislation in this country to stipulate imprisonment for most crimes. "The final triumph for the Quaker reformers came in 1794, when an Act was passed which reduced the list of capital crimes to first degree murder and prescribed imprisonment for the other offenses."<sup>12</sup> The beginnings of the American prison took place during this era and ultimately developed into our modern correctional system.

The first American penitentiary was the Walnut Street Jail in Philadelphia which was rejuvenated in 1790. A cellblock was erected in the jail's yard for solitary confinement of hardened criminals. The cellblock consisted of three tiers with eight cells per tier. This unit became the penitentiary for long term prisoners in Pennsylvania.<sup>13</sup> "The intent in establishing institutions for the confinement of long-term prisoners during the 1790's and early 1800's was not only to substitute imprisonment for corporal and capital punishment but also to get away from the evil conditions

existing in the jails: congregate confinement, with men, women and children sleeping indiscriminately on the floors of filthy compartments, liquor sold at the jail bar, and neglect and brutality accepted as standard practice. Idleness compounded the bad effects of these conditions."<sup>14</sup>

One of the basic goals in the early days of the penitentiary was a motive for production, which eventually led to exploitation of the convicts. The convicted offenders were employed at productive tasks for which they were paid wages. This program was later recognized as the early blueprint for a number of prison industrial operations in various other states.<sup>15</sup>

It is significant that while much has been written about the history of criminal law, penal discipline and administration, very little has been published relevant to the genesis of prison industry and its relationship to the economic systems developed in the outside world. The prison industry history is firmly entwined with the inseparable anthology of criminal and penal literature. To a considerable degree, many aspects of prison industry have been determined by society's attitudes toward criminal behavior and administrative ideals in vogue within the penal institutions.<sup>16</sup>

The Walnut Street Jail went through a variety of transformations from 1791 to 1801. The Principal Keeper was a man named Elijah Weed. But, he died in 1793 of Yellow Fever and the institution was administered by his wife, Mary Weed, until 1800. The prison program attracted reformers and students of penal discipline from England and France as well as numerous visitors from other states.<sup>17</sup>

Dr. Orlando F. Lewis has written that, "this earliest prison system started upon a high plane that has seldom been reached in any succeeding generation."<sup>18</sup> Working prisoners in the Walnut Street Jail were credited with fair pay for their labor and debited for daily maintenance. Good workers could also ultimately earn a pardon and an earlier release. The working prisoner was charged about 15 cents per day for board and his share of the necessary tools.

"The inmates worked at carpentry, joinery, weaving, shoemaking, tailoring and the making of nails—all of them occupations that later became stock industries in American prisons. The unskilled convicts, and the group classified as 'vagrants' were employed in beating hemp and picking moss, wood or oakum. The female convicts worked at spinning cotton, yarn, carding wool,

picking cotton, preparing flax and hemp, and washing and mending."<sup>19</sup>

Some prisoners were able to earn more than a dollar per day for their efforts and left the prison with more than fifty dollars to their credit. Most prisoners were released with money in their pocket and well clothed. Any discharged prisoner requiring assistance was referred to the Philadelphia Prison Society. Inmate wages were the same or somewhat lower than those paid for similar outside work.

The offender was required to pay the cost of his trial and generally also any fine that was imposed. Upon the expiration of sentence any monetary balances outstanding required his remaining in prison until the balances were liquidated. By the same token, any money balances in his favor were given to the prisoner upon release. Each inmate was provided with a little book in which his earnings and obligations were recorded.

Women prisoners also had opportunities to earn small amounts of money and were charged about seven cents for daily maintenance. Any convicts that had not been tried by the court were not forced to work. But, those that needed the wages usually desired to work and such requests for employment were granted whenever possible.

Obedient inmates were fairly well treated. The prison guards did not carry weapons and no chains or irons were utilized to restrict inmates. It was said that corporal punishment was unknown within this prison. The rule of silence was imposed in the shops and at the dining table. But, prisoners were allowed to converse in low tones within their lodging rooms until bedtime.<sup>20</sup>

"This absence and virtual prohibition of deadly weapons . . . was an extraordinary feature of this first prison system. We find here a series of regulations, and a method of attempting a humane and considerate treatment of prisoners, that are a revelation to those who have assumed that efforts at honor systems, equable wages, reasonable hours of labor, and government without the use of deadly weapons are new ideas."<sup>21</sup>

The Walnut Street Prison in Philadelphia established the first standards for administration and construction of state prisons: i.e. separate punishment cells for solitary confinement, prison labor, wage payments for prisoners, silence at work, boards of inspectors and other administrative officials.

It was most unfortunate that as the Pennsylvania population

increased, there was an inevitable congestion of the prison population after 1805. The necessary commingling of prisoners in the large night-rooms led to the eventual downfall of the first prison system. There was eventually a reversion to the terrible conditions of idleness, debauchery and extortion that had marked the earlier local prisons of the pre-reform period. Little was done to change the decline during the next decade. There were violent public protests in Philadelphia and New York which soon led to a second wave of prison reform starting in 1820.

While Pennsylvania was developing the basic blueprint for the penitentiary system, the Commonwealth of Massachusetts was wrestling with some of their own prison problems. The chief inmate occupations in the Castle Island Prison consisted of nail-making and the picking of oakum. But the institution was beset by numerous escapes across the ice in winter or by swimming to the mainland in summer. After some twenty years, a new prison was built in Charlestown that opened in 1805.

Workshops were built within the prison yard. Some of the industrial occupations were: foundry and blacksmithing, tailoring, shoemaking, carpentry, weaving, brushmaking, paint shop work and stonecutting. Shoemaking was the only permanently reliable occupation.

Inmate labor was made available to contractors for various industrial purposes and such convict labor was sold at forty to fifty cents per day for each person. In 1807 one of the first contractors was a William Little who engaged the labor of 20 men to work at a plating and harness business. For the first six months he paid forty dollars a week for their total services and fifty dollars weekly thereafter.<sup>22</sup>

Thus, the contracting of prison labor to private business was an accepted reality almost from the very beginning of our young prison system in this country. Many of the abuses and industrial problems involving convict labor continued to surface during the next two hundred years. The social ramifications of utilizing prison labor effectively has been a periodic source of complaint from both labor unions and manufacturers in the private sector down through the years. But, I am getting ahead of the story. . . .

It was the responsibility of local agencies in New Jersey to provide for paupers and criminals. The major problem in colonial jails was security since they were simply log cabins supervised by the local sheriff. A second problem was cost. Jail officials fol-

lowed English tradition and collected fees and fines from the prisoners. The latter remained incarcerated until a program for paying their debts was arranged.

As the population grew, the problems of the local jail became more pressing and the sheriff assumed a greater influence in political matters. The Quaker interest in reforming criminal laws, was a major influence in developing a state prison and New Jersey was impressed with the notable penal improvements in Philadelphia.

Sponsored by William Patterson, a new criminal code was ratified in 1796 which substituted imprisonment at hard labor for previous offenses that had called for corporal punishment or death. Since the county jails were not intended for long term offenders or equipped to employ such convicts, a new State Prison was required and authorized in 1797 and opened during 1799.

A six and one half acre site was acquired by the legislature in the town of Lambertton (now a part of the city of Trenton). This first New Jersey prison did not provide for any sentence less than six months. Also, there was no differentiation according to the type of offense, mental state, age or sex of those committed. Prisoners of both sexes were allowed to associate freely and were confined within the same walls. The prison was constructed on the congregate plan and modelled after the Walnut Street Jail. However, until 1820, there was little attempt to place the prisoners in solitary confinement either day or night and this was a serious departure from the policy adopted in Philadelphia after 1790.<sup>23</sup>

While prison labor was introduced it was primarily viewed as a reformatory deterrent and only secondarily as a means of paying part of the cost of maintenance for the new institution. The inscription over the main door is a testament to their views of penal discipline and industry:<sup>24</sup>

Labor, Silence, Penitence  
The Penitentiary House Erected By  
Legislative Authority  
Richard Howell, Governor  
In The XXII Year Of  
American Independence  
M D C C X C V I I I  
That those who are feared

For their crimes  
May learn to fear the laws  
And be useful  
Hic Labor, Hoc Opus.

The prison was primarily a custodial area for convicts where some work was provided. It was considerably better than the crude county jail, but little attempt at prisoner reformation was attempted. Like all such congregate prisons it was doomed to failure.<sup>25</sup> The founders of the institution hoped that the profits of prison labor would pay for the production and maintenance costs. Each prisoner had an account of his debits and credits, with the expectation of accumulating some funds toward his ultimate discharge. The success of the prison rested on its ability to operate as an effective manufacturer. The Principal Keeper was primarily a plant manager and businessman. He received a \$600. annual salary and maintenance plus a 5% commission on sales of prison made goods.<sup>26</sup>

In addition to security and maintenance, the Principal Keeper had to oversee the employment of convicts, arrange to purchase raw materials, and market the products produced by inmate labor. He appointed an assistant, a clerk and three guards to help him accomplish these duties.<sup>27</sup>

The institution's central building included the Keeper's living quarters, offices and the main entrance. There was also a kitchen, dining room, bakery and storage facilities. To the rear and adjoining either side of the central building were dormitory wings for sixty inmates, guard rooms, and work shops. The buildings included a chapel and an infirmary for a part-time doctor. Behind these buildings was a yard enclosed by a twelve foot wall.

The law stipulated how prisoners were to be received and indicated various sanitary regulations for their protection. The daily work hours for inmates was limited to eight or ten hours, depending on the season. The prison was required to provide such work and compensation that would give prisoners an incentive to earn their maintenance, plus an additional amount to cover the cost of each convict's prosecution, transportation and his own wages during and after confinement. Women prisoners were supposed to wash and cook for the prison or be given industrial assignments. Inmates that were ill could demand to remain until cured, even if their sentences had ended. On recommendation of

the prison authorities, the Governor could forgive debts of prisoners without property and who obviously were unfit to earn their keep due to physical or mental handicaps.<sup>28</sup>

The overall supervision of the New Jersey State Prison was the responsibility of eight Inspectors, appointed annually by the legislature. This provision was modelled on the methods used by both Philadelphia and New York. Originally this group (of prominent citizens) could provide business connections and/or advice to the Keeper. The Inspectors also provided a channel for input by those citizens organized for prison reform. The state paid the Inspectors a dollar per day while on prison business. They usually met quarterly, but two Inspectors visited the prison weekly. The Inspectors were responsible for appointing the Principal Keeper and approving all administrative regulations.<sup>29</sup>

It cost the State of New Jersey about \$41,000. to establish their first State Prison. Unfortunately the high expectations initially anticipated proved a failure. The Keeper was unable to find a steady source of reliable work for the inmates. There was great difficulty in marketing any products made without orders. Many prisoners did not earn a surplus over their maintenance and an increasing number of aged or sickly convicts were unproductive. There was obvious mismanagement of inventories, bad debts that were uncollectible and lack of business knowledge in operating the industries.<sup>30</sup>

In the congregate facilities that existed, the convicts learned to organize gangs to exploit other prisoners and take advantage of the prison guards. There was stealing of materials and provisions, also smuggling and trading between the inmates and certain keepers. "There was the general prevalence of insubordination and the pre-existence of a perfect familiarity and almost untrained intercourse among the prisoners, and between the prisoners and the assistant keepers."<sup>31</sup>

During the War of 1812, the embargo on merchandise helped the prison to sell its inventory and this helped the institution to make a considerable profit for several years. It was stated that the large losses for the first five years occurred because few inmates were employed and the prison staff was unacquainted with the work. But, after the War of 1812 there was a serious failure of prison industry which continued for some time.

By approximately 1818, the Trenton Prison began to experience overcrowding. The population had increased from under 70 to

more than 112 people and severe disciplinary problems arose. Supervision was lax and the undue familiarity between convict and keeper did not help the situation. There was little discipline and convicts would leave their work stations in the shops and go to the yard. Riots were frequent and hard to subdue. There were a large number of escapes and about half of these runaways were never recaptured. A keeper had been stabbed, two prisoners shot and one killed.

During this early period in our prison system punishment tended to be severe. Solitary confinement with bread and water was often used—sometimes for 20 to 30 days at a time. Restraints such as chains were also used and sometimes the prisoner was chained at his work. In order to reduce runaways, neck yokes were sometimes utilized to prevent the wearer from getting through the gates. Some convicts receiving the above punishments, experienced great suffering and spent additional time recuperating in the hospital. The evils characteristic of congregate prisons during this early period in penal history had now become notorious at the New Jersey State Prison.<sup>32</sup>

In the meantime, as early as 1816, the situation at the Newgate Prison in New York City became intolerable. There was petty graft, overcrowding, idleness and promiscuous pardons. The situation was acute and the New York Legislature authorized a new state prison in the City of Auburn (Cayuga County).<sup>33</sup>

The first section of this new institution was built on the congregate plan and was finished in 1819. The second section, called the north wing of the Auburn Prison was started in 1819 and ultimately became the standard type of cellblock structure of many American prisons for almost a century. The Auburn cells were of the "inside" type, small (7' × 3½') to accommodate a single prisoner and tiered in a rectangular cellblock design. The separate cells made it easier to maintain discipline and isolated prisoners so the transmission of communicable diseases was greatly reduced.

By the 1820's a number of disciplinary problems had emanated from the various state penitentiaries. The good intentions of the Quakers which had helped to institute the first prison reforms, gradually eroded. The principles of the congregate prison were not suitable for administering larger convict populations. Thus, it became necessary to resolve the difficulties created by overpopulation and the increasingly recalcitrant prisoners. The next

decade became historically significant in directing the development of our prison system with greater rapidity.

## FOOTNOTES

- <sup>1</sup>Harry E. Barnes, *THE REPRESSION OF CRIME* George Allen and Unwin, Ltd., London 1926, p.28
- <sup>2</sup>Peg and Walter McGraw, *ASSIGNMENT: PRISON RIOTS* Henry Holt and Co., New York, 1954, pp. 3-5
- <sup>3</sup>Edwin H. Sutherland and Donald R. Cressey, *PRINCIPLES OF CRIMINOLOGY*, J.B. Lippincott Co., Phila. Pa., 1966, p.506
- <sup>4</sup>*Loc.cit.*
- <sup>5</sup>Barnes, op.cit. p.115
- <sup>6</sup>Dr. Marvin Wolfgang, *PUT THEM IN JAIL*, interview by the Philadelphia Inquirer, Phila. Pa., Nov. 26, 1978
- <sup>7</sup>Sutherland and Cressey op.cit. p.504
- <sup>8</sup>Barnes, op.cit. pp. 121-122
- <sup>9</sup>Harry E. Barnes, *THE STORY OF PUNISHMENT*, 2nd. edition, Patterson Smith Publishing Corp., Montclair, N.J., 1922, p.219
- <sup>10</sup>Sutherland and Cressey, op.cit., p.505
- <sup>11</sup>*Ibid*, pp. 505-506
- <sup>12</sup>———, *A MANUAL OF CORRECTIONAL STANDARDS*, The American Correctional Ass'n., New York, 1959, p.5
- <sup>13</sup>*Ibid*, p.10 See also H. Barnes and N. Teeters, *New Horizons in Criminology*, 2nd. edition, 1955, p.61
- <sup>14</sup>*Loc. cit.*
- <sup>15</sup>Harry E. Barnes and Negley K. Teeters, *NEW HORIZONS IN CRIMINOLOGY*, 2nd. edition, Prentice Hall, Inc., Englewood Cliffs, N.J. 1955, pp.718-720
- <sup>16</sup>Barnes, *THE REPRESSION OF CRIME*, op.cit., p.260
- <sup>17</sup>Sutherland and Cressey, op.cit., p.394
- <sup>18</sup>Orlando F. Lewis, *THE DEVELOPMENT OF AMERICAN PRISONS AND PRISON CUSTOMS 1776-1845* Patterson Smith, Montclair, N.J., 1967, pp.30-32
- <sup>19</sup>*Loc. cit.*
- <sup>20</sup>*Loc. cit.*
- <sup>21</sup>*Ibid*, p.32
- <sup>22</sup>*Ibid*, pp.68-70
- <sup>23</sup>Sutherland and Cressey, op.cit., p.395
- <sup>24</sup>Barnes, *THE REPRESSION OF CRIME* op.cit., p.271
- <sup>25</sup>Sutherland and Cressey op.cit., p.396
- <sup>26</sup>James Leiby, *CHARITY and CORRECTION IN NEW JERSEY* Rutgers University Press, New Brunswick, N.J., 1967, pp.27-28

<sup>27</sup>Harry E. Barnes, *A HISTORY OF THE PENAL, REFORMATORY AND CORRECTIONAL INSTITUTIONS OF THE STATE OF NEW JERSEY* MacCrellish and Quigley, Trenton, N.J., 1917, p.378

<sup>28</sup>Leiby, op.cit. p.29

<sup>29</sup>Barnes, *Evolution*, op.cit. pp.122-124; Barnes, *History*, op.cit., p.61; Lewis, op.cit., p.28

<sup>30</sup>Leiby, op.cit., p.30

<sup>31</sup>Barnes, *History*, op.cit. pp.404-405

<sup>32</sup>Lewis, op.cit. pp.189-190

<sup>33</sup>Sutherland and Cressey, op.cit. p.397

## PHASE II ( 1820 - 1830 ) THE REVIVAL OF PENAL REFORM

This is an era in which prison administration becomes organized. Certain standards are accepted for the first time and a number of administrative practices can be traced back to this decade. The methods and habits that were developed became so definitely established that many remained for more than a century.<sup>1</sup>

As previously indicated, the Pennsylvania laws of 1790 controlled the prison industry situation through the 1820's. There were a few successful industries at the Walnut Street Jail, but excessive overcrowding hampered the operations—general idleness became prevalent, and there was a serious decline in the interest for prison industry. It must be remembered that prison industry was looked upon as another punishment method to execute society's revenge on offenders and as a deterrence from future criminal activities. There was no inclination toward the productive or educational aspects of prison industry.<sup>2</sup>

The population problems at the Trenton Prison were investigated by a Legislative Committee and resolved by erecting another building in the prison yard. There were attempts to keep the inmates employed by experimenting with contract labor. Also instituted was a system of prisoner separation in order to control the institution. This method had gained much favor in the Pennsylvania program and was subsequently expanded with their completion of the Eastern Penitentiary in 1829. Violent protests by the public, because of conditions in the prisons, readily led to the acceptance of harsher treatment for prison inmates.

A law was passed in New York during 1819 which provided in part for the following punishment for convicts refusing to comply with prison rules:<sup>3</sup>

It is hereby declared to be the duty of the respective keepers under the direction of the inspectors to inflict corporal pun-

ishment on such prisoners by whipping, not to exceed 39 lashes at any time, or to confine them in solitary cells on bread and water, or to put them in irons or stocks. . . .

Captain Elam Lynds was one of the early Wardens at the Auburn Prison. He was a strong disciplinarian and many of the new penal innovations were credited to him. Using prison labor, the Auburn North wing was finished and occupied in 1825. Utilizing similar work techniques, he used barges to haul materials and inmates to a site on the Hudson River at Ossining. This new institution was originally called Mount Pleasant, but ultimately became known as the famous Sing Sing Prison. It is important to note that both these penal institutions required congregate inmate labor for successful construction. No prior prison plan had worked its inmates during the day in association and locked them up in separation at night. This program was the keystone of the so-called Auburn system.<sup>4</sup>

Hard work had replaced idleness at the institutions! Hard work had reformative value! It was healthy, productive and taught inmates the principle of self support upon release from prison. All convicts worked in silence! They did not face each other at work. Even in the mess hall each prisoner was seated at dining tables so they faced the wall and the rule of silence prevailed. The usual punishment for violation of this rule was flogging.

Hard labor had become a fetish! All convict labor went on unremittedly and without compensation. All of the prisoner's time belonged to the State! Sunday was the only day of rest. Church services were held after breakfast, and attendance was voluntary. All prisoners were locked in their cells after church services for the remainder of the day where they could rest, read or meditate.

Thus, the success of the Auburn system depended on the factors of hard labor, silence, separation and severe corporal punishment for those convicts not in compliance. The major success lay in the fact that this particular system worked for the New York prison administration. Also of interest, is the opening of the Connecticut State Prison at Wethersfield in 1827 and Pennsylvania's Eastern Penitentiary during 1829.<sup>5</sup>

Fueled by the past abuses in their penal programs, the various states were seeking penological panaceas. With the completion of the Eastern Penitentiary in Pennsylvania, there developed an active competition with the Auburn technique as to which was

the better system. Both programs prohibited verbal or other communication between prisoners and there was a difference in the methods used to keep prisoners separated.

The Eastern Penitentiary kept its inmates in large, individual cells and did not allow them to leave those cells except for discharge or severe illness. In the Auburn program prisoners were housed separately in very small cells, but were assembled in the workshops during the day which were operated under strict rules of absolute silence. The Pennsylvania system required the convicts to work and eat in their cells and there were no congregate programs.

During this second period of prison reform, another organization known as the Boston Prison Discipline Society was established. Its militant leader was the Reverend Louis Dwight who was highly prejudiced in favor of the Auburn system. He founded the Boston Society in 1825 and remained as its Secretary until his death in 1854. Mr. Dwight was an excellent salesman. He pointed out the greater economy, safety and simplicity of the Auburn system and the constant utilization of inmates at productive labor. His organization also published annual reports which favored the Auburn program and was a dominant factor in persuading a number of the states to adopt the Auburn plan. Other than Pennsylvania, only Rhode Island and New Jersey were major proponents of the Pennsylvania system in this country. However, both states ultimately found it necessary to abandon the program at a later date.<sup>6</sup>

This controversy between the Pennsylvania and Auburn system continued for about fifty years and is well documented in penal literature. It is an interesting fact that the Pennsylvania system was greatly admired and received approval from many noted penologists in Europe. It became the standard in many European countries.

The Pennsylvania plan had its weaknesses. Such institutions were more expensive to construct and maintain since congregate assistance from the convicts was not an allowable policy procedure. There were charges of higher rates of disease, insanity and death than in prisons of the Auburn type. Treatment was more humane and punishments were milder since rule infractions in prison usually occur from prisoner contacts. The advocates of the Pennsylvania system praised the results they obtained—particularly the absence of contamination of prisoners by physical association.

However, there were also serious problems with the Auburn program:

- (1) Corporal punishment was necessary to maintain the rule of silence and flogging was prevalent at both Auburn and Sing Sing.
- (2) The "lock-step" and regularity of prison life led to mass handling of prisoners.
- (3) Reformation was sacrificed to make money out of the prisons for the benefit of the State.
- (4) Taxpayers were concerned with penal institutions being self-sustaining.

At the first International Prison Congress at Frankfurt-on-Main, Germany in 1846, European delegates passed the following resolution approving the Pennsylvania system:<sup>7</sup>

Separate confinement can be used in general with such increasing or decreasing degrees of severity as are conditioned by the nature of the offense, and by the character and conduct of the prisoners, so that each prisoner shall be occupied with useful labor, shall have exercise each day in the open air, shall receive religious, moral and school instruction, shall take part in divine service, and shall receive the visits of the Chaplain of his own religious faith, the director of the prison, the prison physician, the members of the supervisory board and of the prisoners' aid societies which may be permitted by the prison rules.

The Pennsylvania system was obviously more humane than its Auburn competition. But, there was a basic weakness since it could not prove itself superior as a money-maker. It was not cost efficient to build or maintain, nor could an appreciably lower percentage of recidivism be shown. The Auburn type of prisons (a) cost less and (b) produced more than the Pennsylvania units. These two factors in the United States led to almost universal adoption of the Auburn program. The basic question was one of money—not humanity!<sup>8</sup>

It is historically recognized that the Industrial Revolution in this country began about 1825 and continued for another fifty years. The gradual introduction of machinery generally favored production techniques available in the Auburn congregate shop system.<sup>9</sup>

In order to keep their prisoners employed in productive pursuits, many Wardens sought to sell the products they had manufactured. It was difficult to dispose of prison-made merchandise because no established connection existed between prison shops and the outside customers. But, with the rise of the "Merchant-Capitalist" after 1825, a new intermediary agent arrived on the scene that became increasingly interested in the benefits of cheap, prison labor.<sup>10</sup>

During this same period there were early complaints from the "Mechanics" (skilled craftsmen) who found themselves faced by the competition of prison-made goods. Most of this hostility was directed against the Auburn type institutions which were either self-supporting or producing surplus goods for sale on the open market. Thus, the early labor groups (particularly in New York) violently protested that the prison competition was damaging and unfair. But, they were poorly organized and unable to exert much economic or political pressure of consequence at this point in our penal history.

Management in State correctional institutions had now developed into system. The principles of the two systems at Pennsylvania and Auburn, were not inhuman of themselves. We must remember the public attitudes that prevailed during this period. Public opinion upheld the use of corporal punishment! Flogging was customary outside of prison, in the Navy, the schoolhouse and the home. In some prisons the trend was toward a reduction in the use of the lash. But, even Dorothea Dix, New Jersey's outstanding reformer, conceded that for refractory cases the lash had to be used as a last resort.<sup>11</sup>

The two main demands of most legislative bodies were (a) the productivity of inmate labor and (b) security against prisoner escape:

The self-supporting prison was praised, and the prison that returned a surplus was held up to public admiration. Encouragement of this attitude of the public mind was fostered regularly by the Prison Discipline Society's reports from Boston. The achievement of these two ends led, in the prisons operating under the silent system, to the constant vigorous guarding of inmates, and to a constant driving of the inmate forces to the one end of turning out the maximum of commercially valuable products. The two chief phases of prison

administration, therefore, were those connected with security and industry. The public must be protected from the criminal, and the taxpayer must be protected from any unnecessary drain upon his pocketbook.<sup>12</sup>

Thus, in summary we have reviewed the first reform period by the Quakers of Philadelphia and West Jersey, who brought about a new concept in prison discipline. The ideas of prison and social isolation were adopted as proper methods of punishment.

During the second period of reform, there was a return to corporal punishment and greater concern with programs of inmate security and industry. Management systems were developed within the penal institutions. All the important prisons of the world throughout the 19th century, copied either the Auburn or Pennsylvania type operations or a combination of both.<sup>13</sup>

## FOOTNOTES

<sup>1</sup>Lewis, Development, *op.cit.* p.78

<sup>2</sup>Barnes, Repression, *op.cit.* pp.267-268

<sup>3</sup>Lewis, *op.cit.* p.97

<sup>4</sup>*Ibid* p.80

<sup>5</sup>*Ibid* pp.86-99

<sup>6</sup>*Ibid* pp.325-326

<sup>7</sup>*Ibid* p.236

<sup>8</sup>*Ibid* pp.250-251

<sup>9</sup>Barnes, Repression, *op.cit.* p.269

<sup>10</sup>*Ibid*, p.272

<sup>11</sup>Lewis, *op.cit.* p.328

<sup>12</sup>*Ibid*, pp.328-329

<sup>13</sup>Sutherland and Cressey, *Criminology, op.cit.* p.398

### **P H A S E   I I I ( 1 8 3 0 - 1 8 6 0 ) P R E - C I V I L W A R P E R I O D**

The penal problems of this early period necessitated new concepts and experimentation. But, a different basis had now been developed on which to build reliably and the prisons soon became more systematized institutions. Both the Auburn and Pennsylvania proponents claimed their efforts to establish a controlled prison environment were successful. The security, silence and rigid discipline were a relief to many states that had experienced various levels of disorganized and irregular inmate behavior within their institutions. A number of the Auburn type prisons reduced their maintenance expenses, and some of these institutions actually began to produce surplus products. It soon became obvious that prison administrators were learning better methods and the early experimentation was showing some improved results.<sup>1</sup>

The criminal was still branded as a social outcast and public opinion continued to separate the criminal as a different individual from the larger body of law abiding citizens. Religious beliefs proclaimed all criminals were wicked. Therefore, severe and often terrible treatment should deservedly be inflicted on all such perpetrators.

The new penitentiaries were imposing edifices of monumental and secure architecture. Security required that prison buildings be of heavy masonry construction. Stone and steel were materials commonly utilized. High walls surrounded most institutions and the walls were patrolled by armed guards.

In the Auburn style prisons, all inmate movements were conducted en masse whenever possible and under close supervision. The march to and from the work shops and cells was frequently the only inmate exercise. Recreation of any sort was unknown during this period.

Is the prison economical? Is the prison safe? At Auburn these questions were of paramount importance:

Economy built cells without running water or water-closets. The bare necessities of existence were admitted to the cells, although the inmate passed approximately fourteen hours a day cooped up in these extremely small places. Beds were of wood, and infested often with vermin. Sheets and pillow cases were rare. Blankets were filthy and insufficient. Heating was done mainly by stoves in the corridors. Extremes of temperature were inevitable in winter. Some cells were hot and stifling, and some were cold, frigid and wholly uncomfortable. The windows being closed to save heat, ventilation conditions were frequently intolerable.<sup>2</sup>

The water supply in many prisons was insufficient. Except for drinking purposes, no water was carried into the cells. The inmates washed in the work shops. Sometimes homemade showers were available; rarely any bathtubs.

Lights were makeshift and individual cells were not lighted. Oil lamps hung in the corridors of Auburn type prisons. Thus the custom of working convicts from sun-up to sun-down, six days per week.

An inmate's clothing was crude, but usually sufficient. Generally a distinctive garb was worn, such as a multi-colored costume or alternate black and white stripes. If further distinction was needed, half of the convict's head might be shaved.

The prisoner was barred from knowledge of the outside world and the prison was cut off from outside communication. Rarely did the inmate receive letters or visits from family or friends. The public was not usually aware of activities in the prison. There was an unusual custom, at some prisons (probably mercenary) which permitted visitors at regular hours upon payment of a small fee. The visitors were allowed to look at the inmates as if they were part of a human zoo.

The chief daily activity in the prison was the manufacturing of products for sale on the open market. The reduction of maintenance costs was the principle objective. Leasing the labor of the convicts to contractors was the most lucrative method of employing the inmates.<sup>3</sup>

A recognized penal authority wrote the following commentary on 19th Century prisons:

Prisoners were literally worked to death—. Wardens, desir-

ous of operating prisons with little loss to the State, had their charges working at machines 12 to 15 hours a day. Prisoners were slave driven. They entered the shops at early dawn and were not returned to their cells until after sundown. When they worked, they were watched by guards who never hesitated to use the whip or club in an effort to speed up production.

There was no recreation or education, food was either abominable or non-existent. Hospital facilities were very crude. Corporal punishment was inflicted for the slightest type of disobedience. No attempt was ever made to ascertain the causes of disobedience.<sup>4</sup>

Those prisons utilizing inmates in work shops showed a higher earning capacity. "From 1828 to 1841, Auburn Prison produced enough to support itself, pay all salaries of officers, except in 1837-38, and except in those two years produced a total surplus of \$69,460. Sing Sing, Massachusetts, Ohio and Connecticut made very favorable financial showings, and on the other hand, the 'separate prisons' were far from self-supporting, a fact that was forever 'rubbed in' publicly by the reports of the Boston Prison Discipline Society. The Eastern Penitentiary failed even to publish annual financial statements."<sup>5</sup>

The ideal prison kept its inmates profitably employed so the public could be relieved of the expense for institutional maintenance. The reports of the Boston Prison Discipline Society emphasized the benefits of congregate prison labor and its importance to the taxpayer. Thus, making a prison self-sustaining was the ultimate objective in early prisons developed on the Auburn plan.<sup>6</sup>

The economic aspects of historical prison administration has not been any more inspiring than other phases of its development. During much of the 19th Century it was not unusual for prison labor to be involved with various kinds of contracting. Reference has been made to the "Merchant-Capitalists" that acted as intermediary agents for prison manufactured goods. These individuals were entrepreneurs that were seeking any available means to reduce labor costs. They organized individual workers as home laborers; particularly if the latter had access to a sewing machine. When industrial equipment was necessary, the "Merchant-Capitalists" provided the machinery at a cheap central location and developed the early Sweat Shop.

Thus, the "Merchant-Capitalists" were uniquely suited and glad to utilize the available prison labor. They supplied the raw materials and removed the finished products at an agreed upon rate with the Warden. Prison labor may be used under either private or public administration systems. There are three basic criteria used as references:<sup>7</sup>

- (a) the maintenance and discipline of prisoners
- (b) the control of the employment
- (c) the control and sale of the products

Since the early prisons primarily were involved with the private sector, the following is a brief summary of the technique they employed:<sup>8</sup>

#### *A. LEASING METHOD*

"The State enters into a contract with a lessee, who agrees to receive the convict, to feed, clothe, house and guard him, to keep him at work, and to pay the State a specified amount for his labor. The State reserves the right to make rules for the care of the convict and to inspect the convict's quarters and place of work. No institution is maintained by the State other than a place of detention, where the convicts can be held until placed in the hands of the lessee and in which to confine convicts who are unable to work. In other words the prisoners themselves are leased to the contractor."

#### *B. CONTRACT METHOD*

"The State feeds, clothes, houses and guards the convict. To do this, the State maintains an institution and a force of guards and other employees. A contractor engages with the State for the labor of the convict, which is performed within or near the institution. The contractor pays the State a stipulated amount per capita for the services of the convict, supplies his own raw materials, and superintends the work." The contractor controls the inmate employment and sale of the products.

#### *C. THE PIECE-PRICE METHOD*

"This system differs from the contract system mainly in method of payment for the labor of convicts. The State maintains the institution and feeds, clothes and guards the convicts. The contractor supplies the raw material and pays the State an agreed

amount for the work done on each piece or article manufactured by the convicts. The supervision of the work is generally performed by a prison official, although sometimes by the contractors. The officials of the prison not only maintain discipline but also dictate daily quantity of work required." The contractor only controls the sale of the finished product.

In the public sector there is one method which must be mentioned. It was used generally in the early State Prisons from 1800 to 1825:

#### D. PUBLIC ACCOUNT SYSTEM

"... the State enters the field of manufacturing on its own account. It buys the raw material, manufactures and puts the product on the market, and assumes all the risk of conducting a manufacturing business. The State has the entire care and control of the convicts and with them conducts an ordinary factory. The institution may sell the product direct or through an agent." This program failed because of poor equipment, capital investment, little demand for prison-made products and poor business management by the Wardens.\* For additional discussion of this topic see Edwin H. Sutherland and Donald R. Cressey *Principles of Criminology*, J.B. Lippincott Co., Philadelphia, Penna. 7th edition, 1966, pp.588 to 592.

Once again there were serious disciplinary problems at the New Jersey State Prison and a Joint Legislative Committee was established in 1830 to investigate the difficulties. The Committee sought the help of the Reverend Louis Dwight, who had established a branch of the Boston Prison Discipline Society in Princeton, N.J.

There was no serious overcrowding since a new building was provided in 1820. But, the Committee Report indicated that eight inmate deaths had occurred from punishment during the decade. "Part of the problem, certainly, was that the staff was less able or less interested than in earlier days. Far from giving the prison better leadership, the personnel was getting worse."<sup>9</sup>

The Committee indicated that the chief problem was the architectural design of the prison, but James Leiby has noted that three significant administrative factors were ignored:<sup>10</sup>

First—the prison continued to pay local officials for the cost of trial and transportation even when it was clear that the

prisoners would not be able to pay back this sum. These charges were a considerable portion of prison 'losses'.

Second—it would have taken resourceful leadership and staff to make prison industries profitable in any layout.

Third—the system of inspection and reporting was at fault, since there was no indication of serious trouble in the regular reports.

There was a definite orientation toward Philadelphia and the Walnut Street Jail. The industrial methods, administrative procedures and inmate regulations bore a close resemblance to those in practice at the earlier institution. There were a number of small industries at the Trenton Prison, but the principal inmate occupations were shoemaking, stone cutting and weaving. The 1830 Joint Legislative Committee noted that the prison had never paid its own expenses from convict labor. In fact, from 1800 to 1829 the State of New Jersey had lost a total of \$164,963, a sum equal to one third of all taxes raised in the state during that period.<sup>11</sup>

The prison problems took on the appearance of a political undertone. Local officials profited from charging the State Prison for inmate transportation costs. The Legislature chose the Keeper and the Inspectors. Any Committee criticism on these points would have placed the blame on the Legislature itself. With the presence of the Reverend Dwight in the picture, the Committee reported that there were prisons that paid their own way and still maintained good discipline. The new prison at Wethersfield, Connecticut was listed as an example that saved the State enough money in three years to pay the cost of construction.<sup>12</sup>

The debate went on for several years as to the type of prison structure best suited for New Jersey. But in 1831 there was a significant increase in the number of prison admissions. Pennsylvania had opened its new Eastern Penitentiary in 1829. It was suspected that the hardships of this institution in the south and the Auburn type prisons on the north were driving convicts into New Jersey. During 1832 one third of the inmate commitments were residents from states other than New Jersey.

The advocates of the Pennsylvania program (the separate plan) ultimately won. Given a choice between reform and economy they

chase reform! Individual cells were larger and better equipped than Auburn style prisons. The convicts lived and worked in their cells in isolation. But, although more expensive to construct, the separate system was less brutal, since no flogging or corporal punishment would be necessary. It was believed that many prisoners working alone could earn their maintenance and the obvious profit advantages of congregate labor were ignored in favor of humanitarian reformation of the individual convict.

In 1833, a Joint Legislative Committee recommended building a new prison similar to the Eastern Penitentiary, less than thirty miles away. "The Committee based its decision on its belief that solitude was the most powerful agent in working out individual reformation—. New Jersey should adopt a system that would ensure that no convict should be seen by another. The Pennsylvania discipline was understood to be mild, the severest punishment inflicted being the deprivation of labor in the cell. Solitary labor and confinement were salutary and deterred from crime; the terror caused in the community by the prison would materially reduce crime within the state."<sup>13</sup>

In February 1833, the Legislature authorized the erection of a new State Penitentiary and appropriated \$130,000 toward building the institution. John Haviland, the designer of the Eastern Penitentiary was hired as the architect. A rectangular plot of ground (500 × 300 feet) adjacent to the existing Lamberton Prison was selected as the construction site. It was designed to hold 150 prisoners in separate confinement at hard labor.

"Haviland's design included a central administration building at the rear of which there was a semi-circular observatory, 55 feet in diameter, from which five wings would radiate, like the fingers of an outspread hand. The wings contained single cells and were to be two stories high. The cells on each side of a central corridor 14 feet wide, were 12 feet long by 8 feet wide, equipped as in the Eastern Penitentiary, each cell having its own running water and water closet. The cells were closed from the corridor by double doors, the interior door being of wood sheathed with iron. In the door there was a small hole for observation from the corridor."<sup>14</sup>

But, no adjunct exercise yards were built to connect with the cells. While no explanation was given for not providing the exercise yards, it was suspected that economy was a prime factor. Unfortunately, this was a defect that eventually contributed to

the mental and physical prisoner breakdown due to continuous solitary confinement and lack of sunlight and exercise. The prisoner received few letters and infrequent visitors. It was still common practice for the prison world to be cut off from the outside world.

There were high hopes for the new institution. Governor Peter Vroom indicated that when completed, it would be one of the best in the country. He anticipated that when fully organized, all expenses would be supported by proceeds of the prison.

A Methodist clergyman, Joseph Yard was appointed as Warden in 1836. The new prison was ready for occupancy at a cost of approximately \$193,000. Only two of the five wings had been built for this amount and 192 cells were available. Obviously the original construction estimates were highly inaccurate. After transfer of the prisoners, the old Lamberton Prison was converted to a State arsenal.<sup>15</sup>

In passing, I would like to note the historical significance of these buildings. Much of the second Trenton State Prison is still being used today—almost 150 years later! Andrew Jackson was the seventh President of the United States when the institution was opened. The original Lamberton Prison was eventually converted into the Warden's residence on Second Street in Trenton, New Jersey. Its vestige as an arsenal may still be seen by observing the several ancient cannons on the front lawn.

The new Trenton State Prison was organized on the separate plan for prisoners. This meant abandonment of the old congregate type workshops in favor of labor within the inmate's solitary cell. This placed a heavy burden on industrial supervision. But, after a few years, the Governor was able to report that the prison was out of debt and even had a small surplus. This great improvement in productivity was credited to steady inmate employment in their cells. The Principal Keeper reported that:

Under our system no great degree of health can be maintained without regular employment. This with proper attention to cleanliness, wholesome diet and judicious treatment, appears to be all that is necessary, except in a few isolated cases, to ensure general good health.<sup>16</sup>

The prison attempted to maintain the employment of prisoners on a system of contract labor, but opposed the entrance of the

contractor into the institution. Also, repairs, improvements and salaries were all paid by the State Treasury—not from the earnings of the Prison!

It became apparent during the 1840's that the system of separate confinement in the Trenton State Prison began to break down. There were increasing health complaints among the convicts. There was trouble with the heating and ventilating system. During the winter season, the cells were so cold that it interfered with the prisoner's ability to work. Many applications for pardon were submitted on the basis of poor inmate health. The principle of solitary confinement was abandoned when required by illness. Convicts were placed in the cells of certain sick prisoners to help them during their periods of illness and by 1843 this had become accepted practice.<sup>17</sup>

In 1845 there were more convicts than cells, so double and triple occupancy became necessary. There was no strong effort to restore the original principle (of solitary confinement).<sup>18</sup>

Some states were developing a more benevolent attitude toward prisoners. The Massachusetts and Connecticut State Prisons reported operating with a minimum of corporal punishment. But, there were some very disturbing scandals and disclosures of convict cruelties in the New York system. From these serious problems there grew the third period of prison reform starting about 1840. The principal reform leader during this period was Dorothea Lynde Dix, a remarkable New Jersey woman that reported on the deplorable conditions in state prisons and the neglect of insane prisoners. She helped to establish the first mental hospitals and succeeded in having many of the retarded and insane transferred out of penal institutions.

In 1844 the Prison Association of New York came into existence and joined the other organizations attempting to reform the plight of prisoners before, during and after imprisonment. Their concepts were closely allied with the Reverend Louis Dwight and his Boston Prison Discipline Society.

The several industrial programs continued to be financially successful and the problems of convict labor were not acutely felt in most of the states. But, the earlier, disorganized complaints of the "Mechanics" (the forerunners of organized labor) were rei-

terated in New York and became an issue beginning in 1840. The "Mechanics" did not offer any constructive alternatives to the prison labor problem—they just wanted all prison industry abandoned, and the prisoners to remain in demoralized idleness instead of competing with honest workmen.

Various legislative committees in New York found that the competition of prison labor with free labor was grossly overstated; that there were few prison trades competing with them; that the "Mechanics" had opportunities to bid on various contracts; that the public demanded prisons to be self-supporting; that prisoners learn a trade skill for later post-prison release; and that idleness would be the very worst treatment of prisoners.

There were a few concessions made by the Legislature. Attempts were made to reduce the number of convicts working in some industries, also to introduce new foreign industries (such as silk growing and weaving) or mining which did not compete with the "Mechanics". The restrictions imposed by the New York Legislature did restrict prison labor somewhat. There were some lost prison revenues and additional budget appropriations were necessary to maintain the previously successful New York prison work program.<sup>19</sup>

We noted that in the early prisons, substantial efforts had been made to pay prison workers a wage scale. But, social attitudes had changed during the ensuing fifty years and there was no interest in re-establishing any wage scale compensation for prisoners:

- (a) Punishment must not involve any remuneration for the suffering endured by the prisoner.
- (b) The prisoner had not been willing to work for honest wages on the outside, he should work involuntarily without wages in prison.
- (c) The convict was to endure hard labor in prison.
- (d) The convict's time was forfeit to the State—he was the slave of the State; he had forfeited citizenship and was a social outcast!

Prisons administered under the Auburn plan operated under two basic policies:

1. A successful prison was ruled by force.

2. All Prisoners were to be treated alike, without any special privileges.

However, the practical problems of overcrowding created some realistic relaxation of the basic rules in most American prisons. When it became necessary to make room for new prisoners, pardons were granted to those convicts that had demonstrated good institutional behavior and productive, industrial work output. "The pardon was the goal or the bait, ever before the prisoner's eyes."<sup>20</sup> This policy helped to reduce the prison population and also furnished a great incentive for good work and good behavior to the prisoner.

The contractors maintained pressure on the prison administration for greater work output. A monetary incentive was established to increase production which was called an "over-stint" for overtime work. This was a bonus paid to convicts that performed extra work after completing their normal work shift (or stint). The amount of the bonus varied and was paid to the convict upon release from the institution. Remember that the prisoner had no commissary privileges and no financial responsibility to care for his family.

In the earlier periods, prison administrators had opposed the payment of such bonuses. There was justifiable concern that prisoners would develop access to contraband materials or attempt to corrupt their keepers. But, in time it became clear that both an economic and moral stimulant was needed for the working prisoner.

In 1845 Dorothea Dix commented as follows:<sup>21</sup>

The best mode of aiding convicts is, so to apportion their tasks in prison as to give to the industrious the opportunity of earning a sum for themselves by "overwork". A man usually values that most for which he has labored; he uses that most frugally which he has toiled hour by hour and day by day to acquire. I believe every convict will be disposed to make a better use of the money he earns than of that he receives gratuitously—. Indulged habits of dependence create habits of indolence, and indolence opens the portals to—vice and crime.

It was evident that a changing sentiment was developing among

enlightened prison reformers during the mid - 1840's. Some compensation to working prisoners was indicated and an 'over-stint' program was instituted at the Trenton State Prison. The Principal Keeper noted that human beings could never be reformed by brutal treatment and he emphasized the importance of moral reformation over greater profits.<sup>22</sup>

The advocates of the separate system in New Jersey gradually were forced on the defensive. By 1845 there were more prisoners than available cells and double or triple occupancy became necessary. Not only was the principle of disciplinary separation abrogated, but the theory of moral instruction had simultaneously been ignored.

In 1848, the Reverend Samuel Starr was appointed as the moral instructor by the Legislature. He ultimately became the leader of the New Jersey Reform Association which was organized in 1849. This organization was only mildly critical of problems observed at the Trenton State Prison. However they were very negative in reports on activities within the county jails. The reformers were instrumental in assisting ex-offenders find employment during their relatively short existence. The Association was greatly interested in establishing a special juvenile institution. The project was started by the Legislature during 1850, but created so much opposition that the program was abandoned in 1853. Soon thereafter, the New Jersey Reform Association ceased its reports and all activity.<sup>23</sup>

Governor Rodman Price was very unhappy with the operation of the New Jersey State Prison. In 1857 he stated that the prison was costly to maintain, inhumane in disciplining convicts and a complete failure. He requested officials to establish congregate workshops similar to the Auburn plan.

The Legislative committee established to investigate the prison situation strongly defended the principle of the separate system as superior, but not as practiced in New Jersey. They claimed that "parsimonious appropriations" had compromised the prison's operations. The committee recommended building a new cell block and a new hospital.<sup>24</sup>

The committee also commented rather explicitly on the prison's failure—a theme which would be utilized by others for many years:

The great evil in the management of the prison was politics.

The great qualification for the Keeper (the committee said) was his political tenets, not the fitness . . . requisite for an office in which so much depends upon its executive.<sup>25</sup>

"The spoils system held the attention of legislators in 1857. The practice of rewarding party service with government jobs was a function of political organization, and it is a notable coincidence that the failure of the first state prison and the sad history of the second were contemporary with the rise of organized parties."<sup>26</sup>

During the early 19th Century banking and transportation were very important social and business enterprises. Charters were usually required from the State Legislatures for such operations as banks, canals, railroads, etc. The Legislature, under the existing constitution, appointed most state officials—not just the principal keeper and his assistants! Capitalists soon became keenly interested in the membership of the State Legislature. "Politicians discovered that they had powers undreamed of in the colonial days, and power gave a special prestige to fellowship in the local political club."<sup>27</sup>

The Inspectors at the Trenton State Prison had reverted to the Piece-Price system into the early 1850's. There were some signs of poor business management, but the system seemed to work reasonably well while there was reasonable market acceptance for convict labor. Starting in 1856 the Prison reported some losses and the Legislature authorized that congregate workshops be built, but, no work in this direction was completed. In 1860 the Governor reported that some workshops had been built in the Prison yard by the Contractors themselves, at their own expense. This partial employment utilizing congregate labor helped to pay the cost of maintaining the inmates. Some \$19,000 was then appropriated by the Legislature to build additional workshops and the Trenton State Prison was soon converted to the Auburn plan. The separate, Pennsylvania system was abandoned in New Jersey after 1860.<sup>28</sup>

During the early 1830's, the New Jersey Legislature enacted some laws which had a political impact for many years:

They chartered a group of capitalists to build a railroad between Camden and Perth Amboy. These towns were not impressive centers of commerce, but in fact the route linked Philadelphia and New York—and the corporation was given

a monopoly of railroad traffic between them. In return the company guaranteed the state an annual payment of \$30,000, more than enough to pay its operating expenses, on 2,000 shares of stock, which promised sizable additional dividends and a rapid appreciation in value.<sup>29</sup>

Between 1798 and 1830, the State Prison accounted for more than a third of the cost of state government. It then became the most expensive item until the Civil War. The New Jersey State Prison (which was built in 1836) had cost under \$200,000. The Camden and Amboy Railroad Corporation had invested over three million dollars in facilities by 1840. During the next twenty years the railroad's investment amounted to some ten million dollars. This corporation ultimately became the Pennsylvania Railroad and it had been the patron of well placed politicians for many years.

The fact that contractors were very willing to build congregate workshops at the Prison on their own initiative, indicates there were profits to be made by employing prison labor. The spoils system continued to flourish through the Civil War period. With the increased needs for prison labor, the potential contractors were in position to take advantage of the anticipated profits. "Everybody won, nobody lost, and party government was served."<sup>30</sup>

During this phase of our nation's development there was an increase in immigration from European countries. This movement was bolstered by the attraction of cheap land and abundant mineral resources in our western borders. Transportation was a problem, but the difficulties were offset by the successful building of such projects as the Erie Canal in New York.

Fundamental economic differences split the nation into three sections and shaped their attitudes on the issues facing the United States:

- (a) The industrial North desired to preserve a conservative financial policy and protection for its developing manufacturers.
- (b) The slave-holding South wanted to safeguard and extend the plantation system, based on its prosperous cotton crops.
- (c) The new West had more democratic ideas and was motivated by diversified agriculture based on free labor. They were interested in cheap land, liberal credit and improved transportation to market their agricultural products.

During President Andrew Jackson's two terms there was a period of widespread advances in social and political democracy (1828-1836) but there was also internal controversy over tariffs and bank financing. The Panic of 1837 seriously hurt the business community and contributed to heavy unemployment. The latter affected further migration westward. The 1837 Depression also helped to create the Sub-Treasury System in 1840. Ardent nationalists developed the "Doctrine of Manifest Destiny" in their desire to extend the nation's boundaries to the Pacific Ocean.

Texas succeeded in gaining independence from Mexico and was admitted to the Union as a State in 1845. As a result of the Mexican War which ended in 1848, the United States obtained the territories of New Mexico and California. The Oregon Territory was divided with England at the 49th parallel by the Treaty of 1846. In 1849 the finding of gold in California had further impact on the westward migration of our population. For ten million dollars the United States arranged the Gadsden Purchase from Mexico in 1853.

Thus, the excellent physical resources of our western territories stimulated our territorial expansion. Simultaneously, the economic differences based on sectional attitudes of the North and South led to the disputes over the extension of slavery which culminated in the Civil War.<sup>31</sup>

## FOOTNOTES

<sup>1</sup>Lewis, *Development op.cit.* pp.326-329

<sup>2</sup>*Ibid*, pp. 330-331

<sup>3</sup>*Ibid*, p. 332

<sup>4</sup>Lewis E. Lawes, *CHARACTERISTICS OF 19th CENTURY PRISONS*, The Encyclopedia Americana, 1957, pp. 604-610

<sup>5</sup>Lewis, *op.cit.*, p.332

<sup>6</sup>Sutherland and Cressey, *op.cit.* p.412

<sup>7</sup>*Ibid*, p.589

<sup>8</sup>Bulletin No.372, *CONVICT LABOR IN 1923*, U.S. Bureau of Labor Statistics, pp. 3-4

<sup>9</sup>Leiby, *Charity and Correction*, *op.cit.* p.32

<sup>10</sup>*Loc.Cit.*

- <sup>11</sup>Lewis, *op.cit.*, pp. 190-191  
<sup>12</sup>Leiby, *op.cit.*, pp.32-33  
<sup>13</sup>Lewis, *op.cit.*, pp. 191-192  
<sup>14</sup>*Ibid*, p. 192  
<sup>15</sup>*Ibid*, p. 193  
<sup>16</sup>*Ibid*, p. 201  
<sup>17</sup>*Ibid*, p. 196  
<sup>18</sup>Leiby, *op.cit.*, pp. 37-38  
<sup>19</sup>Lewis, *op.cit.*, pp. 332-333  
<sup>20</sup>*Ibid*, p. 334  
<sup>21</sup>Dorothea Dix, *REMARKS ON PRISONS AND PRISON DISCIPLINE IN THE UNITED STATES*, J. Kite and Company, Philadelphia, Pa., 1845, p.11  
<sup>22</sup>Lewis, *op.cit.*, p. 203  
<sup>23</sup>Leiby, *op.cit.*, p. 38  
<sup>24</sup>Barnes, *History, op.cit.*, pp. 475-477  
<sup>25</sup>*Ibid*, pp.477, 114-115  
<sup>26</sup>Leiby, *op.cit.* p.39  
<sup>27</sup>*Loc.cit.*  
<sup>28</sup>Leiby, *op.cit.* pp. 41-42  
<sup>29</sup>*Ibid*, pp. 39-40  
<sup>30</sup>*Ibid*, pp. 42-43  
<sup>31</sup>Philip Dorf, *VISUALIZED AMERICAN HISTORY*, Oxford Book Company, New York, 1938, pp. 58-72

## PHASE IV (1860 - 1880) THE CIVIL WAR AND THE RECONSTRUCTION ERA

Our young nation had continued its reliance upon England for most manufactured products until the War of 1812. Extensive purchases of war supplies by the government and the normal demand for goods stimulated quantity production. Various manufacturers concentrated in the Northeastern states. The tremendous growth of the textile industry soon led to improved factory techniques in manufacturing shoes, firearms, glass, paper, tools, metalware, furniture and machinery. Methods of standardization were developed making mass production possible at a reduced unit cost and similarly reduced repair costs by producing interchangeable parts. The greater use of coal and iron led to development of steam transportation and an expanded railroad system by 1860.<sup>1</sup>

Most prisons in the United States were now firmly committed to an industrial program based on the Auburn plan. This facilitated the use of the contract system and private contractors paid for prison labor by an agreed upon price for each item of the product being manufactured.

"When the Civil War began, the United States was still a primarily agricultural country; its industrial output, while important and increasing, did not approach that of major European powers."<sup>2</sup>

The contract system, once firmly established, brought a considerable profit to a number of prisons. "But the most notable advances came during that (Civil) war when there was a shortage of free labor and the contractors quickly noted the availability of prison labor for the production of both war and civilian commodities."<sup>3</sup>

The "Merchant-Capitalists" had actively promoted shoemaking and cloth weaving. Some operations included making cane-seats and backs for chairs and also some types of crude furniture. Most of this work was carried on using handicraft techniques. In Penn-

sylvania, New Jersey and Rhode Island this work was done in separation within the cells. During the Civil War, prison industry received a tremendous impetus based on the great shortage and need for woolen cloth and shoes.<sup>4</sup>

The Industrial Revolution in this country entered into a second phase at the end of the Civil War. The war had served as an effective business stimulus. The government placed orders for large quantities of munitions, food, clothing and shoes. In order to meet the requirements, manufacturers were encouraged to develop machinery for use in factories and farms to overcome the labor scarcity.

"The victory of the North swept aside the vexing issues of slavery and states' rights and cleared the stage of American life for the more complete mechanization of industry and the triumph of big business."<sup>5</sup>

During the Reconstruction era, the Industrial Revolution forced the prisons to adopt machinery in many shops in order to remain competitive with outside industries. Since it was impossible to introduce large mechanical equipment into a limited cell space, this realization doomed cellular prison industries under the separate system. The recognition of this fact led Pennsylvania's Western Penitentiary in Pittsburgh to abandon the separate system in 1869.<sup>6</sup>

The impetus in production of gross national product was phenomenal. "The value of manufactured products rose from \$1.8 billion in 1859 to \$3.3 billion in 1869, \$5.3 billion in 1879, \$9.3 billion in 1889, and to over \$13 billion in 1899."<sup>7</sup> Thus, in less than half a century, this nation had experienced an expansion in transportation, mining and manufacturing that made the United States one of the leading industrial nations in the world.

The expansion of the factory system in the private sector, soon dictated the necessity for a larger corporate form of organization. Freedom from government restrictions and the opportunity to reap huge profits by large scale operations were the conditions that enabled a few powerful men of vision to rise to commanding positions in key industries. Such names as: Harriman and Vanderbilt (railroads); Rockefeller (oil); Armour and Swift (meat packing); Carnegie and Schwab (steel); and Morgan (banking) used their positions to crush or absorb competition. These industrial barons managed to concentrate control over their industries into a small number of people and established a new American

aristocracy based on wealth and economic power.<sup>8</sup>

This was a period of government "laissez-faire" dominated primarily by the Republican Party which assumed political power with the election of President Abraham Lincoln. It was also a period of "rugged individualism" as illustrated by the use of the industrial barons, who were looked upon as the real builders of America.

Another factor of importance was a new wave of immigration spawned by the scarcity of labor and the opportunity for riches in the new world. This new immigration had changed from the Protestant-oriented northern European to the Catholic-oriented southern European. "This immigrant was a new breed; he did not relate as readily or as easily to existing American institutions. Because he was usually uneducated and had trouble with the English language, he tended to segregate himself in urban centers."<sup>9</sup> Many felt more comfortable among their fellows because of similar language and customs. They usually lacked the financial means to journey into the interior of the country. Most of these new arrivals tended to remain in the Eastern seaport cities and here they attempted to find employment.

Some of the American industrialists sought to enhance their labor shortage by sponsoring many of these immigrants. Most were unattached males that needed to work and save money so they could eventually bring other members of their family to this country. "He was as much estranged from the main current of American life as had been the newly liberated Negro. He was in a sense the 'white Negro' of the North who could be politically exploited, as the Carpetbaggers had exploited the 'black Negro' in the South during Reconstruction (1866-1877). Just as the radical Republicans and Carpetbaggers had moved into the South, the new political machines in the Eastern seaport cities moved in on the immigrant." The local political clubs helped these new citizens in various ways. It was only natural they would express their gratitude in the proper fashion on election day.<sup>10</sup>

Another important factor which channelled American social attitudes was the rise of the modern Labor movement, which was essentially a product of the Industrial Revolution. Before the Civil War, there were some associations grouped together in local areas. In 1869, Uriah S. Stephens founded the "Knights of Labor", a secret organization which proposed to unite all workers, skilled and unskilled, into one national union. The aim was to secure a

greater measure of social justice for labor.

The organization was conservative in the beginning, but as it increased in size the leadership was taken over by a more militant group which favored more aggressive action. "Public indignation was aroused against the Knights because of their participation in numerous strikes, marked by increasing lawlessness. Torn by internal dissensions between radicals and moderates and between skilled workers and unskilled laborers, handicapped by unwise political activities and unsuccessful cooperative ventures, and faced by the growth of a rival organization, the "Knights of Labor" declined rapidly after 1886."<sup>11</sup>

The American Federation of Labor was founded by Samuel Gompers in 1881. It differed from the "Knights of Labor" in that it was a federation of trade and industrial unions, rather than an association of individual workers. Each member union controlled matters affecting its own trade. The A.F. of L. succeeded in avoiding internal problems, political and radical entanglements. The organization developed a very substantial membership and soon assumed a position of leadership in the world of labor.<sup>12</sup>

After the Civil War, prison industries continued a moderate development based on new shop and machine methods. The industries concentrated on manufacturing hosiery, cloth, chains, shoes and some types of heavy hardware. A number of the smaller units continued to produce still using handicraft techniques—among them was cigar manufacturing!<sup>13</sup>

During the twenty years following the end of the Civil War, the market for prison made items started to deteriorate. This was particularly true after the Panic of 1873 when there was heavy unemployment. Strong opposition to contract labor in our prisons soon developed in the ranks of free labor and many private manufacturers that were unable to compete with the prison contractors.

A number of laws were introduced in various state legislatures restricting or outlawing certain prison industries. Such legislation seriously hurt the prisons and resulted in a sharp reduction in industrial activity. Many prisons were forced to close down their industrial programs and large numbers of inmates remained idle.<sup>14</sup>

"Meanwhile, prison customs were hardening into traditions, growing stronger and more difficult to change because of their acceptance through the years. Wardens and members of boards

of inspectors came and went—learning so far as they could their new duties, but sensing that their tenure of office was liable to be short. Adherence to the customs and principles that had appeared to their predecessors safe and sound was but natural.”<sup>15</sup>

In New Jersey—the name of the game was politics! There was a continuation of Legislative Commissions. The 1869 inquiry felt that the State Prison problems could be blamed on politics and the fact that the Legislature appointed the inspectors and the Principal Keeper annually. In 1875 there was a State constitutional revision which changed the prison appointment procedure and the responsibility was given to the Governor. The latter now controlled the power to appoint the Principal Keeper for a term of five years. This tended to reduce personnel turnover and helped to stabilize prison administration. But, the suspicion continued that political influences were condoned and helped to encourage the frustrating practices which defeated the purpose of the prison.<sup>16</sup>

Prison officials placed the blame for many of their difficulties on the Legislature and the public. The laws were not being observed:

- (a) Convicts were to be placed in separate cells—none were provided.
- (b) Convicts to be kept at hard labor—insufficient convict employment.
- (c) When the Trenton Prison was converted to the Auburn plan of congregate workshops, no dining halls were built and the Legislature never provided sufficient shop areas or work to do in them!

It was obvious in 1869 that the law forbidding corporal punishment was also being ignored by prison officials. There was recognition that the prison did not deter crime; inmates were brutalized and not reformed; the institution was costly; the prisoners were not engaged in useful instruction or profitable occupations. There were changes suggested by reformers for improvement, but few programs were implemented.<sup>17</sup>

The problems of New Jersey prison inmate employment became more acute during the 1870's when the "Knights of Labor" began to agitate that convicted criminals were in competition with free labor and capitalists were profiting by exploiting prisoners at the

expense of law-abiding workers! In 1879, another commission was appointed by the State Legislature. This group met with their counterparts in Massachusetts, Connecticut and New York. Also with various wardens, economists, business leaders and several labor leaders. The Commission came to the following conclusions:

1. The State could not support prisoners in idleness.
2. Prison work had to be penal—a punishment and a deterrent!
3. Prison work should give the convict good work habits.
4. Prison labor should be productive—by working at something that could be used or sold, therefore they had to compete with free labor and this included menial chores at the prison.
5. Prison competition with free labor could be limited by restricting the number of prisoners employed in any one occupation.
6. Restrict competition on the open market from other State prison programs, which were then engaged in uncontrolled interstate commerce.

As a result of the 1879 Commission's report, a law was passed in 1881 which restricted the number of prisoners utilized in any particular industry to one hundred.<sup>18</sup> But the labor agitation continued and the legislators, knowing that prison inmates must be employed, began looking at other systems for managing the industrial program. They were interested primarily in three systems: Piece-Price\*, Public Account\* and State Use.

The Committee ultimately decided that the Piece-Price method would be the most practicable and it was written into the New Jersey statutes. They hoped to improve prison labor and end the confusion and/or corruption associated with outside contractors coming into the institution. The contractors benefitted since they now only purchased finished products and could reject anything that did not meet established manufacturing standards. It is suspected this factor might have been a major consideration in the decision of the Committee. "Prison authorities opposed it, arguing that it would neither benefit free labor nor save the state money; they favored, by implication the old lease system, whereby the state did not bear the cost of inefficient labor."<sup>19</sup> However, the Legislature was pursuing a political objective attempting to sat-

\* see page 38 for a description of the first two systems.

isfy the demands of labor leaders, and the latter seemed satisfied for the time being with the new arrangement.

The Piece-Price system had been used in the early New Jersey Prison usually in conjunction with the Public Account system, however the results were questionable! But, when labor agitation occurred against the Contract system, this method was revived as a substitute. The contractors no longer paid for prison labor on the basis of number of hours worked per capita; they paid for labor according to unit productive output. The Piece-Price system was really a camouflage. Actually it was a form of Contract system under a different name, which in revised form, served as an added benefit to the contractor. This system had its greatest period of development during the 1880's and 1890's, but declined steadily during the early twentieth century.<sup>20</sup>

Starting in 1870 with the "Knights of Labor" and the subsequent development of the American Federation of Labor, the organization of free labor continued to expand in size. The Federation became large enough to coordinate the various trade councils internally. The Union leadership was in a position to exert adequate political influence and (from approximately 1880) has been in the forefront trying to control convict labor.

## FOOTNOTES

<sup>1</sup>Dorf, *op.cit.* pp. 100-102

<sup>2</sup>John A. Garraty, *THE AMERICAN NATION (A History of the United States Since 1865)* 2nd Edition, American Heritage Publishing Co., Inc, New York, 1971, p.85

<sup>3</sup>Barnes and Teeters, *op.cit.* p. 720

<sup>4</sup>Barnes, *Repression*, *op.cit.* p. 282

<sup>5</sup>Dorf, *op.cit.* p. 103

<sup>6</sup>Barnes, *Repression*, *op.cit.*, p. 283

<sup>7</sup>Garraty, *op.cit.*, p. 85

<sup>8</sup>Dorf, *op.cit.*, p. 105

<sup>9</sup>David N. Alloway and Francesco Cordasco, *MINORITIES AND THE AMERICAN CITY*, David McKay Co., Inc., New York, 1970, pp. 25-26

<sup>10</sup>*Ibid*, pp. 27-28

<sup>11</sup>Dorf, *op.cit.*, pp. 112-113

<sup>12</sup>*Ibid*, p. 113

<sup>13</sup>Barnes, *REPRESSION*, *op.cit.*, p. 283

<sup>14</sup>Barnes and Teeters, *op.cit.*, pp. 720-721

<sup>15</sup>Lewis, *op.cit.*, pp. 343-344

<sup>16</sup>Leiby, *op.cit.*, p. 128

<sup>17</sup>*Ibid*, p. 126

<sup>18</sup>*Ibid*, p. 131

<sup>19</sup>*Loc.cit.*,

<sup>20</sup>Sutherland and Cressey, *op.cit.*, p. 591

## P H A S E V (1880 - 1915) THE REFORMATORY MOVEMENT

There is a tendency in the field of corrections to emulate those programs that have achieved a reasonably reliable result. This observation is uniquely true in the historical factors associated with the Reformatory movement and the fourth major period in penal reform.

About 1840, Captain Alexander Machonochie of the Royal Navy was the Commander of an Australian penal colony on remote Norfolk Island. The latter was situated 1,000 miles from the mainland and contained criminals from Australian colonies along with those that had been deported from England. It was here that Captain Machonochie first devised and introduced commutation of the prison sentence based on good behavior and industrial application.

Depending on the gravity of the offense, a certain number of demerits (or "marks") were debited against the prisoner. The prisoner did not have to serve a prescribed flat-time sentence. He could redeem his "marks" by exercising good behavior, industrious labor and study. The more rapidly he reached his goal, the speedier the convict's release.

The "mark" system received little support in Australia, but attracted the attention of English penal reformers. Captain Machonochie accepted an appointment as Governor of the jail in Birmingham, England during 1849, where he installed the "mark" system. Unfortunately, his superiors decided he was too lenient and after about two years relieved him of his post. The good Captain had taken a giant step forward as a penal pioneer. He was all but forgotten after his death in 1860.<sup>1</sup>

During this period the Indeterminate sentence came into prominence in the British Isles. Some reformers suggested; "a plan for using a prison as a kind of moral hospital, to which offenders shall be sent until they are cured of their bad habits." After treatment, release could be accomplished when the prisoner dis-

played a change of behavior and adjustment suitable to a normal community. "Hence, the length of sentence should be determined not so much by the crimes committed as by the time required to reform them in prison."<sup>2</sup>

Combining the "mark" system with the Indeterminate sentence plus parole is credited to the now famous Irish system of prison administration. Sir Walter Crofton was their primary prison administrator. The Irish system advocated a combination of the following:<sup>3</sup>

- (a) Adoption of the principle of reformation.
- (b) Determination of time to be served by prisoner conduct.
- (c) Graded stages of promotion to increasing freedom or responsibility.
- (d) Stress the teaching of industrious habits.
- (e) A simple means of parole.

After the Civil War there were a few sporadic, individual attempts to upgrade prison administration. A new awareness concerning this nation's system of penology arrived on the horizon with the successes achieved by the Irish prison system.

The Secretary of the Prison Association of New York was Dr. Enoch C. Wines. He was considered one of the leading penal reformers of the period. In October 1870 he convened the first National Prison Association at Cincinnati, Ohio which later became the American Correctional Association. The new association adopted a Declaration of Principles (some 37 in number) which have significant meaning even in today's complex penal society. In general, they advocated a philosophy of reformation instead of punishment; inmate classification based on a "Mark" system; Indeterminate sentences; and programs in the institution designed to enhance the self respect of the prisoner.

It is conceded that those in attendance at this initial Prison Congress possessed great insight pertinent to the existing penological problems. Their deliberations established a basic blueprint for the guidance of penal administrators during succeeding generations. Some of the specific principles which had a direct impact on industrial training programs were:<sup>4</sup>

- (a) Prison management should be centralized in each state.
- (b) The prisoner's destiny is in his own hands.

- (c) Prison officials should be trained for their jobs.
- (d) The prison should aim to make industrious free-men rather than obedient prisoners.
- (e) Industrial training should be provided.
- (f) The system of Contract Labor to be abolished.
- (g) Prison discipline should gain the good will of the prisoner and enhance his self-respect.

The wheels of penological history continued to roll along, with only minor changes, since 1845. It now seemed providential that new concepts would rise to the surface and become the catalyst to propel the Reformatory movement into the Fourth period of penal reform prominence.

New York has the distinction of building the first reformatory institution at Elmira, which was opened in 1876. Zebulon R. Brockway, a distinguished contributor to penological reform, was designated as the first Superintendent at the Elmira Reformatory. The inmate program emphasized education, labor that was productive, a "Mark" system, the Indeterminate sentence, and a parole system.<sup>5</sup>

The great advance which the Elmira system made over the Pennsylvania and Auburn systems was the fact that in these later types of prison discipline the term of incarceration was at least roughly made to depend upon the observable progress made by the prisoner on the road to ultimate reformation. It was thus a system which chiefly stressed reformation rather than either retaliation or deterrence.<sup>6</sup>

There were glowing reports of success and most of the reformatory structures built since 1876 were based on the Elmira system. It is unfortunate that this institution and prototypes constructed during the next 75 years were designed as maximum custody units, including the use of corporal punishment. The handicap of a penal and punitive setting contributed to the emasculation of an ideal reformatory program.

A number of the reformatory concept programs spread to the state prisons. But, many of the populations were too large to develop a satisfactory reformatory operation. In fact, conflicts developed between the concepts of treatment and punishment. Reformatory inmates gradually were treated like state prison

convicts and their institutions were actually considered junior prisons.<sup>7</sup>

The ability for reformatory administrators to provide suitable vocational training or to teach satisfactory work habits was also hampered by legislation. The same commercialization of industry found in the state prisons handicapped the industrial programs being developed in reformatories. Politicians insisted that all industrial operations be self-supporting. Any industries not able to produce a profit were considered a waste of time and money. In addition, any inmate achievements in school or shop reformatory programs were forced into a lower status. In most cases, the primary goal was based on the custodial consideration of being an obedient and well-behaved prisoner. Those institutions that tried to develop adequate vocational programs frequently were unable to obtain sufficient budgetary appropriations to maintain a satisfactory level of industrial operations.<sup>8</sup>

During this period there were subsequent concept modifications relevant to program development. The idea of community responsibility for inmates, (i.e.) inmate participation in institutional administration (or self-government), originated with William R. George. The latter established the George Junior Republic in 1895 at Freeville, New York. The basic features included self-government and self support under sympathetic supervision. The Junior Republic was composed of both boys and girls, 16 to 21 years of age, that were committed to Mr. George's care primarily because of delinquency.<sup>9</sup>

Calvin Derrick was Mr. George's assistant at the institution in Freeville, New York. He later accepted the position of Superintendent at the Preston School of Industry in Waterman, California (about 1912). Mr. Derrick ultimately became associated with New Jersey's correctional administration and served as an official at the Jamesburg State Home for Boys and Trenton State Prison.<sup>10</sup>

There are those who believe that the results anticipated by early sponsors of the reformatory movement have never been achieved. The expected goals have not been realized simply because the entire program has not been given a realistic trial. The situation relevant to vocational education is parallel to that of academic training. There was limited shop work which lacked diversification and which was insufficient to instil good work habits.<sup>11</sup>

The reformatory movement was to introduce into the penal field an institution that would take the younger prisoners and save them from contact with the older and more hardened criminals. The reformatory was to be an educational institution placing emphasis upon the reconstruction of character and the rehabilitation of the younger men and their return to society. These early hopes have not materialized.

Until the end of the 19th Century, the United States was kept busy with internal development and other problems associated with territorial growth to concern itself with colonial possessions. The latter were valuable as sources of raw materials, investment of capital and as markets for manufactured goods. The rapid advances by big business soon transferred this nation into an industrial world giant. The Spanish-American War in 1898 enabled the United States to acquire a number of colonial possessions. This new policy of imperialism contributed greatly toward the nation's feelings of economic and nationalistic power among the more advanced countries of the world.

It is generally agreed that the first 100 years of the American penal system were very experimental. New concepts were devised and many wardens were inclined to copy successful programs. Much of the previously harsh inmate treatment was gradually being replaced by granting a variety of privileges within the institution. There were improvements in cleanliness, ventilation, diet, discipline and lighting. The lockstep, ball and chain, striped clothing and headshaving were gradually eliminated as a means of inmate degradation.

Efforts were promoted to develop personal contacts among inmates and their families in the outside world. Attempts were being made in some enlightened institutions to reduce the monotony of prison life:<sup>12</sup>

Entertainments have been provided, athletics and other recreations developed, libraries and educational classes provided. Also visiting and correspondence privileges have been introduced, and self-government in a complete or modified form established in many institutions.

Violent opposition to convict labor under the leadership of the

labor unions was continued by their political lobbyists. Prison labor still was branded an unfair type of competition and the unions demanded a cessation of both the Public Account and Contract systems. In those regions where the labor organizations were strong, they frequently were able to bring about the abolition of practically all prison labor. This produced much suffering on the part of those prison populations. The general opposition to convict labor on economic grounds was indefensible. The prisons were never a serious competition with free labor in American industry. "In 1905 convict labor produced less than  $\frac{1}{4}$  of 1% of the goods manufactured."<sup>13</sup>

It is a paradoxical irony that the pioneer of convict labor had one of the most disastrous experiences of any state regarding the Union violence against prison labor. The result culminated in the Commonwealth of Pennsylvania passing the Muehlbronner Act on April 18, 1897. The Act decreed that only a limited percentage of prisoners were to be employed in specified prison industries. Only goods being manufactured for inmate use within institutions were exempt. No power equipment was to be utilized in manufacturing products that were being made elsewhere in the private sector within Pennsylvania. This law dealt a serious blow to Pennsylvania prison industries and by 1909 more than 2,000 inmates were reported as idle in their cells. It has been observed that this Muehlbronner Act was, "probably the most foolish and ill conceived law in the history of legislation noted for opportunism and short-sightedness."<sup>14</sup>

The internal difficulties of industrial programs and the impact of increased idleness are some of the very serious problems being confronted in our nation's prison system. "Without work every constructive measure of the prison is thwarted, for idleness is an insurmountable barrier to accomplishing the objectives of imprisonment."<sup>15</sup>

It has been strongly argued that inmate training for a life of freedom (in the outside community) can be secured only in penal institutions in which prisoners have access to freedom and responsibility while under confinement.<sup>16</sup> Perhaps the major defect in our industrial programs is the inability to provide adequate inmate training in learning certain skilled trades, which hopefully would enable the released offender to remain as a self-supporting citizen in his community. Attempts to develop basic vocational training skills have traditionally been more progres-

sive, and accessible in reformatory programs rather than adult institutions. It must also be accepted that, "a goodly number of convicts can never be adapted to anything beyond unskilled labor, but in the penal system of the future there will need to be a working compromise between productivity and vocational education."<sup>17</sup>

The persistent pressures from the labor unions forced the politicians to seek alternate methods of convict labor. Their main objective was the abolition of direct competition with free labor from the old contract system. Most states were forced to adopt one of the public systems, which were primarily dominated by the State Use and Public Account programs.

The following is a brief summary of the methods employed by prisons under the Public systems:<sup>18</sup>

#### *A. PUBLIC ACCOUNT METHOD \**

This program was re-introduced in the 1880's as a substitute for the Contract system, but with limited success.

#### *B. STATE USE METHOD*

"Under this system the State conducts a business of manufacture or production, as in the Public Account system, but the use or sale of goods produced is limited to the same institution or to other State institutions. The principle of the system is that the State shall produce articles of merchandise for governmental requirements only and shall not compete on the open market with the business of manufacturers employing free labor." The State controls the assignment of prisoners to the industries, the purchase of raw materials and the sale of finished products usually designed for use by governmental agencies.

#### *C. PUBLIC WORKS AND WAYS METHOD*

"This system is very nearly like the State Use system. Under this system the labor is applied, not to the manufacture of articles of consumption, but to the construction and repair of the prison or other public buildings, roads, parks, breakwaters, and permanent public structures." The invention of the bicycle and then the automobile increased the demand for better roads. A number of states began utilizing "chain-gangs" to cope with the problem of developing better highways. Some states have used this method to construct prisons and other public buildings.

\* see page 39 for a description

Necessity contributed toward a more liberal attitude which allowed the convict to be employed outside the prison compound walls. This was particularly significant because correctional administration moved in the direction of purchasing large tracts of farmland and began placing increasing numbers of inmates at agricultural labor.<sup>19</sup>

Despite early efforts to restrict prison industrial programs, the highpoint of prison labor in this country was the last half of the 19th Century and the early part of the 20th Century. "The State Use plan was suggested in 1887 and was endorsed in 1900 by the United States Industrial Commission."<sup>20</sup>

While finished products are not sold on the open market, they must be of internal service to the State in maintaining and supplying its institutions. The State Use program enables State agencies to purchase needed merchandise at low cost and reduces competition simultaneously with the private sector to a minimum. It is generally mandatory that institutions and other state agencies purchase available prison-made products such as clothing, furniture, printing, etc. But, in actual practice there are frequent attempts to evade the existing statutes. Prison industries sometimes have difficulty disposing of products which compete with commercially produced items.<sup>21</sup>

The State Use system is generally regarded as the most suitable method of controlling prison labor. It is compatible with the Public Works and Ways and the Public Account systems. The leading advocates of this program among the States were: New York, Pennsylvania, Ohio, and New Jersey.

There were various techniques employed to counter the outside private sector criticisms. Industries became more diversified and new items were made available such as: cocoa mats, burlap bags, new hosiery styles, cotton cloth, brushes and brooms. Gradually more sophisticated industrial operations were developed and expanded: agricultural equipment and bindery twine (Minnesota); furniture and license plates (New York); sugar (Louisiana) and cotton (Mississippi).<sup>22</sup>

The Labor unions have gradually accepted the State Use system. Their representatives have seen that competition from prisoners has been greatly reduced—if not eliminated entirely. Their attitude has definitely had a beneficial impact on legislative actions which steadily expanded the industrial program. It has been previously noted that the continually growing influence of the

Labor unions cannot be politically ignored.

"The increasing acceptance of the State Use system is an adjustment of prison administration to the pressure by critics of prison competition with free labor."<sup>23</sup> The following is a graphic summary of prison labor which indicates four areas of major criteria:

T A B L E I  
P R I S O N L A B O R S Y S T E M S <sup>24</sup>

System	Maintenance & Discipline of Prisoners	Control of Employment	Control of Sale of Products	Market Area
LEASE	Private	Private	Private	Open
CONTRACT	Public	Private	Private	Open
PIECE PRICE	Public	Public	Private	Open
PUBLIC ACCOUNT	Public	Public	Public	Open
STATE USE	Public	Public	Public	State Agencies
PUBLIC WORKS AND WAYS	Public	Public	Public	State Agencies

While the efforts of private manufacturers and Labor Unions to restrict prison labor is well documented, the Federal Government also played a lesser, but important role. On May 18, 1905 President Theodore Roosevelt issued Executive Order 325 A. The latter prohibited Federal agencies from contracting with any State for the use of State prison labor, even if the use of such labor would be financially and mutually beneficial. This policy remained in effect for about 65 years, when it was rescinded by President Richard Nixon.\*

Several states had developed new industrial programs. By the year 1910 they were using Public Account production for sale on the open market. The old Contract system was still in evidence, but there were strong indications of early disintegration. The

\*Bureau Chief John C. Bonnell (New Jersey State Use Industries) developed the background material which enabled the American Correctional Association to petition for a change in Executive Order 325 A.

State Use method, started in 1894 by New York, was gathering momentum and merchandise produced was starting to be sold exclusively to public agencies. This period of transition was very helpful to all concerned parties and allowed acceptable accommodations to be achieved. "World War I created a diversion of free industries into war production which provided new impetus for prison industry programs."<sup>25</sup>

In June 1911, the Legislature passed the first law establishing a State Use system in New Jersey. But, there was considerable resistance to implementation of the statute, even though much pressure to discard the Piece-Price method of prison labor contracting had been exerted.<sup>26</sup>

A Prison Labor Commission was established to develop and control the new State Use system, but its history was discouraging and very slow in being organized. Their efforts to obtain orders were either ignored; or told that there were no funds available. The business contractors that profited from convict labor were opposed to State Use and they had been influential in convincing legislators and prison authorities to side with their viewpoint.

"Officially, prison officials feared that when the contracts were withdrawn the convicts would be left idle, with disastrous effects on discipline. They doubted whether the State Use market would keep the prisoners employed. In any case, to institute it would require new and different machinery and organization and extensive provision for recreation during the transition, in a prison yard already much too crowded. They set the cost of installing the system at half a million dollars."<sup>27</sup>

New Jersey's citizens were concerned with the stories of cruel treatment that prisoners had received for many years. Efforts to institute a more humane discipline and constructive program were of great interest. The constant problem of overcrowding had to be addressed once again and the reformatory concepts in building new institutions were ripe for implementation.

Only three reformatories had been built up to this time: Elmira, New York (1876); Concord, Massachusetts (1885); and Hunting-ton, Pennsylvania (1889). The New Jersey Legislature was involved in political turmoil during the 1890's and the Rahway Reformatory was delayed for about five years. The new institution was opened in the year 1901.

"Its location was a state owned farm property near the metropolitan centers, swampy and undeveloped except for a claypit

and brickyard. The edifice boasted a great dome, larger than the national capitol's, from which radiated two wings. Only one was completed in 1901." Several hundred offenders had to be sent to the Trenton Prison or County jails because Rahway was unfinished. The second wing was authorized for the new institution in 1908. But, the overcrowding was resolved by building a new wing at the Trenton State Prison which contained 350 cells that was completed in 1907.<sup>28</sup>

The Rahway program was similar to the Elmira operation. There was schooling, outdoor work and industrial shop employment. The inmates were graded on their behavior and discipline was described as "semi-military."

In 1909 Dr. Frank Moore was appointed as the Superintendent. He was an educator and many of his ideas were based on program background in school administration. There were beneficial program improvements within the institution. He even attempted to introduce an honor system of discipline and a degree of inmate self government. But, he soon found that the latter did not work. Dr. Moore was an energetic administrator and developed an effective public relations program. He encouraged public support for the reformatory concept and became well known for his ideas on an enlightened penology.<sup>29</sup>

The Rahway institution was much like its Elmira prototype and more a junior prison with features of a reformatory. "It was ironic that Moore's enlightened ideas included a proposal to convert Rahway into a state prison and build a reformatory elsewhere. The architect had conceived it as an intermediate prison, not a true reformatory, he complained, and it was unsuited to the more liberal ideas about discipline and reform that were gaining influence."<sup>30</sup>

The establishment of the Rahway Reformatory for men soon led to public agitation for a similar institution for women offenders. Girls under 16 were sent to the State Home for Girls in Trenton and male juvenile offenders went to the State Home for Boys at Jamesburg. The Trenton State Prison had a secure area set aside for more serious adult female offenders. If these facilities were not suitable, both women and girls were remanded to the County jails. None of these alternatives had programs designed for female reformation and conditions in the institutions were considered scandalous.

The legislators approved a women's reformatory in 1910. The

institution was operable in May 1913 as an open-type, cottage plan institution and the first Superintendent was May Caughey, a former staff member of Pennsylvania's House of Refuge at Darlington. Clinton was a small institution with little more than some farm buildings renovated into dormitories. The staff was also small and while the inmates were frequently foreign born or illiterate, there was a minimal amount of academic instruction. The Clinton program consisted mainly of farm work and training for domestic services.<sup>31</sup>

The liberalization of attitudes associated with the reformatory programs gave further impetus to advocates of the State Use method. There were recommendations to relieve the overcrowding by utilizing prisoners in extramural employment such as farms, road camps, public parks, forests and mosquito control. The convicts would be healthier and the State would develop some of its natural resources at considerable financial savings. To institute some of these concepts, the Prison Labor Commission purchased a 1,000 acre farm in 1913 near Leesburg. Several outside camps were also opened and boys from Rahway were assigned to road work, but lived at the institution. In 1917, Rahway established an honor camp at a state owned farm called Annandale.<sup>32</sup>

One of the great problems is the lack of standardized practice among the various states in dispensing criminal justice. Each state is a law unto itself in regulating crime and criminals. There are some general provisions common to all in the United States Constitution and certain accepted traditions have created uniformity in the choice of punishment. However, there has been a great divergence in the actual practice and treatment of the offender.

At this point in the chronological development of New Jersey's penal history, a crossroads had been reached. The State had arrived on the policy threshold of leaving the cruelty of penal punishment, and retribitional reformation and economic pressures have become catalysts making changes more acceptable as New Jersey begins to develop the correctional principle of "Individual Treatment" for which it became universally famous as a leader in correctional administration.

Dr. Louis N. Robinson observed, "Work is a physical, a mental, and it can be truthfully said, a moral necessity to most men. Without it a prisoner will inevitably degenerate and when released is pretty certain to prove more troublesome to society than

he was prior to incarceration."<sup>33</sup> The ability to participate in performing real work under careful and friendly supervision is probably the best training for the majority of adult prisoners.

"The history of prison labor in the United States reflects faithfully certain aspects of the economic and the political philosophy which prevailed during the 18th and 19th Centuries. The exploitation and neglect of free labor, the viciousness of competition, the conception of a public office, the hostility toward state-conducted enterprises, all these bore their fruit within, as well as without the prison walls." It is indeed fortunate that the history of prison labor also reflects a growing opposition, by the public, to the evils which resulted from these ideas.<sup>34</sup>

## FOOTNOTES

<sup>1</sup>Barnes and Teeters *op.cit.*, pp. 519-520

<sup>2</sup>*Ibid* p. 521

<sup>3</sup>*Ibid* pp. 522-523

<sup>4</sup>*Ibid* p. 524

<sup>5</sup>Sutherland and Cressey *op.cit.* p. 510

<sup>6</sup>Barnes, *REPRESSION*, *op.cit.*, p. 147

<sup>7</sup>Barnes and Teeters, *op.cit.*, pp. 532-534; also Sutherland and Cressey *op.cit.*, pp. 510-511

<sup>8</sup>*Ibid* pp. 534-535

<sup>9</sup>Fred E. Haynes, *THE AMERICAN PRISON SYSTEM*, McGraw Hill Book Co., New York, 1939, p. 295

<sup>10</sup>Louis N. Robinson, PH.D., *PENOLOGY IN THE UNITED STATES*, John C. Winston Co., Phila. Penna, 1923, p. 307

<sup>11</sup>Haynes, *op.cit.*, pp. 119-120

<sup>12</sup>Sutherland and Cressey, *op.cit.*, p. 515

<sup>13</sup>Barnes, *PUNISHMENT*, *op.cit.*, p. 220

<sup>14</sup>Barnes, *REPRESSION*, *op.cit.*, pp. 275-276

<sup>15</sup>Haynes, *op.cit.*, p. 310

<sup>16</sup>Harry E. Barnes, *THE EVOLUTION OF PENOLOGY IN PENNSYLVANIA*, Bobbs-Merrill, Indianapolis, Indiana, 1927, p. 400

<sup>17</sup>Barnes, *REPRESSION*, *op.cit.*, pp. 276-277

<sup>18</sup>Bulletin No. 372, *CONVICT LABOR*, *op.cit.* pp. 3-4

<sup>19</sup>Barnes, *PUNISHMENT*, *op.cit.*, p. 220

<sup>20</sup>Blake McKelvey, *AMERICAN PRISONS*, University of Chicago Press, Chicago, Illinois, 1936, pp. 103-104

<sup>21</sup>Sutherland and Cressey, *op.cit.*, p. 592

- <sup>22</sup>Barnes, *REPRESSION, op.cit.*, pp. 281-284
- <sup>23</sup>Elmer Johnson, *CRIME, CORRECTION AND SOCIETY*, The Dorsey Press, Homewood, Illinois, 1968, p. 297
- <sup>24</sup>Sutherland and Cressey, *op.cit.*, p. 590
- <sup>25</sup>Barnes and Teeters, *op.cit.*, p. 721
- <sup>26</sup>Grace S. Kastelansky, *SOME FISCAL ASPECTS OF PRISON EMPLOYMENT IN NEW JERSEY*, Rutgers University Thesis (M.A.), New Brunswick, N.J., 1938, pp. 26-28
- <sup>27</sup>Leiby, *op.cit.*, pp. 139-140 Also see Barnes, *HISTORY, op.cit.*, pp. 221-223
- <sup>28</sup>*Ibid*, pp. 135-136
- <sup>29</sup>*Ibid*, p. 136
- <sup>30</sup>*Loc.cit.*,
- <sup>31</sup>*Ibid*, pp. 137-138
- <sup>32</sup>*Ibid*, p. 140
- <sup>33</sup>Louis N. Robinson, *PENOLOGY IN THE UNITED STATES*, John C. Winston, Co., Philadelphia, Penna., 1923, p. 153
- <sup>34</sup>*Ibid*, pp.154-155

## PHASE VI (1915 - 1925) A NEW ADMINISTRATIVE CONCEPT FOR NEW JERSEY INSTITUTIONS

### THE FIFTH PERIOD OF PENAL REFORM

There is a 200 year traditional experience that the primary function of a prison is the secure confinement of the institutional population. The keepers are jailers! Discipline is not necessarily corrective, but designed as punishment for infraction of prison rules. Such an orientation has usually been dictated by our social policy. At best, enlightened programs of reformation have been relegated to secondary status. Such hard-core concepts are frequently detrimental to the diversification of industries in a correctional setting.

"From the custodial administration viewpoint, any new proposal of prison labor which threatens the well lubricated machine that preserves the deadly, daily routine and insures the relatively safe and certain incarceration of the prison population is looked upon by them as something which threatens the whole scheme of the cosmos."<sup>1</sup>

At the Trenton State Prison, the Principal Keepers were primarily political appointees. Democrat John Patterson was a prosperous farmer and former Sheriff of Monmouth County who had served as Principal Keeper from 1886 - 1896; Republican George Osborne had been a Manager of County Institutions in Hudson County and headed the Prison from 1902 - 1912; then Thomas Madden a subordinate prison official, was appointed Principal Keeper by Governor Woodrow Wilson in 1912. His son, Dr. Walter Madden was a prominent Mercer County Democrat and Sheriff at the time. These prison administrators developed reputations for their enlightened penal policies and encouraged some internal improvements within the prison: a library; a prison school; more money for discharged inmates; better clothing; they eliminated prison stripes, haircuts and the lock step.<sup>2</sup>

While these were progressive, positive factors, there were continuing scandals involving conditions at the prison. Led by the New York Post and Newark News, sensational charges were published by the news media about brutal, corrupt and plague ridden institutions. The incoming Republican Governor Walter Edge appointed a Prison Inquiry Commission on January 26, 1917, shortly after his inauguration. The first Chairman was William B. Dixon.<sup>3</sup>

As previously stated, there was great reluctance to implement the State Use law that had been legislated in 1911. In fact, the legislators approved short term contracts (which were not subject to renewal) in order to extend existing commitments under the Piece-Price System. The Legislature had decreed that the contracts could not be renegotiated or replaced upon their termination. However, there was a period of considerable prosperity from 1914 - 1917 created by the increased requirements of World War I. It is ironic that as wages rose, the contracts became more profitable than ever.

Attempts to conform with the State Use laws were initially based on assignment of prisoners to extra mural employment on roads, conservation projects and farms, etc. Rahway Reformatory Superintendent Moore was a strong supporter of the State Use program—with the proviso that it did not conflict with the institutional school program. But, prison authorities were looking for ways to obstruct the program and they demanded that numerous guards be assigned to extramural work. This policy was expensive, but supposedly deterred the risk of convicts escaping.<sup>4</sup>

The Prison Inquiry Commission report was primarily concerned with four problems; convict labor, discipline, parole and administration. Because of its general economic failures and acute political implications, prison labor still attracted the majority interest. The Commission felt that the State Use program had been crippled by the divided authority and responsibility. Much of this division was blamed on the old fashioned discipline being enforced by the prison administrators on the new State Use program.

In January 1917, the Prison Inquiry Commission visited the Trenton State Prison and then held a series of hearings. The Newark News reported (January 29, 1917) that the convicts emphasized the importance of the Commission's activities by starting a prison riot. A preliminary report was issued by the Commis-

sioners on February 5th whose major features stated:<sup>5</sup>

... that the prisoners had inadequate medical examinations, and facilities for segregating those with contagious disease were wanting; that food was poorly prepared and served—in the cells; that the bath house in the yard and inaccessible in winter—was inadequate; that exercise space was entirely inadequate; that facilities for education were lacking and dungeons were used for punishment; that there was no system of grading prisoners by conduct and achievement; that parole procedure was inequitable, and that laws regulating contract labor were violated.

Dwight Morrow became Chairman of the Prison Inquiry Commission when William Dixon resigned on July 17th.

Mr. Morrow commissioned a number of studies by experts involving institutions, commitments, parole, prison labor and a history of the state's correctional institutions. He personally financed much of this work himself. These resources were utilized in the final report published by the Prison Inquiry Commission. This comprehensive document was largely written by Professor George Kirchwey of Columbia University and the New York School of Social Work:<sup>6</sup>

With regard to prison labor, it strongly recommended that the contracts end; it favored centralization that would end the conflict of authority in State Use and it looked forward to a large expansion of extramural employment. As for discipline, it favored improved living conditions, a mild reformatory-style discipline, with formal merit grading, and better schooling. . . . , it emphasized the importance of mental and psychiatric testing and classification of inmate population, as well as better medical examinations. It favored leaving parole to institutional boards of managers and linking it to behavior.

The Morrow Commission indicated that the overall correctional system was, "fairly abreast of the penal systems of other states." However, it felt there was a serious problem in, "the lack of a centralized authority able to coordinate and improve the management of the several institutions." Recommendations were

made to correct such defects.<sup>7\*</sup>

The movement for state supervision of state and local prisons began in Massachusetts. In 1863 a State Board of Charity was created with general supervisory power over all charitable, reformatory and correctional institutions within that state. Other states soon followed the Massachusetts example. By 1869, six other states had similar boards.<sup>8</sup>

Historical references in New Jersey must be made to the State Charities Aid Association as a vital, voluntary force of interested citizens. They were incorporated by the Legislature in 1886 and "authorized to inspect jails and almshouses and to make annual reports." Members of many prominent New Jersey families belonged to this group. Three of its outstanding leaders were Geraldine Thompson of Red Bank, Emily Williamson of Elizabeth and Charlton Lewis, President of the New York Prison Association from 1893 (and a Morristown resident) until his death in 1904. The organization served as a supervisory "Board of Managers" primarily chosen to represent various county societies that did the actual work at the local level. However, this organization had been a critical monitor of charitable and correctional institutions for some thirty-five years. The existing institutions were being supervised by appointed Boards of Managers and the State Charities Aid Association was part of the state environment. This unique condition was a factor in the later creation and acceptance of a centralized citizen board.

Governor Edge had also appointed a Commission to Investigate State Charitable Institutions. Its Chairman was Ellis P. Earle, a prominent financier. The Governor, Earle and Morrow were all businessmen and their orientation directed that departments of State government should be run like business corporations. With regard to the existing system, the Morrow and Earle Commissions believed there had been little improvement since 1905 and a radical reorganization was necessary. "Helping people," they said, in effect, "is mostly a question of getting the right management at the top and the right organization underneath it. Get your

\*Also see: New Jersey Prison Inquiry Commission Report, Volume II, *A HISTORY OF THE PENAL, REFORMATORY, AND CORRECTIONAL INSTITUTIONS OF THE STATE OF NEW JERSEY* by Harry E. Barnes — MacCrelish and Quigley, Trenton, N.J. 1917. A classical reference as a basic document of the author's later writings in penology.

boards and bureaus straight, open up communications between professionals and an enlightened public, and the rest will follow in due course."<sup>9</sup>

Both Commissions joined in supporting a bill to centralize the control of all state charitable, correctional and hospital institutions in the hands of a proposed Board of Charities and Corrections, which was created under Chapter 147 of the Laws of 1918. In 1919, the Legislature changed the title to the Department of Institutions and Agencies and the board's name to the State Board of Control. Mr. Dwight W. Morrow was chosen by the newly established State Board of Control to be its first President. A committee headed by Mr. Ellis Earle examined a group of applicants and selected Burdette G. Lewis as the first Department Commissioner.<sup>10</sup> The fifth period of major penal reform began to unfold in New Jersey.

The new Commissioner was born in Jamestown, Pennsylvania, but later moved to Omaha, Nebraska. He worked his way through the University of Nebraska and won scholarships to the Universities of Wisconsin and Cornell. His graduate work was in economics and political science. In 1914 Mr. Lewis joined the staff of Mayor John P. Mitchel in New York City as Deputy Commissioner of Corrections and became Commissioner the following year. In 1917 he had served as a consultant to the Morrow Commission. Changes in New York City politics forced him out of office and he became a candidate for the New Jersey Commissionership. Burdette Lewis was 36 years old when he assumed office in New Jersey and was destined to lead the Department of Institutions and Agencies through seven important, but stormy years.<sup>11</sup>

The New Jersey system was intended as an organization that was as nearly non-political as possible within a framework of representative government. The State Board of Control consisted of prominent citizens that served without pay. The Commissioner is the executive of the Department and is appointed by the Board of Control, serving at their pleasure.

Members of the State Board of Control were appointed by the Governor for a specified term of office. The administration of all the state correctional and charitable institutions was centralized under the Board's direction within the Department of Institutions and Agencies.

Each of the institutions has a Board of Managers appointed by

the State Board of Control. The Board of Managers appoint the institutional Superintendents (usually with advance approval by the Commissioner).<sup>12</sup>

Thus New Jersey now had developed a plan combining decentralized management at the institutional level with centralized supervisory oversight at the department level. In 1923 Dr. Louis N. Robinson expressed his opinion that: "The best form of management for state institutions is that of decentralized management supplemented by state supervision—by a specialized department, or bureau within a department—capable of setting proper standards and with power to enforce these standards."<sup>13</sup>

The task of transformation that faced the new Department of Institutions and Agencies in 1918 was not an easy job. As Commissioner Lewis observed, "Under normal conditions and in normal times, such a problem would have been complicated, but with the country at war and the public concentrated on the problems of war, the difficulties of institutional management and control were rendered all the more severe."

The initial recommendations of Commissioner Lewis were relevant to the provisions of the law providing for establishment of various administrative divisions. Six functional divisions were created at first (several others were to follow later). We shall concern ourselves with the Division of Labor and Industry, whose newly appointed Director was David I. Kelly.

The Director concentrated his efforts on the State Use program. A basic problem was created within the Department when two of his subordinate staff members (the Farm Manager and Department Steward) were allowed to report directly to the Commissioner. This established a precedent which ultimately split the responsibility and activities involving prison labor.

There were several additional factors which tended to inhibit the Department's central administration:

1. Local institutions continued to manage their own affairs and this factor was particularly notorious at the Trenton State Prison where the Principal Keeper was a constitutional officer appointed directly by the Governor.
2. The Legislature did not provide sufficient budget appropriations to effect the departmental plans.

In the past, local Boards of Managers had dealt directly with

the Appropriations Committee, but now were required to channel funding requests through the Commissioner as the Department's Chief Budget Officer and the State Board of Control. This presented a sticky situation from the start and there was great reluctance to offend long term, prominent Board members by reorganizing the system.<sup>14</sup>

During the transition period from the old Contract system to the State Use program, the Principal Keeper was James H. Mulheron. This new policy, "necessitated the complete reorganization of the plan of operation based upon a new system of classification and assignment, organized recreation and the gradual introduction of the plan of educational, industrial and vocational training." On October 14, 1919 the Board of Managers at the Trenton State Prison adopted new Rules and Regulations. The following procedures were defined for the industrial program:<sup>15</sup>

He (Principal Keeper) shall assign to work all prisoners physically able to perform work, subject to the limitations of existing conditions.

The working day of prisoners shall consist of eight hours, with half-holiday on Saturday, and holiday on Sunday and legal holidays, except where it is necessary in case of an emergency to keep prisoners employed on a job longer than eight hours or on holidays.

*Part XX Duties of Auto-Truck Driver:* When assigned by the Principal Keeper he shall report to the Superintendent of Industries and be assigned by him to make deliveries of State Use products.

*Part XXII Duties of Superintendent of Industries:* The Superintendent of Industries shall have direction over the Industrial Department under the supervision of the Principal Keeper.

He shall be held responsible by the Principal Keeper for the proper operation of the Industrial and Vocational shops, and the administration of the instructors in the various shops. He shall be held responsible for the proper maintenance and care of all machinery, tools and equipment of the Industrial and Vocational shops.

*Specific duties:*

1. *Requisition Officers and Instructors:*  
He shall make requisition on the Principal Keeper for Officers and Instructors to be assigned to the various Industrial and Vocational shops.
2. *Requisition Inmates:*  
He shall make requisition on the Principal Keeper for inmates to be employed in each Industrial and Vocational shop, and shall make recommendations concerning the type and character of the men (being) requisitioned.
3. *Requisition Supplies and Materials:*  
He shall make out, or cause to be made out, and approve all requisitions for materials, supplies and equipment for the Industrial and Vocational shops.
4. *Quotations:*  
He shall prepare quotations for articles manufactured in the Department when requested.
5. *Accounts:*  
He shall keep, or cause to be kept, a system of accounts concerning materials received, used, and manufactured in accordance with the requirements of the Central Accounting Office.  
He shall keep up to date inventories of machinery and equipment, materials on hand, and manufactured articles in stock, in accordance with the requirements of the Central Accounting Office.
6. *Orders:*  
He shall promptly fill all approved orders for State Use articles.
7. *Time Sheets and Credit Marking:*  
He shall prepare, or cause to be prepared, monthly time sheets for all inmates working at various assignments in his department on the form required. He shall direct the Officers and Instructors in the daily marking of Credit Cards.
8. *Reports:*  
He shall report to the Central Accounting Office on the prescribed forms all work completed and goods delivered in accordance with orders received.  
He shall submit a monthly report to the Principal Keeper summarizing the work of the department.  
He shall immediately report to the Principal Keeper any

unusual circumstances or occurrences.

He shall report to the Chief Deputy any matter of discipline concerning Officers or Inmates which arises in his department and submit the matter to him for settlement.

*Part XXIII Duties of Instructors in Shops:*

Instructors in the shops shall receive assignments from the Principal Keeper, and be directed by the Prison Superintendent of Industries.

These rules for industrial administration are significant. With some minor modifications, they are basically in existence today some sixty years later. Principal Keeper Mulheron had been appointed by Governor Edge in 1917. When his term of office expired he became the United States Marshall for New Jersey.

On January 13, 1922 Governor Edward I. Edwards appointed Joseph Hoff as the new Principal Keeper. Mr. Hoff was a successful businessman and politician. He was the Chairman of the Mercer County Democratic Party and had served on the Civil Service Commission for ten years.

In August 1922 there was a serious disturbance at the Trenton State Prison which lasted for several days and required assistance from the State Police. There were reports of corporal punishment and other scandalous conduct by a group of prison officers against the inmate leaders. A joint committee was established by the State Board and the Prison Managers to investigate the charges. The Prison Officers were not punished. But, "the recommendations of the joint committee plainly implied that the directives of the Central Office were not being followed, and it seems likely that the failure of the prison road-building program during the previous year was brought about by reluctant cooperation at the prison." In the future, a trained penologist would run the prison as the Assistant Keeper, decreed the State Board, and the Principal Keeper would remain as the titular head. But, this arrangement was not a permanent solution. Calvin Derrick was assigned to the prison staff as Director of Administration and Industries with instructions to "manage" the institution.<sup>16</sup>

Mr. Derrick was a graduate of Columbia Teachers College and an educator early in his career. He had served as School Superintendent at Auburn Prison, Superintendent of a George Junior Republic, and also the Preston School of Industry in California; Warden of the Westchester County penitentiary and Acting War-

den at Sing Sing. Commissioner Lewis knew Derrick in New York. He hired him as the Director of Education and Parole initially and subsequently as the Superintendent at the Jamesburg State Home for Boys.<sup>17</sup>

The industrial program remained transitory for several more years. Central control was at the department level in theory, but in fact continued as a decentralized operation at the institutional level. The Rahway Reformatory had been manufacturing shoes, printing and furniture for distribution to State institutions through the Prison Labor Commission. However, the Trenton State Prison had not taken advantage of this means to employ prisoners until the new law was passed which created the Department. It should be noted that under this new legislation the Department of Institutions and Agencies was now an umbrella-type operation for both correctional and charitable institutions. The Knitting industry, which had been in operation at the Trenton State Prison under the old Contract system, was transferred to the Vineland State School, an institution for mentally retarded women. It was then successfully operated there as a State Use program for some forty years.

"The old Contract industries at the Trenton State Prison had employed convicts without reference to their training or future industrial outlook. Many of the industries were of an inferior character without any training content whatever and were provided with antiquated equipment. Neither the State nor the prisoner was benefitted by this system. The working conditions were disgraceful and discipline was always bad."<sup>18</sup>

Commissioner Lewis proudly reported that new modern, diversified industries had been established where prisoners could be trained in manufacturing and in trades suited to their physical and mental capabilities:<sup>19</sup>

1. The first industry established under State Use was the Auto License Tag shop. The license plates were manufactured and sold to the State Division of Motor Vehicles.
2. With the cooperation of the Union Printers League, an extensive vocational printing program was established at both the Trenton State Prison and Rahway Reformatory.
3. In 1919, New Jersey had secured a War Department contract to repair shoes. This was a very successful operation which was continued under State Use. A modern shoe manufac-

turing industry was also established at the Trenton State Prison where shoes designed for institutional use were produced for inmates of all State, County and Municipal agencies permitted to purchase under the law.

4. A Woodworking training program was started at Rahway. Also a Sheet Metal and Machine Shop.
5. A Concrete products industry and Clothing industry were also developed at the Trenton State Prison.
6. The State Use program also employed several hundred prisoners in road construction along the Lincoln Highway for the State Highway Commission.
7. At the Reformatory Farm at Annandalé and the Leesburg Prison Farm, the State Use program was directed by institution officers and by the Department Farm Supervisor.

Under the 1918 State Use Law, the Legislature had established a Revolving Fund of \$200,000 to finance the program. Additionally, there were appropriations of \$247,000 to purchase equipment. These initial amounts were subsequently repaid to the Treasury. "The advantage of a Revolving Fund to the State Use Industries is that it can operate continuously from year to year without fear that in any one year its activities will be crippled or entirely eliminated by the inability or refusal of the Legislature to allot the necessary funds."<sup>20</sup>

The Trenton State Prison reported that the Concrete products industry was installed on the grounds opposite the main prison wall. Also, that a Woodworking industry would be installed at the same site. The latter had the approval of the Carpenter's Council of the State Federation of Labor and a schedule of training had been assured.

A new dairy barn had been constructed at the Leesburg Farm and the herd was being expanded so milk could be furnished to the nearby Woodbine Colony on a daily basis. Also a Cannery industry had been completed and was being operated successfully.

Additional equipment had been delivered and installed in the Auto Tag, Print and Machine Shops.

The State Board of Control also approved an inmate wage scale for those engaged in working for maintenance, institutional administration, State Use farm or industries. Depending on their occupational responsibilities, working inmates were paid from five to thirty-five cents per day.<sup>21</sup>

In his report for the four year period ending June 30, 1922—Commissioner Burdette Lewis stated the following: "No more remarkable achievement has ever been noted in institution work the country over than the accomplishments under the State Use system during the past four years. In taking over antiquated plants in old, misused buildings, with a surplus of idle, discontented prison labor to be put to work, this Department has achieved the distinction of establishing industries that are now looked upon as models of efficiency both for production and for training. The Prison, the prisoners and the state have all profited by this change.—"<sup>22</sup>

The Director of the Department's Division of Labor and Industry, David I. Kelly noted in the 1922 Summary Report that the sales for industries were \$248,000 and the manufactured goods and equipment inventory had reached \$349,000. He also indicated that about 3200 inmates and patients had been given industrial training during the year, in more than 1,000 full time jobs.

"From the foregoing, one must conclude that early efforts to achieve a businesslike organization had been successful and the industries were providing necessary work opportunities. Some reservations existed regarding the earnings potential of the limited markets available through the State Use system. But, income proved to be adequate for growth, aided in part by the rising economy of the middle and late 1920's. A steady growth in inmate employment during this period is recorded and the industries finances began to approach a liquid position."<sup>23</sup>

Director of Administration and Industries Calvin Derrick recorded that in September 1922, the State Board of Control became responsible for the direct operation of the State Use Industries organized in the Trenton Prison. The Fiscal Agent at the Prison kept the books until October 15, 1922. After that time period, supervision of instructors, accounting and routine shop operations were directed from the Central Office. The Prison reported that their only responsibility for the industries operation was the assignment of working inmates and their custody while in the shop areas.

During this period some 75 inmates from the Trenton Prison were utilized in constructing a three mile stretch of road between Bordentown and Crosswicks.

For the first time, the Trenton Prison received an order from Virginia to manufacture 540,190 passenger license plates and

8,000 motorcycle tags for their 1924 auto tag requirements. This necessitated the addition of a second shift of inmate workers. The shop produced a total of 1,624,228 units during the year.<sup>24</sup>

The administrative changes attempted by the State Board of Control, regarding the industrial operations, were not very satisfactory. The Board established a joint committee to study the problems and they ultimately recommended the industrial operations be vested once again with the prison management.

Calvin Derrick reported that after about a year of respite, the State Board returned complete supervision and management of State Use Industries to the Prison Board of Managers in December 1923. However, there were the following stipulations:<sup>25</sup>

1. Instructors and other employees, exclusive of custodial officers, shall be appointed in accordance with the provisions of Civil Service law by the Director of Administration and Industries with the approval of the Principal Keeper, the Board of Managers and the Commissioner of Institutions and Agencies.
2. All marketing of State Use manufactured products will be under the direct control of the State Board of Control and the Commissioner of Institutions and Agencies. Upon the presentation of proper orders, the Director of Administration and Industries shall be responsible for the manufacture, proper packing and shipping in accordance with the directions transmitted for the Commissioner by the Supervisor of Institutional Industries. (The latter was a newly established title in the Central Office to which Mr. Charles Clayton was appointed and from which he functioned as Industries director).
3. The ultimate responsibility for all accounting and control of State Use "Fixed and Working Capital" shall continue to be vested in the Commissioner as the agent of the State Board of Control.
4. The Director of Administration and Industries shall furnish to the Commissioner, through the Supervisor of Institutional Industries, all data, reports and memoranda called for under the accounting and other regulations heretofore adopted by the State Board of Control. All the general accounting work shall be conducted in the office of the Commissioner in the State Office building.

The Trenton Prison also reported that during the fiscal year, the new Woodworking plant was constructed and equipped. Start up operations were delayed awaiting equipment installation in the dry kiln and boiler room.

In January 1924, the State Purchasing Department requested the Prison to take over a Coffee Roasting program. This was handled successfully and some 2,000 pounds was being processed weekly.

The Concrete industry had manufactured more than 70,000 concrete and cinder blocks along with some 500 concrete highway posts.

During April 1924 a new road camp was opened in the Lakewood, New Jersey area. About 6.5 miles of concrete road had been installed south of Toms River.

Mr. Derrick had undertaken the responsibility for direct supervision of the Farm and Cannery operation at Leesburg. Mr. Ted C. Souders became the Superintendent in charge of all other State Use Industries at the Trenton State Prison.<sup>26</sup>

In September 1925, Calvin Derrick resigned to become Dean of the Training School for Institutional Help at Children's Village, Dobbs Ferry, New York.<sup>27</sup>

Commissioner Lewis and the State Board of Control did not have the complete support of the Legislature. There was a persistent antagonism supposedly created by the Department's budget demands which frequently were viewed as "fads that were unnecessary." Total appropriations within New Jersey had doubled by 1925 and there was considerable pressure for review. A Joint Legislative Commission was established which was known as the Bright Commission after its Chairman, the Senator from Cape May County, who was also the Senate President.

There were indications that the Bright Commission wanted to make Burdette Lewis a campaign issue by having A. Harry Moore, the Democratic candidate for Governor demand his removal. But, considering the hostile background, the commission report was remarkably favorable in a number of areas concerning programs and goals of the Department of Institutions and Agencies. There was some criticism, but little ammunition was offered to the Commissioner's political enemies.<sup>28</sup>

But, with the election of A. Harry Moore to the Governorship and other heavy Democratic gains, there was serious doubt about the future of the Department of Institutions and Agencies. On

December 19, 1925, Commissioner Burdette Lewis resigned suddenly and took an executive position with the Penney-Gwinn Corporation.

Senator Bright stated that it was a "primary object" of his commission "to reduce taxation by getting rid of Lewis"; henceforth he said, "appropriations could be made for practical purposes—frills and fancies cut out so the normal child can get his inning." Governor-elect Moore criticized "too much theory and extravagance" in the Department's work and he recommended the Board of Control also resign.

Chairman Ellis Earle replied indignantly that the State Board did not intend to follow the new Governor's suggestion. There was additional discussion as to what changes should be made. But, Republicans controlled the Legislature and there were threats to end the Governor's powers of appointment. The result was that no one was removed and there were no changes in the Department of Institutions and Agencies. The status quo was maintained!<sup>29</sup>

## FOOTNOTES

<sup>1</sup>Barnes, *REPRESSION op.cit.*, p. 278

<sup>2</sup>Leiby *op.cit.*, p. 141

<sup>3</sup>*Ibid* p. 142

<sup>4</sup>*Ibid* pp. 139 - 141

<sup>5</sup>*Ibid* p. 143

<sup>6</sup>*Ibid* p. 144

<sup>7</sup>*Loc.cit.*,

<sup>8</sup>Robinson *op.cit.*, p. 298

<sup>9</sup>Leiby *op.cit.*, pp. 155 - 179

<sup>10</sup>Burdette G. Lewis, Commissioner, *FOUR YEAR SUMMARY REPORT* of The State Board of Control of Institutions and Agencies, June 30, 1922, Trenton, New Jersey

<sup>11</sup>Leiby *op.cit.*, pp. 181 - 182

<sup>12</sup>Haynes *op.cit.*, pp. 225 - 226

<sup>13</sup>Robinson *op.cit.*, p. 303

<sup>14</sup>Leiby *op.cit.*, p. 184 - 187

<sup>15</sup>Rules and Regulations, New Jersey State Prison, Trenton, New Jersey adopted October 14, 1919 pp. 16; 64-68

<sup>16</sup>Leiby *op.cit.*, pp. 191 - 192

<sup>17</sup>*Ibid* p. 250

- <sup>18</sup>Commissioner Lewis, *FOUR YEAR SUMMARY*, *op.cit.*, pp. 24 - 25
- <sup>19</sup>*Ibid* pp. 25 - 27
- <sup>20</sup>Kastelansky *op.cit.*, p. 39
- <sup>21</sup>New Jersey State Prison Annual Report (1921 - 22)
- <sup>22</sup>Commissioner Lewis, *FOUR YEAR SUMMARY*, *op.cit.*, p. 27
- <sup>23</sup>John C. Bonnell, *FIFTY YEAR HISTORY OF THE BUREAU OF STATE USE INDUSTRIES*, Trenton, New Jersey, November 1, 1967, p.1
- <sup>24</sup>New Jersey State Prison Annual Report (1922-23)
- <sup>25</sup>New Jersey State Prison Annual Report (1923-24)
- <sup>26</sup>*Ibid*
- <sup>27</sup>New Jersey State Prison Annual Report (1924-25)
- <sup>28</sup>Leiby *op.cit.*, pp. 198 - 199
- <sup>29</sup>*Ibid* p. 200

## **P H A S E   V I I ( 1 9 2 6 - 1 9 3 3 )   T H E   E A R L Y   R E G I M E   O F C O M M I S S I O N E R   W I L L I A M   J O H N   E L L I S**

The record indicates that the State Board of Control managed to maintain its equilibrium and avoid the critical governmental pressures. Yet, it was recognized they were surrounded in a political situation that was at best uncooperative. Former Warden Henry Wolfer of the Minnesota State Prison in Stillwater once commented, "Good politics is a necessary function of good government, but bad politics has, I think, done more to retard and destroy good prison administration than all other causes combined."

The root of the problem seemed to be centered in the now ancient constitution of 1844, which was being held together by a patchwork of vested interests and political alliances. Under the leadership of Ellis P. Earle and the strong support of Mrs. Geraldine L. Thompson of Monmouth County, the State Board of Control became a stable power factor that was maintained in New Jersey government for the next fifty years.

Reference has previously been made to the fact that prison administrators traditionally faced the problem of how to occupy the inmate's time and also the means to make their institutions more self-supporting. Over the years these items of maintenance and prison discipline were intertwined and they operated with varying degrees of success. A third objective, namely vocational education has been added in conjunction with various programs attempting to fit the prisoner into the community upon release.<sup>1</sup>

The systems of prison administration have been an important influence on the development of prison industries, as an integral part of the penal institutions. Incarceration is primarily intended as punishment! It was assumed that such a reaction to crime was an automatic method for "correcting" or "reforming" criminals. In more recent society it has been assumed that any realistic correctional method must now be nonpunitive. It is inconsistent that prison workers are required to be nonpunitive in an insti-

tutional framework, which by definition, is obviously punitive!<sup>2</sup>

Life within most prisons is controlled authoritatively. Inmates are required to live by rules which leave little opportunity for individual judgement or initiative. As convicts they will be fed, housed and clothed no matter how they conduct themselves. But treatment within most penal institutions is collective, rarely individual. Most prisoners seek to avoid serious difficulties within the institution. Their main desire is to obtain a release date at the earliest possible time. Routine penal regimentation leaves the prisoner unfit for life in the outside community and this has been a serious defect in many prison administrations. The mechanical treadmill quality of such a life does little to help an inmate adjust normally to the daily requirements in a complex social environment.<sup>3</sup>

One of New Jersey's most notable contributions to the history of penology was the early research and development involved in establishing a viable system of classification. "Classification was important not only for work assignments, education, and other aspects of institutional life, but also for parole."<sup>4</sup>

For the first time in penal history New Jersey administrators attempted to develop a system which classified not only prisoners, but also the types of prisons in which they were incarcerated. Emphasis was placed upon constructive treatment and training for inmates during custody. The first "clinic" was established at the Trenton State Prison in 1918 by Commissioner Burdette Lewis. The unit was supervised by Dr. Edgar A. Doll and William J. Ellis. Additional consultation and advice was provided by Edward R. Johnstone and Calvin Derrick.

Upon reception at the institution, each prisoner was placed in quarantine. During this period (approximately 30 days), the newly arrived inmates were popularly called, "Fish". They were subjected to various diagnostic examinations—medical, psychiatric and psychological. Interviews were also conducted by various staff members for the inmate's background in industry, education, social, religious and disciplinary experiences. These various reports were presented to the Classification Committee for analysis and decision relevant to the inmate's assignment for housing placement, for work, for training or for treatment. It was the ultimate purpose of the Classification system to guide the prisoner through a penal program intended to assist him to better fit himself for restoration into the outside social community.<sup>5</sup>

The Classification procedure is generally divided into four parts:

- #1 *PRISONER RECEPTION*—quarantine, background review, diagnostic examinations.
- #2 *ASSIGNMENT BY THE COMMITTEE*—housing, treatment, work assignments; also the degree of custody (maximum, medium or minimum).
- #3 *SUPERVISION OR GUIDANCE*—re-examination at six months or when indicated; review reports from institutional department heads; inmate promotion as indicated, to a grade of lesser security; added responsibility and less security as inmate's release time approaches.
- #4 *RESTORATION*—the goal is to restore the inmate to the community better fitted to handle his social situation and lead a law abiding life upon release; contact is made with various community agencies that may assist the inmate with the community adjustment.

"Therefore, the main purpose of the Classification system is to correct correctable characteristics, to hold in custody those for whom no corrective means have been found, to guide in a way that will make for possible success on regaining freedom and assisting the prisoner to take advantage of the opportunities which the community offers for his rehabilitation."<sup>6</sup>

There are group judgements in a Classification Committee program and each individual inmate receives a broader, more comprehensive viewpoint from the professional staff members. Committee actions make it difficult for an inmate to place resentment on a single individual. Also, institutional morale and discipline are enhanced by eliminating any misunderstandings based on personalities.<sup>7</sup>

The Classification system established in New Jersey became a model for the Federal prison system and numerous other state correctional facilities during the succeeding twenty years. The principle of individual treatment in the type of discipline, housing and custody was accepted and implemented by many penal programs. The Manual of Correctional Standards has summarized this important administrative procedure as follows:<sup>8</sup>

In general, classification contributes to an efficiently oper-

ated correctional program from reception to discharge from parole. This it does by the cumulative recording of all relevant information concerning the individual offender, by continuous development and revision of the program for the individual based upon this information, and by trying to keep the program realistically in line with the individual's welfare.

Classification furnishes an orderly method by which the varied needs of each prisoner may be followed through from commitment to discharge from parole. Through its diagnostic and coordinating functions, it not only contributes to the objective of rehabilitation, but also to more efficient institutional management, morale and more effectively directed supervision on parole.

With the sudden resignation of Commissioner Burdette Lewis, the State Board was faced with the task of selecting a new Department executive administrator. There were a number of high level possibilities available. But, in February 1926, William J. Ellis was appointed as the new Commissioner. Since he had no prior high professional reputation and qualifications that were not overly impressive, many of his departmental associates were pleasantly surprised at his selection. His close friends and associates referred to him as "John".

Mr. Ellis was born in Muncy, Pennsylvania on November 18, 1892. He was one of six children of a Presbyterian minister. Upon graduation from Hobart College in 1914, he became a high school teacher in Englewood, N.J. Simultaneously, for about three years, he did graduate work at Columbia University in economics and history.

When the United States entered World War I Ellis became an Officer and was assigned to Fort Dix. He published a post newspaper and became associated with Edgar Doll in the Army psychological testing program. Dr. Doll joined the Department of Institutions and Agencies in 1919 and he brought the twenty-six year old Ellis with him.

Much of the basic background work necessary to establish the Classification system at the Trenton and Rahway prisons became his responsibility. Mr. Ellis was industrious and credited with good job performance on this important program. When Edgar

Doll requested transfer to Vineland so he could continue his interest in research, W. J. Ellis was selected to take his place. He became Director of Classification and Education shortly thereafter and a close advisor to Burdette Lewis.

The new Commissioner already knew more about the Central Office and most of the institutions than anyone else. He was an idealist, but was concerned with results rather than personal triumphs and strongly advocated developing friends—not enemies. “. . . he saw the office in terms of persons and jobs, not offices and functions. He wanted workers who felt directly responsible to him. He was kind and considerate of his associates, interested in their lives and families. His genius was to discover and use abilities, while circumventing faults, to encourage and help rather than to criticize.”<sup>9</sup>

Commissioner Ellis had already spent some seven years in the Department. He was thirty-four years old at the time of his appointment. His reputation for vigor, a remarkable memory, absorption in the work and a team effort were notorious. He intended to carry on the program of centralization and expansion conceived by the State Board and Mr. Lewis. It was his aim to minimize any conflicts with the Local Boards of Managers or the Legislature and to develop their confidence and cooperation.<sup>10</sup>

The State of New Jersey had adopted the principle of State Use in 1911. The Morrow Commission concerned itself primarily with the problems associated with prison labor and had strongly endorsed the State Use policy. There were many beneficial reasons for favoring a State Use operation, but to establish the program and make it work presented some difficulties. One of the chief complaints from prison administrators was that the program did not employ enough prisoners and the objective was to expand the industrial markets, also road and farm work.

It was indicated earlier, that while the farm program also employed inmates, for all practical purposes there was a separation within the Department from the State Use Industries manufacturing program. “Unlike the farming operations, State Use Industries was centralized in the sense that the Director of State Use and his staff decided what to make, where, and how, kept the accounts, and marketed the product. Since he had an unlimited supply of convict labor and he was by law preferred vendor to all public agencies in the State, at prices he set, his job looked easy. . . . His market was the State Purchasing Agent, established

in 1916, who received orders from all state institutions and agencies and had first to offer them to State Use, which could release or take them."<sup>11</sup>

The employment of all prisoners was considered absolutely essential. But, it was a paradox that degenerating idleness seemed to be increasing annually, primarily because of continuing restrictive legislation. Under these circumstances, operation of a prison can be a difficult assignment.

"Large numbers of the prisoners who come to them are so far gone in anti-social conduct or attitudes or are so incompetent, economically and socially, that they are immediately rejected. . . . They are the failures of our school systems, our church activities, our social agencies, our juvenile institutions, specialized courts and probation systems."<sup>12</sup>

The United States Bureau of Labor Statistics had periodically conducted national surveys of prison labor. During the 1923 to 1932 period there was an 87% increase in prison population, but strangely enough an 11% decrease in the quantity of prison inmates employed! The following summary indicates that the number of productively employed convicts within this country has steadily declined since 1885.<sup>13</sup>

T A B L E    I I

U. S. BUREAU OF LABOR STATISTICS

SURVEY YEAR	INMATE POPULATION EMPLOYED
1885	75 %
1895	72 %
1923	61 %
1932	52 %

The national surveys also showed that the trends had changed significantly. In 1905 some 80% of the manufactured goods made by prisoners entered into the open market and by 1923 the sales of such merchandise had declined to 62%.

In 1905, the Contract system produced 49% of all convict made goods. By 1923, the Contract system declined to 26% and a definite shift to the State Use and Public Account systems was registered. By 1932, the State Use programs had increased to 65%.

Another burden was being placed on the industrial operations. A number of State institutions (reported in these surveys) that

the costs of maintaining the institutions were being supported by the industries (presumably as an overhead expense).

On July 12, 1961 Bureau Chief John C. Bonnell was interviewed and asked for his impressions regarding the early State Use program:<sup>14</sup>

The job was in fact, difficult. The market was small, made smaller by the increasing productivity of modern machinery and by political pressures. In practice, there was considerable higgling about prices and the Division limited its production to appease political, business, or labor interests. The director was the manager of a corporation that did business in many different lines; the diversification made for high capital investment and high costs of supervision. As for personnel, the supervisory jobs were Civil Service, subject to red tape and irrelevancies, . . . ; the inmate labor force was difficult to begin with and hedged about by requirements of custody and program. The Classification Committee was a help in assigning labor, but it worked first of all for the institutional management, which took the best people for its own maintenance work.

With the cooperation of the Printing industry, a suitable program was developed at both Trenton and Rahway. State Use also established new industries for making various chains and traffic signs for the Highway Department. The Auto Tag industry was not a competitive threat to the private sector and flourished because much hand labor was required.

However, in 1925 the Bright Commission had stated that a number of shops were idle and State Use Industries was "merely playing at production." The Commission listed four reasons for this condition:

- (1) insufficient orders
- (2) lack of materials
- (3) poor coordination between shop and institutional schedules
- (4) fear of producing a surplus

There were not recommendations for new lines of work. The Bright Commission favored the State Use system as a matter of policy and felt the program needed, "keen and capable business

management of the highest type, an expert administrator and an expert accountant of the highest caliber".<sup>15</sup>

Commissioner Ellis did not have to look far for an administrator to reorganize and assume the responsibilities for the Division of State Use. In 1926 he assigned Maxwell Rockhill as the new Director. Mr. Rockhill had served as a member and President of the Jamesburg Board of Managers for many years. He was a close associate of Calvin Derrick and assisted the latter in developing an outstanding Boy Scout unit at the institution. From 1921 to 1926 he served in the Department as Director of Parole. Max Rockhill was well known to many local club members and Trenton business people and he was a close friend of Commissioner Ellis.<sup>16</sup>

Commissioner Ellis had established the Classification system and he was determined to expand the program to all correctional units. In order to make the system successful he felt the need for friendly and receptive Superintendents. By 1929 he was able to assemble such individuals at all the reformatories: Calvin Derrick had returned to Jamesburg; Edna Mahan arrived at Clinton; George Giger at the new Annandale; Mark Kimberling replaced the resigned Dr. Frank Moore at Rahway; Mrs. Kate Burr Johnson took over the State Home for Girls. Dr. F. Lovell Bixby was hired as Director of Classification and Education.<sup>17</sup>

As a matter of administrative policy, the Commissioner visited the institutions on a frequent basis. He set aside Mondays in the Central Office to see the institutional executives and this helped to cement a new mutual understanding and cooperation in administering departmental requirements. Three of Ellis' more notorious assistants were Dr. Ellen C. Potter, a talented Social Worker, Francis X. "Spike" Gerry, Chief Budget Officer and Douglas MacNeil, Director of Statistics and Research.

The problems of overcrowding continued to be a difficulty for New Jersey's Department of Institutions and Agencies. With the assistance of a series of taxes and a ten million dollar bond issue, a major program of institutional construction was undertaken. Between 1923 and 1936 some thirty million dollars was expended for these projects. The Training School at Totowa was opened in 1928; The Annandale Reformatory in 1929; Marlboro State Hospital in 1931; the Menlo Park Soldiers' Home opened in 1932 and the prison farm at Bordentown was completed in 1937.<sup>18</sup>

The State Reformatory for Women at Clinton which opened in 1913 also participated in some of the physical improvements. This

was an open type institution based on the cottage plan with each unit designed to house 32 to 40 inmates. In 1929 all remaining women prisoners housed at the Trenton State Prison were transferred to the new housing units for adult women prisoners. Edna Mahan became Superintendent in August 1928 and began a lengthy career as an outstanding prison administrator, which earned her an international reputation in the field of corrections. Two industries were installed, a Cannery and Clothing operation. These programs employed approximately 159 inmates at the institution. The Rahway Reformatory had generally received good reports from the Morrow Commission while under the guidance of Superintendent Frank Moore. However, the record indicates increasing friction with the Central Office of the Department. The latter criticized the prison style discipline as too severe; unsatisfactory psychological testing and poor industrial education.

In 1925 the Bright Commission commented that adult inmates at Rahway were given academic instruction only suitable for pre-teen children; there was little correlation with the trade skills in the shops; that the teaching of vocational training was incompetent; there was no contact with the Superintendent and inmates had no confidence in the administration.

The final straw was an action by the State Board denying Dr. Moore's requests for a pay increase. Thus, after some twenty years of service, Superintendent Moore resigned in 1929.<sup>19</sup>

A number of State Use industrial programs have been developed within the institution. These included shops for: Clothing, Foundry, Machine Shop, Painting, Printing, Shoe Manufacture, Woodworking and an Office/Storeroom unit. In 1933 some 704 prisoners had received training in these industries.<sup>20</sup>

The Annandale Reformatory originated as a farm and road camp unit of the Reformatory at Rahway. The Department originally envisioned the institution completed in 1929 as a youth replacement of the Rahway function. Some years later Rahway was converted to a maximum custody institution for adult males.

Annandale was built utilizing inmate labor supervised by skilled civilians. The buildings are of the cottage type which were built from rough stone quarried at the site. Only young offenders that were good security risks were assigned to this unit. The cottages housed fifty to seventy boys that were classified into homogeneous groups. The cottages progressed from "newcomer" to "honor" cottages, with increasing privileges through each promotional move.

State Use Industries had installed a Printing and Shoe Repair operation which trained about 80 inmates. In addition to the necessary maintenance program, there was employment in field crops and truck gardening. A dairy herd consisting of some 55 cows was also instituted using inmate labor.

Superintendent Sydney Souter, Jr. had developed the educational plan. He incorporated hobbies, sports and other recreational programs as an outlet for pent-up emotions and a means of character building. There were vocational training classes in various trade skills such as—woodworking, electrical work, automobile repair and mechanical drawing.

It is unfortunate that even this enlightened penal program was faced with periodic disciplinary problems. The institution was the first correctional facility compatible with the ideals of the 1870 American Prison Congress. But, as an open type facility, the administration was concerned with possible escapes. Hence, there was a tendency to keep many inmates in cottage security when not at work or in school.<sup>21</sup>

In 1933, discipline at Annadale could be severe—if warranted. One observer of this period described it as follows:<sup>22</sup>

A wooden building, formerly used as a construction office, has been converted into a detention barracks. It is purposely crudely furnished. The windows and doors are barred. It is surrounded by a wire fence and has a capacity of 20 inmates. . . . The inmates are given the same food as the rest of the prisoners, except they do not receive dessert. They work 8 ½ hours a day and perform all the menial work in the institution, or in the absence of such work they break rock. They lose such privileges as letter writing, visits, smoking, moving pictures and entertainments.

The Annandale Reformatory is a correctional facility that represents a substantial and conscious effort to provide a balanced program. In order to meet the needs of younger, first offenders this institution was engineered to change the penal system that had existed since the opening of the Elmira Reformatory.

As an unwalled facility with different style buildings, this pioneer program was fairly successful. It is unfortunate that succeeding inmates did not appreciate just what Annandale represented. "Some twenty years ago, pressures from the sur-

rounding communities forced the administration to install a high, cyclone fence around the previously open perimeter, because of a number of escape attempts."<sup>23</sup> As the areas surrounding the institution developed and changed from rural to suburban, so did the attitudes of the local citizens—particularly those that had moved into the neighboring communities in recent years. The fence was reluctantly installed by the Department and remains in use at the present time.

There were several state government surveys conducted which included activities of the Department of Institutions and Agencies. Naturally, there were criticisms, but generally the reports were quite commendable.

In 1929, The National Institute of Public Administration lauded Commissioner Ellis and his staff; criticized some Bureau organizations; recommended that local Boards of Managers be abolished; criticized the budget procedures and lack of central accounting. But, commended the State Board and the State Use system as showing the "most rapid and efficient progress."<sup>24</sup>

In November 1931, Governor A. Harry Moore was elected once again to his second term. He requested Princeton University to make a comprehensive survey of State government. Because of the deepening depression, the Governor was interested in fiscal economics that might be recommended without impairing essential services. The December 1932 report commended the Department's Central Office very highly, but also noted that the formal organizational structure was not carefully distinguished or described. This report commended the system of local boards.<sup>25</sup>

Thus, the Department was praised in the second major inquiry within a three year period. The social problems associated with the economic depression added new prestige and understanding to the Department of Institutions and Agencies and those public administrators required to deal with the unfortunate.

"By the mid-thirties, the Department was not only established, but had become a considerable power. It received universal approbation. It stood well with the legislature. Its construction plan was largely realized. . . . It enjoyed bipartisan support. No charge of corruption blemished its record. There was a significant change of relations with the legislature."<sup>26</sup>

In his summary report for 1923-1933 Commissioner Ellis stated that the State Use system of institutional employment and inmate training was the economic benefit to the State of New Jersey and

goods were produced at less than the market price. "The State Use Division installs and equips industries which provide goods that are sold for consumption by the State departments, and state, county and municipal institutions and agencies supported in whole or in part by the taxpayers. Such profits as accrue from the use of institutional labor are used to pay for the training and supervision of inmates assigned to the industries. The surplus is added to the revolving fund for the installation of modern machinery or of new industries after the deduction of the overhead costs of supervision and manufacture, including wages paid to inmates."<sup>27</sup>

T A B L E III

	<u>TOTAL</u>	<u>INMATES</u>	<u>TRAINED</u>	<u>UNDER</u>	<u>STATE</u>	<u>USE</u>	<u>SYSTEM</u>		
<u>INSTITUTION</u>			<u>1927</u>	<u>1928</u>	<u>1929</u>	<u>1930</u>	<u>1931</u>	<u>1932</u>	<u>1933</u>
Total-All Institutions:			1590	1555	2021	1681	1825	2122	1897
Prison (Trenton)			821	954	988	966	900	833	600
Rahway (male)			531*	403	513	427	558	720	704
Annandale (male)			-	-	-	-	13	111	80
Clinton (female)			-	-	-	-	-	98	159
State Home for Girls			30	35	70	76	80	106	119
Vineland State School			207	162	194	188	187	73	81
North Jersey Training School			-	-	30	23	29	32	42
New Lisbon Colony			-	-	225	-	-	-	-
Trenton State Hospital			-	-	-	-	57	148	111
Commission for Blind			1	1	1	1	1	1	1

\* Includes farm and construction work at Annandale under State Use auspices; continued by Rahway in 1928 and 1929 and subsequently by Annandale but not as part of the State Use system.

The Summary report states that this program is the most practical, progressive system of training and employment of institutional labor that has yet been found. In addition, "the cost of institutional maintenance is materially reduced through the manufacture of articles needed by all the state institutions."<sup>28</sup>

By 1933, additional Clothing industries had been installed at the State Home for Girls and the North Jersey Training School at Totowa. In addition to the Knitting industry, transferred earlier from the Trenton Prison, Vineland State School also established a small State Use Coffee Roasting operation and a Laundry program. A Brushmaking industry was established and successfully operated at the Trenton State Hospital by the Division of State Use Industries.

T A B L E I V

NUMBER OF INMATES TRAINED DURING 1933

STATE USE INDUSTRIES	T O T A L	TRENTON PRISON	RAHWAY REFORM.	ANNANDALE REFORM.	CLINTON REFORM.	STATE HOME GIRLS	VINELAND SCHOOL	NO. JERSEY TRNG. SCHOOL	TRENTON STATE HOSPITAL	COMMISSION FOR THE BLIND
TOTAL	1897	600	704	80	159	119	81	42	111	1
Auto Tag	97	97	-	-	-	-	-	-	-	-
Baking	25	25	-	-	-	-	-	-	-	-
Bushmaking	111	-	-	-	-	-	-	-	111	-
Cannery	52	-	-	-	52	-	-	-	-	-
Car Washing	11	11	-	-	-	-	-	-	-	-
Clothing, etc.	493	76	94	-	107	119	55	42	-	-
Coffee Roasting	5	4	-	-	-	-	1	-	-	-
Concrete	16	16	-	-	-	-	-	-	-	-
Cundry	138	-	138	-	-	-	-	-	-	-
Cundry	25	-	-	-	-	-	25	-	-	-
Machine Shop	120	26	94	-	-	-	-	-	-	-
Cap Making	1	-	-	-	-	-	-	-	-	1
Office/Storeroom	61	34	27	-	-	-	-	-	-	-
Painting	68	-	68	-	-	-	-	-	-	-
Printing	210	102	52	56	-	-	-	-	-	-
Road Construction	31	31	-	-	-	-	-	-	-	-
Sheet Metal	20	20	-	-	-	-	-	-	-	-
Shoe Manufacture	198	67	131	-	-	-	-	-	-	-
Shoe Repair	49	25	-	24	-	-	-	-	-	-
Shoeworking	165	65	100	-	-	-	-	-	-	-
Upholstery	1	1	-	-	-	-	-	-	-	-

"The occupations possessing the greatest training value in fitting people for work on the outside are perhaps shoe manufacture, printing, road construction, foundry, offices and storeroom, concrete work, needle trades and machine shop. Emphasis necessarily has to be laid on industries producing articles that are used by state departments, institutions and agencies. Similarly, the number of persons engaged in the occupations is controlled primarily by the size of the industries, which is controlled by the demand for goods or the market."<sup>29</sup>

If successful results are gauged by dollar sales volume, the State Use industrial program showed slow, but consistent and steady improvement over the ten year period:

T A B L E V

<u>YEAR</u>	<u>ANNUAL SALES VOLUME</u>
1923	\$ 505,462
1924	552,549
1925	632,359
1926	685,415
1927	806,702
1928	1,073,477
1929	919,667
1930	1,006,413
1931	959,177
1932	1,029,787
1933	673,775 *

\* no highway construction

The Department report indicated that there was a continuous effort to improve the training and the quality of the products in the shops. Advanced vocational training was made available to interested workers and whenever possible, the academic and trade training were coordinated. It was further stated that the inmate workers learned some type of profitable work while earning part of the cost of their maintenance. They acquired good habits of work and learned the value of product quality along with the importance of loyalty toward their instructors and to their work.<sup>30</sup>

This was a progressive period for the Department and much

was accomplished. Even the Federal government started an expansion program. Congress in 1930 had authorized the U. S. Bureau of Prisons to build their first major institution at Lewisburg, Pennsylvania. The latter was completed in November 1932.<sup>31</sup>

There had been a sharp business slump of short duration which ended in 1922. But, during the remaining decade there was unprecedented prosperity. Unemployment declined, real wages increased and the number of millionaires rose from some 4,500 in 1914 to 11,000 in 1926. The mechanization of industry continued and provided a fundamental stimulus to the economy. There were new tools and consumer products available. Expansion was encouraged by increased use of power—especially electricity. By 1929 this country produced more electrical power than the rest of the combined world. The American manufacturer also developed a tremendous improvement in production efficiency. Scientific industrial management had been introduced earlier by Frederick W. Taylor and Henry Ford devised the moving assembly line in his automobile plant.

Without doubt, the automobile had a great impact on our national economy. By 1923 the number of vehicles manufactured reached 3.6 million annually. It has been calculated that by 1929 there were 23 million private cars clogging the American highways.

Advertising became a fine art. Producers changed models and styles frequently and concentrated on packaging their goods more attractively. There were numerous new technological advances that produced many new products: radios, vacuum cleaners, refrigerators, motion pictures, also plastics, aluminum and synthetic fibers.

The automobile industry gave rise to the need for other support industries. There were requirements for tires, spark plugs, rubber, paint, glass and petroleum products. This single consumer item triggered the largest road building program in history. By 1929 the United States had about 662,000 miles of paved roads. The Tourist industry prospered and there was a pronounced shift in population from the cities to the suburbs.<sup>32</sup>

The majority did not wish to tamper with the marvelous economic machine that provided such bounty during this period known as the "Roaring Twenties." But, the boom times rested on unstable foundations. The impending economic explosion had a severe, drastic impact on the penal systems and prison industries

in particular. We shall review some of the major factors which affected prison industrial programs during this critical period in our history.

## Footnotes

- <sup>1</sup>Barnes, *REPRESSION op.cit.*, p. 262
- <sup>2</sup>Sutherland and Cressey *op.cit.*, p. 516
- <sup>3</sup>Haynes *op.cit.*, p. 5
- <sup>4</sup>Leiby *op.cit.*, pp. 258-259
- <sup>5</sup>Haynes *op.cit.*, pp. 232-233
- <sup>6</sup>*Ibid* p. 242
- <sup>7</sup>*Ibid* p. 245
- <sup>8</sup>*MANUAL OF CORRECTIONAL STANDARDS*, American Correctional Association, Washington, D.C., 1959, pp. 296-297
- <sup>9</sup>Leiby *op.cit.*, pp. 201-202
- <sup>10</sup>*Ibid* p. 203
- <sup>11</sup>*Ibid* p. 261
- <sup>12</sup>Haynes *op.cit.*, p. 14
- <sup>13</sup>*Ibid* p. 311
- <sup>14</sup>Leiby *op. cit.*, p. 262
- <sup>15</sup>*Loc.Cit.*
- <sup>16</sup>*Ibid* pp. 262-263
- <sup>17</sup>*Ibid* p. 257
- <sup>18</sup>*Ibid* p. 205
- <sup>19</sup>*Ibid* p. 254
- <sup>20</sup>*SUMMARY REPORT AND HANDBOOK 1923-1933*, Department of Institutions and Agencies, Trenton, N. J., p. 45
- <sup>21</sup>Barnes and Teeters *op.cit.*, p. 532
- <sup>22</sup>Haynes *op.cit.*, p. 139
- <sup>23</sup>Barnes and Teeters *op.cit.*, p.532
- <sup>24</sup>Leiby *op.cit.*, p. 205
- <sup>25</sup>*Ibid* p. 206
- <sup>26</sup>*Ibid* pp. 206-207
- <sup>27</sup>*SUMMARY REPORT AND HANDBOOK 1923-1933, op.cit.*, p. 43
- <sup>28</sup>*Loc. Cit.*,
- <sup>29</sup>*Ibid* p. 45
- <sup>30</sup>*Ibid* p. 47
- <sup>31</sup>Haynes *op.cit.*, p. 42
- <sup>32</sup>Garraty *op.cit.*, pp. 324-326

## **P H A S E   V I I I (1933-1945) THE LATER REGIME OF COMMISSIONER WILLIAM JOHN ELLIS**

After World War I, there were various conservative decisions by the Supreme Court and the Harding, Coolidge and Hoover administrations continued to maintain a laissez-faire attitude toward business. Thus an atmosphere was created during which monopoly was allowed to develop as never before in our nation's history. Anti-trust laws helped to eliminate some of the financial evils in an economic system that was uncontrolled. But, these laws had little effect in halting the concentration of power and wealth in the hands of a few people that controlled the giant corporations.<sup>1</sup>

"By 1929, two hundred corporations controlled half of the non-banking corporate wealth of the nation. Five percent of the corporations of the United States were doing 85 percent of the total corporate business of the country." Such a concentration of business was accepted as an inevitable development of the machine age and the growth of capitalism.<sup>2</sup> The government took a complacent attitude and did so in the belief that if big business prospered, then the welfare of the working citizens would also be economically promoted.

Contrary to general belief, the collapse of the stock market in October 1929 did not cause the ensuing depression. There was a stock market rally at the end of the year and business activity first declined significantly in the spring of 1930. "The Great Depression was caused basically by the industrialization and urbanization of the United States in the course of a century: too much of the wealth of the nation had fallen into too few hands, with the result that consumers were unable to buy all the goods produced."<sup>3</sup>

Automobile manufacturing dropped from 4.5 million units in 1929 to 1.1 million in 1932. When the Ford Motor Company closed its Detroit plant, some 75,000 men lost their jobs. When manufacturers were unable to sell mounting inventories, they laid off

workers, closed their factories and thus caused purchasing demand to shrink still further.

Simultaneously, the few large corporations that dominated most industries continued to support the price structure and this meant that prices fell slower than wages—which further tended to unbalance the situation.

The financial network began to crack under the strain. By 1932 some 5,000 banks had closed their doors. Each failure deprived thousands of depositors of funds they might have used to purchase necessary consumer goods.

The industrial depression accelerated the agricultural depression. Unemployed workers tightened their belts and were forced to cut down on their demand for foodstuffs. All the economic indicators reflected the financial collapse. New investments declined from ten billion dollars in 1929 to one billion dollars in 1932; the national income fell from over eighty billion dollars to under fifty billion dollars in the same period. Unemployment in the country had risen to about 13 million people.<sup>4</sup> By March 4, 1933, when President Franklin D. Roosevelt was to be inaugurated, there was a banking moratorium in practically every part of the nation. The financial operations of the United States were at a complete standstill.

The economic situation was indeed desperate and many of our nation's citizens endured deprivation and hardships during this era. The author was a high school student and had personal experiences concerning the difficulties within his own family and many others in the local community. These prevailing circumstances did much to condition negative attitudes toward the prison systems. People were having their own problems and there was little sympathy for prisoners or prison industries—especially if there was a suspected loss of employment due to prison labor in the private sector.

We have previously noted a definite tendency to substitute public systems of convict labor for the previously popular private systems. The following table summarizes the increasing number of inmates employed under the public systems.<sup>5</sup>

T A B L E VI

## P U B L I C S Y S T E M E M P L O Y M E N T

<u>Year</u>	<u>Percent of Inmates</u>
1885	26 %
1905	47 %
1914	64 %
1923	81 %
1940	99 %

The competition of prison made goods with products produced by free labor has long been a constant source of public irritation. Both employer and employee groups have consistently condemned prison competition. Such groups have strongly influenced legislation, which in many instances had a disastrous result on the work being done in prisons and in some states even decided what system of prison labor should be utilized.<sup>6</sup>

The depression of the 1930's had a severe and marked effect on the various prison systems. Restrictive legislation was passed during this decade which was designed to strangle prison labor. Many of these laws were originated by the joint vested interests of both capital and labor. "It was impossible to work prisoners at any form of productive labor; and it was difficult to release them on parole because there were no jobs available." The future outlook for prison employment was very dismal.<sup>7</sup>

Some states wished to restrict the in-flow of prison made goods across their boundaries, but were hampered by the fact that the control of interstate transportation of goods rests in the hands of the Federal government.

In 1929, however, Congress passed the Hawes-Cooper Act, which divested prison-made goods of their interstate character and thus enabled any state to prohibit within its borders the sale of goods made in the prisons of other states. This act became effective in 1934. In the years immediately following the enactment of the Hawes-Cooper Act, a large majority of the states restricted by law, the sale and movement of prison products.<sup>8</sup>

This piece of important legislation gave each state complete

control over prison-made items sold within the state—even if the product was manufactured in the prison of another state. This measure climaxed a century old effort by manufacturers and organized labor to cripple convict labor as unfair competition.

"In 1935 the Sumners-Ashurst Act was passed by Congress requiring that prison-made goods transported in interstate commerce be labeled and prohibiting their transportation in violation of any state law."<sup>9</sup> This regulation strengthened the Hawes-Cooper Act by prohibiting the transportation of prison products into any state in violation of the laws of that state.

Under the Roosevelt administration, the Congress passed the National Recovery Act (NRA) in 1933. Various industrial trade associations were requested to draft proposed codes of fair competition. It was apparent that a number of these trade organizations were trying to insert restrictive clauses in their codes. "Their objective was to prohibit members of these industries from handling or selling prison-made goods."

A number of prison executives had obtained knowledge of these restrictive items in the proposed codes and held a conference in New York City on July 13, 1933. They adopted and published the following resolutions:<sup>10</sup>

- (1) "The employment of prisoners is absolutely essential to the development of a sane prison program for the protection of society and the rehabilitation of the prisoners.
- (2) The burden of taxes now resting on the people will be considerably relieved by the proper employment of prisoners.
- (3) In the formulation of the industrial codes proper provision for the employment of prisoners should be adequately considered."

A recognized authority on prison labor, Pennsylvania's Dr. Louis Robinson, was selected as the representative of the prison systems in Washington, D. C. on all matters that were being considered in the formulation of industry codes.

A proposed Prison Industries Code was submitted to the NRA for approval. But, it was evidently unsatisfactory because all codes required:

- a. A provision for collective bargaining which the states could not meet.
- b. Nor could the governors of sovereign states subscribe to a code which was subject to modification by the President.

Subsequently the issue was compromised by adopting a voluntary "Prison Compact" instead of a code.

The Prison Compact was a unique document which "covered products mined, manufactured, produced or distributed by prison labor in the states that signed it." It established a Prison Compact Authority which consisted of nine representatives: six were elected annually by the states that signed the Compact and three were appointed by the President to represent industry, labor and consumers.

"This Authority was to administer the Compact, make rules and regulations, establish a uniform cost finding system, and determine the prices below which prison products should not be contracted for. It was also authorized to hear and adjust complaints arising under the Compact."<sup>11</sup>

By April 1934, some twenty-eight states had signed the Compact. The following month Samuel Lewisohn was elected chairman and James Bennett as secretary-treasurer of the Prison Labor Authority. The Compact was a voluntary agreement so no cases were ever taken to court. Any and all complaints against prison-made goods were resolved by the Prison Labor Authority.

Many of the prison systems had developed fairly sophisticated clothing industries. One of the principal items being manufactured in substantial quantities was cotton work garments (i.e. pants and shirts). A serious complaint was registered by the cotton garment industry that charged prison labor was in violation of the garment industry code and the private sector could not compete. In October 1934, the NRA appointed the Ulman Committee to study the operation of the Prison Labor Compact and investigate the effects of products being made by convicts and simultaneously the complaint of the cotton garment manufacturers.<sup>12</sup>

The Ulman Committee conducted a number of hearings and attempted to resolve some of the issues. But, as Dr. Robinson indicated, "the only true solution of the prison labor problem is one that will effectually remove the products of prison labor from the ordinary channels of competitive trade and commerce. This means the State Use system."

In its final report to the NRA, the Ulman Committee proposed the establishment of a \$50,000,000 fund by the President through the Public Works Authority (PWA) to help the states, "plan and reorganize their industries, removing prison-made goods from the open market and finally bringing to an end the prison labor controversy which has burdened american industrial and political life for so long a time."<sup>13</sup>

This report by the Ulman Committee assumed naively that by adopting the State Use system all competition between convict made goods and those produced by free labor would be eliminated. Unfortunately greed has no principles and knows no boundaries!

The truth is that in practise only lip-service is paid to the ideal of State Use, namely the giving up by the prisons of the open market in exchange for a closed market. It is a one-sided contract that the states make when they enact a State Use law. They promise not to sell on the open market, but the free manufacturers and the free laborers make no promise not to invade this closed market set aside for prison industries.<sup>14</sup>

These circumstances continue to exist in today's market place. I have personally experienced harrassment and pressures from trade associations, manufacturers, legislators (both State and Federal) on behalf of their taxpaying constituents. I can recall an incident where my Commissioner and I were brought into the Governor's office for a "conference" with his top aides and members of a complaining trade association. Such meetings are usually conciliatory in favor of the people complaining. Even if the Prison industry staff is completely correct in administering the program and all of the laws have been observed, some concessions are usually made! It can be very frustrating to believe in a rightful position and be forced to live with a compromising decision which may frequently have a negative impact on future prison industrial operations.

In September 1935, President Roosevelt established the Prison Industries Reorganization Administration (PIRA). This action ended the official relations of the NRA with the problems of prison labor. It was the only permanent result of the Ulman Committee report.

This organization (PIRA) was created for the purpose of con-

ducting "surveys of the industrial operations and allied activities carried on by the state penal and correctional institutions and to formulate and recommend for presidential approval a program for replanning and reorganizing existing prison industrial operations and allied activities," in order to minimize prison competition and to assist the states in eliminating idleness.<sup>15</sup>

Prison authorities were not pleased with the NRA viewpoint on prison industries. They complained that constructive plans to eliminate difficulties with prison-made goods were ignored. "It is not a drive to eliminate unfair competition, but a struggle to eliminate all competition arising out of prison production." Their actions were depicted as, "a bitter attack on any kind of understanding to provide employment for prisoners." The interests of the taxpayers, public protection and prisoners rehabilitation were being ignored, charged the penal administrators.<sup>16\*</sup>

Some 18 states and the District of Columbia worked with PIRA attempting to develop or improve their State Use industrial type programs. But, overcrowded walled institutions of the old bastille type, in yards too small for exercise and relaxation prevented the setting up of industries and building of new shops. "In the 2 1/2 years of its existence the PIRA has aided in a far reaching movement to improve prisons and prison systems." Deplorable conditions were pinpointed and remedial measures were indicated based on the best experience. The agency acted as a source of information and support to those states that were seeking improvements.<sup>17</sup>

In 1933, Sanford Bates, the Director of the Federal Bureau of Prisons, summarized the prevailing attitudes as follows:<sup>18</sup>

The prisons of the country seem no nearer a solution of the employment problem than they were in 1923 . . . that today there is more idleness in most of the prisons of the country than ever. Those private manufacturers affected are more vociferous and uncompromising in their attitude than heretofore; labor is still unsatisfied; and the public remains uninformed and indifferent.

\*In May 1935, the U. S. Supreme Court by unanimous decision (in the Schechter Poultry Case) ruled the NRA invalid as an improper delegation of legislative power from Congress to the President and said the Federal codes had invaded a field reserved to the states.

While it was apparent to everyone concerned that all prisons were experiencing hardships, restrictive legislation continued to be enacted by some states. By 1940 practically all state organizations had prohibitions against the sale of prison-made goods on the open market.<sup>19</sup>

In that same year, the burial of prison labor was completed when President Roosevelt signed the Act of October 14, 1940, excluding almost all products made in state prisons from interstate commerce. Under its provisions, persons shipping such goods across state lines are liable to a fine of \$1,000. and one year's imprisonment.\*\* Such restrictions, dictated by labor interests and manufacturers exerting pressure on legislatures, practically forced the various states to prevent shipment of convict made goods across state lines and to make State Use the dominant system throughout the country.

In New Jersey, the Department of Institutions and Agencies was forced to live with the restrictive Federal legislation and the severe economic impact of the depression years. As the Central Office staff gained experience, a greater understanding and cooperation was developed. There was improved staff coordination of necessary centralized programs such as; budgeting, inspection, farm supervision, legal affairs and industrial operations. One of Commissioner Ellis' key staff assistants was Francis X. "Spike" Gerry. The latter was the Chief budget officer for the department. He was a very convivial and well liked personality, but had the reputation of being "a wizard at finding the boss an extra dollar in the shoestring budgets of the depression years."<sup>20</sup>

The only beneficial aspect of this sad decade in New Jersey history was the completion of the Bordentown Prison Farm in 1937. The farm began operations in 1928 and was established in temporary wooden buildings which housed about 180 prisoners. When the permanent buildings were finished, the institution was opened with the transfer of an additional 153 inmates from the Trenton State Prison.

The new structures were designed primarily for use as a medium security institution, but there were provisions to accom-

\*\*The above restrictive acts were consolidated in the revised Federal Criminal Code: 18 U.S.C. 1761, 1762.

modate some maximum and minimum prisoners. The projected capacity of the new brick and stone building units was 600. "This construction rounds out the program that New Jersey had (earlier) developed to provide classified types of institutions for its adult prison population.

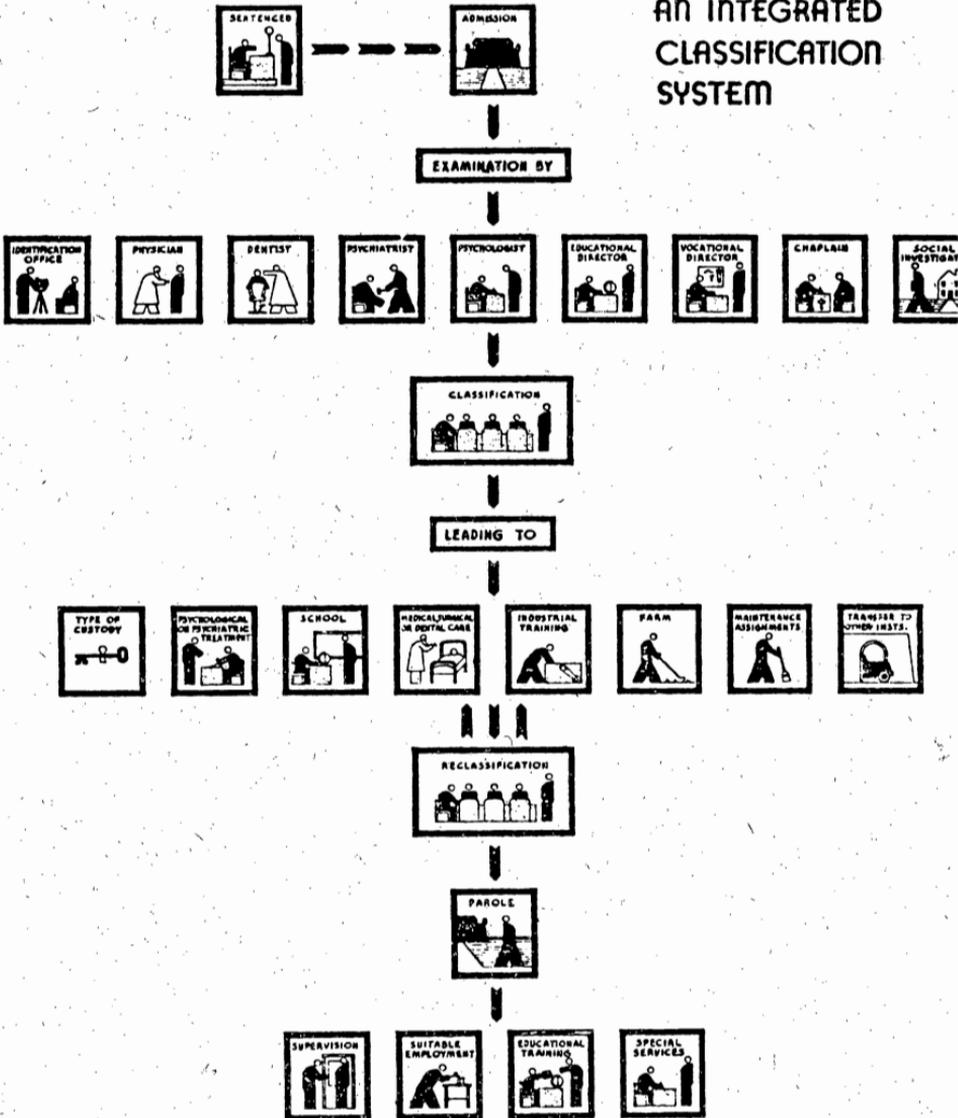
The old cell block type of structure has been abandoned, . . . strong rooms with outside windows replace the inside cells so generally used in American penal institutions."<sup>21</sup> This was a major change in the architectural concept of prison construction and continued as a popular model even in today's sophisticated correctional administration format. It is unfortunate that circumstances prevented further investment in capital improvements within New Jersey's correctional system for the next thirty years.

The Bureau of State Use Industries established several new shop operations at the Bordentown institution. These included: Potato Farming, Piggery, Shoe Repair and a Cotton Mop and Corn Broom program; a Sheet Metal shop; a Soap Manufacturing industry and later on a Commercial Laboratory with a Pest Exterminating Service and a facility for manufacturing Aluminum Windows and Storm Doors. The Industrial Manager at Bordentown was also assigned the administrative responsibility for supervision of the industrial products being produced at the Trenton Psychiatric Hospital. The primary products were a line of various brushes utilized for a number of applications. Also the hand-weaving of burlap bag fabrics and variegated colored throw rugs.

Improvements in New Jersey's prison system has been sporadic and slow. The mid-thirties was generally accepted as the beginning of the modern era of prison progress within this country. The greatest impetus has been credited to the complete reorganization and reform of the federal prison system which was begun about 1930. "During the following years, the federal prisons were raised from the status of a backward, neglected, and at times corrupt system, to a position of pre-eminence among the prisons of the country. The rapid and steady progress made by the federal system from 1929-1930 on had a significant effect on state prisons, . . ."<sup>22</sup> New Jersey's earlier development of strong classification, medical and educational programs made a significant contribution to the federal prison reform movement. (see Table VII)

# NEW JERSEY'S METHOD

AN INTEGRATED  
CLASSIFICATION  
SYSTEM



The decade of the 1930's was a very difficult period for all correctional systems. There were rising prison populations and reductions in prison appropriations due to the economic depression. There was a favorable factor reported: "They were able to recruit well educated and highly skilled personnel who in ordinary times would not enter the prison service, and personnel of all types were also available through the Works Progress Administration (WPA) and other relief programs."<sup>23</sup>

The outbreak of World War II, at the end of the depression period, was one of mixed blessings. Many key people, at all correctional levels, entered the armed forces and a number of institutions were seriously undermanned. Fortunately there was a reduction in civilian crime and state prison populations shrank from 154,500 to 114,000 during the 1940-1944 period.<sup>24</sup>

In New Jersey, the earlier diversification and expansion of prison industries enabled the program to operate at a small profit. The authorities were forced to seek all possible means to reduce institutional maintenance budgets during the depression years. "As a result, the industries program soon became involved in the financing and support of extensive farm and dairy operations. Almost inevitably, the idea grew that the industries could contribute goods and services to the operation of the institutions in which industrial programs existed and a pattern was set which continued for two decades."<sup>25</sup>

The restrictive legislation enacted during the 1930's was suspended during the period of war and followed the now familiar blueprint of national need established during previous periods of conflict. Prisoners produced a tremendous amount of important war materials. The latter was valued in excess of \$138,000,000 and greatly contributed to a booming, successful prison industrial operation. Convicts proved to be motivated, willing workers. There were also many inmate volunteers that participated in painful and dangerous medical experiments. "Under a wartime relaxation of legal restrictions, prisoners in agricultural states were used in large numbers to gather crops which would otherwise have been lost."<sup>26</sup>

Director of Industries Max Rockhill reported in 1940 that his Division of State Use operated 45 different shops. The industrial program employed 1375 patients and prison inmates, with some 2884 people being trained. He also noted that 70 civilian instructors in various job classifications were employed and the State

Use payroll also covered the salaries of 17 correction officers. The annual industrial operation resulted in a small loss. But total sales for the year amounted to \$1,098,000.<sup>27</sup>

"During the war years the Prison, Rahway and Clinton performed some Government work and the farms added greatly to the food supply available to the institutions. Large quantities of beef and pork were produced. Millions of pounds of vegetables were canned. A large dry cleaning plant was operated at Rahway for the Navy which sometimes worked around the clock to help get a ship back to sea with a minimum of delay. The Director also reported difficulty in meeting deliveries in most of the shops as raw materials were scarce and of poor quality. . . ." The Rahway institution also had serious problems with an over burdened D. C. power generator. This inadequate facility created lengthy interruptions without electricity that badly disrupted production.<sup>28</sup>

The New Jersey industrial program was being closely watched as new ideas were pioneered and goals were reached. These efforts were recognized at the 69th Congress of the American Prison Association by a renowned businessman, Samuel A. Lewisohn, during his address to the gathering:<sup>29</sup>

We spend hundreds of thousands of dollars in apprehension and prosecution and then proceed to neglect the returns of our investment. We are faced with the task of providing an institutional program designed to return prisoners better equipped to join the free community. To use business terminology: to make them assets instead of liabilities! Prison labor is an important factor in such a treatment program since it provides the nearest approach to the activities of the outside world.

Insofar as you conduct a prison labor program you not only provide a discipline that is basic, but at the same time an activity that will not burden the ordinary state budget. New Jersey had a capital fund set up to carry the prison industries, but the original grant has been repaid out of the earnings of the industries. It is understood that the prison industries now operate on earnings and that a reserve has been accumulated to cover the change of machinery, depreciation, and so forth.

Thus one can say that a proper State Use system, given a reasonable market, and having accumulated or been given a capital fund; should provide a wholesome regime of activity which finances itself.

"The primary objective of the Department and of the Division of State Use has been to provide training opportunities for patients and inmates. Especially in the prisons and reformatories, few skilled workmen are found on admission. There are numbers of individuals whose work aptitudes have never been developed, and in many cases their inability to hold jobs has been a contributory cause of delinquency."<sup>30</sup>

When inmates or patients prepare food, do maintenance work or participate in farm programs, they render a valuable service to the State. The manufacture of a large variety of products for use by the State, County and Municipal governments, utilizing inmate labor, provides a further contribution to reducing the cost of their upkeep.

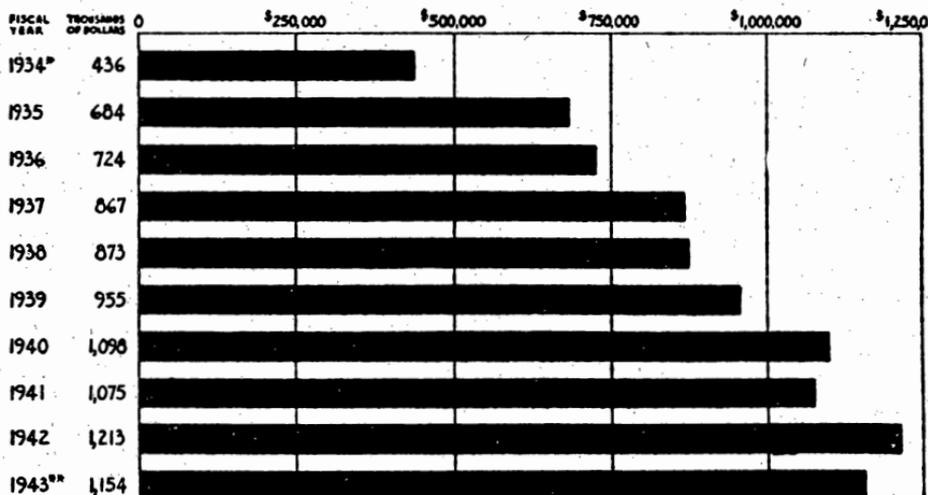
If correctional facilities are to provide a constructive influence upon the wards in their custody—work programs must emphasize proper training, establish high standards of workmanship, and approximate employment conditions on the outside, so far as possible.<sup>31</sup>

Prisoners received in New Jersey institutions frequently have been on probation or confined in other institutions, while some have no prior criminal records. There is a wide variety in the nature of their offenses. They display differentials in education, mental capacity, attitudes and willingness to adjust to regulations—whether in the institution or even the community!

"To persons familiar with prisons and prisoners, the great need of training for outside occupation is obvious. Most men committed to prisons have poor work records and only a few have developed either the skills or the work attitudes which make for successful outside employment. Development of prison industries in New Jersey is guided by two objectives. The first is to provide occupations requiring diversified talents and abilities so that prisoners of varying types may be employed in lines of work to which they are adapted. The second is to produce articles of value and use to the state so that costs of maintenance may be reduced."<sup>32</sup>

## T A B L E      V I I I

### VALUE OF STATE USE PRODUCTS AS REFLECTED BY SALES TO GOVERNMENTAL AGENCIES



\* NOT INCLUDING VALUE OF ROAD WORK WHICH WAS ELIMINATED AFTER 1934.  
 \*\* REDUCTION IN 1943 DUE TO DISCONTINUANCE OF AUTO TAG MANUFACTURE.

Mr. Ellis P. Earle was 58 years of age when he helped to organize the New Jersey State Board in 1918. "The Department became a pet of his old age, and Commissioner Ellis was like a son to him."<sup>34</sup> Mr. Earle had succeeded Dwight Morrow as Chairman of the State Board of Control in 1922. His death in 1942 was a sad loss.

Mr. Reeve Schley, who had been a State Board member since 1936, succeeded Mr. Earle. He was a successful businessman that left a wartime position with Lend-Lease, in order to devote his full attention to the needs of the Department.<sup>35</sup>

Within three years the Department of Institutions and Agencies experienced another tragic loss with the unexpected death of Commissioner William J. Ellis. His passing on March 11, 1945 was a great shock to the entire staff.

There were many loose ends left dangling because there was no formal chain of command established. He was personally involved in a number of projects and his associates felt that the Commissioner had done too much himself. Mr. Ellis was associated with the Department of Institutions and Agencies for more than 25 years. There is no doubt that his presence left a deep imprint on the philosophy and functions of this important organization for many years into the future.

There are numerous historical observers that believe New Jersey helped to pioneer a number of important social changes for the disadvantaged during the period between World Wars I and II. There is justification for considering this 25 year period as a "Golden Age" for New Jersey. The concept of a centralized department; a workable State Use Industrial operation; expanded capital construction programs; an enlightened classification, educational, medical and parole systems in Corrections; and an evolving public welfare operation were some of the major contributions of this era. The foresight and dedicated service of many personalities must be credited, but none more than Dwight Morrow, Ellis Earle, Geraldine Thompson, Burdette Lewis and William J. Ellis.

It is a fact that Commissioner Ellis accepted the faults of his associates and attempted to fit them into his program. He similarly accepted the Department's political status and tried to work with the available tools. His administration was honest, progressive and economical. The legislators trusted him and he learned not to ask for too much. Ellis considered the views of his staff and the institutions, as well as the legislators and the Governor. If there were program halts or corners to be cut—he would cut them. "Thinking in terms of the practical and possible, he was confident that he was achieving what he could realistically hope for."<sup>36</sup>

Notwithstanding the considerable achievements in New Jersey, there were serious problems ahead for prison industries programs. By 1942 the industrial production in prisons had diminished to less than \$25 million nationally—or less than one half of the plant capacity. "The years since World War II have witnessed a return to the old status of prison industry. . . . It is reasonable to state, however, that the prisons are substantially where they were before 1942 so far as productive employment is concerned."<sup>37</sup>

## Footnotes

- <sup>1</sup>Dorf *op.cit.* p. 140  
<sup>2</sup>*Loc.cit.*  
<sup>3</sup>Garraty *op.cit.* p. 333  
<sup>4</sup>*Loc.cit.*  
<sup>5</sup>Sutherland and Cressey, *op.cit.* p. 592  
<sup>6</sup>Robinson *op.cit.* p. 171  
<sup>7</sup>Barnes and Teeters *op.cit.* p. 557  
<sup>8</sup>Bulletin No. 1365, *PRISON LABOR IN THE UNITED STATES 1940*, U.S. Bureau of Labor Statistics, p. 1  
<sup>9</sup>Haynes *op.cit.* p. 315  
<sup>10</sup>*Loc. cit.*  
<sup>11</sup>Haynes *op.cit.* p. 317  
<sup>12</sup>*Ibid* pp. 318-319  
<sup>13</sup>*Ibid* p. 323  
<sup>14</sup>*Ibid* p. 324  
<sup>15</sup>Kastelansky *op.cit.* p. 22  
<sup>16</sup>Haynes *op.cit.* pp.325-326  
<sup>17</sup>*Ibid* pp. 329-332  
<sup>18</sup>*Ibid* p. 311  
<sup>19</sup>Barnes and Teeters *op.cit.* 729  
<sup>20</sup>Welfare Reporter, Dept. of Institutions and Agencies, November 1954, Trenton, New Jersey, p. 7  
<sup>21</sup>Haynes *op.cit.* p. 57  
<sup>22</sup>Manual of Correctional Standards *op.cit.* p. 13  
<sup>23</sup>*Ibid* p. 14  
<sup>24</sup>*Loc.cit.*  
<sup>25</sup>Bonnell, *FIFTY YEAR HISTORY*, *op.cit.* p. 2  
<sup>26</sup>Manual of Correctional Standards *op.cit.* p. 14  
<sup>27</sup>Bonnell, *op.cit.* p. 2  
<sup>28</sup>*Ibid* p. 3  
<sup>29</sup>Lewisohn, Sam A., *A BUSINESS MAN'S VIEW OF PRISON LABOR*, Annual Proceedings of the American Prison Association., New York, 1939, pp. 345-347  
<sup>30</sup>*A SUMMARY REPORT 1934-1943*, Department of Institutions and Agencies, Trenton, New Jersey, p. 39  
<sup>31</sup>*Loc.cit.*  
<sup>32</sup>*Ibid* p. 84  
<sup>33</sup>*Ibid* p. 40  
<sup>34</sup>Leiby *op.cit.* p. 209  
<sup>35</sup>*Ibid* p. 213  
<sup>36</sup>*Ibid* p. 215  
<sup>37</sup>Barnes and Teeters *op.cit.* p. 721

## **P H A S E   I X   (1945 - 1952) THE PRISON SYSTEM IN TRANSITION**

The correctional system developed in the 1920's within New Jersey was generally adopted by the federal prisons and a number of the progressive state programs. The history of imprisonment in this country now reveals a positive trend away from punishment and a strong emphasis on individual treatment for inmate reformation—within the framework of a security system. Non-punitive methods were considered desirable if prisoner attitudes were to be changed and they were to be deflected from criminal activities in the future.

It is unfortunate that many prison systems were organized so that treatment efforts were actually impeded. "As a result, treatment programs often are described in official statements of prison policy although they do not exist in fact."<sup>1</sup>

While some barriers to treatment are probably due to inefficient prison management, there is a basic conflict with society's reaction to criminal offenders and their treatment:<sup>2</sup>

Contemporary society seems to have a variety of objectives in regard to control of crime, and it considers imprisonment the means for attaining each of them.

### *1st—(Reform):*

The emphasis on rehabilitation and treatment implies that society wants criminals changed so no further crimes will be perpetrated by them.

### *2nd—(Incapacitation):*

Society wishes to be protected from criminals, particularly those recognized as habitual offenders.

### *3rd—(Retribution):*

Society expects the prison to make life very unpleasant for vio-

lators who commit crimes against others in the social structure.

*4th—(Deterrent):*

Incarceration for social offenders is viewed as a desirable action by the public and a motivating factor in the reduction of crime in general.

The transition from levels of maximum inmate custody to medium and even minimum custody have created basic problems within the prison system. We indicated that the historic development of progressive changes in public attitude toward prisoners evolved over many years. Similarly, the concept of reduced custody has been very reluctantly accepted by the public and even by some correctional administrators.

Inmate work programs have been traditionally geared toward maximum custody prisoners. Current legislative statutes reflect such a position. Efforts to expand and incorporate work programs to accommodate lower custody categories have been limited and enacted very slowly. Because of the legislative complexities among the various states regarding prisoner treatment, it has frequently required federal direction and leadership in recent years to implement statutory changes.

In our earlier prison systems various non-productive labor techniques were employed frequently to institute sentences of hard labor. Such devices as the treadmill and the crank served no productive goal. "It has long been recognized that idleness in prison is bad for both the inmate and the institution." Therefore, the demand for prison labor programs has been an item of long standing. Simultaneously, the public has viewed prison labor as a punitive instrument to carry out the court's sentence for criminal acts.<sup>3</sup>

Since the end of World War II, prison populations have been steadily increasing while the average age of these prisoners has been generally decreasing. The cost of maintaining the institution and its population has also been increasing. Thus far there have not been any universally acceptable resolutions to the problems associated with prison labor. The overwhelming majority of prisoners are eventually returned to society and no program of prison industry should be allowed to neglect or ignore their welfare.

"The problems of prison labor have been made more acute by overcrowding of prisons, the inability of prisons to keep up with

technical changes resulting in lower costs in outside plants, and the restrictions placed upon potential markets by legislation, as well as consumer opposition to goods manufactured by prisoners."<sup>4</sup>

We have listed some of the different prison labor systems utilized during the past 200 years. While any system will be subject to some objection or criticism, the reader should recognize there will be both strong and weak factors to consider within these programs. Basically the questions of relative merit must refer to the function of a penal institution and the amount of responsibility the state must assume for developing the future conduct of the inmate.<sup>5</sup>

In New Jersey, the State Use laws require industrial administrators not only train prisoners, but also to operate the industrial shops as a self-supporting venture without the benefit of appropriated funds. Prisoner training must therefore be secondary to the primary function of making a small profit. The latter is necessary to purchase machinery, materials, pay wages and maintain equipment, etc. The type of industrial program must of necessity be geared to customer products that can be sold advantageously or the program of industries would soon cease to exist.

Thirty years ago New Jersey was recognized as ranking eighth in the country for its prison industry diversification. The program operated some 35 different shops and manufactured a variety of products for use by State, County and Municipal institutions and agencies. Unfortunately some of these items did not receive the anticipated customer support. A number of the shop programs were subsidized by our successful industries in order to continue the availability of inmate training. This was a serious mistake, since under existing statutes State Use Industries was ultimately brought to the verge of bankruptcy. Aggressive action by the industrial administrators was required to eliminate some 18 industries that were consistently operating at a loss in order to restore a fiscally solvent program.

The Department of Corrections must accept responsibility for coordinating all inmate work programs so there are no conflicts. The items manufactured must be purchased in reasonably sufficient quantities. A further indication of support requires the necessity for classification assignment of suitable and trainable inmates to the various industries for minimum periods of industrial instruction (a year is barely acceptable). Inmate workers must not be removed from shops during the work day without

serious justification. If work assignments for inmates are to closely resemble those in the private sector, a 35 to 40 hour per week schedule must be established and maintained.

"The type of labor best adapted to a penal institution must be determined, therefore, with an eye to its effect on the health and well being of the prisoner, its influence upon his possible reform, its bearing on state expenditures and income, its contribution to a wage for the prisoner as a means of maintaining a self-respecting relationship with his dependents, and its competition with free labor and industry."<sup>6</sup>

The turnover rate for inmate workers must be minimized or industrial training and product quality control will be compromised. A prison industry cannot be operated like a factory on the outside. To operate primarily for the goal of a money profit, the staff would have to standardize prison labor, produce a minimum number of products in maximum quantities and possibly sacrifice individual aptitudes and skill development.

It is unfortunate that our historical experience indicates that prison industrial programs have generally been fiscal failures. Regardless of the labor systems employed, the majority have not been self-supporting. "The prison system of factory administration does not ordinarily have behind it the investment, skilled management, space, marketing facilities, adaptability to changing needs, or suitable labor which successful administration outside the prison needs and secures."<sup>7</sup>

James V. Bennett, a former Director of the federal Bureau of Prisons stated in 1937: "The great necessity in prison is work. If I had to manage a prison upon condition that I make my choice of one thing, and only one, as an aid to discipline, as an agency for reform, for its therapeutic value, I would unhesitatingly choose work—just plain, honest-to-goodness work. Of course, I wouldn't like to have to concentrate so on a choice and it would be unwise to be so restricted. . . . But the habit of work is what men most need."

Operating a program of prison industries has a number of handicaps not the least of which are restrictions due to security considerations. The institutional custody schedule usually requires top priority. Industrial work periods are adversely and seriously affected by: inmate counts; mass movements of inmate workers; feeding schedules; doctor visits; parole board hearings and such miscellaneous items as haircuts; educational, psychological or

social worker interviews; special recreational programs such as world series baseball games, etc.

There are industries that would never be acceptable within prison confines—no matter how beneficial the work might be to the inmate population. Correctional authorities would rarely sanction the use of certain chemical items, inflammable ingredients, specialized equipment or machinery, cutting tools, ropes, ladders or some glue materials. I can vividly recall the difficulties experienced with New Jersey prison authorities when State Use Industries wanted to purchase our first fork-lift truck some twenty years ago. After we agreed to a number of truck modifications and security restrictions in using the fork-lift vehicle, they reluctantly allowed us to purchase this item.

No correctional institutions in New Jersey provide for an eight hour industrial work day. I estimate that we average a thirty hour inmate work week throughout our prison system. But the reader should note that our instructor staff is paid on the basis of a forty hour work week.

After World War II there were strong criticisms concerning the large number of idle inmates that were not being absorbed by State Use Industries. This led to "padding the inmate payroll" by assigning more workers to an industry than were required. Industrial diversification as a policy for training purposes was developed to help alleviate these conditions, but as previously indicated, was a costly, unprofitable program which did not benefit the majority of inmates. The inmate worker training was questionable because of high inmate turnover rates usually due to changes in classification custody or high population rates necessitating transfers to other institutions. Inmates that are willing workers with good adjustment records are considered preferable risks for lesser custody classifications.

It should also be noted that the inmate work force is generally a group of workers that is arbitrarily selected and the industrial program is expected to keep them employed. Such a labor force cannot readily be changed quickly to comply with production requirements. While the convict labor force cannot depart from the industrial assignment of its own free will, the turnover rate of inmates is also arbitrary and there is little relation to work performance, wages, or working conditions.

Not all prisoners are available for work assignments. There are a number of chronically ill inmates that are incapacitated for a

variety of reasons; the aged and infirm, the medical and psychiatric personality and those that are mentally retarded. These all contribute to an institutional idle group, including healthy specimens that just refuse to work!

It is recognized that a public policy which incarcerates a person and allows such individuals to stagnate in idleness can be disastrous. Widespread idleness can contribute to a highly volatile situation in a correctional institution and can quickly lead to internal disruption.

The days of exploiting convicts has gone for both economic and humanitarian reasons. "In prison, labor is not a curse, but a blessing."<sup>8</sup> There is a general public impression that convict labor automatically means a low selling price. Unfortunately a prison industry must usually purchase raw materials and equipment, etc. through a State purchasing agency. The latter conforms to bureaucratic regulations and costs are frequently higher for some items. Small prison industries require closer supervision of the inmate workers.

The cost of supervision in some of our industries can result in higher costs. The volume of business is also a significant cost factor. If mass production of a particular item is involved in the manufacturing process, that product can usually be sold at a lower selling price. Limited production must depend on a product quality and the latter implies a skilled work force. Inmate workers have usually been associated with those groups displaying indifferent and careless attitudes which need extra supervision. The capable, efficient, well trained person usually does not end up in prison.

In those correctional institutions that experience inmate overcrowding, we have noted a tendency to "babysit" some of the extra population. There is an effort to "overload" the work assignments even when the practice is recognized as imprudent and uneconomical. The practice is defended on the basis that it is better for the institution and the inmate to have him doing something (no matter how little) than if he had no assignment at all. "When assignments are overloaded, and when inefficient workers are functioning in them, just to give inmates something to do, the results can be serious. There will be inferior job performance, waste and theft of materials, increased loafing on the job, a lowering of the morale of inmates and staff, and other practices and opportunities which can be significant detriments both to the

welfare of the prisoners and the security of the institution."<sup>9</sup>

Eliminating prison industrial sales volume to the open market was another serious handicap. State Use Industries became a necessity because of legislative mandate. This action restricted prison product sales only to the public sector and limited the kinds of products to those needed by institutions and agencies. A successful industrial program was therefore based on this new, restricted market and industrial shops had to be developed accordingly.

The Handbook of American Prisons and Reformatories (1929) summarized the national number of inmate employees in various Contract labor industries during 1928:<sup>10</sup>

T A B L E    I X		
Contract Labor Industries (1928)	No. of Prison Employees	% of Total Inmates Employed
Iron	404	3
Room	246	2
Laundry	472	4
Furniture	1290	10
Worse Collar	112	1
Shoemaking	604	5
Paints	1337	11
Shirts	5282	43
Shoes	795	7
Tailor	727	6
Waste Salvage	11	-
Ship	97	1
Wire	70	1
Underwear	688	6
Total Inmate Workers	12,135	100 %

Matching available skills with the hiring needs of available shop operations in a prison setting has always been a problem. If certain shop skills were needed and not present within the inmate population, there was little alternative except for staff

supervisors to train a willing inmate learner. It is surprising that the decade of the 1920's seemed to have a large percentage of skilled tradesmen in prison. In 1920 the New York Prison Survey Committee submitted a report to the Legislature in Albany, New York which was based on the occupations of offenders at the time of conviction.<sup>11</sup>

T A B L E X

OCCUPATIONAL ANALYSIS OF 3814 MEN CONVICTED IN THE STATE OF NEW YORK

	<u>Occupations</u>	<u>% of Total</u>
Skilled - Trades:	plumbing, carpentry, tinsmith, electrician, steam-fitting, printing	37.4
Skilled - Factory:	machine shop, cabinet-making, foundry, sheet metal	8.7
Mill Trades:	textiles, shoes	2.5
Office Workers:	stenographers, clerks, auditors, bookkeepers	7.4
Agriculture:	(and related vocations)	3.5
Recreation Leaders:	actors, musicians	1.3
Teachers:	includes lawyers, bankers, artists	.4
Unclassified:	chauffeurs, motormen, policemen	5.8
Miscellaneous:	bill posters, fruit dealers, lifeguards, promoters	1.6
Laborers:	various types	18.4
Unskilled:		12.1
No Occupation:		.9
		100.0 %

Thus the New York report indicates occupational skill factors in excess of 60 percent, with labor or unskilled categories approximating 40 percent. There is little doubt that these percentages were to change substantially in the next 50 years. The New York Prison Survey Committee also noted that: "Labor assignments are made, as a rule, with a view to discipline . . . No evidence, except in rare instances, that men are assigned because they can learn anything, or that previous occupations enter into the question."<sup>12</sup>

While there were substantial changes in correctional philosophy and development of more humane treatment attitudes, the end results of prisoner reformation still remain at an unsatisfactory level. As the inmate population decreased in age, the amount of education, work experience and skilled training decreased proportionately. Many New Jersey inmates failed to complete the sixth grade in school. Large numbers were considered functionally illiterate. The ability of staff personnel to impart sophisticated knowledge or teach complex equipment applications was severely limited. Inmate workers able to absorb such training were the exception, not the rule! Our industrial supervisors soon learned they had a difficult task facing them.

Reference was made earlier to the fact that limited budgetary appropriations during the depression years brought pressure by the Department for the industrial program to fiscally support the farm and dairy operations. State Use Industries also contributed goods and services to many of the correctional institutions which housed their industrial shops.

This departmental policy injured the concept of State Use Industries self support. Any planned efforts to modernize or expand the production facilities within the industries was brought to a virtual stand-still. "With no capital funds for replacement of obsolete tools, planned development of up-to-date shops and products lagged; improvements in service to the using agencies also became increasingly difficult and the entire industrial effort was able to move but little during the 1940's and early 1950's."<sup>13</sup>

In 1934, Calvin Derrick commented as follows in his presidential address to the American Prison Association:<sup>14</sup>

Active workers (in penology) are quite prone to become pessimistic. Because of (our) intense interest and close application to the work . . . we become . . . painfully conscious of the drawbacks, the handicaps . . . and it seems to us perfectly obvious that if only a certain few things could be accomplished . . . the fulfillment of plans and dreams would take place; and we marvel at society's slowness of comprehension, at the legislators' indifference and at the taxpayers' willingness to continue paying the bills. . . ."

Such pessimism was understandable in view of the depression era and the advent of the World War II conflict. It was the original

Department objective in 1918 to eliminate the spoils theory from public welfare and conduct the programs in a businesslike manner. Instituting board control combined the notions of 19th century philanthropists and 20th century boards of directors of business corporations. By 1945 a number of these distinguished, philanthropic citizens were nearing extinction. "The ideas of public welfare and professional service had largely supplanted the older ideas of charity and correction."<sup>15</sup>

The unexpected and tremendous growth in the New Jersey population after the war caused a major increase in the caseload of the Department. There was a great need for added staff and new facilities. But, postwar inflation reacted to the disadvantage of the New Jersey State government in providing the needed funds for construction and recruitment. Also, as a result of the new federal tax laws and other social experiences during the war years, there were requests for greater public services and increased institutional standards. Support for the latter was given impetus by philanthropic foundations, health and welfare and many types of professional organizations, which also influenced the federal government in its future policy.

In June 1945, Sanford Bates assumed the duties of Commissioner for New Jersey's Department of Institutions and Agencies. He was almost 61 years of age and had distinguished himself as an outstanding public servant in a variety of administrative positions. The new Commissioner was born in Boston, Massachusetts and attended public schools. In 1906 he received an L.L.B. degree from Northeastern University.

He was elected to the Massachusetts State Legislature in 1912 as a Representative and later as a State Senator. Mr. Bates was appointed in 1918 as Commissioner of penal institutions in Boston. The following year Governor Calvin Coolidge asked that he assume the duties and responsibilities as head of the State Department of Corrections. He served in that position for ten years.

President Hoover subsequently appointed Sanford Bates as Director of the Federal Bureau of Prisons in 1929. He continued in this capacity under President Franklin Roosevelt, expanding the federal penal system into a model for the entire country. Mr. Bates resigned in 1937 to accept the position of Executive Director of the Boys Clubs of America, a job which was not nearly as remunerative, but left him free to lecture and teach at the New York School of Social Work and other places.

New York's Governor Herbert Lehman appointed him as the Commissioner of Parole, a position he held until he came to New Jersey.<sup>16</sup>

The new Commissioner was thus an administrator with wide experience and a national reputation in the field of penology. He had known both Burdette Lewis and William J. Ellis, and admired their contributions. Mr. Bates impressed the department staff as a broad thinker who was concerned with principles and organization, probably due to his legal background. He is reported to have had a "strong sense of personal responsibility and interest in formal procedures (which) often struck his associates as egotism. 'He was Mr. Big Commissioner, everything had to go through him' one observer noted."<sup>17</sup>

Bates was inexperienced in the administration of public assistance operations or mental hospital facilities. He was also handicapped by not having strong personal attachments with the established staff. Since the new commissioner felt a need for help and expert consultation, he soon established three new deputy commissioner positions in the areas of corrections, welfare and mental health. These individuals were considered as assistants, not subordinates. Francis (Spike) Gerry was a fourth deputy commissioner responsible for administration. These people were regarded as a policy making group that would also check and investigate problems within their area of responsibility, promote new programs and represent the department at professional meetings.

Commissioner Bates recognized the need for understanding and cooperation between the Central Office and the outlying institutions. He encouraged personnel staff conferences for those that held similar positions (such as psychologists and business managers); also board members would meet periodically. From time to time they would all assemble for a departmental function and dinner.

After 1919, the State Legislature had ended the publication of all state reports on the basis that they were too expensive and seldom read. While the State Board of Control and the Commissioner made no formal report, Division heads and institutions were required to submit a monthly report which was usually in mimeograph form. A number of the institutions also published an annual report. Commissioner Bates successfully instituted a departmental magazine, the Welfare Reporter, which "became

the principal historical record of its work". For many years this publication was printed by State Use Industries. Its purpose was to improve morale and cement stronger relationships among employees and board members. The Welfare Reporter was also designed to inform the public, officials of other state agencies and especially makers of public opinion.

In April 1945, the Department hired Raymond F. Male to improve its liaison with the State Civil Service Commission. Bates subsequently appointed him to head a new Division of Personnel. As early as 1942, there were indications of institutional labor unrest and attempts to unionize staff workers. There was recruitment competition for employees and the labor market was tight. In September 1945 an eight hour work day was instituted and soon an increase in staff wages. This required most institutions to establish a three shift operation. New Jersey also passed an anti-discrimination act in 1945 which opened large numbers of institutional jobs to negroes and other minority groups.

"Personnel problems after the war forced a reorganization of the labor force in most of the institutions, broke up the tradition that most workers lived at the institution in a sort of big family, and forced the central office to take increasing responsibility for recruitment, training, and personnel policy generally."<sup>18</sup>

In June 1945 Commissioner Bates persuaded Dr. F. Lovell Bixby to return to the Department as Deputy Commissioner in charge of Corrections and Parole. Dr. Bixby had originally been hired by Commissioner Ellis to head the classification and education programs with the Department. He left in 1933 and spent the next 12 years working with the Osborne Association and the Federal Bureau of Prisons. It was readily apparent to Dr. Bixby that in comparison with attitudes in 1933, the central office had little interest in corrections; the welfare programs had assumed paramount importance and taken over the center stage.

Alfred Driscoll was elected as the Republican Governor in 1947 and he had the support of a Republican legislature. Soon after taking office he established a constitutional convention. The resulting new state constitution was endorsed by both Democrats and Republicans; it was ratified by a large majority of the electorate in November.

There was strong feeling that all executive departments should be led by commissioners reporting directly to the governor and that the State Board of Control contradicted this principle. Some

consideration was also given to the possibility of splitting the Department of Institutions and Agencies into two or more departments.

These concepts were opposed by Bates, Geraldine Thompson and Reeve Schley. There were several arguments proposed for maintaining the status quo:

- (a) The Department had been "well-run" as presently organized.
- (b) The Department required specialized professionals that should continue to function without political interference.
- (c) The Department's leadership believed that many services were related and could be administered more effectively under a unified Department head.

Under the 1947-48 constitutional changes, it was stipulated that executive departments would have a single head reporting directly to the governor—unless otherwise provided by law. However, the Department structure for Institutions and Agencies was continued as an exception to the general rule! The governor was given additional control by empowering the state's Chief Executive to approve the Board's choice of a commissioner; to allow removal of the commissioner if necessary after a hearing; and to approve the Board of Control's appointments to local Boards of Managers.

Commissioner Bates and the State Board were also successful in changing the status of the Principal Keeper at the State Prison and in ending the jurisdiction of the Court of Pardons. The 1947 constitutional convention specified that a paid parole board was to be organized to handle all minimum/maximum sentence cases. This was accomplished in 1948. Also, after 1951 (upon expiration of George W. Page's term as Principal Keeper) the Prison Board of Managers, would be responsible for appointing all future Principle Keepers, not the Governor. The constitutional reorganization of 1947-48 thus eliminated two major obstacles to centralization of the Department which had been a problem for some thirty years.<sup>19</sup>

Director of State Use Industries Max Rockhill had instituted an ambitious program intended to expand the industrial capability within the Department of Institutions and Agencies. A number of shops had been established at various institutions. The

sales volume for the Division by 1932 had reached \$1,029,787. But, unfortunately this impressive plateau was to drop considerably during the next twelve years due to the economic climate.<sup>20</sup>

Mr. Rockhill had a number of new industries under study and some of these goals were reached in later years. The industrial program at Rahway Prison was anemic and had evidently not fully recovered from the administrative turmoil created by former Superintendent Frank Moore. The Supervisor of Industries was a Mr. Jacques. Director Rockhill assigned Leo Bannon of his central office staff to assist Mr. Jacques and be directly responsible for the Rahway industrial operation.

The June 1933 Annual Report of the Division shows a marked decrease in sales (\$673,775). The commentary in the report attributed this reduction to: (a) lowering of prices for items being manufactured (b) a drop in business for the Printing and Woodworking industries and (c) no further road building work was being permitted—a loss of approximately \$230,000 in sales for this item to State Use Industries.

There are further indications that State Use Industries was experiencing competition from certain "training industries" being established haphazardly within the institutions. Max Rockhill made the following recommendation:<sup>21</sup>

In order that the State Use Industries may be protected, a suggestion is made that no institution be allowed to create any new industry within the institution other than State Use . . . because many institutions are setting up training courses for their inmates. . . .

It is suggested that consideration be given to a rule that in all forms of production—clothing, canning, etc.—the institutions not be allowed to develop beyond the point it stands July 1, 1933, because they are duplicating industries in most instances, and as they increase their production State Use loses just that much sale.

The State Use Annual Report dated June 1935 stated that a dairy program formerly located at Glen Gardner had been transferred to the nearby Annandale Reformatory. The Leesburg Prison Farm had also started a new Salt-Hay industry. Preliminary planning was also begun to establish new industries in Soap

and Disinfectants/Insecticides at the Bordentown Reformatory which would open shortly.

It is also evident that a greater spirit of cooperation had been developed with the Purchasing Department in implementing the mandate of the "State Use Laws". Director Rockhill reports the following:<sup>22</sup>

... more and more products of State Use are being made on standards approved by the Purchasing Department, and sold at prices which they approve of and which compare favorably with outside prices.

By 1940 a new Mattress and Pillow industry was developed at Vineland State School; Cannery industries were operating at both Leesburg Prison Farm and Annandale Reformatory; and Rahway Prison was manufacturing vehicular tire chains for the State Highway Department.

The Division of State Use Industries had employed 1,375 prisoners or patients and trained 2,884 people in these jobs during 1939-1940. The civilian instructor staff had risen to 70 employees plus 17 correction officers paid by State Use.

A new 60' X 120' concrete block building was under construction at Annandale Reformatory in which State Use Industries would establish a new Feed Mill industry.

State Use Industries experienced severe problems obtaining suitable materials during the war years. The situation required much ingenuity by the staff members. There were numerous material substitutions and product quality suffered badly. However, this was a temporary condition that everyone in the Department learned to live with until the war ended. By 1944 State Use sales had again risen to \$1,508,159 and the Division even reported a small profit.<sup>23</sup> (see TABLE XI)

T A B L E X I

DEPARTMENT OF INSTITUTIONS AND AGENCIES

STATE USE DIVISION

FISCAL YEAR ENDING JUNE 30, 1946

Institutions & Industry	Sales	Outside Labor		Inmate Labor	
		Instructors etc.	Guards	Monthly Average	Total Train ed During T
<b>N. J. State Prison</b>					
Auto Tag	\$132,541.23	2	1	80	136
Bakery	44,808.68	1	-	13	20
Clothing -	93,404.73	3	1	72	135
Coffee Roasting Machine	27,482.32	-	-	2	10
Machine	4,237.78	1	1	18	29
Matrass	-	-	-	-	-
Office -	-	3	1	6	9
Printing	47,410.29	5	2	68	164
Shoe Mfg.	71,066.87	3	1	81	152
Store Room	-	1	1	16	32
Trucking	-	2	-	-	-
Upholstery	2,097.67	-	-	3	6
Woodworking	8,528.42	2	4	35	59
<b>Total and Average</b>	<b>\$431,577.99</b>	<b>25</b>	<b>12</b>	<b>394</b>	<b>752</b>
<b>N. J. Reformatory - Rahway</b>					
Chain Making	\$ 365.45	1	-	2	9
Clothing	63,776.47	4	-	52	91
Dry Cleaning	43,907.67	-	2	41	83
Foundry	12,050.55	2	-	26	54
Machine & Beds	9,870.84	2	-	35	39
Office & Storeroom	-	4	-	9	18
Paint Shop	-	1	-	9	20
Printing	19,865.85	2	-	14	28
Shoe Mfg.	39,587.30	2	-	25	57
Textile	88,032.87	2	1	75	158
Trucking	-	1	-	-	-
Woodworking	8,264.29	1	1	25	32
<b>Total and Average</b>	<b>\$291,721.29</b>	<b>22</b>	<b>4</b>	<b>313</b>	<b>589</b>
<b>Vineland State School</b>					
Coffee Roasting	\$ 6,142.50	-	-	4	3
Knitting	25,956.96	2	-	8	28
Laundry	4,597.22	2	-	16	20
Matrass	8,116.16	2	-	20	11
<b>Total and Average</b>	<b>\$44,812.84</b>	<b>6</b>	<b>-</b>	<b>48</b>	<b>62</b>
<b>State Home for Girls</b>					
Clothing	\$ 17,689.11	2	-	62	224
Sheets & Pillow Cs.	604.31	-	-	-	-
<b>Total and Average</b>	<b>\$ 18,293.42</b>	<b>2</b>	<b>-</b>	<b>62</b>	<b>224</b>
<b>No. Jersey Training School</b>					
Clothing	\$ 27,907.78	1	-	30	71
<b>Total and Average</b>	<b>\$ 27,907.78</b>	<b>1</b>	<b>-</b>	<b>30</b>	<b>71</b>
<b>N. J. Reformatory - Clinton</b>					
Beauty Culture Schl.	\$ 295.30	-	-	4	4
Clothing	44,827.67	4	-	70	311
<b>Total and Average</b>	<b>\$ 45,122.97</b>	<b>4</b>	<b>-</b>	<b>74</b>	<b>315</b>

(TABLE XI - Continued)

## DEPARTMENT OF INSTITUTIONS AND AGENCIES

## STATE USE DIVISION

FISCAL YEAR ENDING JUNE 30, 1946

Institution & Industry	Sales	Outside Labor		Inmate Labor	
		Instructors etc.	Guards	Monthly Average	Total Train- ed During Tr.
<u>N. J. Reformatory - Annandale</u>					
Cannery	\$ 42,486.27	1	-	29	200
Dairy	26,266.50	2	-	10	55
Feed Mill	231,788.69	2	-	25	87
Glen Gardner	-	-	2	16	53
Printing	10,286.24	1	-	22	65
Shoe Repair	2,219.64	1	-	9	10
Vocational School	-	1	-	-	-
<u>Total and Average</u>	<u>\$313,047.34</u>	<u>8</u>	<u>2</u>	<u>111</u>	<u>470</u>
<u>Commission for the Blind</u>					
Maps	\$ 31,612.94	-	-	2	2
<u>Total and Average</u>	<u>\$ 31,612.94</u>	<u>-</u>	<u>-</u>	<u>2</u>	<u>2</u>
<u>N.J. State Prison Farm, Bordentown</u>					
Commercial Lab.	\$ 17,473.24	1	-	2	2
Concrete	4,705.07	1	1	7	15
Exterminating Ind.	2,156.55	1	-	-	-
Hobby Shop	10,466.08	-	-	-	-
Miscellaneous Mfg.	2,927.25	-	-	9	21
Office	-	1	-	2	5
Piggery	18,160.92	-	-	17	27
Potato	27,033.45	-	-	32	117
Sheet-Metal	5,097.02	1	-	16	29
Shoe Repair	8,480.35	1	-	29	69
Soap	67,746.79	1	1	34	44
<u>Total and Average</u>	<u>\$164,246.72</u>	<u>7</u>	<u>2</u>	<u>148</u>	<u>329</u>
<u>N.J. State Prison Farm, Leesburg</u>					
Bakery	\$ 16,580.55	-	-	4	9
Cannery	46,701.38	1	-	19	60
Hobby Shop	1,448.69	-	-	3	5
Potato	16,460.69	-	-	12	71
Salt Hay	200.60	-	-	8	17
<u>Total and Average</u>	<u>\$ 81,391.91</u>	<u>1</u>	<u>-</u>	<u>46</u>	<u>262</u>
<u>N.J. State Hospital, Trenton</u>					
Occupational Therapy	7,902.75	-	-	96	113
<u>Total and Average</u>	<u>\$ 7,902.75</u>	<u>-</u>	<u>-</u>	<u>96</u>	<u>113</u>
<u>Central Office</u>	<u>-</u>	<u>26</u>	<u>-</u>	<u>-</u>	<u>-</u>
<u>Total and Average</u>	<u>-</u>	<u>26</u>	<u>-</u>	<u>-</u>	<u>-</u>
<u>TOTAL</u>	<u>\$1,457,637.95</u>	<u>104</u>	<u>20</u>	<u>1324</u>	<u>3189</u>

Note: These figures submitted prior to Audit and subject to change.

The 1947 fiscal year<sup>24</sup> achieved possibly the greatest success for State Use Industries under Director Rockhill's leadership. New industries were established and became operational at: Leesburg (Snow Fence); Bordentown (Broom-making and Exterminating); and the Trenton Prison (Typewriter Repair and Upholstery). There were some 1,375 inmate/patient jobs with 3,128 people trained in these positions. The annual inmate payroll was at \$33,424. The State Use civilian staff was paid \$275,138 and Guard wages were listed at \$79,727. The industrial sales had increased to \$1,617,275. But Max Rockhill reported that State Use Industries had contributed more than \$100,000 in food, services, maintenance, and equipment to the Department. The latter was experiencing some budgetary difficulties. However, the loss of these funds had a serious, negative impact on State Use Industries. They were incapable of establishing additional new industries or replacing any obsolete equipment. There is no indication that the Department ever attempted to replace these funds in the future when the budgetary circumstances were more favorable.

Dr. Bixby had been concerned for years about the methods advocated for handling troublesome juveniles. During World War II, Bixby served as the Assistant Director of the Army's Correction Division. He was impressed with an experimental technique in "group psychotherapy" being practiced at the Fort Knox Rehabilitation Center in Kentucky.

One of the people involved in running this program was a young sociologist named Lloyd W. McCorkle. Upon his return to New Jersey, Dr. Bixby desired to try this program at the reformatory level. He brought Lloyd McCorkle to Bordentown and they began a program in 1947 called "guided group interaction". This was an informal group of approximately 20-25 inmates that met three times a week for an hour. The group was guided by McCorkle (as the chairman) and was encouraged to freely discuss their own problems, feelings and those of their peers. There were difficulties in organizing the classes and fitting them into the institutional routine. In 1948 McCorkle left to teach at Syracuse University and the experimental program remained in limbo for about two years.<sup>25</sup>

In November 1949, a new institution was dedicated at the Menlo Park Diagnostic Center designed to investigate the problems associated with juvenile delinquency. This was an innovative program whose director was a Psychiatrist, Dr. Ralph Brancale. A 1949 law expanded this facility as a center to study sex offenders.

Another new institution was established in July 1950 with the assistance of Dr. Bixby and grants from several philanthropic foundations. This program was named Highfields and housed in the former Charles A. Lindbergh estate in Hopewell, N. J. Lloyd McCorkle was hired and functioned as the Director until 1952. He was replaced by Albert Elias. The program served some twenty youthful probationers sentenced by the courts. These young men are assigned to work at the nearby Skillman Neuro-Psychiatric Institute during their stay—which was from three to six months. The residents were also subjected to regular sessions of “guided group interaction”.

Between 1948 and 1952, there was serious concern by many New Jersey authorities regarding the quality of life endured by our state wards. In 1949 the public approved a bond issue, but there were delays in construction of the new facilities. The rated capacities for existing mental hospitals were 45% overcrowded; the mentally retarded institutions had long waiting lists and were overcrowded by 25%; and the correctional institutions by 27%. Many of the outdated institutions were also considered fire hazards which required major upgrading for safety. There was further danger of epidemic illness due to the possible risk of contagion in the overcrowded facilities.

Poor wages, housing and working conditions contributed to staff turnover and unfilled vacancies which also harmed the available care for the state's wards. The chairman of the State Board, Reeve Schley, issued the strongest official statement ever made by the State Board concerning “the niggardliness of the state's provision for its wards”. Comparisons with other hospital and federal facilities depicted the inadequate amounts per capita spent in caring for New Jersey's institutional residents. Mr. Schley did not blame the budget authorities, but felt the fault rested with the state's fiscal policy. The successful bond issues in such a responsible New Jersey government was viewed as too little and too late.<sup>26</sup>

There was an interesting occurrence in 1948. The former Bordentown Prison Farm, which had been dedicated in 1937, was redesignated as the Bordentown Reformatory. Rahway then became a State Prison Farm for adult inmates.

The inmates involved in our correctional system seemed to be changing and the populations were increasing (particularly in the reformatories). Ordinary vocational and academic education seemed less relevant to the inmate needs. Bordentown Superintendent Albert Wagner suggested a program of “Social Education to develop positive attitudes and desirable social conduct, rather

than academic mastery or the acquisition of special skills." He said the aim was to strive for, "improving the individual's ability to live with himself, see things as they really are, accept other individuals with understanding, and . . . cope with ordinary . . . social situations."<sup>27</sup>

In seeking positive results intended to change inmate attitudes, we begin to see various theories presented and certain cyclical phases that gradually rose to the top in the minds of enlightened penal administrators. Thus, after 1950 New Jersey placed considerable emphasis on:

- (a) Guided group interaction (as practiced at Highfields). A program that utilized psychotherapy techniques which focused on personality problems of the individual. The program required the skills of a trained leader.
- (b) Social education (as used in the reformatories). This operation intended to deal with common situations or attitudes in a systematic manner. The program required the "expertise of teachers, not therapists, and it was an aspect of the wide interest in 'life adjustment' courses during those years." There were definite courses of study, particular methods of teaching and specific points to learn. These were all matters that could be formalized into a curriculum by an educational staff.<sup>28\*</sup>

New Jersey politicians were proud of this state's low tax structure. Governor Alfred Driscoll served from 1947 to 1954 and he was also interested in government economy and holding down taxes. Mr. Driscoll was very skeptical of federal bureaucracy encroachments on what he considered state autonomy and was also critical of federal grants-in-aid. Since New Jersey had no State Income Tax at the time, he felt New Jersey taxpayers were being penalized because of allowable deductions on the federal income tax returns. Secondly, his state was severely handicapped in providing required matching funds for the federal grants-in-aid programs.

Commissioner Bates generally agreed with the Driscoll attitude. He had little sympathy with the thinking of federal social agencies, or "with the stream of regulations and memoranda that

\*for further reference: Charles Perrine, *SOCIAL ADJUSTMENT INTERESTS OF DELINQUENT MALES IN NEW JERSEY REFORMATORIES*, (A D.Ed. thesis), Rutgers University Library, 1954.

they contributed to his workload". The Governor had successfully reorganized the state government and developed a new Constitution. Two bond issues were passed by the taxpayers during his administration. While he was concerned with delivery of social services, he sought primarily to improve state government economy, especially budget controls and civil service. Governor Driscoll supported state aid to education and highways. Two major achievements were the building of the New Jersey Turnpike and the Garden State Parkway (both self-liquidating toll roads).<sup>29</sup>

While the Division of State Use Industries had endured its share of difficulties during the depression years, it managed to fare reasonably well. The post-war inflation had a negative impact on the industrial program with increased raw material costs; difficulty hiring instructor/supervisors; and equipment which was becoming increasingly dilapidated. Furthermore, there was a sizeable group of idle prisoners and apparently State Use was being partially criticized for inability to employ more inmate workers.

During 1952, these and other difficulties became a great concern for Commissioner Sanford Bates:

- (1) There was a change in state policy regarding the manufacture of auto license plates. Instead of annual distribution, a five year replacement program was instituted. The consequent reduction in sales volume was financially detrimental to one of the better industrial operations.
- (2) Max Rockhill, the long time Director of the State Use Division, retired. His total career of New Jersey state service spanned some thirty-five years. He helped to establish a number of precedents in the system and his industrial philosophy continued to have an impact on future departmental policies regarding industrial programs.
- (3) Inmate discontent had been festering and finally boiled over into a full scale riot in the Trenton Prison Print Shop on April 15, 1952.

Doctor Bixby was not pleased with the administrative organization of State Use Industries. There was particular concern over the divided responsibilities between the State Use officials and the Warden of each correctional facility housing operational industrial shops. In effect, this dual administrative situation placed the industrial personnel in the position of having to report to two

"bosses". There will be further discussion about attempts to resolve this condition as our history continues.<sup>30</sup>

## Footnotes

<sup>1</sup>Sutherland and Cressey *op.cit.* p. 519

<sup>2</sup>*Ibid* pp. 519-520

<sup>3</sup>Frank Tannenbaum, *CRIME AND THE COMMUNITY*, Columbia University Press, New York, 1938, p. 364

<sup>4</sup>*Loc.cit.*

<sup>5</sup>*Ibid* p. 365

<sup>6</sup>*Loc.cit.*

<sup>7</sup>*Ibid* p. 377.

<sup>8</sup>Barnes and Teeters *op.cit.* p. 738

<sup>9</sup>*MANUAL OF CORRECTIONAL STANDARDS*, revised ACA, 1959 p. 383

<sup>10</sup>Tannenbaum *op.cit.* p. 370

<sup>11</sup>*Loc.cit.*

<sup>12</sup>*Ibid* p. 378

<sup>13</sup>Bonnell, *50 YEAR HISTORY..... op.cit.* p. 2

<sup>14</sup>Leiby *op.cit.* pp. 250-251; also *PROCEEDINGS*, American Prison Association, New York, 1934, pp. 3-6

<sup>15</sup>*Ibid* p. 288

<sup>16</sup>*Ibid* pp. 291-292

<sup>17</sup>*Loc.cit.*

<sup>18</sup>*Ibid* pp. 293-295; also *WELFARE REPORTERS*, April 1947 p. 19; Sept. 1946 pp. 15, 17; April 1948 p. 22; March 1951 p. 7

<sup>19</sup>*Ibid* pp. 302-304

<sup>20</sup>Annual Report, State Use Industries June 30, 1932

<sup>21</sup>Annual Report, State Use Industries June 30, 1933 p. 12

<sup>22</sup>Annual Report, State Use Industries June 30, 1935 p. 2

<sup>23</sup>Annual Report, State Use Industries June 30, 1947

<sup>24</sup>*Loc.cit.*

<sup>25</sup>Leiby *op.cit.* pp. 307-308

<sup>26</sup>Welfare Reporter, February 1951, p. 4

<sup>27</sup>Leiby *op.cit.* p. 313; also Albert Wagner, *ARE WE DON QUIXOTES IN CORRECTIONAL EDUCATION?* Journal of Correctional Education, I, Jan. 1950, p. 16

<sup>28</sup>*Loc.cit.*

<sup>29</sup>*Ibid* p. 371

<sup>30</sup>*Ibid* p. 388

## P H A S E X (1952 - 1954) FACTORS OF SOCIAL CHANGE

Some fifty years ago, John L. Gillin expressed his concern for the degradation of the human spirit in a prison environment. He commented as follows:<sup>1</sup>

What monuments to stupidity are these institutions we have built, stupidity not so much of the inmates as of free citizens! What a mockery of science are our prison discipline, our massing of social inequity in prisons, the good and bad together in one stupendous potpourri.

How silly of us to think that we can prepare men for social life by reversing the ordinary process of socialization—silence for the only animal with speech; repressive regimentation of men who are in prison because they need to learn how to exercise their activities in constructive ways; outward conformity to rules which repress all efforts at constructive expression; work without the operation of economic motives; motivation by fear of punishment rather than by hope of reward or appeal to their higher motives; cringing rather than growth in manliness; rewards secured by betrayal of a fellow rather than development of a larger loyalty.

Humanitarian concerns for the prisoner had supposedly replaced the concept of labor as punishment. Work opportunities were advocated to avoid the physical and moral degradation of idleness. The goal was to prepare the prisoner for a constructive life upon release. These reformers viewed prison labor as an important activity designed to minimize the alienation of the offender from society.

A former president of the American Prison Association has stated, "that the end aim of all our efforts (in penology) is the protection of society." The function of institutions for adult of-

fenders is not only for their care and security, but also for their treatment and training preparatory to eventual release to a free society, or reasonable adjustment within the institution if their custody is of a permanent nature. He suggested that employment should be at tasks comparable to work in the outside world.

Institutions should maintain "discipline that aims at the development of self control and preparation for free-life, not merely at conformity to institutional rules; adequate buildings and equipment for the varied program and activities of the institution; and above all adequate and competent personnel, carefully selected, well trained and serving under such conditions as to promote a high degree of morale and efficiency."<sup>2</sup>

The depression years tended to aggravate the baffling and always present problems of prison idleness. But the expanded employment of inmates in meeting World War II contracts were positive factors during an adjustment period that was not a happy one for prison industries anywhere within this country.

The State Use programs had demonstrated their practical viability and successfully survived an experimental trial period in a number of state operations, including New Jersey. Myrl Alexander noted that, "It is generally accepted that the State Use system of industries, which supplied a reasonable proportion of the diversified products used by government agencies, best meets the requirements of our present penal philosophy and is least objectionable to the self-interested groups who oppose prison industrial programs."<sup>3</sup>

California's Clinton Duffy declared that the State Use industrial program was, "the most satisfactory solution for the problems of prison employment."<sup>4</sup>

The Bureau of Labor Statistics in the U. S. Department of Labor had conducted a series of prison labor surveys from 1885 through 1940 usually at 10 year intervals! The last survey in 1940 indicated that of 125 state and 25 federal prisons for adult offenders, the exploitation of prison labor for private gain had just about disappeared. The Lease system expired by 1923, the Contract system by 1940. But, on the other hand, idleness in prisons had become a serious problem. The number of productively employed prisoners fell from 52% in 1932 to 44% in 1940. The number of working hours per day had also decreased substantially.<sup>5</sup>

Prison administrators began to concentrate on developing various work projects in order to counteract existing or anticipated

idleness within their facilities. It soon became apparent that industrial diversification was an important factor in planning for the installation of new or expanded shop operations. Also that consideration must be given to production and marketing of the product items to be manufactured if inmate vocational training (and possible future employment) were to be the successful result.

Maryland's James Curran observed that, "Since the greater proportion of our inmates are drawn from our own or neighboring states, the employment facilities should resemble as far as practicable those available in outside communities in our own and neighboring states."<sup>6</sup> Garrett Heyns of Michigan similarly commented that there was no sense, "in training a man on a job at which he does not care to work when he goes home, or on a job which does not exist in the part of the state from which he came."<sup>7</sup>

Industrial diversification was deemed highly desirable and most states with large inmate populations operated a number of small industries rather than a few large ones. This provided opportunities for meeting the needs of individual inmates and frequently avoided the mandate of certain legislative restrictions designed to control prison industrial operations.

Heyns also expressed an unpopular viewpoint when he stated, "Prison industries must in the future be selected from the point of view of their job training value, and not because they are likely to make money for the state."<sup>8</sup> From a financial viewpoint such a concept can be a disadvantage if the industrial operations are legislatively mandated to be self-supporting. But, one of the benefits of a State Use system is that, by its very nature, it requires diversification which provides opportunities for wider trade training.<sup>9</sup>

Many observers of this period were amenable to the concept of operating a program of prison industries in a manner similar to private industries as an ideal and desirable goal. But, considering the many different conditions under which prisons must operate, it could be difficult to define the term "similar". Warden Duffy included such items as: working conditions, hours, production rates, shop efficiency, work standards, plant arrangement and all other industrial factors.<sup>10</sup>

A number of correctional administrators have advocated a regular work week that will prepare a released inmate for a job in the free world. But, with the various conflicts of class schedules, recreation, body counts, and various other features of a modern

correctional program, there are some difficulties associated with trying to lengthen the daily hours of work. In many states the average work periods did not exceed 25 hours per week in 1952. Charles Jenkinson strongly recommended, "a weekly working schedule equivalent to that required in outside industry."<sup>11</sup>

There was a gradual interest in staff training, adequate supervision and shop instruction. Qualities of leadership and special talents were considered highly desirable: Burton Adams of California believed that teachers and industrial instructors must be as well qualified as those in outside industry but, "far more qualified to cope with human relations problems."<sup>12</sup>

"One of the greatest contributions which prison industry can make towards the preparation of inmates for release, is in hiring and holding the services of good shop superintendents and foremen . . . they exert a definite influence upon industrial workers, during more than one-half of the time they are out of their cells," says Jenkinson.<sup>13</sup> But staff personnel must not become so institutionalized that they cease to inspire inmates in the work environment.

Gilbert Rodli felt higher authority should bolster and support shop supervisors and make them feel their efforts were truly appreciated. This would lead to an esprit de corps, higher standards of quality control and most important—communicate to the inmate workers an "enthusiastic and encouraging attitude."<sup>14\*</sup>

New Jersey's Albert Wagner believed that a qualified shop instructor should have, "that elusive quality of warmth which enables him to establish rapport with at least the majority of the men assigned to him."<sup>15</sup>

In 1935, Howard Gill made the pessimistic pronouncement that the era of "the industrial prison," which flourished effectively from 1900 to 1935, had been replaced by "the case-work prison" with individual and group therapy. "The present emphasis on industries does not produce the desired results penologically." Industries are useful and necessary, but there are other ways of giving inmates rehabilitative employment, such as educational, medical, psychological or social activities that bear some close

\**Gilbert Rodli*: Former President of the John R. Wald Company, Inc., located in Huntingdon, Pennsylvania. This organization is an industrial engineer specialist for correctional industrial programs. The Correctional Industries Association presents the "Gib" Rodli Award annually to an individual who has made a major contribution for the betterment of correctional industries.

relationship to the criminal tendencies that brought them into the prison.<sup>16</sup>

It is the general belief that many men entering prison are poorly adjusted vocationally. Michigan's Edward Haight stated, "there is nothing more ridiculous than that every man who goes to prison, should be taught a skilled trade."<sup>17</sup> While many were not employable in jobs requiring complicated mechanical operations, or too untrained to turn out quality production, F. H. Cooper of Pennsylvania believed that, "the training costs for skilled jobs would become excessive;" nevertheless he felt that there were many unskilled jobs to be done and much useful work that could be taught to trainable inmates.<sup>18</sup>

There are also circumstances within the inmate social system that may tend to nullify the most progressive industrial program. New Jersey's McCorkle and Korn have described situations where the attitudes of sophisticated inmates relieved of the necessity of earning a living, see no positive relationship between their status within the group and their individual productivity.<sup>19</sup>

It is recognized and accepted that a program of prison industries should be an integral part of every progressive penal administration. In 1933 the American Prison Association noted that, "If all the prisoners in America were put to work at properly diversified tasks and their product properly disposed of, the total product could be absorbed without unbalancing any industry or market and without displacing free workers."

In 1941, the Correctional Industries Association was established by a group of industrial superintendents. This organization was affiliated with the American Correctional Association. As a professional organization it was founded, "for the purpose of contributing to national defense and for the more permanent objective of developing the state-use system of prison industries." It now serves as, "a cleaning house for the exchange of ideas and information among executives of correctional industries and the furtherance of correctional industrial activities." The organization has been a cohesive catalyst in studying and improving industrial practices. It has also expressed dissatisfaction and opposed legislation designed to further restrict prison employment.

The difficulties experienced within the field of corrections contributed to the expansion of professional organizations. There was an apparent need to discuss problems, exchange ideas and when

possible embark on a uniform course of action. Such professional organizations have been vital catalysts in the evolution of criminal justice systems during the past fifty years—following World War II.

American society was evolving at an increasing and steady pace. After the social and economic changes developed under the New Deal programs, the succeeding periods could be considered an era of consolidation—not innovation! While there was some slight modification of existing laws, “no major New Deal reform was done away with or even significantly reduced in scope.”<sup>20</sup>

Primarily because of the restrictive legislation passed during the 1920's, immigration had been reduced considerably. There had been improvements in communication and transportation during the war years and the country had been drawn together by the national effort. Prosperity also tended to foster complacency and the public generally seemed to favor a program of moderation!

Many Americans were frightened by the complex developments of nuclear energy and the sudden, rapid social changes that had evolved. They tended to be cautious and conservative in their attitudes regarding drastic future policies. Roosevelt had died in April 1945 and Harry S. Truman was elevated to the Presidency.

This was an era of strong labor union activity and the postwar decades were generally good ones for American workers. But, labor disturbances in 1946 led President Truman to seize the coal mines, threaten railroad workers with being drafted and to request granting of special powers to the President by Congress. In June 1947 Congress passed the Taft-Hartley Act, which provided an 80 day cooling-off period, defined “unfair labor practices”, and authorized the President to seek court injunctions preventing strikes that endangered the national interest.

The fear of communistic subversion gave rise to the repressions and excesses of the national hearings conducted by Senator Joseph McCarthy. From the vantage point of hindsight, these hearings deteriorated into a witchhunt for subversive “red-herrings”. These proceedings hurt and alarmed many people that were considered liberals and only served to further disquiet the conservative element in our population.

Another, more lasting problem affecting the political problem of civil rights involved the rising aspirations of our American Negro. There had been improved opportunities for Negroes in the

armed forces. Because of the wartime labor shortages, black workers were able to improve their economic position to a considerable degree. The ideological conflict with communists provided added concern regarding racial prejudice. Asia and Africa in particular took a very dim view of racial intolerance in the mistreatment of Negroes or other minority groups. It was duly noted by our government leaders that, "the existence of discrimination against minority groups in this country has an adverse effect upon our relations with other countries". These factors gave rise to an increasing militancy among many members of our black population who saw themselves as second-class citizens.<sup>21</sup>

Truman created a Committee on Civil Rights, pressed for desegregation of the armed forces and tried to improve the position of the Negro harder than any president. His efforts to establish a permanent Fair Employment Practices Commission, federal anti-lynching and anti-poll tax laws failed to be passed by the Congress.

President Eisenhower was elected in 1952. During his administration the hysteria of McCarthyism reached its peak and gradually faded away after the refusal to grant security clearance to J. Robert Oppenheimer—one of the developers of the atomic bomb, supposedly because of past association with communist sympathizers. This ridiculous action intimated that Oppenheimer could be denied access to his own discoveries!

"As for the Negro, Eisenhower completed the formal integration of the armed forces, desegregated schools on military posts, appointed a Civil Rights Commission, and took other steps toward racial equality, but he was temperamentally incapable of making the kind of frontal assault on the racial problem that was necessary to stir the country to action. All in all, civil libertarians had little to cheer about as the nation passed mid-century."<sup>22</sup>

In 1953, President Eisenhower appointed California's Governor Earl Warren as Chief Justice. The latter was considered a personage of good sense, courage and dignity. He believed that the Supreme Court was obliged to exert leadership in the cause of civil rights. The National Association for the Advancement of Colored People (NAACP) had been undermining the "separate but equal" principle expressed in 1896 by *Plessy vs. Ferguson*. During 1954, Thurgood Marshall represented the NAACP in *Brown vs. Board of Education of Topeka* and challenged the "separate but equal" doctrine. Warren spoke for a unanimous Supreme

Court in accepting Marshall's position and reversed the Plessy decision. He stated, "In the field of public education, the doctrine of 'separate but equal' has no place, separate educational facilities are inherently unequal." Subsequently, the Court ordered the states to proceed with the integration of their schools.<sup>23</sup>

This turbulence among the citizen population was of no help to those liberal, correctional administrators attempting to cope with the increasing problems inherent within the inmate populations of our correctional facilities. New Jersey officials had been encouraged to experiment with new institutions and intensive juvenile, reformatory programs. But, the Trenton and Rahway prisons contained over two thousand inmates between them. The Trenton institution had become the "dumping ground" of the state system. Prison authorities did not have the resources to handle the inmate troublemakers. There was severe overcrowding with three or four men in a jail cell. Even the prison yard was too crowded for any program of active sports. There was a heavy turnover among the prison guards primarily due to low salaries and many of them were on temporary appointment. The operation was held together by a cadre of experienced staff members that had entered the correctional service during the depression and remained despite the discouragement.<sup>24</sup>

Korn and McCorkle aptly described such a facility:

A prison is a physical structure in a geographical location where a number of people, living under highly specialized conditions, utilize the resources and adjust to the alternatives presented to them by a unique kind of social environment. The people creating and enmeshed in this environment include administrative, custodial and professional employees—habitual petty thieves, one-time offenders, gangsters, professional racketeers, psychotics, pre-psychotics, neurotics and psychopaths—all living under extreme conditions of physical and psychological compression.<sup>25</sup>

There was a shortage of professional staff even for classification services. Other constructive activities such as library or school were practically non-existent at the Trenton Prison. Budgeted funds were not available to pay the prison guards for the evening recreation yards. It is reported that such staff members were paid from the convict welfare fund.<sup>26</sup>

There were problems with the parole laws which had been

passed in 1948 and this did not assist the prison overcrowding. Idleness in the prison also aggravated the situation by denying inmates "work-time" in commutation of their sentence. About one third of the inmates were idle, two thirds were employed in maintenance or State Use Industries.

Warden George Page managed to hold on as a political appointee and left in January 1951. There was a search for a trained professional to assume the warden's position during the next nine months. The Acting Warden, William H. Carty, had worked at the Trenton Prison for some thirty-three years and he was finally appointed as the warden on November 1, 1951. Unfortunately on the following day a very disturbed prisoner assaulted the warden and broke his jaw in five places. Mr. Carty spent some two months in the hospital. During 1951 the staff was constantly changing and insecure, morale was low and the prison suffered a lack of decisive leadership.

Another internal problem concerned various "hobby shop" activities which a convict clique had developed into a sizeable business operation. A variety of souvenir items were being manufactured and shipped by this group of convicts "across state lines in violation of federal statute. Prisoners had put the income from this and other sources 'on deposit' and transferred it freely among themselves. Often they spent it at the commissary where they could supplement or even supplant the prison diet. (It was against the rules to cook in the cells, but the commissary sold raw food anyhow.)" Both Bates and Bixby encouraged the new warden to restrict the hobby shop activities and Carty tightened up on institutional discipline.<sup>27</sup>

There were escalating signs of tension. Some minor incidents occurred at both Bordentown and the Trenton Prison. But on the morning of April 15, 1952, a riot that was obviously planned, exploded in the Trenton Prison printing industry. Some sixty-nine convicts participated and four staff members were taken as hostages. The inmates had supplied themselves with food rations and makeshift weapons. The riot lasted for some four days and fortunately the hostages were protected by the inmates and released substantially unharmed.

Warden Carty quickly transported the convict leaders to Rahway. There were rumors spread that the guards had beaten them severely. This provoked a second riot at the Rahway Prison Farm. More than 230 prisoners were involved in this situation and some 9 guards were taken as hostages on the second floor of a dormitory

type cell block. The demonstration lasted five days.<sup>28</sup> They destroyed windows, plumbing, heating and prisoner lockers.

The riot at the Trenton State Prison was also highly destructive. State Use Industries suffered the complete loss of a Typewriter Repair industry and total destruction of the Printing industry. It would take considerable capital investment and many years of effort to reconstitute the loss experienced by the print shop. The Typewriter Repair operation was never resurrected because so many of the customer's machines were destroyed that it was felt all customers confidence in the typewriter operation was lost forever.

The Trenton State Prison and Rahway State Prison Farm riots soon spread to Jackson Prison in Michigan and a number of other prisons throughout the country. There were more than thirty major prison disturbances and these demonstrations exceeded the total of such problems experienced during the preceding twenty-five years. The years 1952-1953 had the rather dubious distinction of being the worst years in American penal history during the modern period.

Governor Driscoll appointed a distinguished Committee of Inquiry to investigate the New Jersey prison riots. Included were: Judge Harry Heher of the New Jersey Supreme Court; Austin MacCormick, a Criminology Professor at the University of California and head of the Osborne Association; and a Pennsylvania Warden named Stanley Ashe. On November 21, 1952, the committee issued their report:<sup>29</sup>

Which said that obvious deficiencies in plant, personnel, and program were 'basic' factors of the riots. They created an 'explosive situation' which 'any spark' might have set off, either by 'spontaneous combustion' or by 'deliberate lighting of the fuse by inmate agitator.'

The Committee made a number of specific recommendations about the parole system and the program, but the real solution, they said, was for the State to give 'the administrators of long experience and proven competence now directing the State Department of Institutions and Agencies' the wherewithal to do their job.\*

\*NOTE: The reader is referred to the investigative commentary of two industrious reporters—Peg and Walter McGraw, *ASSIGNMENT: PRISON RIOTS*, Henry Holt and Co., New York, 1954.

Many of the items contained in the Committee report had previously been pointed out by the correctional administrators and the riots only served to emphasize the difficulties. However, this time the following actions were taken:

- (a) Lloyd McCorkle was brought in as Associate Warden to handle the program at Trenton.
- (b) The parole laws and their administration were improved.
- (c) The State found funds to pay the guards for the extra duty and prisoner yard time was increased.
- (d) Guard salaries were raised.
- (e) Money was put aside from the bond issue to build an up-to-date prison outside Trenton.

Lloyd McCorkle succeeded William Carty as Principal Keeper when the latter went on extended sick leave. About two months after he took over his new position, there was another attempted riot. A few prisoners tried to saw through some window bars in the 7 Wing cell block—which faced onto a public street. They failed! But, upon being discovered, it was found that three hostages had been taken and the prisoners involved attempted to whip up a demonstration. McCorkle quickly ordered the guards to force their way into the 7 wing block, “shooting submachine guns at the ceiling. Two prisoners were injured by ricochets, but the insurrection quickly ended.”<sup>30</sup>

The new Warden became an ardent student of the staff and the inmate population at the Trenton Prison. He expressed concern over the contrasting dilemma that custody was a “sordid punitive operation” on one hand, with treatment and welfare on the other hand attempting “to introduce freedom and dignity” into a custodial regime. This contrast, he said, “misses the central reality of the inmate’s life in prison.”

In his Annual Report of the Trenton State Prison for the year 1953-1954, McCorkle expressed that inmate reality as follows:<sup>31</sup>

The welfare of the individual inmate, to say nothing of his psychological freedom and dignity, does not importantly depend on how much education, recreation, and consultation he receives but rather depends on how he manages to live and relate with other inmates who constitute his crucial and only meaningful world. It is what he experiences in this

world; how he attains satisfaction from it, how he avoids its pernicious effects—how, in a word, he survives in it that determines his adjustment and decides whether he will emerge from prison with an intact or shattered integrity. The significant impact of institutional officials is therefore not in terms of their relations with the inmate alone, but in terms of a total effect on the social world in which he is inextricably enmeshed. In these terms, an evaluation of the institution's contribution to the welfare of its inmates may not realistically be made with the typical institutional platitudes and statistics about hours of recreation, treatment and education.

This was a new concept for New Jersey corrections and soon established a new direction which would be travelled by our penal administrators in the future. McCorkle's analysis continues as he stated:<sup>32</sup>

The evaluation must rather be made in terms of how the prison authorities are affecting the total social climate, how successful they are in enabling the less hostile persons to advance themselves, how successfully they are protecting these people from intimidation or exploitation by the more anti-social inmates, how effectively they curb and frustrate the lying, swindling, and covert violence which is always under the surface of the inmate social world. The efficient custodian now emerges from the role of restrictor and becomes one who safeguards inmate welfare—A control system which is lax enough to permit thievery and intimidation must eventually result in a deterioration and vicious circle.

The prison riots of this period were an important syndrome of the attitudes and tensions which prevailed. Our penal system had arrived at an important milestone—a significant fork in the road. But, I would be remiss in not mentioning one last important contribution. The Trenton State prison was studied extensively by Princeton Sociologist Dr. Gresham Sykes. He had a number of lengthy discussions with Dr. McCorkle which were of great value, even though they did not always agree.

Dr. Sykes delved into the problems of prison officials. He learned that, "careers, jobs, and reputations depend on the effi-

cient functioning of the prison and what is a familiar administrative problem for the prison bureaucracy can become a scandal of mismanagement if it is made public."<sup>33</sup>

Management is charged with the responsibility for maintaining a smoothly running operation, and this implies control over a complicated series of human interactions. These operations are varied and include the assignment of responsibilities to people that are willing and able to execute what is expected of them, while organizing these staff people in such a way that they work in cooperation for the attainment of acceptable goals.<sup>34</sup>

Sykes noted that the instability of prison riots was basically a contradiction in prison life. The public expected strict custodial supervision, but even the administration could not control acceptable compromises with the inmates. The public would not tolerate open conflicts with the authorities any more than they would tolerate informal, unofficial control of the prison by inmate leaders. He stated:

Present knowledge of human behavior is sufficient to let us say that whatever the influence of imprisonment on the man held captive may be, it will be a product of the patterns of social interaction which the prisoner enters into day after day, year after year, and not of the details of prison architecture, brief exhortations to reform, or sporadic public attacks on the 'prison problem'.

Those efforts designed to reform the prison and/or the criminal would prove to be futile if such efforts could not change the social system of the prison—Sykes felt that individual inmate recalcitrance was secondary to this important factor!<sup>35</sup>

Such people as Dwight Morrow and John Ellis made major contributions to the social order by attempting to change New Jersey prisons from inhumane, dreary and monotonous institutions. Their guidelines had been established in the basic principles regarding correctional practice accepted in Cincinnati during 1870. But there was a change in viewpoint among correctional administrators brought about by the nation's economy, world tensions and restrictive prison legislation. This new outlook on modern penology is customarily accepted as occurring approximately during 1935.

But, there was a lack of direction and support; obviously cor-

rectional administrators were confused. Director James V. Bennett of the Federal Bureau of Prisons commented as follows:<sup>36</sup>

Even our modern prison system is proceeding on a rather uncertain course because its administration is necessarily a series of compromises. On the one hand, prisons are expected to punish; on the other, they are supposed to reform. They are expected to discipline rigorously and at the same time that they teach self-reliance. They are built to be operated like vast impersonal machines, yet they are expected to fit men to live normal community lives. They operate in accordance with a fixed, autocratic routine, yet they are expected to develop individual initiative. All too frequently restrictive laws force prisoners into idleness despite the fact that one of their primary objectives is to teach men how to earn an honest living. They refuse a prisoner a voice in self-government, but they expect him to become a thinking citizen in a democratic society. To some, prisons are nothing but country clubs catering to the whims and fancies of the inmates. To others, the prison atmosphere seems charged only with bitterness, rancor, and an all pervading sense of defeat. And so the whole paradoxical scheme continues, because our ideas and views regarding the function of correctional institutions in our society are confused, fuzzy and nebulous.

Thus the type of administrative formality which had evolved under the Morrow Commission was now being subjected to a radical concept change. The philanthropists, lawyers and clergymen that previously directed New Jersey prison reform were being replaced by a new school of psychologists and sociologists. These ideas pertinent to personality and social structure were derived from various developing studies, involving the behavioral sciences and the relatively new field of criminology, at various institutions of higher learning.

After the 1952 retirement of Max Rockhill, Dr. Bixby temporarily assumed the duties of the Director of State Use Industries. He experienced dissatisfaction with the industrial organization. In his opinion, the divided responsibilities between the institution's chief executive officer and State Use officials did not mesh satisfactorily with the overall correctional program.<sup>37</sup>

Commissioner Sanford Bates and State Board of Control President Reeve Schley appointed a new Director of State Use Industries. John C. Bonnell began his new duties on January 16, 1953.<sup>38</sup>

Mr. Bonnell was born and raised in Chicago, Illinois. He received an Engineering degree in 1927 at Northwestern University. After graduation he worked as a Civil Engineer and Superintendent in the heavy construction field. Additional work experience was subsequently gained as a field engineer in oil refineries, wood and metal manufacturing industries.

In 1941, Bonnell and his wife Thora, migrated to New Jersey with their young family. He was employed by the Keebler-Weyl Baking Company in Philadelphia, Pennsylvania for several years; spent five years with the Campbell Soup Company in Camden, New Jersey; and worked some four years at the U. S. Pipe and Foundry Company in Burlington, New Jersey.

During the next twenty-one years, John Bonnell would utilize his extensive work background attempting to expand prison industries and further development of the diverse training of inmate workers for the State of New Jersey.

His immediate problems involved the inmate destruction of shop equipment and idleness at the Trenton Prison along with stabilizing the new state policy regarding the manufacture of auto tags every five years instead of annually.

Bonnell also expressed concern over the ancient equipment in a number of shops and the product quality being manufactured in some areas. He also was displeased by the industrial discipline.

Many of the State Use products were developed to suit the specific requirements of their institutional customers. But, there was always the threat of competition from private business at some point, even though the industries were diversified and restricted to minimize competition. (See Appendix A for New Jersey's State Use Laws) However, for various reasons someone was inevitably complaining.

Both Commissioner Bates and Dr. Bixby were familiar with citizen boards being successfully utilized within the federal system. Bates subsequently appointed an Advisory Council with the approval of the State Board of Control to assist John Bonnell with the State Use program.<sup>39</sup>

The Advisory Council originally consisted of ten representatives. These people possessed many skills, important contacts and invaluable experience. They were selected from the fields of fi-

nance, newspapers, agriculture, management, various business organizations, Labor and also included the former president of the League of Women Voters. For many years, these people gave freely of their time and talents and we owe them a great debt of gratitude.<sup>40</sup>

The new Director reported that, "... we were under pressure from organized labor to cut back on certain of our operations; to discard modern methods and return to primitive processes; to encourage such a trend is unthinkable to wardens, industry men and administrators. This pressure was relieved in great part through the activity of the Advisory Council and the merited support of all concerned. It took a lot of work, including contacts of the type that a State employee could not possibly arrange; but private citizens could and did make themselves heard." There were other occasions when similar pressures became acute. The Advisory Council acted as a buffer, accomplished the preventive work that seemed necessary and successfully diminished the problem.<sup>41</sup>

It was intended that the State Use Advisory Council provide the Director and State Board of Control guidance on various matters dealing with the operation of the Correctional Industries. The mission of the Council was to study and promote the improvement and growth of the industrial program and to assist in developing methods to improve the State Use public image. Their early efforts, "proved to be of great value particularly in situations where legislative efforts were made to restrict the industries program and also in the area of developing additional facilities for increased employment."<sup>42</sup>

Within the Department of Institutions and Agencies there was an increasing tendency to alter the concept of the Department's work and internal organization. Some of the factors contributing to these changes were:

- (a) Increased welfare requirements created during the depression especially in the areas of aging and youth problems.
- (b) Hiring of increased staff to help with planning and research for internal programs.
- (c) Increasing staff personnel for handling operational institutional activities or consultants and other people dealing directly with organizations in the community.

Many of these people were appointed because of their professional training. Their careers were based on publications, professional honors, and employment as researchers or consultants. The Department's founding fathers thought of administration, "in terms of their experience in business, and of professionals in contrast with political spoilsmen." However, this later administrative concept concerned itself with, "more general ideas of bureaucracy, related to experience in the armed services or the government."

There was an apparent disharmony between the established staff that identified with the older regime and those that became prominent after the war. "Old hands thought of their peers as real gentlemen or at least wonderful people, people who really understood how the Department worked. They thought of the newer crew as lacking in heart and soul; interested in academic theories instead of real facts, deficient in loyalty and even manners . . . , disrespectful and unappreciative of the past." The newer staff people felt that real progress began sometime after 1945 and came from sources outside the Department's organization. While they probably did not intend a comparison with the past, "they applied ideas and standards that had been developed and refined in larger contexts and transmitted by their professional education."<sup>43</sup>

Sanford Bates had some problems with the New Jersey Legislature starting back in 1949. The Division of Architecture was transferred into the Treasury Department during 1950. The latter was opposed by Bates since he was ultimately required to discharge a fairly large number of employees. The latter had been placed in that division as a matter of convenience but had little to do with matters of architecture.

There are indications that Mr. Bates also had problems with Robert B. Meyner, the Democratic candidate for Governor, because of charges that "political interference" had delayed the institutional construction program. This was an erroneous interpretation which was clarified by Reeve Schley and the Commissioner. Meyner was elected governor and took office in January 1954.

Sanford Bates was a cabinet officer that did not agree with many of the new governor's ideas. He was not reappointed by Meyner and the latter indicated he was seriously considering breaking up the large Department of Institutions and Agencies into three separate departments of Mental Health, Welfare and Corrections.

"Spike" Gerry, the Senior Deputy Commissioner retired on June 1, 1954 because of ill health and died the following October. Commissioner Bates retired in July 1954 on his seventieth birthday. The appointment of a new Commissioner was the responsibility of the State Board of Control, with the final approval of the Governor under the new state constitution.

Dr. F. Lovell Bixby was to serve as the Acting Commissioner during the interim.<sup>44</sup>

### Footnotes

<sup>1</sup>John L. Gillin, *TAMING THE CRIMINAL*, MacMillan Co., New York, 1931, pp. 295-296

<sup>2</sup>Austin H. MacCormick, *THE FOUR HORSEMEN OF PENOLOGY*, 69th Annual Congress, American Prison Association, New York, 1939, pp. 7-9

<sup>3</sup>Myrl E. Alexander, *DO OUR PRISONS COST TOO MUCH?*, Annals of the American Academy of Political and Social Science, V.293, May 1954, pp. 35-41

<sup>4</sup>Clinton T. Duffy, *THE FUNCTION OF AN INDUSTRIAL PROGRAM IN A PENAL INSTITUTION: A WARDEN'S VIEWPOINT*, American Prison Association, 1947, pp. 149-152

<sup>5</sup>Richard F. Jones, *PRISON LABOR IN THE UNITED STATES: 1940* Government Printing Office, Washington, D.C., 1941

<sup>6</sup>James W. Curran, *THE FUNCTION OF AN INDUSTRIAL PROGRAM IN A PENAL INSTITUTION: THE VIEWPOINT OF A SUPERINTENDENT OF INDUSTRIES*, American Prison Association, 1947, pp. 145-148

<sup>7</sup>Garrett Heyns, *RELATIONSHIP OF EDUCATION TO INDUSTRIAL EMPLOYMENT OF PRISONERS*, American Prison Association, 1951, pp. 73-76

<sup>8</sup>*Loc. Cit.*

<sup>9</sup>Charles V. Jenkinson, *HOW CAN PRISON INDUSTRIES CONTRIBUTE TO THE PREPARATION OF INMATES FOR RELEASE?*, American Prison Association, 1948, pp. 159-164

<sup>10</sup>Duffy, *op.cit.*, pp. 149-152

<sup>11</sup>Charles V. Jenkinson, *DEVELOPMENTS IN PRISONER EMPLOYMENT FACILITIES*, American Prison Association, 1952, pp. 154-161

<sup>12</sup>Burton G. Adams, *RELATIONSHIP OF EDUCATION TO INDUSTRIAL EMPLOYMENT OF PRISONERS*, American Prison Association, 1951, pp. 67-72

<sup>13</sup>Charles V. Jenkinson, *HOW CAN PRISON INDUSTRIES CONTRIBUTE TO THE PREPARATION OF INMATES FOR RELEASE?* American Prison Association, 1948, pp. 159-164

- <sup>14</sup>Gilbert Rodli, *QUALITY CONTROL IN PRISON INDUSTRIES*, Prison World, Sept.-Oct. 1946, p. 19
- <sup>15</sup>Albert C. Wagner, *INCENTIVES IN PENAL INDUSTRIES*, American Prison Association, 1952, pp. 179-185
- <sup>16</sup>Howard B. Gill, *THE FUTURE OF PRISON EMPLOYMENT*, American Prison Association, 1935, pp. 179-185
- <sup>17</sup>Edward M. Haight, *RELATION OF PENAL INDUSTRIES TO TRADE TRAINING AND VOCATIONAL ADJUSTMENT*, Correctional Industries Association "Newsletter", March 1955
- <sup>18</sup>F. Herbert Cooper; *PROGRESS IN EMPLOYMENT OF PRISONERS*, American Prison Association, 1952, pp. 171-174
- <sup>19</sup>Lloyd W. McCorkle and Richard R. Korn, *RESOCIALIZATION WITHIN WALLS*, Annals of the American Academy of Political and Social Science, May 1954, pp. 88-98
- <sup>20</sup>John A. Garraty, *THE AMERICAN NATION, A HISTORY OF THE UNITED STATES SINCE 1865*, Harper and Row, 2nd Edition, New York, 1971, p. 417
- <sup>21</sup>*Ibid.*, pp. 435-436
- <sup>22</sup>*Ibid.*, p. 436
- <sup>23</sup>*Ibid.*, p. 437
- <sup>24</sup>Leiby, *op.cit.* pp. 314-315
- <sup>25</sup>McCorkle and Korn, *op.cit.*, p. 88
- <sup>26</sup>*THE NEW JERSEY COMMITTEE TO EXAMINE AND INVESTIGATE THE PRISON AND PAROLE SYSTEMS OF NEW JERSEY*, Trenton, New Jersey November 1952, pp. 34, 37-38, 44
- <sup>27</sup>*Ibid.*, pp. 164-166; also Leiby *op.cit.*, pp. 315-316
- <sup>28</sup>Leiby, *op.cit.* p. 316
- <sup>29</sup>*Loc.cit.*,
- <sup>30</sup>*Ibid.*, p. 318
- <sup>31</sup>*Ibid.*, p. 319 also see: Gresham Sykes, *THE SOCIETY OF CAPTIVES*, Princeton University Press, Princeton, New Jersey, 1958, pp. 36-37 also see: Richard R. Korn and Lloyd W. McCorkle, *CRIMINOLOGY AND PENOLOGY*, Henry Holt and Co., New York, N. Y., 1959, pp. 473-474
- <sup>32</sup>*Loc.cit.*
- <sup>33</sup>Leiby, *op.cit.*, p. 320 also: Sykes, *op.cit.* p. 135
- <sup>34</sup>Irving Seligman, *INFORMAL ORGANIZATION—THE ADMINISTRATIVE PULSE!* American Journal of Correction, March-April 1961, p. 20
- <sup>35</sup>Sykes, *op.cit.*, p. 134 also: Leiby, *op.cit.*, pp. 320-321
- <sup>36</sup>Annual Report of the Federal Bureau of Prisons, 1948, p. 3 also: Barnes and Teeters, *NEW HORIZONS IN CRIMINOLOGY*, 1955, p. 580
- <sup>37</sup>Leiby, *op.cit.*, p. 388
- <sup>38</sup>Bonnell, *FIFTY YEAR HISTORY OF THE BUREAU OF STATE USE*, p. 3
- <sup>39</sup>Leiby, *op.cit.*, p. 388
- <sup>40</sup>John C. Bonnell, *MOBILIZING PUBLIC SUPPORT FOR PRISON PROGRAMS*, American Correctional Association, 90th Congress, Denver, Colorado, August 1960, pp. 3-4
- <sup>41</sup>*Loc.cit.*
- <sup>42</sup>Bonnell, *FIFTY YEAR HISTORY*, *op.cit.*, p. 3
- <sup>43</sup>Leiby, *op.cit.*, pp. 372-373
- <sup>44</sup>*Ibid.*, pp. 374-375

## P H A S E X I (1955 - 1962) THE TRAMBURG ERA

Dr. Bixby had been a strong advocate of the New Jersey system of local Boards of Managers. "He recognized its difficulties, that it took a great deal of patience and persuasion to get things done, but he thought that it insured a continuity and stability of policy that straightline administrative organization fatally lacked."<sup>1</sup> Governor Meyner and his advisors visualized a different concept, probably influenced by the strong emphasis being placed on the administration of welfare services.

The new governor had taken a strong interest in the operational activities of the Department. He had conferred frequently with Bixby and Schley; visited a number of the institutions; discussed the possible elimination of the Board of Control and kept the idea alive of breaking up Institutions and Agencies into three separate departments.

Meyner postponed the promised construction of a new state prison to replace the ancient facility recently torn by riots. Other correctional facilities were to be built, but an addition and upgrading of the Trenton Prison were delayed some twenty-five years. There was an increased emphasis on mental diseases. Research activities and a large expansion of staff were recommended along with a substantial increase in the budget dollar allocation.

During 1955, the Edward R. Johnstone Training and Research Center was opened in Bordentown, New Jersey. Also the Ancora State Hospital was dedicated in October of the same year. Meyner expressed the hope that Ancora would be the last dedication of such a large mental institution. He suggested it was a "monument to mankind's failure to find the answers to the problems of mental illness in our complex modern society". The governor urged increased efforts toward prevention and research, which he recognized would cost money. This was another example of an attitudinal concept "that showed how the political wind was shifting direction."<sup>2</sup>

In July 1955 Reeve Schley asked not to be re-elected as the

President of the State Board of Control. Frank Walsh was elected to succeed him, but after several months he requested to be relieved of the responsibility. The Board then elected Lloyd Wescott, its newest member to serve as President.

Mr. Wescott was a native of Wisconsin. He was educated there and attended Ripon College. As a modern dairy farmer in Hunterdon County, he helped to pioneer the scientific breeding of cattle. Wescott had served on the Clinton Board of Managers and the Rutgers University Board of Governors. He was also a founder and President of the Hunterdon County Medical Center.<sup>3</sup>

The search for a new Commissioner was successfully completed when Reeve Schley recruited John W. Tramburg. The latter was serving as a federal commissioner for the Social Security program in Washington, D.C.

The new Commissioner was born on February 28, 1913 in Fall River, Wisconsin. He was educated in that state and in 1935 received a degree from the State Teachers College at Whitewater. After teaching school for about a year, he became an educational advisor in a C.C.C. Camp (Civilian Conservation Corps). During 1937 Tramburg enrolled in the University of Chicago's School of Social Service. He worked as a Probation Officer for the Juvenile Court of Washington, D. C. from 1939 to 1942 and also attended the Columbus University Law School during 1941-1942.

For the next three years John Tramburg served in the war as a naval officer. Upon completion of his wartime service, Tramburg returned to Washington, D. C. and accepted a position as Assistant Superintendent in a home for juveniles. In 1948, he was appointed Director of Public Welfare for the District of Columbia with responsibility for its institutions, public assistance, mental health, and child welfare programs.

The State of Wisconsin was also reorganizing its social service and welfare operations. In 1950, Mr. Tramburg became the Director of the Department of Public Welfare for his native state of Wisconsin. Tramburg was granted a leave of absence in November 1953 to become a federal commissioner of Social Security. He returned to Wisconsin in August 1954 and effective July 1955 became New Jersey's fourth Commissioner of Institutions and Agencies.

This was a unique administrative change completely attuned to the politics of the times. It must be remembered that Tramburg's three predecessors were individuals with a strong basic

orientation in corrections. The new Commissioner was the first department executive with formal training in social work. His background experience in social casework and administration seemed admirable qualifications for his new position.

Many of the serious problems had been resolved by the time the new Commissioner took office. The state was functioning better as a result of the new Constitution; new state institutions and welfare programs were in progress; the political scene was stable and Governor Meyner's next election battles were two years in the future. There was a growing public interest in welfare problems associated with mental health, youth and aging. Tramburg concentrated his attention initially on problems of internal departmental organization.<sup>4</sup>

Commissioner Bates had established a series of operating divisions each headed by a Deputy Commissioner. The chain of command thus ran from the Commissioner through his deputy to the operating agencies. Due to changes in the new state constitution, it became necessary "to bring its nomenclature into line with other departments." Therefore, in 1953 there were various changes in official titles within Institutions and Agencies. Deputy Commissioners were now known as Directors and former Divisions were re-titled as Bureaus. There was a separate Director of Corrections and a Director of Administration. The Bureau of State Use Industries was now headed by a Bureau Chief (John C. Bonnell) who continued to report directly to the Commissioner.<sup>5</sup>

John Tramburg desired to simplify the administrative organization into a pattern similar to his experience in Wisconsin. He undertook to change a number of the functional divisions (that he considered primarily administrative) into operating divisions. There was a regrouping of appropriate bureaus within the Central Office, work assignments were changed where indicated during 1955-1956 and new Divisions of Corrections and Mental Health established. These Division Directors were given direct authority over them. But, there were problems since the Commissioner and his Division Director did not have direct formal authority over the institutions or agencies. When necessary, the State Board of Control acted as buffer. "In short, the institutional boards stood between the Central Office and the Superintendent, or the Superintendent stood between the Central Office and his institutional board."<sup>6</sup>

The new Commissioner was vitally concerned about several

factors: (1) the department budget and (2) the department program. The lack of published reports on the work of the department also bothered Tramburg. He began regular annual reports in 1956 and in 1960 the Welfare Reporter (which was the department publication) provided the annual report as one of its (then quarterly) issues.

Shortly after the new Commissioner took office, the Division of Correction and Parole was organized under Dr. Bixby as the Director. There were three major bureaus: Corrections, Parole and State Use.

A serious problem had been developing at the Jamesburg State Home for Boys. Shortly after the new Bureau of Corrections, under Dr. Donald Goff was established, there were a series of incidents involving "unacceptable disciplinary practices". Several employees were indicted for assault because of skull fractures suffered by two of the residents. There were investigations by the Central Office and a Senate committee headed by Senator Malcolm Forbes. The latter was intent on fixing responsibility for what was described as "scandalous conditions".

The Department had regularly requested improvements for facilities and staff at Jamesburg. These tragic circumstances now provided the impetus to reorganize the program at the institution under greater professional guidance and improved supervision. More staff was employed and salaries were raised to the same level as correction officers in the adult institutions.<sup>7</sup>

Under our State Use Industries program diversification was a departmental policy. Diversified employment provides various opportunities for meeting inmate training needs and the requirements of the available market in New Jersey's correctional system. A diversified industrial operation assists in curtailment of a high degree of competition with manufacturers in the private sector.

It was also New Jersey policy to provide financial remuneration to prisoners that were cooperative and qualified workers. (See Appendix A on the State Use Laws). Inmate workers were thus rewarded for their efforts in contributing to the financial success of the industrial activity in which they were employed. Working inmates were also granted credits of one day off their sentence for each five days of active employment.

This was in addition to the so-called "Good-time" credits (commutation up to 72 days) earned annually for exemplary behavior

in the institution. Thus such employment provides a possible means of contributing toward the support of the inmate's dependents, building a money reserve for their eventual release, serves as a means of improving the worker's morale and finally, helps to maintain the inmate's self-respect while confined. These are very valuable and tangible work incentives which tend to be strong motivating factors.

Until 1953, inmates assigned to work details in the adult, male correctional institutions were paid at the rate of 12¢ per day. No attempt was made to provide production output incentives or compensation for work skills. A "Work Recognition Plan" was developed by John Bonnell. This program was adopted by the State Board of Control on May 26, 1953 and authorized a revised pay plan for inmates employed in State Use Industries.

The Board's resolution provided for the establishment of 5 wage categories ranging from 13¢ to 35¢ per day. "All working inmates under State Use shall have an equal opportunity to qualify for jobs paying wages per this plan; such jobs to be established by analysis and evaluation of the operations and the skill, effort, training, cooperation and initiative required to perform the several jobs properly".

The inmate pay rates were developed on the basis of job titles and the importance of the work assignment in the total shop picture. The greater the responsibilities involved, the higher the inmate wage! Each State Use shop was required to establish a table of organization which listed the various job titles and the number of inmate workers required for each work assignment. All shops were requested to cooperate by strict adherence to the approved shop table of organization. There had been some abuses (such as padding the shop payrolls and assigning excess manpower). Industrial Managers utilized the Table of Organization as a tool enabling them to control inmate manpower needs more effectively.

1. Jobs in "A" category—(about 15% of shop workers)  
Required unusual skill or aptitude.
2. Jobs in "B" category—(about 25% of shop workers)  
Required unusual endurance, considerable skill or special qualifications.
3. Jobs in "C" category—(about 25% of shop workers)  
Required semi-skilled people.

4. Jobs in "D" category—(about 20% of shop workers)  
Required primarily learners.
5. Jobs in "E" category—(about 15% of shop workers)  
Required unskilled people and beginners.

All able and willing inmate workers were given training opportunities that would enable them to move from less skilled to positions of greater skill within State Use Industries. This incentive wage scale was adopted to provide additional motivation to learn industrial skills and make an increased contribution to the productive output of the industries.

On February 9, 1959, the State Board of Control approved a State Use wage increase as follows:

"A" rate	=	40 ¢ per day
"B" rate	=	32 ¢ per day
"C" rate	=	27 ¢ per day
"D" rate	=	22 ¢ per day
"E" rate	=	18 ¢ per day

All other work assignments in the penal institutions were increased to a maximum wage of 17 ¢ per day.

The stability of the inmate work force is an important by-product of the wage incentive program. Expansion or cut back in the work details can be planned with little difficulty. Heavy turnover of inmates however, presents severe training problems to the industry staff and has a detrimental effect on the product quality and delivery schedules to customers. The Industrial Manager is a member of the institution's Classification Committee and hopefully he is in a position to represent the needs of the industrial program advantageously. There are special circumstances under the State Statutes which affect wage payments to those serving Life sentences or Indeterminate Sex Offenders. Also, inmate workers injured in line of duty may be eligible to receive wages and work credits for a limited convalescence (up to a month) if the required institutional reports have been filed.

Serious inmate injuries may be brought before a special legislative committee and consideration given for monetary compensation awards. In my experience, there have only been a limited number of such cases and the industries have been relatively free of serious accidents.

The following principles prevail in administering the Work Recognition Program:

1. No Work—No Pay!
2. Assigned inmates will start at the basic pay rate. Those with prior experience may be promoted to a higher wage category as they demonstrate their abilities and job openings are available.
3. Inmate workers are assigned to a shop and can be asked to perform the duties of any job assignment (above or below their normal work assignment) if it is in the shop's best interest.
4. All promotions are based on demonstrated ability, conduct and general attitude, and shop seniority.
  - a. Promotions are made only if vacancies exist in the shop table of organization.
  - b. Workers who cannot perform their tasks satisfactorily will be transferred to other jobs in the same pay grade or demoted to less important shop work.
5. Pay categories as listed are maximum. A trial period of adequate time is advisable before assigning the maximum rate.
6. As time and production schedules permit, there will be opportunities to receive instruction in the industry's more complicated jobs. Additional study by inmate workers is advocated and technical material will be made available to interested workers.

This Work Recognition Program was a pioneer New Jersey effort to liberalize the payment of inmate wages and as such the program was considerably ahead of its time. The cooperation of all concerned personnel was necessary for the State Use operation to absorb the additional expense involved in the establishment of these higher wage scales. The new pay program was adopted as an incentive for the inmate work force to provide definite motivations for learning industrial skills and simultaneously for the inmates to make an increased contribution to the productive output of the industries.

It is a primary aim of New Jersey to approach prisoner work programs from a liberal point of view and to instill good work habits whenever possible. The State expounds the principle, "that compulsory idleness is not one of the penalties of crime!"

It was Bonnell's concern regarding the large idle population that instigated the new wage program and other activities. He was intent on generating industrial expansion and upward movement from the "status quo" situation he had inherited.

In the 1954-1955 State Use Annual Report he noted, "There are still large groups of idle prisoners in our institutions for which work must be provided and recent reports on causes of the prison riots and disturbances throughout the country continue to stress the need for furnishing meaningful employment for idle men. The Bureau today is faced with the necessity of expanding and improving its employment and training programs. . . ."

The Bureau was also determined to lower costs and improve efficiency. After analyzing the various operations, the Dairy at Annandale along with the Piggery and Potato industries at Bordentown were transferred from State Use to institutional projects. Shoe manufacturing at Trenton was also consolidated into a single shop at the Rahway Prison.

The above report indicated a staff of some 140 people. Daily inmate employment had reached 1448, with 30.4% in correctional institutions plus 249 added jobs in mental facilities. State Use Industries was operating 31 industries in 10 separate institutions. (See Table XII for locations).

In November 1954, Governor Robert Meyner expressed the general attitude that prevailed within the State when he wrote:

The State and Taxpayers at large are recompensed to some part of the heavy costs of maintenance of the inmates and the latter receive some benefits from the morale-building knowledge that they are engaged in a useful and productive enterprise which may curtail the period of their confinement through work credits earned.<sup>8</sup>

During fiscal year 1955-1956 two long term Bureau employees, Assistant Chiefs Leo Bannon and Richard Wills, applied for retirement. There had been some substantial changes in the State Pension system during the year. More than two hundred Department employees found it necessary or advantageous to retire. This situation created much job shifting internally and an unplanned, heavy employee turnover.<sup>9</sup>

The State Use Advisory Council with Mrs. Jane Barus as Chairperson, met eight times during the year. The legislature was

considering several printing bills which would have harmed the Prison printing program by imposing additional restrictions. Council representatives met with the involved legislative committees and the bills were ultimately withdrawn.

In order to absorb some of the idle inmate population, the Bureau developed a Furniture Salvage and Repair operation at Rahway. In cooperation with State Use Industries, Rahway requested a capital budget appropriation to build a 15,000 sq. ft. addition to the Textile building. A second 15,000 sq.ft. unit was requested to be joined to the Furniture manufacturing shop.

TABLE XII  
 BUREAU OF STATE USE INDUSTRIES  
 LOCATION OF VARIOUS INDUSTRIES

<u>N. J. STATE PRISON, TRENTON</u> - Location (1) on map (attached)		
Auto Tag	Coffee Roasting	Printing
Bakery	Machine Shop	Upholstery
Clothing	Mattress	Woodworking
<u>N. J. STATE PRISON FARM, RAHWAY</u> - Location (2) on map		
Clothing	Paint	Textile
Foundry	Printing	Woodworking
Machine & Beds	Shoe Manufacturing	
<u>VINELAND STATE SCHOOL</u> - Location (3) on map		
Coffee Roasting	Knitting	Laundry
<u>STATE HOME FOR GIRLS, TRENTON</u> - Location (4) on map		
Clothing		
<u>NORTH JERSEY TRAINING SCHOOL, TOTOWA</u> - Location (5) on map		
Clothing		
<u>N. J. STATE REFORMATORY FOR WOMEN, CLINTON</u> - Location (6) on map		
Clothing		
<u>N. J. REFORMATORY, ANNANDALE</u> - Location (7) on map		
Bag Industry	Feed Mill	Shoe Repair
Cannery	Printing	Screen & Baskets
<u>N. J. REFORMATORY, BORDENTOWN</u> - Location (8) on map		
Brooms		Mops
Commercial Laboratory		Sheet Metal
Exterminating		Shoe Repair
Miscellaneous Manufacturing		Soap
<u>N. J. STATE PRISON FARM, LEESBURG</u> - Location (9) on map		
Cannery		
Snow Fence		
<u>N. J. STATE HOSPITAL, TRENTON</u> - Location (10) on map		
Occupational Therapy ( Brush and Weaving)		



Simultaneously, Bordentown had also asked for an 8,400 sq. ft. building to relocate the Sheet Metal industry and start a new Salvage and Repair industry.

These expansion projects were designed to employ some 80 inmates. Unfortunately none of these proposals were approved! The institutions and administrators concerned were very disappointed.

It was previously indicated that during 1952, the state had adopted a new 6" x 12" permanent style auto license plate. The Division of Motor Vehicles, during 1955-1956 ordered some five million units of the new black numeral on straw background tags (plates) with the imprinted message "Garden State" to be included. State Use had already manufactured some 300,000 pairs of these new issue auto tags against the Motor Vehicle order, when the legislature unexpectedly denied the Division of Motor Vehicles their appropriation for the new license plates on March 5th.

John Bonnell reported this circumstance as follows:<sup>10</sup>

Production at the Prison stopped and the (auto tag) shop was placed on a standby basis almost overnight. This was a very costly proceeding in addition to being destructive to morale. Production of any kind of license was not resumed until early June, with the former orange on black colors being used on the 6" x 12" plate.

Director of Motor Vehicles Frederick Gassert, Jr. requested a legal opinion from Attorney General Grover Richman, Jr. in order to resolve this problem.

See Appendix B for a summary of Formal Opinion # 5 in 1956.

T A B L E X I I I indicates the quantities and variety of items manufactured during that fiscal year.<sup>11</sup>

T A B L E   X I I I

ACCOMPLISHMENTS-FISCAL YEAR 1955-56

This partial list of items made in the several shops gives some indication of the total annual contribution of the industrial program.

License plates & insert tabs.....	4,806,792 units
Clothing items.....	151,474 units
Printing.....	16,512,209 impressions
Shoe Repairing .....	11,724 pairs
Shoes and Slippers Manufactured.....	18,684 pairs
Mattress and Upholstery .....	10,802 units
Wooden Furniture .....	8,363 units
Textiles .....	193,726 yards
Items put through industrial finishing process.....	21,489 units
Mixed Feeds.....	4,065.9 tons
Burlap Bag Salvage.....	86,543 units
Baskets .....	24,749 units
Bread and Rolls Baked .....	678,021 lbs.
Coffee Roasted .....	172,665 lbs.
Laundry Processed .....	577,405 lbs.
Brushes Manufactured .....	28,415 each
Brooms and Mops .....	24,329 each
Disinfectants and Cleaning Products .....	18,533 gallons
Sheet Metal Items .....	5,981 units
Soap Products .....	921,700 lbs.
Snow Fence .....	66,900 feet
Knit Socks and Underwear .....	15,658 dozen
Canneries .....	222,833 #10 cans or equivalent
Foundry .....	2,281 pieces or 95 tons

The Bureau sponsored several staff training sessions in Human Relations. The first session took place at the Trenton Prison on October 10, 1956 and the second seminar was conducted at the Rahway Prison on April 25, 1957.

An expanded public relations program was also developed to explain the Bureau's function. The State Use Advisory Council participated. Both Commissioner Tramburg and Dr. Bixby addressed various service groups. The Trenton Sunday Times Advertiser (newspaper) ran a feature article on the industrial program and all of these various talks were favorably reported in the public press.

The major theme stated:<sup>12</sup>

The mission of the Bureau is to furnish industrial type employment and training for the inmates of penal, correctional and training institutions. Work is planned to give useful, up-to-date training to aid in the rehabilitation of the individual, to keep him busy while in custody, and to make him earn some portion of the cost of his keep.

The State Use Advisory Council was quite concerned about various attempts within the legislature to further restrict the activities of the Bureau's industrial operations. The Advisory Council through the Board of Control requested the New Jersey Taxpayer's Association to undertake a study of the State Use program with constructive changes, if any, to be recommended. The committee consisted of the following citizens, whose services were donated by their public-spirited firms:

E. I. Merrill, Johns-Manville Corporation (Chairman)

George W. Bintliff, Jr., Ternstedt Division, General Motors Corp.

Norman Mallor, L. Bamberger and Company

John A. Wooley, Hercules Powder Company

The Association's study extended for over a year. The Committee examined the industrial operations at Trenton State Prison, Rahway Prison and the Reformatories at Clinton, Annandale and Bordentown. Conferences were held with the institutional Superintendents and Bureau officials. The Association's research staff assisted the cause by collecting and interpreting voluminous operating, fiscal and other data. They also sent out a questionnaire to 24 institutions within the Department of Institutions and Agencies which at that time were the principal

customers of the State Use Industries system.

The Clothing industry at the North Jersey Training School in Totowa was discontinued during the year due to a lack of qualified working patients. Outstanding production orders were reassigned for completion to the clothing shops at Rahway and Clinton.

Only limited funds were available, but the Bureau took a step in the direction of equipment modernization. Machinery replacements were made in the Shoe, Textile and Metal Working industries with expenditures of about \$25,000.

For the first time in approximately 25 years an audit was made of the Bureau's operations. John Bonnell reported, "that all accounts were found to be in order."

However, State Use Industries was concerned about capital funds being expended for non-State Use charges. These practices had obviously been taking place for a number of years and the abuses condoned or ignored by higher authority. The Bureau reported the following charges in its annual reports:

T A B L E X I V

<u>Fiscal Year</u>	<u>Non-State Use Charges</u>	<u>% of Sales</u>
1953 - 1954	\$ 132,113.	5.2 %
1954 - 1955	50,416.	2.1 %
1955 - 1956	46,898.	2.0 %
1956 - 1957	21,652. *	.9 %

\* Food furnished to Leesburg Farm \$10,456.47 and Welfare Reporter salaries, printing and supplies \$11,195.67.

The diversion of State Use funds to other sources within the Department of Institutions and Agencies was evidently a long standing practice covering some 20 years. This item was a matter of great concern to the New Jersey Taxpayers Committee as noted in their subsequent report published in 1957.

Table XV indicates a listing of State Use Industries sales dollars and general expenses for fiscal years 1956 and 1957.\*

Although the loss of this funding was detrimental to the goals of the industrial operations, the sales volume was maintained at 2 1/3 millions of dollars. The Bureau was able to produce net earnings in excess of 50 thousand dollars and maintain its fiscal solvency for the indicated period.

\*SUDIA is an acronym for "State Use—Department of Institutions and Agencies"

T A B L E X V

SUDIA SALES DOLLAR

	<u>FISCAL YEAR 1956</u>		<u>FISCAL YEAR 1957</u>	
	<u>Amount</u>	<u>Percent Of Sales</u>	<u>Amount</u>	<u>Percent Of Sales</u>
Materials and Supplies*	\$1,420,948	60.8	\$1,422,104	61.2
Instructor Salaries	345,058	14.8	354,210	15.2
Guard Salaries	67,213	2.9	70,570	3.2
Administrative Salaries	109,535	4.7	112,670	4.8
(Total Salaries)	(521,806)	(22.4)	(537,451)	(23.2)
Inmate Wages	52,169	2.2	53,458	2.3
Industrial Expense	146,802	6.3	139,142	6.0
Administrative and Other Expense	96,628	4.2	98,108	4.2
Discounts Earned	-6,438	-.3	-7,666	-.3
Charges Against State Use Industries for Non-State Use Charges**	46,899	2.0	21,652	.9
Net Earnings After Non- State Use Charges	57,030	2.4	56,292	2.4
<hr/>				
TOTAL SALES	\$2,335,844	100.0	\$2,320,542	100.0

\* After inventory adjustment.

\*\* Funds diverted, in effect, from State Use industries  
to other state agencies.

Theodore Souders had served as the Industrial Manager at the Trenton State Prison for many years. He retired officially in December 1955. While Ted Souders was on Sick Leave, Frank Schindler was hired as the Acting Industrial Manager. Lloyd McCorkle was the Principal Keeper at this time and evidently there were some disagreements regarding industrial policy within the institution. Schindler tendered his resignation in March 1956 and was temporarily replaced with Captain Frank Baer by the Warden.

All personnel functions pertaining to the various industrial operations were centralized within the Bureau's Central Office. State Use had requested a Civil Service examination for the Industrial Manager's position which was finally held after a lengthy waiting period. Having successfully navigated through the several examinations constituting the Civil Service process, this writer was interviewed by John Bonnell and Lloyd McCorkle during September 1956 and was hired to fill the open position.

As a resident of North Jersey, I had no contacts whatsoever in the Trenton area. My fifteen years of prior work experience had been entirely with private industry. Perhaps I was fortunate to arrive on the scene without any bias from those inside or outside the correctional system. At best, I was a neutral agent about to enter a work environment apparently filled with internal dissension!

On October 15, 1956 the gates of the main sally port (front entry) slammed behind me at 7:30 A.M. for my first day at work as Industrial Manager in the Trenton State Prison. I became accustomed to the closing of those heavy gates many times, not only in Trenton, but all our correctional institutions, in a career that was destined to span the next twenty-six years.

After some experience, it became second nature for me to listen to the sounds within the institution. Was there noisy activity? Singing, whistling, laughing? Any joking between staff and inmates? Or was there an ominous silence hanging so heavily, the tension could be readily felt! Institutional sounds had a direct correlation with the tenseness of my neck muscles. But, only on a few rare occasions was this barometer to be a matter of personal concern.

It was immediately obvious that my industrial staff was afflicted with a severe morale problem. There was an estrangement with custodial supervisors that were seen as non-supportive of industrial programs. Correction Officers assigned to security du-

ties within the shops were on the State Use payroll, but all their personnel functions and administrative procedures were under the control of the institution. Creating a divided loyalty! State Use Correctional Officers were required to work weekends and holidays on a rotating roster for the Prison. They were used as Relief Officers at lunch breaks and sometimes to fill critical custody positions when the regular officer was not available for duty. The Correction Officers listed on the State Use payroll were usually at the maximum of the wage scale, but the officers assigned to the shops were frequently not the same people and usually lacking in the necessary training and experience possessed by the assigned industrial senior correction officers. It would ultimately take some twenty years and criticism by State Auditors for this abuse to be rectified by corrections officials.

It took some concerted effort to mold the industrial staff into an effective team. I worked closely with the Custodial Shop Marshall's that were assigned. We presented a unified organization for the benefit of the industrial program participants.

Monthly industry staff meetings were also instituted and problems were aired openly. I visited the shops regularly, got to know many of the inmate workers and discussed shop performance and operations with the staff on a timely basis.

Realizing the Bureau was limited in available funds, it was my intention to cultivate the cooperation of the Engineer in charge of Maintenance William Krasnowsky, who was also located in the industrial building. With the Bureau supplying much of the materials, we were able to institute a number of necessary repairs to plumbing, floors, windows, electrical and some machine repairs. New fluorescent light fixtures replaced obsolete incandescent bulbs and all the shops were given a new, fresh coat of paint for the first time in many years!

Dr. McCorkle and I had a lengthy discussion just prior to his promotion into the Central Office as Director of Administration. This frank exchange clarified a number of questions I had regarding the direction of industrial programs within the institution from his viewpoint. He was pleased with the progress that had been made in a relatively short time span. It was a pleasant experience for me to be told that he was about to approve my probationary period as the Industrial Manager. George Goodman, the Annandale Reformatory Superintendent replaced Dr. McCorkle in January 1957 as the new Principal Keeper.

In August 1957, the New Jersey Taxpayers Association published a ninety page report of its study on State Use Industries. In a report summary they noted:<sup>13</sup>

Unless this prisoner . . . can devote his time to constructive pursuits, he has but one recourse: to think—to cultivate bitterness, to concoct more crime. This means trouble ahead for both the criminal and the taxpayer. For the criminal, return to prison. For the taxpayer, more taxes.

One answer is clear. Give the prisoner something to do—something with meaning. Teach him skills and sound work habits. Strengthen him to deserve earlier parole and then to accept the responsibilities of citizenship and so avoid return to crime and to prison.

The State Use Advisory Council Chairperson commented that prisoners deprived of their freedom had lost the means of supporting themselves and therefore prison care costs had to be borne by society through taxation.<sup>14</sup> The article also noted the following:

The prison industries program in New Jersey is wisely confined to items used by the State and its subdivisions; competition on the open market is not permitted. Production is spread over a sizeable catalogue, adding variety to the rehabilitation program and at the same time reducing the overall production in any one line to a microscopic portion of the competitive market.

This minimum degree of competition is unavoidable; it is one of the ways in which society bears the burden of protecting itself from those who are criminally minded. A public which is not willing to bear this burden has only one alternative, to assume through taxation the greater financial burden of confining prisoners in enforced idleness, with all the added human misery that this entails.<sup>15</sup>

The Taxpayers Association Report indicated that the financial difficulties experienced by the Bureau of State Use Industries could be traced back a number of years. "In the period 1937 to 1956, total sales, mostly to the State itself, totaled \$33,287,682.

Each year there were net earnings, which over the entire period totaled \$2,455,000. Against these earnings, however, Non-State Use charges (charges not directly related to Bureau operations) were made totaling \$2,658,000., indicating a long-term operating deficit of \$203,000. The Non-State Use charges consisted of funds diverted, in effect, from the Bureau of State Use Industries to other State agencies.<sup>16</sup>

The Association's investigation was confirmed by on-the-spot studies at the operating facilities that the Bureau was seriously hampered in acquiring and replacing its machine equipment because of the financial drain. They further concluded that:

The State Use Industries can and should be self-supporting. To this end, it calls for the cessation of the practice of diverting State Use Industries funds to other purposes, a practice which in the past has so weakened the Bureau's financial structure as to inhibit gainful employment of all employable, idle prisoners.<sup>17</sup>

The major Taxpayers Association recommendations included the following:

1. a new definition of net earnings.
2. revise policies on equipment depreciation reserves
3. clarify statutes governing Bureau net worth
4. improve inventory control procedures
5. aggressive marketing techniques
6. improve warehousing and distribution
7. vigorous classification of prisoners for work opportunities
8. interdepartment committee between Bureau, Civil Service and Purchasing—to solve mutual problems.
9. greater utilization of industrial facilities
10. minimum quality control program, plus material testing program.

Their report further states that a diversified industrial program should be continued and expanded. The Bureau should favor industrial lines in which labor content is high and capital investment low, and operations should be avoided which requires equipment subject to rapid obsolescence. "It cautions, however, that total sales from each of the individual product lines should

equal or exceed the respective costs of production."<sup>18</sup>

In the State Use Industries Annual Report for 1957-1958, John Bonnell said that there were some 42 recommendations which the Bureau had carefully studied and a program of accomplishment established. Some of these suggestions were at the policy level, some related to existing procedures, others required legislation and several needed substantial capital investment.

The Division Director, Dr. Bixby, in a later report stated, "Many of the recommendations of the (Taxpayers) Association require only executive action and these have, for the most part, been accomplished or initiated." Legislation has also been introduced to facilitate other items in the report and policy suggestions have been given to the State Board of Control for their consideration.<sup>19</sup>

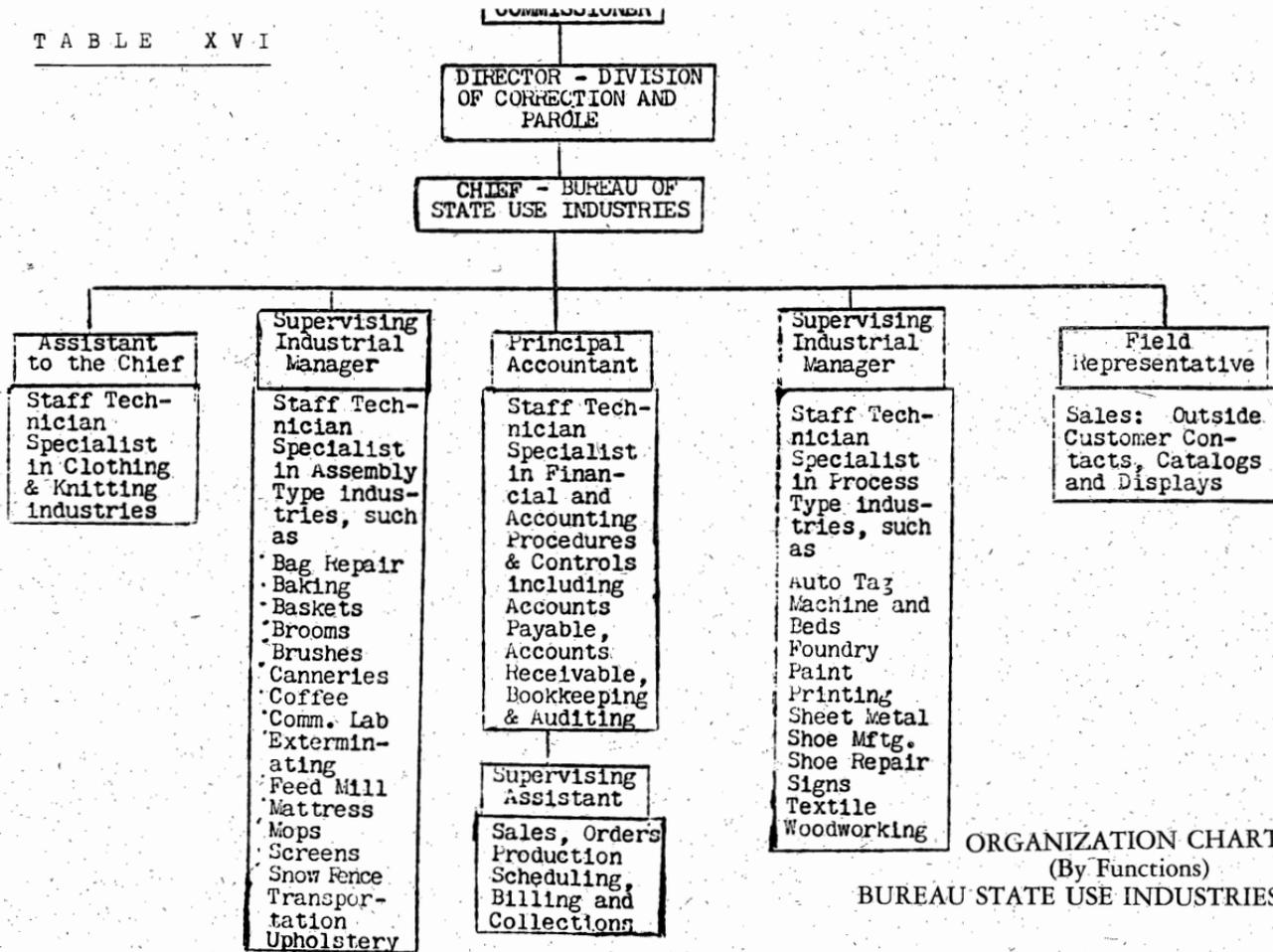
Thus, for the first time in many years, the Bureau of State Use Industries had a directional blueprint that would prove to be highly beneficial for many years to the industrial operations. Many of the recommendations were quickly adopted. The report of the Taxpayers Association endorsed the Bureau's operations and contributed powerful support for the industrial work program.<sup>20</sup>

At about this time period there were a number of significant changes taking place in the administration of schools for the mentally retarded and mental health hospitals. The concept of running a self-sufficient institution utilizing patients on farms, laundries, etc. was abandoned. This decision allowed State Use to close down industries within these institutions or turn the work over to assigned prisoner work details that were classified as Minimum Custody. This was a happy coincidence for the Department since it opened a variety of work opportunities for the labor of young inmates that were rapidly filling our correctional facilities.<sup>21</sup>

Bonnell reported the new Department of Institutions and Agencies policy as follows:

- (a) No industries would be maintained in mental defective institutions.
- (b) All industries shall be for maximum custody inmates whenever possible.
- (c) All minimum custody inmates shall be assigned to work on farms and in laundries.

See TABLE XVI for State Use functional organization chart!



ORGANIZATION CHART

(By Functions)

BUREAU STATE USE INDUSTRIES

He also noted the State Board of Control had adopted a policy that the State of New Jersey should provide any necessary (industrial) buildings.<sup>22</sup> The Bureau had projected capital funding requirements of \$366,700. for new buildings and \$464,900. for tools and other needed equipment.

The Bureau concentrated on completing a number of management changes that were indicated. A realignment of the entire industrial work program was started which resulted in the gradual discontinuance of the State Use involvement in farm operations, or shops within mentally retarded institutions. Some industries were combined and expanded within various correctional units. Due to these changes there was a reduction of about 35% in the salary payroll and also diversion of Bureau funds into the maintenance accounts of several institutions was discontinued.<sup>23</sup>

The Cannery and Snow Fence programs at Leesburg Prison were closed and combined with the existing units at the Annandale Reformatory.

The State Use operations at the Vineland State School were all transferred to the Trenton State Prison, i.e. Knitting, Mattress and Coffee Roasting.

Printing programs at both Rahway Prison and Annandale Reformatory were abandoned and combined with the operation at Trenton State Prison. Simultaneously the printing program was consolidated into a single floor operation on the lower level of the industrial building. This eliminated some serious material handling problems and further contributed to a much more efficient operation.

The Knitting industry during July 1958 was relocated in the upstairs space formerly occupied by the Print Shop composing room.

All Woodworking equipment at Trenton was moved to Rahway during July and August 1958 and combined with their program.

During July 1958, the Coffee Roasting operation was abandoned at the Trenton Prison. This caused a further drop in sales which amounted to about \$125,000 annually.

Anticipating the movement of our Mattress industry within the walls of the Trenton Prison, it was decided to place this unit in the area previously occupied by the old Shoe manufacturing shop. A new hard-type mineral floor was installed over the existing, deteriorated wood floor. An old rope-pull elevator was dismantled

and rebuilt on the outside building wall to accommodate material needs for all shops on the second level. Much credit is due our Machine Shop Instructor John Engleberger and John Prokop of the Maintenance Department for their excellent work in re-vamping this unit—which is still being used today. The Mattress Shop was moved inside and became operational once again in February 1959.

The building vacated by the Mattress industry outside the prison wall was converted to an expanded Warehouse, Shipping and Bulk Storage facility which was badly needed. This unit developed procedures for mail and parcel post shipments to out of the way locations. A great deal of truck traffic was also eliminated through the institution's sally port by relocating this facility outside the prison wall.

Most of the above changes affected the industrial operations at the Trenton State Prison. While I would have been satisfied to successfully conclude these responsibilities, the State decided to provide a complete general issue of vehicle license plates after some seven years of a reduced operation. The program stipulated that aluminum would be substituted for the steel tags we had formerly manufactured. This suddenly developed into a complex series of problems with little consideration for projected time factors and key decisions that were not made until the last moment. Given all the other difficulties that we were attempting to resolve, this was a circumstance our frustrated staff did not need at this particular time.

A new concrete floor was poured in the adjoining steel shed. Plans were developed and purchase orders placed for new tools and machinery. Electrical installations for the new equipment were made. Material handling equipment, steel dies and a new pneumatic-type blanking line were bought and installed. New packaging and palletizing systems were developed and a security storage building with adjoining loading platform and ramp were also erected. A 7 ½ H.P. DeVilbiss Compressor was received. Inmate work crews dismantled our #2 and #4 obsolete gas baking ovens since the Auto Tag Shop needed the added working area. Our entire inmate work force had to be retrained in the new operational methods being developed.

All the component parts were in place by January 1959. Supervisor Charles Keefe and Trade Instructors Samuel Russert and Jules Kazarow prepared for a preliminary pilot run which

I arranged with the institution authorities for Saturday morning January 13th. A hand picked cadre of trained inmate workers operated the equipment without undue incident and any necessary adjustments were made by the supervisory staff. This process had taken about a year of persevering and arduous work and the production phase was now in readiness.

However, the inmate work force had been expecting some consideration in the form of a wage increase and their attitude had been steadily communicated to higher authority without any beneficial response. But, I suspect that the "prison grapevine" carried promises that remained hopeful but unfulfilled. Everything came to a sudden, crashing halt! *The following depicts a personal account of a confrontation with a segment of the inmate work force:*

Early on Monday January 15, 1959 I was met by Supervisor Charles Keefe upon entering the industries office. He was quite agitated and hastily informed me that we had trouble in the Tag Shop, the inmates were refusing to work and possibly a "riot" was about to erupt!

There were 95 long-term, hard-core prisoners assigned to the Auto Tag industry. The new equipment and a year of effort could be seriously damaged. I was concerned for the safety of the staff personnel. Lieutenant Alexander Abbott, our Shop Marshall was hurriedly summoned.

Abbott was brought up to date on the factors that were known and after a brief discussion, we decided on a course of action. With Keefe leading the way, the three of us entered the Auto Tag shop and quickly traversed the 100 feet to the far end of the building where the power embossing presses were located. There were also several outside exit doors we hoped to use if the situation deteriorated beyond our ability to control the people involved.

It was immediately obvious that we had a work stoppage! The inmates were milling about and making all kinds of noise. Several shouted threats and obscenities at us as we reached the power press area. There was no doubt in our minds the strike was being directed by the power press operators. Up to this point no serious damage was visible to the shop equipment. Keefe yelled for silence! I told the group I would talk to a few inmate representatives, but only if the remainder behaved themselves and kept quiet. Several pressmen, acting as a committee, stepped forward and I asked them to stipulate their grievance and how it could be resolved from the inmate viewpoint.

The committee's demands were short and to the point! They wanted a pay increase or there would be no return to work! I promised to convey their position to higher authority. Lieut. Abbott stated they would be confined to their cells if they would not return to work and ordered them to form a double column. He advised the Center Control that the shop was coming out and then quickly marched the inmates out of the shop.

But, this was not the last of it. Every thirty minutes another shop left their equipment areas and refused to work! By 10:00 a.m. there was a complete work stoppage in all State Use shops at the Trenton Prison and this included the Maintenance and Kitchen Departments.

While this strike was a deliberate, planned move by the inmate workers, it is my belief that the great majority did not favor this action. There was no display of riotous conduct and no equipment was sabotaged. While this was personally a somewhat frightening and uncomfortable experience because of the potential danger, it was also enlightening to realize that the inmates could describe a variety of prison staff members by so many "four-letter" epithets! Fortunately there were no injuries.

The status of our industrial strike had been communicated to the Bureau Central Office. I was particularly disturbed over the fact that not once during the next week did anyone from the Central Office call me to inquire whether my staff was intact and safe. Normally the phone would ring constantly—but now—silence! I can remember the lonely feeling and internal frustration at the lack of consideration displayed by our Bureau. I vowed to remember this lesson in human relationships!

During the entire strike period, Lieut. Abbott and I were in close communication with the Trenton Prison Supervisory Staff and in particular Warden George Goodman. The institution was in a tight security lockup. The inmates were being fed in their cells and many of my industrial staff were being utilized by working at making sandwiches in the prison kitchen.

On Sunday January 21st, Warden Goodman and I met with Dr. Bixby at the latter's home. Arrangements had been made to increase inmate wages by five cents per day. Yes, a small amount, but enough to enable the inmates to return to work. This entire situation could have been avoided if the wage increase supposedly promised to the workers had been implemented. Not only was there great inconvenience to the prison staff, but State Use lost

better than two weeks of valuable production which could never be retrieved.

As the industrial program once again settled down to a more comfortable production routine, I was heartened by the improved attitude of the Auto Tag workers. They were evidently motivated by reaching their wage objective and now seemed anxious to improve relationships with their supervisors and myself. The initial goal of achieving 180,000 pairs of license plates per month was soon reached, without the necessity for an overtime schedule. This was the highest consistent monthly production rate ever reached by the industry up to that time.

The 1958-1959 fiscal year will be remembered by me for its hectic activity, complicated problems and successful accomplishments. There was ultimately great satisfaction in achieving a number of our important goals. Not the least of which was manufacturing merchandise at the Trenton Prison industries estimated in excess of one million dollars.

By June 1959 we were employing 390 inmates under the Work Recognition Wage Plan.

SEE TABLE XVII.

STATE USE INDUSTRIES  
N.J. STATE PRISONJUNE 1952

INMATES IN JOB-RATE CATEGORIES								
INDUSTRY	A	B	C	D	E	SEX OR LIFE	MIN. CUSTODY	TOTAL
BAKERY	4	5	4	5	3	0	0	21
MACHINE SHOP	4	8	1	0	1	0	0	14
TAG SHOP	34	20	25	11	9	1	0	100
PRINT SHOP	16	9	9	2	10	1	0	47
CLOTHING SHOP	24	33	21	22	16	3	0	119
MATTRESS SHOP	3	3	2	3	10	0	0	21
UPHOLSTERY SHOP	7	2	4	1	4	1	0	19
KNITTING SHOP	5	4	1	7	4	1	0	22
SHOP HALL PORTERS	0	1	3	0	0	0	0	4
INDUSTRIAL OFFICE	4	1	0	0	0	0	0	5
WAREHOUSE	0	0	0	0	0	0	18	18

## Code:

A 40¢ per day  
 B 32¢ per day  
 C 27¢ per day  
 D 22¢ per day  
 E 18¢ per day  
 Sex or Life 30¢ per day  
 Min. Custody 17¢ per day

1. Average Work Day Per Industry is 6 hrs with 5 day week.
2. Tag Shop has Maint. Crew (12 men) 4 hrs on Saturday and additional (12) men for 8 hrs special on Saturdays.
3. Bakery Shop works Two Shifts:
 

Nites	6 hrs.	9 men
Days	6 hrs.	12 men

390

Meanwhile the Department of Institutions and Agencies was implementing the new inmate labor policies. Farming operations were undergoing a transition period as patient labor was gradually being replaced by inmate workers from neighboring prisons and reformatories. The plan to staff laundries with prisoners was carried out at Ancora and Marlboro State Hospitals and the North Jersey Training School at Totowa. The new laundry within the walls of the Bordentown Reformatory was also activated during 1958. These activities caused the replacement of more than 200 patient workers from laundry assignments and the subsequent abolishment of some 53 civilian positions.<sup>24</sup> The program was continued the next year into the Trenton State Hospital and there was a reported estimate of \$40,000. saved in salaries. The further consolidation of farm operations with utilization of prison labor, resulted in abolishing 82 civilian jobs with a payroll savings in excess of \$237,000.

Institutions and Agencies was moving in a positive direction with several new programs. But, in the 1959 Annual Report, Commissioner John Tramburg in writing to Lloyd Wescott, the State Board of Control President, commented as follows:<sup>25</sup>

No year passes without its problems and 1959 was no exception. The spiralling costs of a built in inflation continued to erode our budget. Yet it is a measure of our accomplishments that we were able to manage our accounts without sacrificing the quality of our programs. Despite such careful housekeeping, however, . . . the bleak fact remains, that we are managing on a day-to-day basis without provision for the future.

There remain urgent capital needs for which we cannot pay out of current income—fireproofing at our two oldest State hospitals, another 1,000 bed institution for our mentally retarded, a medium security prison—to mention a most urgent few. These needs did not develop in 1959. They grew over the years as the state's population grew until they reached today's proportions.

The Trenton Prison Printing industry was trying to establish a solvent operation ever since its major disruption during the 1952 riots. But, during August 1958, the New Jersey State Allied

Printers Council met with the Governor to protest operations of the prison print shops and other internal departmental printing programs. The latter were not under the State Use supervision. A survey team was established and the Trenton Prison shop was inspected during November 1958. There was evidently an erroneous impression of the printing program being conducted at the Trenton Prison. Mr. Bonnell reported, "They withdrew their objection of our printing program and offered to help wherever they could. Mr. Harvey Collins, a member of the survey team and an employing printer accepted assignment on the State Use Advisory Council as one of our members. This is the first time in many years that we have not been under active pressure from the printers or other labor groups and a great deal of this credit is due to the work of the Commissioner, the State Use Advisory Council and other interested parties."<sup>26</sup>

For the first time in many years, the Trenton printing operation produced a small profit starting in January 1959. The shop also made an excellent contribution to the State Use cause by printing a new product catalogue—the first major revision in more than ten years (which was completed and distributed early in 1959) after considerable preparation by the State Use Central Office.

The Department transition had reached a point where Meyner, Tramburg and Wescott all thought that some changes were in order. In January 1958, the Governor established a study commission of distinguished citizens and named Archibald Alexander as the chairman. "The Rockefeller Brothers Fund contributed \$23,650. to finance the work, so the Commission could pay its expenses and hire a small staff. . . ."<sup>27</sup>

The Study Commission visited many of the institutions and agencies, talked with various officials, so-called experts, and interested people. After some nineteen months, they issued a report in September 1959. (i.e. the Commission to Study the Department of Institutions and Agencies). Since there were few recommendations regarding prison industries I will only highlight some of their observations:

- (1) The structure of the Department was obsolete.
  - a. the case load was larger and more costly
  - b. there were new programs and institutions
- (2) There were governmental changes which placed many institution functions under central control: budget, personnel, dietary and policies, etc.

- (3) Institutional boards were originally designated as managers of the facility, instead of intermediaries with the community and scientific professional groups.
- (4) The Commission envisioned an adequate organization of personal care linking all essential services (state, county, municipal and private) as participants in a "web of services".
- (5) They believed in state aid to expand and improve probation as a bargain which would minimize new construction of facilities, but with the state accepting "over-all responsibility".
- (6) The majority membership proposed three major changes:
  - a. Give the Commissioner direct authority and management responsibility by power to appoint the administrators of institutional facilities and agencies.
  - b. Redefine the duties of local boards so as to eliminate any management functions, but to act as publicists, advisors and inspectors.
  - c. Suggested changing the authority to parole inmates on indeterminate sentences from the local boards to a separate central board established to handle the parole function.

While Governor Meyner was in favor of better services, he had campaigned against a personal income or sales tax. "The emphasis in these presentations (by the Commission) was on program, however, and for the most part ignored questions of finance or taxes. . . . it was apparent that the business and professional class, . . . was being pushed from many directions toward supporting a broad-based tax to finance the services."<sup>28</sup>

With reference to the operations of the Bureau of State Use Industries, the Alexander Commission concurred with the report of the New Jersey Taxpayers Association and the latter was the standard adopted and recommended for the industrial program.

The State Use Advisory Council and Taxpayers Association jointly reviewed the Bureau's progress in implementing their various recommendations. In March 1960, the following commentary was issued in part:<sup>29</sup>

The review revealed substantial performance in accordance with the recommendations. It also disclosed some areas of

partial or no compliance. Often the latter were due to lack of funds or to other factors beyond direct control of the Bureau. Here it should be noted that many of the recommendations are of a nature that cannot be executed by a single action and dismissed as finished. Instead, they are qualitative and call for continuous effort. . . . This requires of the State Use administration the same unremitting effort to improve performance that is a responsibility in every branch of government—an effort that can never be terminated.

Progress in the various categories were summarized as follows:

1. Recommendation compliance .....	12
2. Policy and practice consistent with recommendations ...	7
3. Recommendation activity and progress to date .....	11
4. Some progress .....	5
5. No significant results to date .....	7

42 items

The Bureau continued the efforts to operate in a manner consistent with compliance of the recommendations. But, noted the reservation that "execution must be gauged against the (Department's) condition of flux."

Likewise the Taxpayers Association recognized the fact that State Use Industries had to make adjustments to such conditions as:

- a. The changing and future role at Rahway.
- b. Increase in minimum custody type programs.
- c. Continued lack of capital funds for equipment, buildings, etc.

While these study activities were designed to help in the pinpointing of industrial deficiencies and effecting improvements in such items as prisoner employment, many of the problems defied resolution. New employment opportunities were being sought. The Bureau invested additional capital in machinery and equipment, but new buildings were still a prominent necessity.

A major public relations effort was continued and expanded. There were various State Use exhibits at the New Jersey State

Fair, New Jersey Welfare Council and the New Jersey League of Municipalities. A variety of informative talks were delivered to service clubs and other interested organizations. These special efforts produced some desirable results and additional orders from counties and municipalities became evident. There was also a diminishment of open, active pressure from employer groups and trade unions.

Primarily due to the new general issue of license plates, Bureau sales had reached an all-time high with a proportionate rise in net income. With the availability of growth capital from earnings, steps were taken to modernize products and improve technical and mechanical processes. Product standards and controls were developed which ultimately led to more effective industrial procedures.

Simultaneously, there was steady growth improvement as sales were expanded into the area of counties and municipalities. Generally, there seemed to be successful results as tensions were decreased and cooperative department support was engendered for the industrial program.

The administrative control of State Use personnel was directed by a State Board of Control resolution dated February 17, 1956 and Penal Correctional Circular #68 (December 24, 1957). On November 16, 1959, Penal and Correctional Circular #106 was instituted. This directed that all industrial shop personnel were to be transferred to the payrolls of the correctional institutions, but their salaries would automatically be charged against the State Use Salary Account.

The technical functions remained the basic responsibility of the Bureau of State Use Industries. But, the Warden or Superintendent of the correctional facility was now designated as the appointing authority for all such Bureau staff members. This in effect, eliminated all personnel functions from the Bureau's Central Office.

See APPENDIX C for Department of Corrections Standard 610 (October 22, 1979) for the most recent status of State Use Industries and its assigned institutional, industrial responsibilities.

The chief executive officers of State institutions in which industries were located are responsible for the management and direction of industrial activities in their institutions; the completion of manufacturing schedules; the achievement of training objectives established for the institution; assignment of inmates for

work and responsibility for their discipline. The shop supervisors report to the chief executive officer through their industrial manager, who is also a member of the chief executive officer's staff.

State Use Industries is accountable for overall planning, material management, industrial coordination, technical services and product distribution. The Bureau conducts all operations similar to any manufacturing organization—including billing, cost accounting, product and plant engineering, sales, warehousing and inventory control, etc.

Upon initial implementation, Penal and Correctional Circular #106 caused some internal difficulties. The Industrial Manager and his staff were faced with a divided chain of authoritative command. Because of the environment inherent within a correctional institution, most internal problems are resolved primarily from a security viewpoint, while the industrial outlook is usually evaluated from a secondary position.

There is no single correct form of organizational structure. If the desired results are achieved, then the proposed structure is correct for that given circumstance. "Unity of command stresses the fact that if all component parts of an administrative program are to move forward in a unified and synchronized fashion, there must be a single directing official at the top to see that this integration takes place."<sup>30</sup>

The implementation of this new policy was seen as an administrative effort to strengthen institution personnel control by the chief executive officer. State Use Industries was weakened proportionately, although relieved of the personnel responsibilities and functions directly related to employees they were paying.

By the same token, there are expert opinions which indicate that industrial programs being developed around more than one institution become so involved in the related problems of administration, financing, training, production and marketing that it is advisable to entrust such important functions to a separate and specialized central industrial group.

This must not in any way relieve the Warden of his responsibility for control over the custody and treatment of prisoners. Conversely, it does not relieve the Industrial Management of its primary responsibility for developing and operating the facilities in the best interests of a properly managed industrial and prisoner training enterprise. There

is need for close and continuous cooperation between the two groups, the industrial head being cognizant of the Warden's responsibilities, the Warden being aware of the need for flexibility in industrial assignments, of the need for manufacturing to the requirements of other departments and of the need for operating a successful enterprise.<sup>31</sup>

There should be no conflict in an institution that is properly managed. Sometimes there are difficulties because the industries and other institutional activities are in competition for the prisoners as workers. Much of this conflict should be resolved by an impartial Classification Committee. However, it is essential that, "The Warden and the industrial authorities agree on policies and procedures and the directing head of the whole correctional system steps in when they cannot agree."<sup>32</sup>

Correctional administrators are in agreement that constructive work programs function as an essential component in the reformation of inmates in our penal facilities. Generally the basic objectives in such industrial training should point to:

1. The formulation of good work habits.
2. Providing useful and necessary inmate activity.
3. Aiding inmate attitudes of social adjustment.

In May 1959 Commissioner John Tramburg commented: "Work—useful work—stands high on the list of activities which tend to improve the individual offender in a continuous process of rehabilitation. . . . In a highly industrialized economy such as we find in New Jersey, it is of utmost importance that as much work as possible be meaningful in terms of industrial experience and that the proper role of the individual in a group working together in a production environment be implanted firmly in the habits and attitudes of each inmate worker."

It has been pointed out that the great majority of prisoners are ultimately returned to society. The development of adequate work skills is an asset if the ex-offender is to survive in almost any type of future industrial employment. To accomplish its purpose, there must be a true work program—not just busy-work to keep the idle occupied or a type of punishment administered for the custodial authorities within the penal system.<sup>33</sup>

The prisoner must be able to realize that he is actually working at something, learning, providing a service, or producing a product. As a person, the prisoner needs to be reassured about the value of his own personality. He may know that he is not necessarily "good", but he wants to be reassured that he is at least still "good for something". The industrial program gives the prisoner a chance to do, to make, to create—it gives him a chance to restore his confidence in his own worth as a person.

It is unfortunate that in the past there was a percentage of the inmate population categorized as mental defectives or psychopaths. To the casual observer it is apparent that such individuals would have difficulty being hired by an outside employer under the best of circumstances. One author points out that prisoners are predominantly unskilled workers that have worked irregularly—largely at menial tasks, and therefore it is not surprising if their work performance in prison is not always of the highest quality:<sup>34</sup>

Though many prisoners may seem to be inefficient as workers, they can be trained to do almost any kind of work. The difficulty is, however, that the teaching process is time-consuming, and an instructor never knows how long an inmate will be with him. The problem of work efficiency of prisoners is really not settled. The charge may well be made that it is the total administrative situation that is inefficient.

Bureau Chief John Bonnell expressed concern over the lack of available inmate skills when he commented as follows:<sup>35</sup>

The process of developing suitable workers is usually long and frequently expensive in terms of lost time, equipment maintenance and utilization of raw or semi-finished materials. The industries need to attempt the training of welders, loom fixers, draftsmen, machinists, clerk typists, printers and other specific skills.

With the availability of capital, the Bureau invested about \$125,000 in machinery and equipment in items badly needed by the industries:

(a) Annandale—cannery improvements .....	\$15,000.
(b) Bordentown—soap shop .....	33,000.
(c) Rahway—foundry conversion to industrial finishing .....	25,000.
(d) Trenton—clothing shop expansion .....	18,000.
(e) Trenton—knitting & mattress shops, plus two trucks & one station wagon .....	34,000.
	total \$125,000.

The influx of capital improvements was deeply appreciated by the industrial staff and provided a great motivating factor which contributed to a boost in their spirits and morale. The production results achieved at the Trenton Prison were truly remarkable.

From March 1959 to June 1960, the Auto Tag Industry shipped some 3,000,000 pair of license plates. In addition we were required to convert 75,000 single trailer plates to reflectorized units. This was the first time New Jersey used this reflective material and the specialized machines that were necessary. These were finished by August 1, 1960.

The Division of Motor Vehicles also abandoned the use of the license plate aluminum tab which previously designated the year of registration for all commercial type vehicles. To accommodate their new requirements, we established a unique system in our Trenton Printing industry which produced some 700,000 reflective decal stickers during the first year. This operation has been considerably expanded and is still manufacturing reflective decal stickers some 25 years later.

There was a tremendous improvement in our Clothing industry potential, which was being directed by Supervisor Samuel Scozaro. With the advent of new equipment and stability of the inmate work force, the clothing staff undertook a major operation.

For the first time, we began the manufacturing of Correction Officer uniforms. Our workers deserved much credit since this program required the pinnacle of Tailoring skills, with the garments being made to very tight specifications. After some 15 years of successful manufacturing, the Bureau was eventually forced to discontinue this Correction Officer uniform program because we lacked the trained inmate workers. The production of inmate Parole suits and overcoats was also abandoned at that time.

See TABLE XVIII for staff distribution and comparison of industry sales during 1959 and 1960 at the Trenton State Prison.<sup>36</sup>

T A B L E            X V I I I

S T A T E   U S E   I N D U S T R I E S   ---   T R E N T O N   S T A T E   P R I S O N

	Industry Staff	Correct. Officers	Inmate Workers	1 9 5 9 Sales	1 9 6 0 Sales
AUTO TAG	3	1	99	\$ 618,705.	\$ 891,605.
BAKERY	1	-	20	53,607.	54,660.
CLOTHING	3	2	95	152,964.	147,385.
COFFEE ROASTING	-	-	6	9,489.	----
KNITTING	1	-	10	23,719.	35,560.
MACHINE	1	1	14	5,719.	5,097.
MATTRESS & UPHOLSTERY	2	1	33	77,567.	94,219.
OFFICE	2	1	10	-----	-----
PRINTING	3*	1	39	103,874.	114,215. *
STOREROOM	1	1	9	-----	-----
TRUCKING	3	-	--	-----	-----
	20	8	335	\$1,045,640.	\$1,342,745.

\* During 1960, added (1) Instructor in Printing for a total staff of 21 employees.

State Use Industries was budgeted for 101 total staff positions during the year. There were 887 full time inmate jobs at 5 correctional institutions. This represented about 23% of the inmate population. The job turnover rate was considered high with 2,119 inmate assignments to the various industries or 2.4 inmates per job annually.

During the 1959-1960 fiscal year, the Division of Correction and Parole experienced a major change in administration. After a long and distinguished career as a correctional administrator at the state and federal level, Dr. F. Lovell Bixby retired as the Director. During the period prior to his death, he served as a Consultant to the New Jersey Administrative Office of the Courts.

With his passing, the Department lost possibly the last major link with the past and the original concepts of the Morrow Commission. Dr. Lloyd W. McCorkle succeeded Dr. Bixby as the Division Director and brought New Jersey to a new threshold, which heralded future changes for Corrections and subsequently the Department of Institutions and Agencies.

Through 1960 the Bureau of State Use Industries managed to hold a fairly consistent overall operation. In some areas there was considerable improvement.

T A B L E X I X indicates a four year comparison of the Bureau's fiscal activities.

T A B L E X I X

SUDIA SALES DOLLAR  
IN THOUSANDS OF DOLLARS

	1956 Fiscal Year		1957 Fiscal Year		1958 Fiscal Year		1959 Fiscal Year	
	Amount	% of Sales						
Materials & Supplies								
Less Discounts	\$1,415	60.5	\$1,415	61.0	\$1,335	61.92	\$1,312	59.3
Industrial Salaries	345	14.8	354	15.3	345	15.9	323	14.6
Guard Salaries	67	2.9	71	3.0	71	3.3	62	2.8
Administrative Salaries	110	4.7	112	4.9	113	5.25	113	5.1
(Total Salaries)	(522)	(22.4)	(537)	(23.2)	(527)	(24.45)	(498)	(22.5)
Inmates Wages	52	2.2	53	2.3	52	2.4	53	2.4
1. Freight, Cartage	18	.7	18	.7	15	.6	16	.7
Light, Heat, & Power	39	1.7	41	1.9	45	2.2	38	1.7
Repairs & Repair Parts	38	1.7	38	1.6	35	1.6	34	1.5
Depreciation	47	2.0	38	1.6	36	1.7	61	2.8
Rents & Royalties, Leased Machinery	4	.2	4	.2	2	.1	2	.1
(Total Industrial Expense)	(146)	(6.3)	(139)	(6.0)	(133)	(6.2)	(151)	(6.8)
2. Insurance	9	.4	8	.3	8	.4	8	.4
Stationary & Printing	4	.2	5	.2	3	.1	4	.2
Telephone & Telegraph	3	.1	4	.2	4	.2	3	.1
Pension Fund & Social Security	38	1.7	38	1.6	33	1.5	34	1.5
Miscellaneous Expense	42	1.8	43	1.9	37	1.7	92	4.2
Compensation Awards	---	---	---	---	---	---	2	.1
(Total Indirect & Miscellaneous Expense)	(96)	(4.2)	(98)	(4.2)	(85)	(3.9)	(143)	(6.5)
Charges Against State Use Industries for Non-State Use Charges	47	2.0	22	.9	1	.03	---	---
Net Earnings After Non-State Use Charges	57	2.4	56	2.4	24	1.1	55	2.5
<b>TOTAL SALES</b>	<b>\$2,335</b>	<b>100.0%</b>	<b>\$2,320</b>	<b>100.0%</b>	<b>\$2,157</b>	<b>100.0%</b>	<b>\$2,212</b>	<b>100.0%</b>

A Shoe Repair operation at Bordentown was closed when the instructor retired and thus enabled an expansion of a similar program at Annandale.

The first floor of the industrial building at Rahway was remodeled. New industrial offices and a storeroom facility were provided. Part of the old print shop was converted to an inmate barber shop. A Furniture Refinishing shop started operating.

All the shops at the Trenton Prison were painted. The Knitting industry obtained some new equipment. This included several much needed Merrow serging machines which enabled a new method of closing toe openings on socks. This eliminated a tedious "looping" operation and speeded up production considerably.

The Trenton Clothing industry began delivery of Correction Officer uniforms in April 1961—a program that was delayed by inability to obtain necessary materials on time because of lengthy purchasing procedures.

At about this same time, a small aluminum screen industry at Annandale was combined with a larger shop at Bordentown.

Sales remained stable with a volume in excess of two million dollars. *Product distribution was reported as:*

(a) Institutions and Agencies	72.5 %
(b) Other State Departments	21.5 %
(c) Counties and Municipalities	6.0 %

Idleness among the inmate population was a priority concern. The Bureau expended an additional \$67,000. in capital equipment and increased inmate jobs to 986 during the following fiscal period. There were now 32 different industries operational in 24 shops at 6 correctional institutions.

For the first time in several decades there was projected planning for long-range development of new institutions based on approved bond issues. *Future industrial growth was contemplated at:*

- (1) The new industrial building at Bordentown. A 24,000 sq.ft. facility plus 3,458 sq.ft. for sally ports and access areas. Designed to contain two large shops, employ 100 inmates and 5 staff instructors.
- (2) Leesburg medium security prison—a new Clothing plant to employ 75 people and 3 staff members.

- (3) Yardville Reformatory and Reception Center
- (4) Johnstone Defective Delinquent Unit
- (5) Rahway Prison

... Extensive repairs to the heating, plumbing and electrical systems were completed at the Bordentown Soap industry.  
... The Annandale Cannery industry received a new Canning line to handle the processing of sliced apples.  
... Additional sewing machines were purchased and installed at our Clinton Clothing industry.

The State Use Advisory Council was greatly concerned about the lack of inmate jobs at Rahway Prison. They strongly suggested that additional programs be installed, even if these operations were not fiscally sound and required subsidization by the Bureau. This project was viewed as experimental by the Bureau staff—but implemented as a pilot program with the following industrial installations:

- (1) An additional Clothing industry.
- (2) A new Carton manufacturing industry.
- (3) A Traffic Sign Salvage operation.

These installations were established at an approximate cost of \$30,000. However, an additional 62 inmate jobs were made available.

State Use Industries had been in close touch with the Department of Higher Education. As a result of approved bond issues for the construction of college facilities, there was a large scale need for certain furnishings. The Bureau began receiving orders for various chairs, beds, mattresses and pillows. These items were primarily for dormitory and lounge areas.

This new source for work was most welcome since our sales volume had taken a down turn. The Annandale Canning industry experienced a sub-normal year due to a poor growing season. Also, the Trenton Prison Auto Tag industry was reduced to the lowest order volume since 1946. But since the Bureau had just completed a full general issue of license plates, this slump was understandable and expected.

There were extensive changes in the Clothing industry at the Trenton Prison. Moving the former Storeroom into the new Warehouse (outside the prison walls) made a large area available. Our

cutting facilities were very inadequate in their 2nd floor location, which also contained the Tailor shop facilities. After consultation with the Prison Maintenance staff, a wall was eliminated and the former storeroom section was combined with the Clothing industry's work garment manufacturing area on the lower level of the industrial building.

We were able to purchase and install a 100 ft. long modern cutting table and cloth spreading machine. This move also enabled the upstairs Tailor shop to obtain a number of new machines and expand the uniform, coat and suit programs.

Many of the changes instituted in our various clothing industries have been the result of efforts expended by Samuel Scozzaro, Industrial Manager (Clothing). He was in the forefront as a leader advocating new machine methods, new clothing designs and the upgrading of production and inventory control techniques. His 43 year career as a civil servant in State Use Industries has been an inspiration to many of us.

As some of our senior industrial staff at the Trenton Prison retired, it became necessary to recruit replacement personnel. Due to the existing Civil Service procedures, complying with their regulations was difficult and exasperating. It was frequently necessary to wait for more than a year (or longer) for an examination to be scheduled and a list of certifiable Civil Service applicants for our open positions. Our Bureau was forced to fill trade instructor jobs with temporary people that had the necessary qualifications and hope they could eventually pass the Civil Service examinations. Fortunately, most of these job recruiting results were highly satisfactory!

The Industrial Manager was also a member of the Warden's management staff. In addition to normal duties, it was expected that he function as a member of the Classification Committee and the institution's Safety Committee. The latter investigated any fires that occurred and all reported hazardous conditions. The Shop Marshall and Maintenance Engineer were also key members of the Safety Committee and most safety problems were eliminated expeditiously.

\*\*Note: The Function of the Classification Committee has been described in P H A S E V I I.

On July 31, 1962 I participated in an unusual task at the Trenton Prison—the execution of a prisoner! This was a most unpleasant experience, but I had no personal problems in dealing with

the matter since the assignment was to comply with the law and court sentence.

See TABLE XX

TABLE XX

**NEW JERSEY STATE PRISON**

OFFICE OF THE PRINCIPAL KEEPER

Trenton, N. J. July 24, 1962

Dear Sir:

I hereby appoint you one of my assistants to attend the execution of

JOSEPH ERNST #36878

which will occur at this Prison on Tuesday the 31st day of July nineteen hundred and 62

The hour of 10:00 P. M. has been designated by me for said execution; and you will arrange to be at my office in this Prison not later than 9:30 o'clock P.M.

Chapter 61, P. L. 1942, prohibits any person related by blood or marriage to the person sentenced, or to any person for whose death such person has been sentenced, from being present at the execution. If you are related by either blood or marriage to the condemned, or to any person for whose death he has been sentenced, then you are precluded from attending said execution and this invitation must be returned forthwith.

Respectfully yours,

H. Maguire  
Principal Keeper New Jersey State Prison.

To

Mr. Irving Seligman

There had been no executions since 1956, but Fred Sturdivant died on July 3, 1962 the same month Joseph Ernst was dispatched. The last person to be executed in New Jersey (on January 22, 1963) was Ralph Hudson.

The electric chair was installed at the Trenton State Prison in 1907. Until 1972 there were 160 electrocutions. Superior Court Judge Brendan T. Byrne then ruled capital punishment to be unconstitutional. At a later date, as the elected Governor of New Jersey, he twice vetoed capital punishment bills that had passed in the Legislature. But, there is strong feeling that the public desires the death penalty for brutal crimes and there would be little surprise if the law was reinstated.

## Footnotes

<sup>1</sup>Leiby *op.cit.* p. 375

<sup>2</sup>*Ibid* p. 342

<sup>3</sup>*Ibid* p. 390

<sup>4</sup>*Ibid* pp. 377-378

<sup>5</sup>WELFARE REPORTER: August-October 1953, p. 11 also: Leiby, *op.cit.* p.378

<sup>6</sup>Leiby *op.cit.* p. 379

<sup>7</sup>*Ibid* pp. 386-388

<sup>8</sup>STATE USE ANNUAL REPORT; 1954-1955 p. 2

<sup>9</sup>WELFARE REPORTER; April 1956 p. 5

<sup>10</sup>STATE USE ANNUAL REPORT: 1955-1956, p. 3

<sup>11</sup>*Loc.cit.*

<sup>12</sup>STATE USE ANNUAL REPORT 1956-1957 p. 1

<sup>13</sup>Bulletin No. 34, *IT'S YOUR BUSINESS—A PRISONER—HIS THOUGHTS—YOUR TAXES*, N. J. Taxpayers Association, Trenton, N. J., 1957

<sup>14</sup>Jane Barus, *IMPROVING STATE USE INDUSTRIES*, Welfare Reporter, October, 1958, Trenton, N.J. p. 160

<sup>15</sup>*Ibid*, p. 161

<sup>16</sup>Taxpayers Bulletin, No. 34, p. 2

<sup>17</sup>*Ibid*, p. 4

<sup>18</sup>*Ibid*, p. 5

<sup>19</sup>F. Lovell Bixby, Ph.D., *DEPARTMENTAL LONG RANGE PLANNING: The Field of Correction & Parole*, Welfare Reporter, April 1959, p. 65.

<sup>20</sup>Barus, *op.cit.*, pp. 159-160

<sup>21</sup>Leiby, *op.cit.*, pp. 388-389

- <sup>22</sup>STATE USE ANNUAL REPORT; 1957-1958, p. 2
- <sup>23</sup>Bonnell, *Fifty Year History, op.cit.*, p. 3
- <sup>24</sup>DEPARTMENT OF INSTITUTIONS AND AGENCIES ANNUAL REPORT 1958, p. 19
- <sup>25</sup>DEPARTMENT OF INSTITUTIONS AND AGENCIES ANNUAL REPORT 1959, p. 3
- <sup>26</sup>STATE USE ANNUAL REPORT 1958-1959, p. 2
- <sup>27</sup>Leiby, *op.cit.*, p. 391
- <sup>28</sup>*Ibid.*, pp. 392-402
- <sup>29</sup>STATE USE ANNUAL REPORT: 1959-1960, p. 7
- <sup>30</sup>M. E. Dimock, G. O. Dimock, L. W. Koenig *PUBLIC ADMINISTRATION*, Rinehart and Co., Inc., New York, 1958, p. 131
- <sup>31</sup>*MANUAL OF CORRECTIONAL STANDARDS*, The American Correctional Association, New York, 1955, p. 287
- <sup>32</sup>*Ibid.*, p. 288
- <sup>33</sup>James W. Curran, *EMPLOYMENT OF PRISONERS AND ITS PLACE IN THE OVERALL CORRECTIONAL PROGRAM*, Proceedings 84th Congress, American Correctional Association, Philadelphia, Pa., 1954, pp. 76-82
- <sup>34</sup>Donald Clemmer, *THE PRISONER COMMUNITY*, The Christopher Publishing House, Boston, Mass., 1940, pp. 279-281.
- <sup>35</sup>STATE USE ANNUAL REPORT; 1959-1960
- <sup>36</sup>*Loc.cit.*

## PHASE XII (1963 - 1971) THE McCORKLE YEARS

### The Sixth Period of Penal Reform

During the 1920's the idea gradually evolved that enforced detention was the time to instruct and train a prisoner in preparation for his eventual release and the life of a non-criminal. This was the period when public sentiment was changing and being weaned away from the notion that the horror of imprisonment was the real deterrent to crime. Because of his prison experience, the ex-offender would be cured of evil tendencies and somehow envision a new, lofty image of life.

"To file human beings away in cabinets, whether they be of stone, steel or reinforced concrete, is to destroy that which goes to make up a man."<sup>1</sup> It is generally agreed that whenever possible, the working inmate should be an economic asset to the state—that other considerations should have little weight in deciding his occupation while incarcerated. "It is the training school stage of punishment. The institution is no longer a storage house for vile men, but a factory for making better men."<sup>2</sup>

However, the fact still remains that inmates are confined in a prison and there is little compensation for the loss of their liberty. The court judgement intended each prisoner to be deprived, disciplined or punished. Commissioner Sanford Bates once commented:<sup>3</sup>

Prisoners must be recognized as being difficult personalities to start with; they have become used to self-indulgence; they have been conditioned to believe that the crooked get along best; the character of their environment may have put a premium on stealing, conniving and lying. In the institution they will be introduced immediately to an abnormal condition where there must be conformity, and a stifling of emotions and appetites; they will be surrounded by rules

and reminders of restraint; they will have to get accustomed to the restricted life of an institution and when their term is over they will have to be reaccustomed to the greater freedom and self-reliance on the outside. These are ample reasons why men are not, even in our best prisons, broadened by confinement.

The bestowal of "unearned privileges and/or excessive indulgences" by an ignorant or cowardly correctional administrator eventually leads to the prisoners taking over the management of the institution. "A Warden who is sufficiently honest and sincere to be safe from criticism . . . courageous enough to insist on obedience . . . wise enough and calm enough to explain the necessity for such discipline . . . will be the one who in the long run will set the standards of the new prison treatment."<sup>4</sup>

The coddling of criminals is just as wrong as instituting a program of vengeance against every individual who has been sentenced to prison. Prison programs must provide meaningful work. It is a misguided viewpoint that criminals should not be allowed to work. To the contrary, it is essential they be encouraged to help support themselves and their dependents. There must be the ultimate realization, "that human beings, in as well as out of prison, must be taught that they may live only by the sweat of their brow."<sup>5</sup>

Our inability to provide satisfactory productive employment for prison inmates frequently contributes to one of the most costly aspects of running a correctional institution. The elimination of prison idleness could save our taxpayers millions of dollars. In order to achieve such benefits efforts should be directed to "producing and processing much of the food they consume; by maintaining and preserving plant and equipment; by performing public works such as re-forestation, land reclamation and road building; and by producing a portion of the goods used by the state and its political subdivisions."<sup>6</sup>

Prolonged periods of idleness tends to have a debilitating effect on inmates. Meaningful, useful occupation offers self-respect, training and hope for the future. Idleness fosters physical and mental stagnation with the prospect of additional cost to the taxpayer in the future. "In most prisons, maintenance, farming, and training activities cannot provide enough useful work for all prisoners. The remainder must be employed in a diversified prison

industrial program using modern methods and equipment to train prisoners in present day industrial skills. A well balanced productive prison work program is essential."<sup>7</sup>

Authorities on the human relations approach to administration have emphasized two types of behavior: the extra-organizational or informal on the one hand and the authoritative or official on the other. In a correction environment, this pertains to both the inmate social structure as well as the various supervisory and professional components.<sup>8</sup>

In every organization, there are the service objectives of the organization to be harmonized with the personal objectives of the individual workers. It must be frankly recognized that in the short run these two objectives do not always coincide. . . . Each industrial enterprise is not only an economic institution but also a social institution. A failure of management to recognize the social structure has precipitated some of its most perplexing problems. Workers strive not only to maintain their economic and social status but as a rule to improve this status. This urge serves as a strong incentive to performance.<sup>9</sup>

Inmates have developed an adaptive informal structure which attempts to cope with major problems of living within a correctional institution. The dominant feature within this inmate social system is the ability to exercise coercive power and possible exploitation of others within the inmate group.

The freedom from the necessity of earning a living in prison introduces a striking difference between the requirements of material success within and without the walls. In prison direct relationship between work done and material value received has largely broken down. . . . Strategic placement and effective informal connections rather than individual productivity are the crucial methods for the attainment of material goods.<sup>10</sup>

Tradition in an institution is the basic authority in establishing precedents for defining an inmate's job obligation. Departures from established traditions, particularly "in the direction of increased work for the same pay—are violations of the inmate's

work rights and justify obstructionism."<sup>11</sup> This attitude is often adopted as an inmate standard.

The inmate's ability to make a successful adjustment on the outside is usually dependent on his holding a job. The ability to manipulate supervisory staff into accepting inferior work output destroys a major therapeutic objective of the prison—"the learning compliance to duly constituted authority. By learning that he can successfully deceive, connive and evade, the inmate is re-encouraged in the hope that, by using the social skills perfected in prison, he may avoid the unfortunate errors that first trapped him and sent him there."<sup>12</sup>

It is a paradox that the prison has succeeded in isolating the offender from beneficial social contacts with organizations outside the inmate social world which might help to re-orient him into the non-criminal community. "Probably the most important and strategically placed individuals involved in the problem of reconstruction of attitudes are the cell-block officers and shop instructors—those representatives of the external community who come in direct, face-to-face daily contacts with the inmate. How these individuals relate to the inmate determines, in the long run, not only the care and treatment policy of the institution, but that of the larger society as well."<sup>13</sup>

A unified sense of cooperative teamwork is necessary to neutralize the inmate society within the institutional environment. Staff division is the primary objective of the inmate hierarchy. Whenever a wedge is driven which separates prison staff components, the inmate social order has achieved its goal.

During the 1962-1963 fiscal year, the total production at the Trenton State Prison exceeded the amount manufactured the previous year. It was evident that the efforts of the instructor staff were working, the desired goals were being achieved and a suitable production plateau had been reached. Simultaneously the disciplinary problems and sick call malingering in the shop areas were diminished almost to the point of complete eradication. Our work force was too busy during the day—and too tired at night, to get into any trouble! With the elimination of internal tensions, the work programs proceeded smoothly and all-around stability was restored. Warden Howard Yeager had replaced George Goodman during 1961 and he was very pleased with our industrial progress.

In June 1962 I was elevated to the position of Supervising Industrial Manager. My new duties required twice weekly visits

to the Rahway Prison and a third day was spent as a member of the Classification Committee\*

Thus, to all intents and purposes I was available for direct supervision at Trenton, only 40% of my working week. It was obvious that the shop supervisors were accepting responsibility for independent action within the coordinated industrial effort. Key personnel were exercising individual initiative to sustain our goals. When an industrial operation can be maintained in this manner, these are signs of a healthy condition.

The Superintendent at the Rahway State Prison was Warren Pinto and the Industrial Manager was G. L. Venables. It was my function to coordinate the various industrial activities through them. A number of major renovations were started during the year to upgrade the industrial program at Rahway. Their Maintenance Department rendered invaluable assistance by cooperating with Mr. Venables to complete the following:

- (a) Industrial building renovations which included window replacements; new heat; light and power systems; painting all shop areas and outside of the buildings.
- (b) Began to install a lumber storage facility which joined the Woodworking and Industrial Finishing buildings.
- (c) The Woodworking Industry received a new reservoir bin on the sawdust collector; a new table saw and a new planer was also ordered.
- (d) The Machine and Bed Industry purchased a new high-speed cut-off tool and a used 50 ton stamping press.
- (e) Our Clothing Supervisor helped the Rahway staff to lay out and organize the new Clothing # 2 industry. The latter was designed to mass produce nightgowns, nightshirts, slippers and hospital gowns primarily for mental institutions.
- (f) Plans were made to consolidate the Shoe manufacturing area, reduce inventory, establish security storage for raw materials and better instructor supervision. Shoe patterns were re-designed and fashionably up-dated. Equipment was purchased to handle the new project and costs were reduced on certain shoe styles.

\*Classification Committee (Trenton Prison): John A. Reynolds, Director of Individual Treatment; Ernest Waldmeyer, Classification Officer; James Jackson, Clinical Psychologist; Sidney Meth, Director of Education; William Krasnowsky, Maintenance Engineer; Lieutenants Herbert Hale (or) Donald Thoms, Custody; and the author as Industrial Manager.

For a number of years, the Rahway industries were in a state of stagnation. There were a few changes needed, but basically the staff required some motivation and support. Once pointed in the right direction, we were able to successfully handle the necessary technical requirements. The Rahway operations took a giant step forward in 1963!

SEE TABLE XXI for a roster of the Trenton and Rahway industrial staffs.

T A B L E XXI

<u>INDUSTRIAL STAFF</u>	1962 - 1963	TRENTON STATE PRISON
<u>Industry</u>	<u>Instructors</u>	<u>Officers</u>
Auto Tag	C. Keefe - Supervisor S. Russert J. Kazarow	P. McCormack
Clothing	J. Velardi - Supervisor B. Mooney F. Carmasine	R. Morgan A. Tayler
Printing	J. Schneider - Supervisor M. Duidiek H. Israel K. Swink	W. Dean
Mattress & Upholstery	P. Molnar - Supervisor W. Mihalke	W. Leggett
Knitting	E. Collins	
Machine Shop	J. Engelberger	
Bakery	H. Petersen	
Warehouse	J. Reynolds	J. Sheridan
Control Gate		P. Soltis
Shop Marshall	A. Richardson	
Asst. Industrial Manager	B. Froitzheim	
"	(Clothing) S. Scozzaro	
Truck Drivers	E. August W. Budd	

T A B L E    X X I

1962 - 1963      RAHWAY STATE PRISON

<u>INDUSTRIAL STAFF</u>	<u>INSTRUCTORS</u>	<u>OFFICERS</u>
1. Shoe	G. Phillips, Supervisor B. Paradiuk F. Cufone T. Lydon	
2. Machine & Bed	G. Illein W. Clancy	
3. Textile	R. Van Lenten, Supervisor F. Vechy J. Young	
4. Clothing #1	F. Blasi, Supervisor F. Palumbo	J. Iorio
5. Clothing #2	E. Lipisko	A. Zambuto
6. Woodworking	K. Middlehauve, Supervisor A. Marino E. De Martin	
7. Industrial Finishing	C. Michaelis	
8. Carton & Sign Stripping		C. Rogers
9. Storeroom	G. McHugh	
Shop Marshall	J. MacDonald	
Industrial Manager	G. L. Venables	
Asst.       "       "	D. Anderson	
Truck Driver	A. Gibb	

In March 1963, the Central Office of the Bureau of State Use Industries moved into quarters at the Trenton State Prison. These new office facilities at 160 Third Street were located in the second floor of the former State Use Woodworking industry. Intricate renovations had been completed by the Trenton Prison Maintenance staff. The area vacated by State Use Industries in the State Office Building at 135 West Hanover Street, Trenton was subsequently occupied by the Department's Bureau of Personnel Services.

Another promotional opportunity became available and in June 1963 I was advanced to the position of Assistant Business Manager in the Prison Complex. Howard Yeager was still the Warden, but my immediate supervisor was Albert L. Dempsey, a Business Manager with long years of experience. He came to work at the Trenton Prison soon after Warden George Goodman arrived and brought him along from the Annandale Reformatory. During the next year I was able to accumulate much valuable information regarding the inner workings of an institution's business methods and budgetary operations. I had reason to be grateful for Dempsey's tutelage many times in future assignments. He was a hard taskmaster, but he knew his business and could be a valuable friend in a difficult administrative situation!

Governor Robert Meyner had served for two terms and in 1962 he was succeeded by Governor Richard Hughes, the successful Democratic party candidate. One of the major issues in the gubernatorial campaign was the separation of the New Jersey pension program from the Federal Social Security system, which had been integrated some years earlier. The new governor fulfilled his promise to separate, but keep both systems, during 1964. This precipitated many personnel changes and retirements. It was an expensive move and New Jersey's civil servants owe their gratitude to Governor Hughes for a major improvement in the state pension program.

On January 14, 1963 the Department of Institutions and Agencies was shocked by the unexpected and sudden death of John W. Tramburg. Dr. Lloyd W. McCorkle was appointed Acting Commissioner by the State Board of Control. He served the Department in this capacity until May 22, 1963, when he became Commissioner.

Dr. McCorkle was born in Pleasant Valley, Pennsylvania on December 15, 1916. He attended area schools and subsequently

graduated from Juniata College with a Bachelor of Arts degree. The requirements for his Ph.D. degree in Sociology were completed at New York University.

From 1942 to 1946 he served with the U. S. Army and was a civilian prison administrator in Tokyo from 1946 to 1947. Upon joining the Department of Institutions and Agencies he held the position of Assistant Director, Division of Classification and Education (Corrections), 1947 to 1950; Director of the Highfields Project, 1950 to 1952; Associate Principal Keeper, Trenton State Prison, 1952 to 1953; Principal Keeper 1953 to 1956; Director of the Division of Administration, 1957 to 1959; Director, Division of Correction and Parole, 1959 to 1963.

At various times, Dr. McCorkle has instructed on the faculties of Syracuse and New York Universities, Princeton, Rutgers and Columbia. In 1954 he was a Consultant to the Ministry of Justice in Sweden and during 1962 served in a similar capacity to the New Zealand Ministry of Justice.

He was Chairman of the New Jersey Commission on Narcotics Control, 1957 and Executive Secretary of the New Jersey Commission on Aging (1958 to 1962).

Dr. McCorkle is the author and co-author of numerous criminology and penology texts.<sup>14</sup>

Since World War II the required services distributed by the Department of Institutions and Agencies had increased some 350 % during the intervening twenty years. During the 1960's the complexity and volume of required social needs increased demands for fiscal and administrative services. New techniques, new agencies and expanded institutions were needed to provide adequate care to the disadvantaged, sick and handicapped people in the expanding New Jersey population.

There was now a distinct change in public attitude. Simple custody was regarded as inadequate and there was citizen demand for care consistent with modern standards. These concepts asserted a moral responsibility to be helpful to those incapacitated or crippled by socio-economic conditions, or so badly handicapped they required care, protection or special training.

New Jersey has always had keen citizen interest expressed in institutional activities through the State Board of Control and the various Boards of Managers. But, there had now developed an increase in citizen activity by persons belonging to a variety of functionally oriented community associations. The latter pro-

vided support and critical review for many of the departmental programs and their influence tended to be impressive.

"Clearly, New Jersey's needs are great and growing. We can no longer depend on half-way measures. We have reached the point where our Department's programs must be comprehensive and imaginative. These programs must be implemented, they must succeed, or if they fail, New Jersey fails. They will cost money; they will require energy, imagination, devotion and commitment not only on the part of those having responsibility for their execution, but on all citizens, as we strive together to make New Jersey a more decent, dignified, and humane place for each of us to live."<sup>15</sup>

The Rahway Assistant Industrial Manager David J. Anderson was promoted as my replacement at the Trenton State Prison. Textile Supervisor Richard Van Lenten was promoted to Anderson's former position as Assistant Industrial Manager under G. L. Venables. Both men were experienced industry people with many years of service to the Bureau.

State Use Industries had made a concerted effort to upgrade training facilities and provide additional jobs for the inmate population. Capital investment during the year was approximately \$71,000. and employment increased 5 % to 1,034 inmate jobs.

Ground was broken on June 24, 1962 for the new Industrial Building at Bordentown. The funds for this unit were provided by the 1961 bond issue and expected to provide about 100 inmate jobs.

The Rahway Clothing Shop #2 was finished and started operations in the fall of 1962 with an added 40 inmate jobs.

In the early months of 1963 the Rahway Miscellaneous Manufacturing Shop was also completed and provided another 20 inmate jobs when operations commenced.

Exterminating services which had been furnished by the Bureau on a planned schedule to the various institutions since 1946, were discontinued upon retirement of the incumbent staff employee at Bordentown.

The State Use Advisory Council met five times during the year. The number of council members was increased to twelve and three vacancies were also filled by the State Board of Control during this period.

Total industrial sales for the 1962-1963 fiscal period showed a small increase overall and were reported at \$2,047,000. Sales were distributed as follows:<sup>16</sup>

(a) Department of Institutions and Agencies .....	75.6 %
(b) Other State Departments .....	18.2 %
(c) Counties and Municipalities .....	6.2 %
	100.00 %

Inmate wage rates remained unchanged. The average daily wage at the Trenton and Rahway Prisons was 30.5 cents. The Bureau expended \$54,149. in total inmate wages during the year.

The average working hours remained substantially unchanged from previous years: 25.5 hours weekly at the Trenton and Rahway Prisons; 35 at Clinton and Annandale; and 35 at Bordentown.

On December 17, 1962 the Division of Correction and Parole sponsored its First Annual Awards Dinner. One employee from each correctional institution and agency was recognized for their outstanding contribution and meritorious service to the corrections program. Governor Hughes and Commissioner Tramburg were both in attendance.<sup>17</sup>

It has been pointed out that the great majority of prisoners will be ultimately returned to the community. Time is the one item of which the convict has an abundance. There is too much time to think and brood—possibly harboring bitter resentment. If no other reason can be listed, this one alone would justify the practice of providing useful employment for prisoners.

The effective utilization of prisoners in a production environment frequently requires the necessity of providing expert instruction. It is very desirable that the skilled trades (such as printing, woodworking, metalworking, clothing, etc.) be supervised and trained by staff members with demonstrated experience in their respective industrial trades. The greater the industrial diversity, the greater the cost becomes to obtain expert supervisors for each type of work. But, if product quality is to be achieved and maintained, it is essential that good technique be instilled in the inmate worker.

If prisoners are to derive basic benefits from their industrial training, it is essential they be exposed to the training environment for extended periods. A minimum of one year is barely sufficient in a correctional setting. "Prisoner's efforts should be directed toward developing good work habits and the skill of being able to survive in almost any type of industrial employment. It is also believed that this skill should be developed along lines which parallel the kind of work he can find on the outside in his own community."<sup>18</sup>

Some sources have commented, that in a number of individual cases, prison industries has failed to prepare an ex-offender to take his place in society as an industrious citizen; failed to develop work habits; and failed to provide adequate knowledge and skill of a trade for self-support. There have been criticisms that prison industries in some areas are operated inefficiently, produce poor quality merchandise and are a waste of material, man-power, equipment and other resources.

"The problems associated with the provision of adequate work opportunities have resulted in a general deterioration of the prison work situation, with important consequences for the inmate, the prison official, and society."<sup>19</sup> The concept of the institutional work ethic has been gradually bastardized, almost to the point of being undesirable. As McCorkle has noted, there are easier ways to get along in the prison environment once the inmate social structure has been adequately analyzed and explored. A prisoner might think he is a fool for working if he can achieve social position and gain material needs in the prison hierarchy by other means or by manipulation of the administration staff.

The quality of a product being manufactured is directly proportionate to the adequate training of the inmate worker. The experience factor usually determines the meeting of the product specifications and the speed of manufacturing time. It is a certainty that no inmate worker will achieve satisfactory industrial experience if he or she is not physically available to absorb the necessary shop training that is being provided.

New Jersey officials have been plagued with massive problems of prison overpopulation. The latter had been predicted and projected by our prison administrators for years—but largely ignored! This situation has been a serious handicap within the prison environment and necessitated frequent transfers of prisoners from points of larger concentration to areas of lesser concentration. Inmate training of any type thus becomes a secondary consideration to the allocation of bed space as a priority for inmate welfare.

Our industries have experienced severe turnover of inmate workers. It is only natural to assign the best people available to facilities requiring lesser custodial levels. This policy has placed a tremendous burden on the Bureau's limited instructor staff. In some shops the turnover rate has necessitated training as many as 5 inmates annually per job. A 100 % turnover is ridiculous,

but a 500 % inmate turnover is impossible! Under such circumstances what happens to training?—to production schedules?—to product quality? A private sector manufacturer would be bankrupt!

It is a paradox that the New Jersey prison system now has the largest inmate population in history, yet cannot adequately maintain a satisfactory table of organization in our prison industries. During the 1960's, State Use Industries was not able to provide enough jobs for inmates. Now there are inmates bulging at the seams, but inadequate numbers are available to fill the inmate jobs in only 17 industries under Bureau supervision. There are limited opportunities for industrial training and our staff can lead but cannot force individual learning interest or activity participation. This must come from within the inmate.

Richard A. McGee once commented on the most obvious kinds of prison waste, namely, "the waste of the time and energy of thousands of human beings who could produce, and by producing, reduce the public fiscal burden and at the same time improve themselves."

There are few that choose to quarrel with the above principle. But, the public has not always been interested and prison administrators do not always choose to fight "the potency of the forces arrayed against them!" There are various ways of making constructive use of an inmate's time:<sup>20</sup>

But even the richest program for adult prisoners should be built around a normal 40 hours a week of productive work of such character as to develop acceptable work habits, marketable skills, and some economic return to the state.

Prison labor restrictions were primarily imposed by legislated mandate due to various abuses that existed. Such political activity was originated to negate the labor of prisoners as a competitive force hindering the private sector. But, the original intent of correcting a public evil has not been the result. This time the pendulum of reform has swung too far, a negative impact has been created which is rarely in the public interest.

Mr. Howard Coonley, a former president of the National Association of Manufacturers was an exponent of cooperative relationships. He once observed:<sup>21</sup>

Mistakes have been made by management and labor. There must be an end of indictments, of accusations, of fault-finding on both sides. We must behave differently in the future. We have the resources, both material and human. What we need is the common sense to work together with a common understanding of the purpose we want to accomplish; and we should behave so as to benefit the public, the worker, the employer, and the consumer. There must be no exploitation by any one person of another person, or by any one group of another group.

Surveys in New Jersey have stipulated that the prison industrial programs are not in control of all the prevailing factors to maintain an efficient operation. A typical commentary on the existing situation stated that:<sup>22</sup>

Reasons for many of these conditions include lack of adequate buildings and equipment, lack of markets for the products, an insufficient staff of managers, trained foremen and instructors, and widespread lack of organization for proper classification and assignment of the prisoners. In fairness to the many trained and conscientious administrators of our prison industries, a large part of the blame for the conditions must be placed upon those responsible for determining policies.

Opposition to prison industries by free labor and/or industry is short sighted and should be abandoned. There must be insistence that the prison industrial operations be properly diversified and that they will not be permitted to flood the markets in the private sector with shoddy merchandise at sub-standard selling prices. Common sense suggests that collaboration and consultation are indicated. Prison administrators, at the same time, must stop blaming the private sector for all their inmate idleness problems.<sup>23</sup>

The basic goal of our Correctional Industries program must be oriented toward:

- (a) providing opportunities for inmate workers to acquire acceptable work habits and skill training.
- (b) developing a changing, beneficial attitude in the inmate mental outlook so he/she will think in acceptable social

- terms and give a measure of good service in their new lives.
- (c) acceptance as self-respecting, self-sustaining citizens upon being returned to society as ex-offenders.

While the above goals are seen as our primary purpose in prison industries, it must be noted that in most state programs, operating under State Use laws, there is a legislated mandate to be self sufficient. Any profit motive is necessary for purchasing machinery, materials and paying salaries, etc. The inability to operate profitably would threaten the very existence of the industrial operations—since no provision is made for appropriations funding from the State budget.

It is unfortunate that political pressures continue to periodically arise against prison industries. Based on present experience, this is the state of the arts! But, we will not learn better techniques for the future treatment of inmates in an atmosphere of political pressures, sentimental preachments or economic competitiveness!

The fluctuation of economic cycles in this country tends to impact on the severity of inmate idleness in our state prisons. McGee has observed:<sup>24</sup>

When there is full employment, labor is less concerned about the alleged competition of prison labor. When there are ready markets and a shortage of goods, business organizations are less disturbed by this matter. In periods of economic depression there is more public resistance to prison labor.

Efforts are made by various means to retaliate against the prison system. There may be pressures on the governor or others in the state administration. The introduction of restrictive laws by legislative members has not been uncommon.

The fact that the top flight leaders of both labor and industry are on record enunciating a reasonable policy of State Use Industries for prisons does not prevent local labor and business interests from resorting to every trick in the political bag to keep prison industry from developing if it offers the slightest threat to some individual manufacturer or group of employees.<sup>25</sup>

It is generally accepted that most prison organizations have an

orientation that is relatively conservative in outlook. Staff personnel at the lower echelons of the formal organization have little opportunity for initiating substantive changes in the fairly rigid caste system.

The formal powers of a prison administrator are not always absolute, they are frequently subject to dilution by inmate activities within the institution:

Power is shared in part with the inmates, their informal social structure and sub-culture. The latter are not in harmony with reform objectives. Prisoners have the power to be cooperative or recalcitrant. They do much of the work to keep the institutions going. . . . Many prisoners are unenthusiastic or opposed to activities designed to bring about their resocialization.<sup>26</sup>

During the 1960 Congress of Correction in Denver, Colorado, the American Correctional Association issued a Declaration of Principles. The following units upgrade the standards pertaining to inmate employment:<sup>27</sup>

*PRINCIPLE XXIII:* "To hold employable offenders in correctional institutions without the opportunity to engage in productive work is to violate one of the essential objectives of rehabilitation. Without in any way exploiting the labor of involuntary confinees for financial gain, or unduly interfering with free enterprise, it is not only possible but imperative that all governmental jurisdictions give full cooperation to the establishment of productive work programs with a view to imparting acceptable work skills, habits, attitudes and work discipline."

*PRINCIPLE XXVII:* "Suitable employment for a discharged or paroled offender is one of the major factors in his rehabilitation and the regaining of his lost position in society. The most forceful efforts and comprehensive methods should be exercised to secure such work. An understanding, favorable attitude and the participation of organized labor and management should be actively sought."

These were some of the prevailing penological factors that existed in the decade of the 1960's. There was an enlightened awakening in combating the institutional problems which existed in New Jersey during the Tramburg regime under Governor Robert

Meyner. The latter administration established the basis for the necessary bond issue programs for constructing new facilities.

Some forty five years had elapsed since the Department of Institutions and Agencies made its original impact on institutional problems. The status quo had been maintained over the years. However, there were strong indications that changes were necessary which would be more in concert with the existing public concepts. The implementation of these ideas became the responsibility of the Hughes administration with Lloyd Wescott and Commissioner McCorkle playing major roles as team participants. During the years that followed, the Sixth period of Penal Reform gradually evolved in the State of New Jersey.

The elevation of Dr. McCorkle to the Commissioner's position left an important vacancy in the Division of Correction and Parole. In August 1963, Albert C. Wagner was designated as the new Director.

Mr. Wagner was a native of Trenton, New Jersey (born on September 23, 1910). He attended Villanova University and received a Bachelor's degree in 1932 and a Master of Arts in Sociology from the University of Pennsylvania in 1935. He originally joined the Department of Institutions and Agencies in 1936 and served briefly at the Annandale Reformatory before transferring to the Division of Old Age Assistance. In the latter assignment Mr. Wagner advanced to the Assistant Director's position.

From 1944 to 1946 he served with the Corrective Services Division in the U. S. Navy. Al Wagner returned to the Department upon completion of active duty with the armed forces. He was assigned as Assistant Director of Classification and Education (Corrections). In 1947 Wagner was named as the Acting Assistant Superintendent at the Rahway Reformatory and became Superintendent at Bordentown when the two institutions exchanged functions.<sup>28</sup>

Because of the expanding Division responsibilities it was deemed advisable to appoint a Deputy Director. Salvatore J. Russoniello had extensive experience supervising various parole operations. He assumed the Deputy Director position and served as coordinator for a variety of functions such as public relations, interstate parole compacts, staff training, Administrative Office of the Courts, etc.

Twenty years ago, the Division of Correction and Parole faced a problem of overpopulation and reported: "New Jersey faces an

ever-mounting problem in meeting its legal and moral responsibility to provide safe custody and rehabilitative care to persons confined in its penal and correctional institutions. . . . With no alternative to accepting commitments from the courts, the result has been serious overcrowding and a resultant impact on inmates, personnel and program."<sup>29</sup>

The problems brought on by overcrowding are compounded by the serious obsolescence of the physical facilities. The implementation of modern programs is not feasible in a deteriorating custodial plant built many years ago.

Sound correctional programs are of vital interest to the public. The latter anticipates that ex-offenders will be able to assume their social responsibilities. Whether this occurs is partially dependent on the effectiveness of the state's correctional programs.

"New Jersey, in the absence of a capital building program, has resorted to two expedients:

- (1) Reduced the average time an offender is held prior to release.
- (2) Placed more offenders in minimum custody classification.

The breaking point in the reduction of average time served has been reached. Already it is recognized that the problem of overcrowding has resulted in the release of offenders who have not had the opportunity to derive maximum benefits from the program."<sup>30</sup>

During these administrative transitions, the industrial program held its own and in fact, managed to complete some progressive moves. There was an attempt to concentrate on some long range industrial planning—probably for the first time. Chief John Bonnell expended considerable effort working with the State Use Advisory Council on this project. On January 23, 1962 at a joint meeting of the State Board of Control, the Advisory Council and representatives of the Division of Correction and Parole, the proposed program was presented and accepted for implementation."<sup>31</sup>

Some of the major considerations that were accepted included:

- (a) New or relocated facilities to employ 490 inmates, including 335 new jobs and 155 in relocated shops.
- (b) It specified there would be 64,400 square feet of new shop space and reconditioning of 21,500 square feet of existing

space, all accomplished by the use of state funds.

- (c) Capital investment for equipment to tool up the new shops was estimated at \$237,500 from State Use industry funds and \$57,000 from state funding.

Through fiscal year 1964, there were continued improvements at the Rahway Prison industries and some progress at Trenton State Prison. Industrial Manager Anderson requested the replacement of obsolete equipment in several shop areas—particularly the Auto Tag industry. He noted the loss, through retirement, of three key trade instructors and a truck driver. One of these was Earl Collins, our long-time Knitting Supervisor. His loss forced the Bureau to suspend all knitting operations on February 15, 1964, pending the recruitment of an experienced knitting technician.

The Prison Bakery industry was renovated and a new tray-oven installed to replace the two 39 year old hearth ovens, which had seriously deteriorated. Rahway had completed the 3,700 square foot Woodworking addition for storage of lumber and plywood and this space was a sorely needed acquisition.

State Use Industries received the first large order for metal shelving from the Woodbridge State School which was then under construction.

As a result of the changes instituted in the Social Security and New Jersey Pension systems, there were a number of retirements by key personnel from the Bureau staff. Included in this group were Ernest Ruhlman, Supervising Accountant and Elizabeth Peebles, Supervising Assistant, the latter with some 50 years of service. The simultaneous loss of so many experienced people had a crippling effect on the Bureau operations.

In order to cope with this situation, John Bonnell inquired as to my interest in re-joining the State Use staff in the position of Assistant Chief. This presented a new and interesting administrative challenge in an area with which I had extensive familiarity and experience. The necessary transfer arrangements were made with Warden Howard Yeager at the Trenton State Prison and in June 1964 I began new duties in the Central Office of the Bureau.<sup>32</sup>

We experienced serious problems during the fiscal year but, there were also significant accomplishments and a continuing trend of diversification and improvement in New Jersey's correc-

tional institutions and programs. Institutional overcrowding was being addressed by planning, programming and construction of new facilities. New treatment techniques and educational programs were being developed particularly for the large numbers of disturbed younger inmates being received.

"The problems of insufficient work and overcrowded work details were being reduced by planning and building of new industrial facilities and satellite work units, and the available and planned employment opportunities of the Bureau of State Use Industries. Finally, the trends toward increased use of small—work units and camps, the placing of wider emphasis on research, the broader use of residential treatment centers, the expansion of the Division's training programs—to include all levels of personnel, were signs of vitality in the past year for Corrections in New Jersey."<sup>33</sup>

State Use Industries had completed the consolidation and renovations in the Rahway Shoe industry with very satisfactory results. Another cost saving factor involved the consolidation of our Textile industry operations into one building. In consultation with the Rahway staff, we discontinued weaving certain textile fabrics, eliminated a number of obsolete looms and discontinued the need for one Trade Instructor position.

T A B L E X X I I itemizes sales distribution & Total dollar volume for Fiscal years 1954 through 1964.

STATE USE SALES 1955 to 1964 INCLUSIVE SHOWING  
DISTRIBUTION BY THREE MAIN CATEGORIES OF USING AGENCIES

Fiscal Year	Institutions and Agencies		Other State Departments		Counties and Municipalities		Total Sales
	Sales (M)	%	Sales (M)	%	Sales (M)	%	
1954 - 55	1,788	77.6	482	20.9	33	1.5	2,303
56	1,786	77.5	447	19.4	73	3.1	2,305
57	1,843	79.1	437	18.8	49	2.1	2,321
58	1,712	79.3	387	18.0	59	2.7	2,157
59	1,450	65.6	706	31.9	57	2.5	2,212
60	1,414	56.6	992	39.7	94	3.7	2,499
61	1,453	72.5	430	21.5	118	6.0	2,001
62	1,527	77.1	310	15.6	144	7.3	1,981
63	1,549	75.7	374	18.2	125	6.1	2,047
64	1,618	73.5	432	19.7	137	6.8	2,201

The Bureau sales of manufactured products was maintained at a consistent average of two million dollars. The comparison indicates a small, but steady increase in county and municipality business. However, major support for State Use products was consistently received from various State departments—particularly the Department of Institutions and Agencies.

The Bureau reported concern over the increased obsolescence of physical plant; price pressures caused by rising material costs, salaries and services; staff turnover; increasing technical demands required to meet new markets. To accommodate some of the major administrative problems, State Use invested some \$97,000 in new capital equipment or shop improvements.

The Division of Correction and Parole instituted a new staff training program and several State Use employees participated.

The Bureau of State Use also began a series of annual training seminars specifically oriented toward industrial requirements. The first conference was conducted at Rutgers University on January 15, 1965, and dealt with "Quality Control Problems". Some 79 staff members were in attendance.

The Division conferences were a unique feature of the McCorkle-Wagner Era. Much of the credit for coordinating these valuable training sessions must be given to Deputy Director S. J. Russoniello. The goal was to upgrade correctional staff personnel in the latest management techniques and elevate New Jersey Corrections to a truly professional level. There was sincere desire to recruit high caliber applicants into the State Correctional system. The expanding building program would require additional trained personnel to staff the new facilities.

In November 1964, the Division reported a residential population of 5,545 inmates. There were 4,959 additional people on parole. During this same period, the Rahway Regional Laundry was activated. It provided 83,972 square feet of floor space and employed 180 inmates. It was a non-State Use program designed to handle one million pounds of laundry per month for all non-correctional institutions in the northern part of the state.<sup>34</sup>

State Use Industries also occupied the new Industrial Building at Bordentown during November 1964. This unit was expected to employ 60 inmate workers—primarily in the manufacture of metal furniture and steel shelving.

It should be noted that at this point in time, New Jersey had about 31% of the inmate population at Bordentown and the Prison

complex in minimum custody status. The Annandale Reformatory had about 60% in this custody category.

The original 1952 Highfields program had also been expanded. The Warren Residential Center was opened in 1960 with the boys assigned to work at a nearby fish hatchery operated by the State Department of Conservation and Economic Development.

The Turrell Fund provided money to open a residential center for girls in 1961 at Allaire. The girls are engaged in patient care of geriatric patients at Marlboro State Hospital.

In November 1963, a third residential group center was opened for boys at Forked River in Ocean County. These 16 to 18 year old youths are assigned to work at a nearby State Game Farm.<sup>35</sup>

The author lists a number of the above programs as a matter of chronological history and interest to the reader. Their listing indicates a type of inmate work occupation which is primarily an institutional program. Such activities are not controlled or supervised by the Bureau of State Use Industries and are not competitive with the industrial operations, except in the larger correctional institutions if manpower requirements are in limited supply.

State Use Industries continued to make the necessary adjustments in the Bureau's operations during the next few years. Staff training programs were implemented in Quality Control and Supervisory Effectiveness.

Substantial orders were received from the new Youth Reception and Correction Center, then under construction in Yardville, New Jersey. These production orders included such items as: cell lockers, desks, bunk beds, mattresses, pillows and special (4) place cafeteria tables with attached seats.

The Bureau was audited and a report published in April 1965. There were some (7) recommendations which the staff quickly instituted. The Auditor's report was quite good and highly acceptable to the State Use staff.

During September 1966, Assistant Industrial Manager Samuel Scozzaro worked with the Rahway industrial operation by coordinating the consolidation of their Clothing #1 and #2 shops into a single enlarged industry.

A new Knitting instructor (E. B. Ramsey) was recruited and shop production reached some 14,000 dozen socks annually under his training and supervision.

The Annandale Cannery experienced a very poor year because

of dry weather and poor crop production.

"The morale of the inmates was generally good. There were no riots or general disturbances." However, an increasing incidence of assaults was reported. The latter reflected (a) the overcrowding tensions being generated and (b) increased admissions of more emotionally disturbed problem cases.<sup>36</sup>

"Good classification in housing units is impossible. Individualization of treatment is difficult and in some instances does not exist. There is inadequate work in inmate occupations and particularly disturbing is the fact that supervision in crowded housing units is insufficient."<sup>37</sup>

The State Use Advisory Council had been in existence for some 15 years and consistently averaged 5 meetings a year. There was considerable concern expressed over the rising material costs, salaries, equipment and services. Deliveries of some raw materials (steel, wire, paper, yarns and repair parts) were extremely slow.

Capital improvements exceeded \$50,000.

With Albert Elias named as the first Superintendent, the Youth Reception and Correction Center at Yardville was formally opened in January 1968. In addition to State Use equipment transferred from the Rahway Prison, some \$30,000 of new Woodworking equipment was installed. A new 200 ton hydraulic embossing press was also purchased for the Auto Tag industry to replace a defunct unit.

New production orders were received from the Hunterdon State School and the Training School for Boys at Skillman—two new institutions under construction.

Bureau staff members visited the license plate manufacturing facilities at the District of Columbia institution in Lorton, Virginia and the South Walpole, Massachusetts correctional facility.<sup>38</sup> These visitations were made to educate key staff personnel in types of machinery available, new engineering techniques and the latest reflective sheeting technology. This information was required in designing the production format for the new Auto Tag shop at the Leesburg State Prison.

It should be noted that the Division of Correction and Parole began development of an Administrative Plan about the year 1968. This was an ambitious program designed to incorporate all previous Department Administrative Orders and former Penal and Correctional Circulars into a comprehensive manual format.

This Administrative Plan also established a variety of correctional "Standards" with built-in "Audit" and "Reporting Systems". The editing, publication and distribution of this most important program was supervised by Dr. Richard Bruner, Chief of the Bureau of Programs. It was a pioneer operation for the entire nation which continued for approximately a decade. The process of developing these standards and reporting systems resulted in the careful analysis of all correctional operations and helped to focus attention on those necessary program areas requiring improvement within the New Jersey Correctional system.<sup>39</sup>

State Use Industries continued to operate 33 industries in 28 shops at 6 institutions with a staff of 100 civilian and 822 inmate workers. During July 1968 inmate wages were increased 6¢ per day and a skilled worker was paid at the daily rate of 49¢.

Special training seminars were vigorously continued at various levels. There was increased emphasis on programs dealing with labor relations.

Seventeen State Use staff members attended a series of evening courses on Plant Safety conducted by the New Jersey Safety Council at the Trenton Central High School.

A new bill was introduced in the Senate (5373) which specified that the existing black numeral on straw background license plate be reflectorized. This action was subsequently approved by the Legislature and the Bureau took steps to obtain the necessary machinery to comply with their mandate.

A badly needed facility for juvenile males was opened in January 1969. The Skillman Training School for Boys under Superintendent Dr. Alfred Vuocolo enabled young offenders (under 12 years of age) to be separated from the more sophisticated, older population at the Jamesburg State Home for Boys.

The opening of this modern facility was a special present for the Department of Institutions and Agencies, which celebrated its' Golden Anniversary in the fall of 1968.<sup>40</sup>

The State Use product catalogue was revised. A new price list was published in March 1969, which was upgraded by about 6.9% due to the impact of inflationary cost increases.

There was continued progress in the Department construction area. Several housing units at the Clinton Reformatory for Women and a new Administration building at the Jamesburg State Home for Boys were completed and a new classroom build-

ing at the Trenton Prison had been initiated.

With the availability of Federal funds under Title I of the Elementary and Secondary Education Act, there was a considerable expansion in the educational, vocational and pre-release programs. Some college courses were offered for the first time to both inmates and staff members.<sup>41</sup>

"At the Youth Reception and Correction Center, major programs developed with Federal funds included apprenticeships in auto body, auto repair, dry cleaning, food service and computer training. A three phase program to develop skills in keypunching, digital computer operation and junior programming was begun. . . .

"42

Federal funds were also obtained under Title III of the Adult Basic Education Act to provide for a small group of educationally deprived residents. High School Equivalency tests were provided. Arrangements were also explored to provide additional college courses for inmates at the Trenton and Rahway prisons.<sup>43</sup>

The Division of Correction and Parole also expanded its program of inspections of county institutions and municipal lockups.

A Bureau of Operations was instituted to audit compliance with standards and edit program evaluation.

A new State Work Release program was started. Business, industry and organized labor cooperated in making jobs available and accepting offenders as workers. The program proved to be highly successful with some 312 inmates participating initially.

With the assistance of the Law Enforcement Assistance Administration (LEAA), three community centers were funded during the year. The establishment of these centers provided an alternative to committing juveniles to a State reformatory or training school.<sup>44</sup>

In November 1969 the inmate wage scale was revised upward by 10¢ per day. A skilled inmate worker was paid 59¢ daily.

Some 1,300,000 pair of the new reflectorized license plates were delivered by the deadline. However, an intense and costly overtime program was necessary.

The Bureau also developed a new operation which produced a line of basic hospital equipment for patient care through the assembly of purchased component parts.

The Annandale Burlap Bag industry and Shoe Repair industry were discontinued. The Bordentown Broom industry was also abandoned. These operations were not profitable, produced poor

quality goods generally and eliminated two salaried positions at an overhead cost savings to the Bureau.

The Sixth State Use Workshop was conducted during November 1969 with some 63 staff members in attendance.

A considerable amount of college construction was taking place during this time frame, with a very disturbing trend. Various out-of-state Interior Decorators were employed for each of the new dormitories being constructed. This practice caused severe changes in specifications, materials, colors, etc., and frequently altered the original standards for items that were previously acceptable. State Use Industries was unable to produce many of the required products. With the Bureau thus driven from the market, the costs of the items being provided by the private sector were considerably increased. While beneficial to the product providers, there was a negative impact on the State Budget and increased costs to college student users of the new building facilities.

Governor Richard Hughes had completed eight productive years in office. His two administrations starting in 1962, had instituted numerous changes which benefitted the Department of Institutions and Agencies and the people for whom they were responsible.

In January 1970, the Office of Governor was passed to William Cahill (the successful Republican candidate) who had served as a Congressman for many years.

The new administration suspended the reflectorized license plate program during March 1970 as too costly. There had not been any prior consultation with either the Department or Bureau officials. State Use Industries had a large inventory of special materials on hand which were useless for any other Bureau purpose. And . . . once again, the Bureau was forced into an emergency, crash program to re-convert the Auto Tag industry into the manufacturing of painted license plates.

The Legislature had originally appropriated sufficient funds for the Division of Motor Vehicles to start the reflectorized auto tag operation during the Hughes administration. The remaining funds were to be made available during the following fiscal year. At the end of the fiscal period, Motor Vehicles had requested a supplemental appropriation (Bill A979) in the amount of \$945,968. This sum was required to pay State Use Industries for delivered license plates and to liquidate the large inventory of special materials (purchased by the Bureau) to make the reflectorized tags.

Unfortunately, the requested bill for the above funds was not passed by the Legislature. Our Bureau was in a precarious financial situation at the beginning of the new fiscal year. We had been carrying the Division of Motor Vehicles reflectorized program and counted heavily on being paid (as promised). There were insufficient funds to provide materials for many of our other industries or to pay the Bureau's outstanding bills. State Use Industries was literally without money and on the verge of bankruptcy without the Motor Vehicles funding from the Legislature!

The Division of Motor Vehicles received its regular appropriation in July 1970. They immediately forwarded the sum of \$400,000 toward the payment of metal and other license plate materials. This money gave the Bureau temporary relief until the Legislature finally took action and provided the additional funds to the Division of Motor Vehicles.<sup>45</sup>

Sudden unplanned changes without consideration for existing material inventory commitments, hinders the industrial operation and is usually not cost effective from the taxpayers viewpoint.

On May 11, 1970 the Bureau experienced a serious tragedy when the Annandale Cannery building ignited and subsequently burned to the ground. State Use Industries sustained a fire loss exceeding \$130,000, most of which was covered by insurance! It was decided not to rebuild the cannery operation because:

- (a) the purchasing costs for a new building and machinery would far exceed the insurance money received,
- (b) our supplying institutions were discontinuing much of their volume vegetable production and
- (c) Supervising Trade Instructor Edward Patrick filed for retirement after many years of state service.

Much of our Snow Fence machinery was also lost in the Cannery fire and this industry was seriously curtailed as a result. However, with the cooperation of the Rahway Woodworking and Machine and Bed Shops, a number of new snow fence machines were built to replace those destroyed in the Annandale fire. There was some snow fence inventory available however the industry was fully operational again within a few months. A used Quonset hut had been made available to the Bureau by the Greystone Park State Hospital. This building was used to house the Snow Fence industry. It was dis-assembled and rebuilt adjacent to the old can-

nery site by State Use personnel.

For the first time, the Bureau's sales volume had exceeded three million dollars, mostly attributable to the increase in Auto Tag manufacturing. There had been various capital expenditures for equipment which amounted to \$307,632. This represented a sizeable equipment improvement with distribution to some (8) industries.<sup>46</sup>

As the decade of the 1960's drew to a close, there were several items of additional correctional significance that should be noted: (1) Many of the operating units of the Division participated in the American Correctional Association's self-evaluation studies. This was a program initiated as a progressive step for accreditation of correctional institutions throughout the country. "Preliminary results showed that New Jersey's prisons and reformatories were (then) in substantial compliance with the ACA's Manual of Correctional Standards." (2) A Division publication "New Jersey Corrections" was printed and distributed periodically to all employees and many outside people and interested agencies. (3) The Division Director was requested to serve as editor in the revision of the ACA's Manual of Correctional Standards. (4) A general statement of its major objectives was printed by the Division of Correction and Parole.<sup>47</sup>

The purpose of the Division's institutions and agencies is to reduce crime and delinquency and their effects (a) by carrying out the duties imposed by Statute for the protection of society, (b) by maintaining programs designed to promote the health and general welfare of offenders, (c) by modifying the behavior and attitudes of those in its care through the provision of opportunities during their correctional experience which will enable them to acquire and learn those personal, social and vocational skills necessary to make a successful community adjustment, and (d) by working to achieve positive community attitudes towards offenders and the correctional process.

There was a growing emphasis within the Division of Correction and Parole on academic education and the development of formal vocational training programs, chiefly motivated by the availability of Federal funding. As a result of this circumstance, State Use Industries reassessed its goals. The bureau began directing

its activities toward the more efficient use of the available inmate labor supply within its production operations. Shops and products being manufactured were consolidated, overhead costs were reduced and other steps taken so that earnings would continue to be sufficient to maintain the industrial program on a self-supporting basis.

The Leesburg State Prison was opened and the Bureau activated a new Clothing plant with 3 Trade Instructors and an inmate work detail of 60 men. Inmate wages were revised upward 9¢ per day in September 1970. A skilled worker now earned 68¢ daily. But, there were problems training the workforce adequately in the 830 jobs available and the inmate turnover rate was at 3.7 inmates per job annually.<sup>48</sup>

The State Use Central Office was faced with key retirements among Industrial Managers with the loss of Thomas Byrnes at Bordentown and G. L. Venables at Rahway. A concerted effort was made to recruit qualified staff personnel to fill three Industrial Manager positions.

It was now fairly well established that productivity was not increasing as fast as salaries, inmate wages and the cost of materials and services. There was a necessity for price increases and longer training periods.

The largest customer for cardboard cartons was our Annandale Cannery which had been destroyed by fire in May 1970. These factors were carefully considered before deciding to discontinue this loss operation at Rahway. All the equipment was sold to New York State.

Governor Cahill had established a new Management Commission which published a report in the Fall of 1970. Several recommended items were implemented by the Bureau:

- (a) "Priced goods produced by the Bureau of State Use Industries competitively with commercially produced goods of equivalent quality and utility."
- (b) Abolished four vacant positions that had been unfilled for about two years.
- (c) Established quarterly counts of high consumption value inventories. This policy formed a useful base for the Bureau's annual physical inventory mandated at the end of each fiscal year.<sup>49</sup>

Governor Cahill, like some of his predecessors, did not approve of the administrative organization of the Department of Institutions and Agencies. He was determined that the Commissioner

become a member of the Governor's Cabinet with direct reportability to him. Thus steps were taken to eliminate the State Board of Control and shortly thereafter Chairman Lloyd Wescott resigned.

The State Board of Control after existing more than 50 years, was replaced by a Board of Institutional Trustees. The latter elected John J. Magovern, Jr., as Chairman, but now lacked the same responsibilities or power previously exercised by the eliminated State Board of Control. Governor Cahill had achieved his objective, i.e. the authority to appoint the Commissioner of Institutions and Agencies!

There had been a close association between Dr. McCorkle and the State Board of Control, with Lloyd Wescott in particular. The loss of Mr. Wescott was felt deeply by many department employees who had known his dedicated contributions and respected his efforts to improve the departmental services to our less fortunate citizens.

I was never privy to the specific reasons, but there were strong rumors of a serious rift between Governor Cahill and Dr. McCorkle. It was not in the latter's personality to accept such a drastic administrative change in both policy and program, particularly when he had been instrumental in developing the agency operation. While the reasons are unclear, there is no mistake in the result! Lloyd McCorkle took an early retirement in August 1971. He was replaced as Acting Commissioner by Dr. Maurice G. Kott.

With the original principals relegated to the immediate historical past (Hughes-Wescott and McCorkle) the Sixth Period of Penal Reform began a gradual declination. There was a transition program carryover during the departmental change in leadership, which emanated from the McCorkle years.

State Use Industries continued to reflect the problems of the times. There was still a continuing problem with overpopulation and increased signs of tension—particularly at Rahway which required "lockdowns" during November and June.

Richard Van Lenten replaced G. L. Venables as Industrial Manager at Rahway in September 1971.

The Trenton Prison Bakery industry was closed and combined with the new Consolidated Bakery at Leesburg State Prison, which was under the supervision of the Bureau of Dietary, Laundry and Household Services, during November 1971.

The Bureau received a final Audit Report in May 1972 which covered the period from July 1, 1969 to March 31, 1971. "Three recommendations were made, one dealing with the inventory control procedures, one with accounts receivable practices and one with accounts payable." The Bureau complied with all the suggestions.

There was a noticeable decline in the number of inmates available for shop assignments; absences up to 25% of some work details that were attending school 1/2 days; also augmented by shorter duration assignments of individuals to the industrial shops. It was reported there was insufficient training of replacement skills necessary to maintain production levels.

The inmate turnover level had increased to 3.9 workers per job annually. The Bureau's inability to maintain skills in certain operations was a direct cause for phasing out the Trenton Tailoring and Upholstery industries and Rahway's Furniture and Refinishing program.

"As productivity decreased, quality and deliveries started to run behind and orders necessarily had to be released. Sales declined as a result. Overhead costs rose out of proportion and required trimming. Opportunities to mechanize were sought and some purchases were made. . . . Training was increased."<sup>50</sup>

Many of these factors were beyond the direct control of State Use Industries. It was difficult to evaluate any benefits that might have accrued to the inmate workers. But, "as a result of this we do know that the industrial operations are hard put to . . . show a profit under the circumstances. This, of course, means that the Bureau is close to being unable to put money back into the training program, which is contrary to the course which we have been pursuing for many years."<sup>51</sup>

John Bonnell's prophetic observations were an indication of the Bureau's turnaround at this critical period in our industrial development. The major reforms being experienced in New Jersey Corrections gave little, if any, consideration to our hard working industries. Emphasis was shifting to other areas of correctional concentration and industries was left to shift for itself—almost on an autonomous basis with little support! Staff morale began to drop quickly. It was difficult to present a team effort when you were not part of the team!

## Footnotes

- <sup>1</sup>Louis N. Robinson, Ph.D., *PENOLOGY IN THE U. S.*, John C. Winston Co., Philadelphia, Pa., 1923, p. 312
- <sup>2</sup>*Ibid*, p. 313
- <sup>3</sup>Sanford Bates, *THE PRISON: ASSET OR LIABILITY?*, Annals of the American Academy of Political and Social Sciences, Philadelphia, Pa., 1954, p. 5
- <sup>4</sup>*Loc. cit.*
- <sup>5</sup>*Ibid*, p. 7
- <sup>6</sup>Myrl E. Alexander, *DO OUR PRISONS COST TOO MUCH?*, Annals of the American Academy of Political and Social Sciences, Philadelphia, Pa., 1954, pp. 35-41
- <sup>7</sup>*Loc. cit.*
- <sup>8</sup>Irving Seligman, *INFORMAL ORGANIZATION—THE ADMINISTRATIVE PULSE!*, American Journal of Correction, March-April 1961, p. 20
- <sup>9</sup>*Loc. cit.* see also: Children's Bureau Publication # 377—*ADMINISTRATION AND STAFF TRAINING IN INSTITUTIONS FOR JUVENILE DELINQUENTS*, U. S. Gov't. Printing Office, 1959, p. 10
- <sup>10</sup>Lloyd W. McCorkle and Richard R. Korn, *RESOCIALIZATION WITHIN WALLS*, Annals of the American Academy of Political and Social Sciences, Philadelphia, Pa., 1954, pp. 88-98
- <sup>11</sup>*Loc. cit.*
- <sup>12</sup>*Ibid*, pp. 92-93
- <sup>13</sup>*Loc. cit.*
- <sup>14</sup>*TOWARD BETTER CARE OF NEW JERSEY CITIZENS*, Department of Institutions and Agencies, Trenton, N. J., 1966, p. 13
- <sup>15</sup>*Ibid*, pp. 12-13
- <sup>16</sup>State Use Annual Report 1962-63
- <sup>17</sup>Division of Correction and Parole Annual Report 1962-63
- <sup>18</sup>John C. Bonnell, *RE-EMPLOYMENT OF RELEASED PRISONERS*, 84th Congress, American Prison Association, Philadelphia, Pa., 1954, pp. 100-102
- <sup>19</sup>Richard R. Korn and Lloyd W. McCorkle, *CRIMINOLOGY AND PENOLOGY*, Henry Holt and Co., New York, 1959, pp. 480-484
- <sup>20</sup>Richard A. McGee, *SAVING PRISON WASTE*, The American Academy of Political and Social Sciences, Philadelphia, Pa., 1954, p. 59
- <sup>21</sup>*Ibid*, pp. 60-61
- <sup>22</sup>*A MANUAL OF CORRECTIONAL STANDARDS*, The American Correctional Association, New York, 1955, p. 274
- <sup>23</sup>Austin H. MacCormick, *BEHIND THE PRISON RIOTS*, Annals of the American Academy of Political and Social Sciences, Philadelphia, Pa., 1954, pp. 17-27
- <sup>24</sup>McGee, *op.cit.*, p. 68
- <sup>25</sup>*Loc. cit.*
- <sup>26</sup>Joseph W. Eaton, *STONE WALLS NOT A PRISON MAKE*, Charles C. Thomas, Springfield, Illinois, 1962, pp. 180-181
- <sup>27</sup>*Ibid*, p. 201
- <sup>28</sup>*Toward Better Care of New Jersey Citizens, op.cit.*, p. 47
- <sup>29</sup>Department of Institutions and Agencies Annual Report, 1963, Welfare Reporter, April 1964, Trenton, N. J., p. 24
- <sup>30</sup>*Ibid*, p. 25

- <sup>31</sup>Department of Institutions and Agencies Annual Report, 1962, Welfare Reporter, April 1963, Trenton, N.J., pp. 33-34
- <sup>32</sup>Annual Report, State Use Industries, 1963-64
- <sup>33</sup>Department of Institutions and Agencies Annual Report 1964, Welfare Reporter, April 1965, Trenton, N. J., p. 31
- <sup>34</sup>Albert C. Wagner, *NEW JERSEY CORRECTIONS—1965*, American Journal of Correction, May-June 1965.
- <sup>35</sup>*Ibid*
- <sup>36</sup>Department of Institutions and Agencies Annual Report 1966, Welfare Reporter, April 1967, Trenton, N.J., p.30
- <sup>37</sup>*Loc. cit.*
- <sup>38</sup>State Use Annual Report, 1967-68.
- <sup>39</sup>Division of Correction and Parole, *PROGRESS TOWARD OBJECTIVES*, Trenton, N. J., June 1968
- <sup>40</sup>Department of Institutions and Agencies, *FIFTY YEARS OF CARE—1918-1968*, Trenton, N. J. 1968
- <sup>41</sup>Department of Institutions and Agencies Annual Report 1970, Welfare Reporter, January 1971, pp. 54-55.
- <sup>42</sup>*Ibid*, p. 56
- <sup>43</sup>*Loc. cit.*
- <sup>44</sup>*Ibid*, pp. 60-62
- <sup>45</sup>Annual Report, State Use Industries 1969-70
- <sup>46</sup>*Ibid*
- <sup>47</sup>*Op. cit.*, 1970 Annual Report, Welfare Reporter, pp. 62-63
- <sup>48</sup>Annual Report, State Use Industries 1970-71
- <sup>49</sup>*Ibid*
- <sup>50</sup>Annual Report, State Use Industries 1971-72
- <sup>51</sup>*Ibid*

## PHASE XIII (1972 - 1973) THE OLD REGIME ENDS

In April 1968, Archibald S. Alexander addressed the Golden Anniversary Testimonial Dinner of the New Jersey Welfare Council honoring the State Board of Control:

We are fortunate that, for the most part, the five strong-minded and able men who have occupied the office of Commissioner, and the devoted, important and often strong-minded people who have sat on the State Board of Control have understood their respective roles. When there is this understanding, I think it is clear that the Commissioner has assurance against improper political intervention; and he is likely to have a term of office of sufficient length to permit the implementation of policies without the kinds of abrupt changes which have occurred in states where a Commissioner is a political appointee, who may change with each new Governor and may be subject to pressures of a kind inimical to the proper discharge of his duties. A board composed of able people with high reputation is bound also to provide backing for a Commissioner which he might not get in other states—backing when something goes wrong, and backing in the quest for the financial and other means needed for the Department's work. . . .<sup>1</sup>

In concluding his address honoring the State Board of Control, Mr. Alexander said: "They have clearly shown how citizens, with appropriate responsibilities, can contribute to the working of a great department. I hope and trust that at the centennial fifty years from now people will feel the same way."<sup>2</sup>

As previously noted, the Alexander prophecy of future hope for the State Board only lasted a little more than three years. The substituted Board of Institutional Trustees did not wield the same power as the old State Board. The Commissioner's position was now a political appointment controlled by the Governor. There

were also subsequent policy changes. One of these included suspension of the Department publication, the Welfare Reporter, after January 1972.

The Division of Correction and Parole was able to maintain a number of enlightened programs which had been planned previously. These operations included:<sup>3</sup>

- (1) Establishing a Correction Officers Training School.
  - (2) An expanded Work Release program in the community for inmate employment, education and vocational training.
  - (3) A Lawyer-Volunteer project which enlisted some 200 attorneys to work as parole aides.
  - (4) Establishing a program of telephone contacts between prison inmates and their families.
  - (5) Instituted a program of Due Process for inmates charged with disciplinary infractions.
  - (6) Developed new standards for the payment of Inmate Wages. (This had a basis in the 1953 State Use wage system, but incorporated some additional incentives.) New wages varied from 65¢ to \$1.00 per day.
- See Appendix D—Standard 620
- (7) Eliminated censorship of inmate correspondence.

There were continued population pressures and increased admissions to New Jersey correctional facilities. The mounting tensions contributed to a steady deterioration in the inmate work force. Even the new Rahway Regional Laundry complained of a shortage of inmate workers and they frequently were forced to operate with less than half of the required work force. A riot broke out at Rahway on November 24, 1971 which lasted for about two weeks. The Rahway Laundry work load had to be reassigned (on a temporary basis) to several commercial laundries and other institutional facilities.<sup>4</sup>

But, the year 1972 was one that also represented considerable progress, even though there are always problems in a correctional setting. A number of building programs were brought to a successful conclusion:

- a. The new Gymnasium at Bordentown.

- b. The Multi-purpose building at the Clinton Reformatory for Women.
- c. The Trenton Prison Classroom and Professional Office Building was completed and occupied.
- d. The 500 bed Medium Security State Prison at Leesburg was occupied (with Edward Ziegele as the first Superintendent).
- e. During February 1972, the Division of Purchase and Property opened their new Warehouse Distribution Center on Stuyvesant Avenue in Trenton, N. J.

Also in February 1972, Robert L. Clifford was sworn in as the new Commissioner of Institutions and Agencies. He originally had been appointed as the Commissioner of Insurance by Governor Cahill and had served in that capacity since February 1970.

Mr. Clifford was born in Passaic, New Jersey on December 17, 1924. He attended local schools and served some three years with the U. S. Navy (1943-1946). In 1947 he was graduated with a Bachelor of Arts degree from Lehigh University.

The Commissioner attended Duke University's School of Law and in 1950 earned his LL.B. degree and was admitted to the New Jersey Bar the same year. He developed a considerable background in legal experience and was associated with several prominent law firms. From 1962 to 1970 Mr. Clifford was a partner in a law firm located in Morristown, N. J.

The new Commissioner possessed a very likeable personality and seemed to blend well with the incumbent department staff. There were some tensions within the correctional facilities and I can recall one such incident at the Trenton Prison which Mr. Clifford attended personally. He remained at the institution for a considerable time period and assisted the prison staff in ultimately resolving the problems.

There were no major determinations or great policy changes within the Department during Commissioner Clifford's short tenure. There were rumors that his tenure was only temporary. Toward the end of Governor Cahill's administration, in September 1973, Robert Clifford was appointed as an Associate Justice of the New Jersey Supreme Court, a most important post for which he seems to be eminently suited by background and experience.

Once again, Dr. Maurice Kott became the Acting Commissioner of the Department of Institutions and Agencies.

While the Department was undergoing these changes, State

Use Industries encountered some difficult problems. The Bureau had reached its highest sales volume (\$3,283,000) during the 1969-70 fiscal period. This achievement was primarily due to the reflective license plate operation and the new construction of institutional facilities program. As these projects were successfully concluded, we gradually witnessed a critical decline in the Bureau's sales volume during the two succeeding years.

In June 1971, this writer forwarded a memorandum to Bureau Chief John Bonnell which noted the following in part:

I am concerned with our inability to obtain inmates and train them. We are experiencing poor quality in a number of finished products due to lack of experience. Instructors are forced to act as operators in order to complete products for shipment or eliminate production bottlenecks. Customers are complaining about quality and delivery. Our efforts to expand and improve industries will now have to be stopped. We will have to concentrate on deciding what steps are necessary to save those units having trouble.

By June 1972, sales had dropped to \$2,411,000. Our worst fears were realized when the annual operating statement showed a loss of \$105,500 for the year. Obviously, the Bureau had a serious problem since the industrial program was required to show a profit. A loss figure was completely unacceptable!

Governor Cahill had established a Commission on Vocational Education in Correctional Institutions with Joseph F. Steliga as Executive Director. A final report was issued by the Commission in June 1972. Some of their comments are summarized as follows:<sup>5</sup>

There is an inherent difficulty in affecting institutional change. The best intentions are often lost to the oppressive tendency of an existing system to preserve itself. By their very nature such systems resist fundamental change and are adept at ignoring unwelcome recommendations, translating others to serve institutional purposes and eagerly implementing recommendations that tend to strengthen and perpetuate the system.

There was a vital concern among the Commission members with "the motivation, competency and personal resources of of-

fenders to facilitate their eventual reintegration into the community. . . . The inmate's problems are in the community. He must learn to cope with them there. . . . The directions of change are toward the community, toward differential handling of offenders, toward a coherent organization of services."<sup>6</sup>

The inability of correctional administration to obtain a conscientious performance from the inmates was blamed by the Commission on:

- (a) Insufficient and antiquated financial incentives.
- (b) Monotonous, unskilled prison jobs lacking work satisfaction.
- (c) Sentence reduction (worktime), too remote a goal to motivate inmates.
- (d) Aggression and jibes of fellow inmates that is in conflict with the administration program.

Some of the following improvements were recommended for the Bureau of State Use Industries:

1. An intensive effort to modernize and develop new product lines with the cooperation of both labor and industry.
2. Enforcement of the laws requiring State and County agencies to purchase State Use products.
3. Explore methods to increase sales to municipalities and public authorities.
4. Develop an appeals system with the Division of Purchase and Property, affording Bureau recourse in any conflicts with sales disparities.
5. Restructure the State Use Advisory Council.
6. Adopt new management procedures to include:
  - (a) advance manufacturing, with stock on hand
  - (b) improve the quality control system
  - (c) upgrade product delivery schedules
  - (d) price products competitively with private enterprise.
7. Expand State Use Industries to provide greater skill training.

"While there are restrictive laws and policies and the historical opposition of labor and industry, we believe that a more efficient system of State Use Industry can be developed. A comprehensive

modernization of the traditional State Use Industries system is needed. The Commission recommends an intensive effort be made to develop new product lines. . . . We suggest that business and union representatives be impaneled to assist in this modernization."<sup>7</sup>

Some effort was expended by the Bureau to implement recommendations which were within those parameters under State Use control. Many of the Commission's suggestions were reasonable and might very well have helped the industrial operations. But, unfortunately little was done by higher authority to accelerate the recommended actions contained in the industrial section of the report. Few, if any, policies were changed and little was done to support the program at the department level. Bureau staff attempted to institute some of the suggestions during the ensuing years—but much of the report died by attrition!

During October 1972 the Auto Tag industry was transferred to the new facility at Leesburg State Prison along with the remaining staff personnel and necessary equipment.

The Bureau lost the services of several long-term employees through retirement during 1973. Included were Supervising Industrial Manager John Sheridan (43 years); Industrial Manager Samuel Scozzaro (43 years); Head Audit Account Clerk Isabelle Cody (25 years). This loss of experienced staff was further compounded in May 1973 when Industrial Manager David Anderson accepted a position as the Classification Officer at the Trenton State Prison. Anderson had some 22 years of service with State Use Industries. Since we had expected to utilize his expertise in a higher capacity, our plans for an administrative change were placed in temporary abeyance.

One of the major difficulties faced by our Bureau was the inability to produce manufactured goods in sufficient quantities for on-time delivery to waiting customer agencies. Much of this situation was caused by a lack of available and trainable inmate workers. "Total employment had dropped 28% to only 555 full time jobs against 767 in fiscal year 1971-72."<sup>8</sup> This problem became even more critical when the inmate turnover rate for the fiscal year was reported at 8.3 inmates for each job! It was no wonder that the quality and quantity of our production was handicapped so adversely.

The Bureau was forced to release numerous orders for outside purchase—particularly those items requiring technical skills,

such as: shoes, shirts, towels, other clothing and various printed forms.

Efforts were made to simplify and standarize the product line. In order to cut overhead, several shops were combined. In April 1973 steps were also taken to close the Rahway Shoe Industry! John Bonnell had reported that, "For the fourth consecutive year, productivity in most areas has not increased in proportion to costs of operations. Prices for materials and services are increasing regularly with the present inflated market conditions, as are salaries and wages."<sup>9</sup>

While the sales volume had increased slightly (about 7%) due to the Bureau's efforts, we still sustained a \$2,000 loss in June 1973. This truly was the bottom line!

In May 1973 Albert Wagner retired after serving as the Director since 1963. William H. Fauver (who was then the Superintendent at the Trenton State Prison) succeeded him as the head of the Division of Correction and Parole.<sup>10</sup>

There were additional improvements during this fiscal period that were consistent with the more liberal, enlightened attitudes being developed by the Division of Correction and Parole:

- (a) The former Death House cells were renovated at the Trenton Prison to provide an area for contact visits for the first time in the history of that institution.
- (b) Restricted diets were abolished as a disciplinary measure for inmates in administrative segregation.
- (c) Law libraries were established and made available to the inmate population.
- (d) Hearings were inaugurated in parole revocation cases.
- (e) Revised standards were developed for upgrading the Work Release and Inmate Furlough programs.
- (f) The Division's first Community Service Center was located in a metropolitan area of the state.<sup>11</sup>

Additional progress was made within the Division during the 1973-74 fiscal year in providing new and improved programs for those committed to its care. Drug offender treatment services were expanded. A second Community Center was opened in an urban area of the state. Some 62 Division Standards which pertained to inmate care and welfare were approved for publication in the New Jersey State Administrative Code.

There was increased emphasis on achieving a higher level of professionalism. "Law enforcement and criminal justice courses became increasingly popular among Division Correction and Juvenile Officers, with 19 colleges offering degree programs throughout the state."<sup>12</sup>

The Bureau of State Use had been conducting annual Training Seminars for a number of years. But, with the many fiscal problems and lack of adequate staff, these beneficial sessions were discontinued reluctantly. As a substitute, we contracted with management consultants for the distribution of special training pamphlets. Periodic, informal meetings were also held at the institutions with the assigned industrial personnel.

In September 1973 a decision was made to close the Yardville Woodworking industry and transfer a modified program back to the Rahway Prison. We continued to experience hard luck with a series of difficult setbacks, such as several minor fires and shop closures due to temporary necessity for conserving fuel. The Annandale Feed Mill presented us with a very "sticky problem" when a large molasses tank developed a bad leak and we lost some 18,000 lbs. of molasses. The Annandale herd of cattle probably thought the Thanksgiving holiday had arrived early when they found the molasses running downhill into their pasture. But, the Bureau had a difficult time finding and installing a new molasses tank, needed to provide all the feed for the State herds, on very short notice.

In December 1973, Richard Van Lenten retired as Rahway's Industrial Manager. Paul Vechy replaced him as Acting Assistant Industrial Manager.

The Bureau continued to lose experienced personnel with the retirement of Chief John Bonnell after some 22 years of service during February 1974. I was appointed as the Acting Bureau Chief for the remainder of the fiscal period by Director William Fauver.<sup>13</sup>

To reduce overhead and maximize the utilization of the available inmate work force, the Bureau continued its policy of combining shop operations. The Snow Fence industry was combined with the Feed Mill operation at Annandale; the separate Sheet Metal and Metal Furniture units were consolidated into a single Metals industry at Bordentown. A small woodworking unit in the Johnstone Training Center's Yepsen building was discontinued. Their chief product was the manufacture of wooden stakes used

primarily by county engineers and shade tree commissions.

With the discontinuation of the above operations, the diversified industrial program in New Jersey was gradually being reduced by attrition. State Use Industries had been forced to close down some 10 industries.<sup>14</sup>

"Broom, Bakery, Men's Tailoring, Cannery, Upholstery, Furniture Refinishing, Shoe Repair, Shoe Manufacturing, Woodworking and Wood Stakes."

A number of our industries were suffering from an acute shortage of raw materials. The latter contributed to a drastic inflationary price situation which hampered the State Purchase Bureau from providing the supplies we had requisitioned. But the heavy inmate turnover and absenteeism rate was a more serious handicap which hindered the Bureau's industrial programs. These were internal problems and supposedly controllable by the Division of Correction and Parole or the concerned correctional institutions.

There has been a continual, radical decline in the number of inmates available for job assignments. This severe reduction in the total inmate work force has been particularly debilitating. Our records indicate:<sup>15</sup>

June	1972	672 inmates employed (14% of the inside population)
Dec.	1972	520 " "
June	1973	513 " "
Dec.	1973	438 " "
Mar.	1974	407 " "
June	1974	364 " " (7% of the inside population)

From July 1972 to July 1973 the Bureau lost 159 inmate workers. During the year July 1973 to June 1974 we lost an additional 149 people. *Thus in a span of two short years, our inmate work details have been reduced by approximately 50%.*

Some attempts have been made to train adequate replacements. However, due to the very high turnover rate in job assignments, absences, school programs and other higher priority programs, the training task has been impossible.

The present trend is critical and extremely dangerous to the

Bureau's continuing existence without monetary subsidization by the State of New Jersey. It is urgently recommended, in the strongest possible terms, that the State Use Industries program be re-evaluated in terms of future policy, directional objectives and Departmental support.<sup>16</sup>

For some 22 years the State Use Advisory Council had rendered beneficial citizen support. This group was a most valuable bridge between our industrial operations and the business community. Unfortunately the Council had not met in the past two years, the terms of the various appointed members had all expired and their activities have all been decimated by attrition. No appointments were recommended by the Board of Institutional Trustees or the Commissioner to the Governor. It must be presumed the State Use Advisory Council was allowed to dissolve intentionally, since this matter was brought to the attention of higher authority on several occasions by the Bureau! (see APPENDIX F)

The Bureau of State Use Industries was originally a creature of the Legislature, having been established under the Laws of 1918. Under the new executive policy determined during the Cahill administration, State Use Industries lost the assistance of the State Use Advisory Council and the supervision by the defunct State Board of Control. The statutes were subsequently changed so the Bureau reported directly to the Commissioner of Institutions and Agencies.

There was an interesting development in the 1973 primary vote for the Republican party candidate for Governor. The incumbent, Governor William Cahill lost his party's nomination to Congressman Charles Sandman. This split internally contributed to the Republicans losing the governorship during the November 1973 elections.

## Footnotes

<sup>1</sup>*Fifty Years of Care*, Dept. of Institutions and Agencies, Trenton, N.J., 1968, pp. 112-113.

<sup>2</sup>*Ibid*, p. 114

<sup>3</sup>Annual Report, 1972, Division of Correction and Parole

<sup>4</sup>Annual Report, 1972, Dept. of Institutions and Agencies

<sup>5</sup>Final Report, Commission on Vocational Education in Correctional Institutions, Trenton, N.J., June 1972, p. 3

<sup>6</sup>*Ibid*, p. 4

<sup>7</sup>*Ibid*, pp. 16-17

<sup>8</sup>Annual Report, 1972-1973, State Use Industries

<sup>9</sup>*Loc. cit.*,

<sup>10</sup>Annual Report, 1973, Dept. of Institutions and Agencies

<sup>11</sup>*Ibid*, p. 33

<sup>12</sup>Annual Report, 1974, Department of Institutions and Agencies

<sup>13</sup>Annual Report, 1973-1974, State Use Industries

<sup>14</sup>*Ibid*

<sup>15</sup>*Ibid*

<sup>16</sup>*Ibid*

## PHASE XIV (1974 - 1976) THE RENAISSANCE

The new Democratic administration, under Governor Brendan T. Byrne, assumed the reins of New Jersey's government in January 1974. Early in the period of reorganization he appointed Mrs. Ann Klein as the new Commissioner of Institutions and Agencies.

Mrs. Klein was a resident of Morris County, New Jersey. She had achieved a Bachelor's degree in Sociology from Barnard College and a Master's degree from Columbia University's School of Social Work. Additional work experience was gained as a Social Caseworker in Massachusetts and for Family Services in Morris County, New Jersey.

Mrs. Klein was a former President of the New Jersey League of Women Voters (1967-1971). She had served as a member of the New Jersey State Legislature (1972-1974) and was a major candidate for the Democratic Gubernatorial nomination in 1973. During the General Election, she headed Governor Byrnes' "Special Task Force on Human Services."

While in the Legislature, Mrs. Klein served on the Institutions and Welfare Committee, the Judiciary Committee and the Legislative Committee on Gambling. She was also a member of Governor Cahill's Tax Policy Committee from 1970 to 1972.

Over the years, the Department of Institutions and Agencies had expanded into the largest agency within the New Jersey governmental organization. Many observers felt that the operation was an unwieldy, administrative nightmare. The new Commissioner tried to reorganize the structure into more manageable divisions. Supervision of the latter was delegated to three Deputy Commissioners.

The Division of Correction and Parole became the responsibility of Deputy Commissioner Robert E. Mulcahy III and for the next few years most matters involving corrections were handled through his office.

There were a number of other internal changes. Some of these

were anticipated, as with any normal change in the Governor's administration. The new Commissioner saw fit to bring into the Department a number of executive people from the outside. Some of these were "cast-offs" from the former New York City administration of Mayor John Lindsay.

The incumbent staff was naturally quite disappointed at this turn of events. One of the major surprises was the replacement of Director of Business Management Joseph Grodeck. The latter was highly regarded and had many years of experience with Department fiscal management. Mr. Grodeck was assigned laterally as the Director of Veterans Programs and subsequently retired from this position several years later.

State Use Industries continued to struggle with the numerous problems that confronted the staff. There were additional retirements and to fill one important gap, Harold Lynn was transferred to Bordentown as the Assistant Industrial Manager. Additional capital investment amounted to \$48,000 during the fiscal period. The Bureau noted in its Annual report:<sup>1</sup>

As finances permit, operations will be mechanized to reduce costs, improve quality and speed production. It is paradoxical that such a policy will ultimately probably eliminate inmate jobs. But, evidently this is the direction the Bureau is being forced to accept.

The Bureau developed a program to eliminate all outstanding overtime balances for industrial staff members. Some ten staff positions were also abolished and deleted from the State Use payroll at our request.

A number of staff meetings were conducted at the operating institutions with supervisory personnel. The intended goal was to upgrade communication factors, correct any policy differences and seek supervisory input into the industrial operations. Toward this end, a program of State Use Industrial Directives was upgraded and distributed, to assist in standardizing administrative procedures.

The Bureau also developed a new advertising program especially geared to clearing our existing inventory of finished products. We anticipated that the following results would be achieved:<sup>2</sup>

1. Quick delivery to the cooperating agencies.

2. Price reductions as an additional customer incentive.
3. Convert idle inventory into added sales volume.
4. Reduce the need for extra warehousing.

Some of these positive steps produced an earnest response and the Bureau experienced a sales volume of \$3,386,432. This was a robust increase of some 23% over the previous fiscal year.

State Use Industries started to encounter a series of abuses violating the statutory requirements. These matters were brought to the staff's attention and while some of the items were petty, it was decided they required the scrutiny of the State Attorney-General. Legal opinions were requested to clarify some of these issues. (SEE APPENDIX B)

The Department had earlier established an educational organization known as the Garden State School District. This unit was supposedly charged with the responsibility of developing adequate programs in academic and vocational training. No one on the State Use staff had any input in establishing this program and we were not asked to cooperate with them.

From the Bureau's viewpoint, there was never an attempt to clarify the role of the Garden State School District. For several years of their existence, State Use regarded them as a competitive threat: (a) industrial, skilled inmates "pirated" into their vocational programs, (b) there were Federal funds which financed the Garden State operations and they were not required to be self-supporting, (c) they obtained grant money to purchase brand new machinery for their programs, (d) there was bickering and petty name-calling among the respective staff members that tended to create friction and lower morale.

The situation was heading for a serious future confrontation which would not benefit anyone. We decided to cooperate with the Garden State School District. Attempts were made to develop viable vocational training programs in areas of mutual interest.

State Use Industries had started an experimental pilot project in the Printing Industry at the Trenton Prison. This was an excellent area for cooperation since the program included a period of vocational training. Our objective was to stabilize this work detail and minimize the turnover rate. It was specifically oriented toward inmates serving longer sentences.

This experimental program required the selected inmates to accept individual responsibilities. A key motivational factor was

the substitution of an hourly rate for the regular daily wage rate in this specific industry.<sup>3</sup>

15% skilled workers	A rate	50¢ per hour
45% semi-skilled	B rate	40¢ per hour
40% unskilled	C rate	25¢ per hour
learner	D rate	15¢ per hour

(SEE APPENDIX D—Division Standard # 620)

A new innovation was the establishment of an Inmate Instructor Assistant job in the Printing industry. Selection was severely restricted to qualified inmates only and paid 80¢ per hour. The training was to be at the para-professional management level and gradually required the selected inmates to accept responsibility for operating a part of the industry program in the event of a trade instructors absence.

This was a unique program when it became operational during July 1974. The results achieved by State Use Industries, after more than a year of practical study, were very commendatory. As the Bureau goals were reached, this plan required some modification before it was gradually expanded into our other industries at the various correctional institutions. It remains in effect today as the dominant industrial wage rate program in New Jersey.

Having served as the Acting Bureau Chief since February 1974, the author was officially appointed Chief of the Bureau of State Use Industries in July 1974. Lucas J. Filipponi, my long-time associate, was promoted to the Assistant Chief position.

My background and credentials for the new appointment as Chief were: Born in Brooklyn, New York on December 17, 1920 and attended the public school system. Early education was in the Borough of Queens County with graduation from William Cullen Bryant High School. The Division of Correction and Parole recorded this biography:<sup>4</sup>

Following fifteen years of industrial experience at the management level, Mr. Seligman began State service in 1956 at the State Prison, Trenton. He has subsequently served as Industrial Manager, Supervising Industrial Manager, Assistant Business Manager for the Prison Complex and, since 1964, Assistant Chief of the Bureau of State Use Industries. He has authored several articles on employer-employee re-

lations which were published in the American Journal of Correction. This contribution was noted by the United Nations Research Institute in their 1970 publication, Manpower and Training in the Field of Social Defence.

Mr. Seligman holds a Bachelor of Arts degree from Brooklyn College and has taken post-graduate courses at Rutgers University in the Public Administration area. He is a disabled veteran of World War II having served as an infantry officer in the United States Army and the New York National Guard. He was discharged with the rank of First Lieutenant.

The Bureau's Central Office developed a program of internal reorganization. New equipment was purchased for upgrading the necessary functions where needed. Duties of staff members were reviewed, consolidated, simplified or reassigned for the purpose of achieving better balance and greater efficiency. A major benefit was accomplished within the Bureau when permission was granted to establish a permanent "Buyer's" position.

State Use Industries was closely associated with the New Jersey Bicentennial Commission. The Bureau manufactured and delivered some 726,900 special license plates during the course of the program. The public demand was so great that we sought assistance from several workshops for the occupationally handicapped. This was beneficial cooperation and mutually appreciated. The Jersey Cape Center for the Occupationally Handicapped, located in Cape May County, presented the Bureau with Certificates of Appreciation for the added work opportunities made available to their handicapped clients.

During August 1975 the State Auditors published the results of their three month review of the State Use operations. There were a few minor recommendations which we quickly implemented. The Bureau was given a "Superior" rating—which is quite rare, and a rating which boosted our staff morale and of which the Bureau was justifiably proud!

The work ethic is considered an essential factor in any inmate correctional program. State Use Industries provides coordinated staff services and finances necessary to furnish diversified, industrial programs at New Jersey's correctional institutions. A variety of industrial skills are taught to the assigned inmate

workers under the supervision of trained and experienced staff personnel.<sup>5</sup>

John Bonnell once commented that inmates required greater training emphasis, "in the desire and ability to cooperate, in the mutual understanding and the social skills of working harmoniously together. If the foreman develops and demonstrates this ability and can inspire members of his (work) detail to do likewise, he has something we cannot get along without."<sup>6</sup>

Many employees in the field of corrections have been recruited by accident. Usually they were looking for a job change (or were otherwise in a position that was unplanned) and the correctional job opportunity was an improvement over their prior circumstances. Most new civilian recruits in corrections require a period of training. There is practically no counterpart in private industry or civilian life.

Correctional employees must be able to function as competent leaders, foremen or supervisors. Not only must they be qualified in their respective job duties, but must also possess an understanding of the methods for handling personality attitudes which conflict with the law. "In the face of being tempted, threatened, and frequently maligned, he must possess patience, a resolute character and intuitive understanding of human nature."<sup>7</sup>

A former Assistant Director of the Federal Bureau of Prisons once wrote that:<sup>8</sup>

Correctional work is the influencing of others to gain their respect, to accomplish a change in their attitudes, to improve their behavior and understanding of responsibilities for normal, socially acceptable conduct.

The administrative leadership frequently reflects the policies and philosophy of the Department of Corrections. Beneficial changes are extremely difficult where there is only lip-service support from higher authority or when desirable goals are not understood or not in line with current policies. Frequent changes in administrative job assignments tend to confuse the staff even more and contribute to an unstable work situation. "The quality of correctional administration is dependent upon the quality of correctional executiveship in the administrator."<sup>9</sup>

During May 1969, Canadian authorities under James McLaughlin, the Director of Industries, convened a regional correc-

tional industries seminar in Montreal, Canada. Representatives from many of the states in the Northeastern part of the country were in attendance. John J. Moran,\* Superintendent of Vermont's St. Albans Correctional Facility and then Editor of the American Journal of Correction, delivered the keynote address. He discussed the role of correctional industries primarily as a member of a balanced team which could best function within a balanced program of correctional services. It was suggested this balance would succeed "in direct proportion to the support and direction received from the administration . . ." There must be a coordinator and respect for all available correctional services if the administration is to be properly maintained. The recognized leadership must be characterized by courage, foresight and fairness:<sup>10</sup>

We cannot succeed under an administration which has no use for a particular treatment service, whether it be psychological or work oriented. We cannot succeed under an administration that is satisfied to maintain the 'status quo'—that is satisfied with less than a quality product—that lacks the imagination to redesign products or to develop new ones in keeping with changing needs. The administration must interpret our needs to the Legislature and to the community.

Society is literally involved in a correctional system that has been traditionally self-defeating. Through the work ethic and social values, productive activity and hard work are extolled as highly desirable, while at the same time opportunity to participate in such productive activity is frequently denied to offenders that we ultimately expect to act in a responsible fashion. The placement of unreasonable employment barriers denies effectiveness to our correctional system. Those ex-offenders denied a legitimate means of employment will resort to such antisocial activities and illicit methods necessary to sustain themselves.

We must recognize that implanting employment barriers is also an anti-social act, which further damages an already disadvantaged segment of our society. Self-preservation is the primary rule of the kingdom! Inability to cope with hypocritical social

\*Mr. Moran has subsequently served as the Commissioner of Corrections for the states of Delaware, Arizona and presently Rhode Island.

barriers soon motivates the ex-offender into acts of anti-social behavior. This is a pattern with which the culprit is comfortable and possibly will lead to further incarceration within the correctional system. It is essential that attitudes be developed which will enable offenders to accept responsibility and behave constructively. If not, the recidivistic cycling of prison release, the commission of new crimes and re-incarceration will continue as a permanent part of our social structure.

Mr. T. Wade Markley, a former Associate Commissioner of Federal Prison Industries, Inc. once observed:<sup>11</sup>

Simple solutions have been the bane of corrections. Successively, religion, education, vocational training, social work, classification, and various forms of therapy have been advanced as panaceas. Each of these disciplines or forces are important in treatment, but they must be applied in a cohesive program based on individual needs. Seldom is cause of maladjustment found in any single element.

It is responsibility of prison administration to satisfy an inmate's basic need for activity. "Work is the most important single element of activity and there again the matter of adequacy must be considered." The work activity must be creative and useful to himself or others—something that can be accomplished and displayed with pride. The work must present a challenge to the worker's energy and ability. It is important that the work activity create a motivating incentive and that the worker can expect some form of satisfactory remuneration for his labors. Few inmate workers will derive satisfaction in work assignments which do not demand planning, intelligent effort and the exercise of skills.<sup>12</sup>

People usually respond to the type of treatment they experience. Prison workers will react favorably to fair and considerate treatment—particularly if their accomplishments are recognized. Because of his direct personal involvement and the daily challenge of the work situation, the industrial supervisor is uniquely qualified to influence his inmate work detail. A group work situation assists the inmate in learning the art of getting along with others, accepting group responsibility for the work effort and to function as a valuable team member in completing the assigned tasks.

The work supervisor must establish a good example for his inmates to emulate and thereby gain their respect. "He does this

by being impartial, patient, firm, considerate, helpful and interested. He must establish his authority and obtain their acceptance of it. He must enforce established standards using both punishment and reward. Often the most important rewards are a mere expression of thanks or a word of praise for a job well done. Perhaps good civilian supervision—inmate worker relationship is the most effective device available for the development of positive attitudes. . . . An adequate work program is essential to the fulfillment of the obligation that prisoners be returned to society able and willing to function as constructive citizens.”<sup>13</sup>

An extensive five year study of our correctional system by Dr. Daniel Glaser recognizes and commends the contribution of prison industries in the system’s overall program. Some of his industrial conclusions are briefly summarized:<sup>14</sup>

- (a) “The prison employee who has the greatest reformatory influence on an offender is the one who is able to demonstrate sincere and sustained concern for and confidence in the offender . . .”
- (b) “. . . the pre-release employment of . . . men released from prison does not involve a level of skill that requires an appreciable amount of prior training, but for the minority who gain skills in prison at which they can find a post-release vocation, prison work experience and training is a major rehabilitative influence.”
  - 1. the most regular employment experience many prisoners have had is in prison work.
  - 2. prior work regularity can be more closely related to success or failure after release, rather than the specific kind of work.
  - 3. prisoner relationships with work supervisors are the most meaningful staff relationships that inmates are likely to develop.
- (c) Dr. Glaser concludes: “Not training in vocational skills, but, rather, habituation of inmates to regularity in constructive and rewarding employment, and anti-criminal personal influences of work supervision upon inmates, are—at present—the major contribution of work in prison to inmates. . . .”
- (d) “For most prisoners, especially for those with extensive prior felony records, the usual duration and type of involvement in prison education programs is associated with higher than average postrelease failure rates.”

- (e) "A small amount of education in prison frequently impairs postrelease prospects of inmates indirectly by inspiring them with unrealistic aspirations, or by the education's being pursued instead of alternative prison programs which could provide more useful preparation for postrelease life."
- (f) "Prisoners have expectations of extremely rapid occupational elevations which are unrealistic in the light of their limited work experience and lack of vocational skills."
- (g) "The ex-prisoner's primary barrier to employment is not so frequently his criminal record as it is his lack of extensive or skilled work experience."
- (h) "The correctional treatments of maximum reformatory effect are those that enhance a prisoner's opportunities in legitimate economic pursuits and those that improve his conception of himself when he identifies with anti-criminal persons."
- (i) "The lowest failure (recidivism) rates were associated with semi-skilled work, most of which was in the prison industries. The highest failure rates were in the inmate positions which are conducive to the most influence in the prison community. . . ."

There should be a conscious purpose to all activities which are undertaken. That purpose in the field of Corrections can have only a single direction. Consistent with his willingness to accept responsibility, we must endeavor to move the inmate back to the community at the earliest possible time. While it is obvious that individuals differ, so too might the measurement criteria for these individuals be different. One means of measurement is performance—performance being compared with previously established standards. Acceptance of responsibility indicates a high degree of performance and an added barometer that the inmate becomes more ready for release.<sup>15</sup>

The industrial environment is an important area in prison life where the inmate worker's activity, performance and responsibility attitude can be observed and measured. Most members of the inmate population have a desire to work rather than remain in idle status. Prisoners soon learn that:<sup>16</sup>

"Work is good; Work is natural; Work is desirable; Work is therapeutic. Work is emotionally, physically and financially

beneficial. Work is necessary to the health and well-being of the individual.

Work in turn satisfies many needs of the human personality;

- (a) recognition by advancement.
- (b) pride and satisfaction by accomplishment.
- (c) preservation and development of a self-image as an independent, self-subsistent and worthwhile individual.
- (d) enables one to meet his responsibilities (to family, community and country)."

It is essential that we deal realistically with the inmate worker that desires to stay out of trouble and out of prison. He must receive assistance in facing the practical aspects of his life and family situation upon release. The activities within the prison industry work situation provides important insight into behavioral attitudes which is valuable in treatment and in understanding the individual and the work group. But, such a goal cannot be achieved solely by an industrial program.

"We cannot put our correctional or rehabilitative eggs in any one basket. It is just as foolish to think that the acquisition of a high school diploma, or attendance at group therapy sessions; or plastic surgery . . . or casework; or recreation, or education or vocational training is solely or exclusively in and of itself the answer to delinquency or criminality, as it is to think that work alone is the cure-all."<sup>17</sup> There must be an appropriate emphasis in developing the proper institutional programming. The latter must be shared by all concerned. It requires a team effort!

During the 1970's there was unexpected interest and a reawakening to a variety of problems centered in both state and federal correctional systems. Various studies raised doubts about the rehabilitative and economic value of prison industrial programs.

A 1973 corrections report by the National Advisory Commission on Criminal Justice Standards and Goals suggested that industrial and employment programs in prisons be revamped to furnish inmates with skills and work experience relevant to types of work that might be available upon their release. The Commission also recommended that prison industrial operations be diversified; that inmates be compensated for all work they performed; "that all work programs form part of a designed training program that involves offenders, provides a productive job, assists in the de-

velopment of job skills and instills good working habits. The Commission envisaged that prison management, inmates, labor organizations and industry would participate in the development of useful, new and innovative work programs to accomplish the above recommendations."<sup>18</sup>

The Law Enforcement Assistance Administration (LEAA) subsequently implemented the Commission's report by providing funds (\$750,000) and assembling a study proposal for bidding by qualified consultants.

The study objectives called for:<sup>19</sup>

1. The evaluation of business management and rehabilitative functions of prison industrial systems.
2. Recommended program changes that will create self-supporting prison labor systems within comprehensive offender training programs.
3. Providing program planning and technical assistance.
4. Reorganization recommendations for Prison Industries to increase their rehabilitative potential.
5. Development of evaluative instruments to measure the impact of these changes on correctional personnel, prisoners and former inmates.
6. Obtaining substantial information on typical prison industrial systems, types of changes required, etc.

Econ, Incorporated, a consulting organization based in Princeton, New Jersey ultimately was the successful bidder. Their comprehensive report created a major impact on the direction of many prison industrial programs. Not all Directors of Industries shared the opinions expressed in the report and the ensuing debates fueled further interest in prison industrial operations. We shall have more to say on this topic in a later chapter.

Another significant study, "*Vocational Preparation in U.S. Correctional Institutions: A 1974 Survey*", was federally funded for about \$300,000 and prepared by the Center for Improved Education, Battelle-Columbus Laboratories, Columbus, Ohio. The U. S. Department of Labor requested this study to assist in establishing facts on prison training that would help federally subsidized ex-offender programs with their project directions.

According to this national survey of some 560 correctional institutions, prison inmates in the United States generally receive

insufficient job training. "Vocational preparation in prisons was generally inadequate and that most inmates who started some kind of training never finished."<sup>20</sup>

The study noted that while much is known about how prison training programs should be operated there was a considerable gap between the desirable features of such programs and current practices in prisons. These differences constituted a serious waste of human and material resources.

The research indicated that:<sup>21</sup>

- (a) The training generally lacked diversity to meet inmate needs
- (b) Training was frequently curtailed due to lack of funds.
- (c) There was a lack of relationship of job training to the individual and local job market requirements.
- (d) Only half the directors of vocational training programs regarded the development of job skills, which enabled an inmate to obtain employment upon release, as important.
- (e) Less than half of the inmates participating in training said that the job waiting for them was related to the training received in prison.

The Battelle report surveyed and studied numerous correctional institutions nationwide. They received a response exceeding 70%. New Jersey was an active participant. "41% of the industries do not pay inmates for their work. The other industries pay from \$.01 to \$1.50 per hour, with a mean (average) of \$.22 per hour." The Directors of Prison Industries ranked the advantages of industrial assignments (from the inmate's viewpoint) as follows:<sup>22</sup>

#1	Pay .....	38.2 %
#2	Learning Job Skills .....	29.6 %
#3	Desirable Work Assignments .....	11.8 %
#4	Increased Freedom of Movement .....	11.3 %
#5	Consideration for Early Parole .....	5.9 %
#6	Other Advantages .....	1.6 %
#7	Desirable Housing Area .....	0.5 %
		98.9 %

As of the year 1975; "There are approximately 224,000 inmates in U. S. Correctional institutions. The typical inmate is young (24 years old), and has not completed high school. A majority will stay in an institution less than two years. About half have a job waiting for them when they leave. Upon release, over half of the inmates will work in unskilled or semi-skilled jobs.

Most employment for released inmates is obtained through friends or relatives. Only 20% of the inmates indicated that special job programs or persons in the institution assisted them in obtaining outside employment.

The Wardens of the institutions estimate that 70% of the inmates need to acquire job skills in order to obtain steady outside employment. They also estimate that only 34% are likely to acquire sufficient job skills during their stay."<sup>23</sup>

The Battelle researchers studied formal vocational training programs, prison industries operations and training in maintenance and service assignments. They reported that about 32% of the programs had adequate, modern facilities with all necessary equipment in operating condition. On the average, they concluded that prisons with job training programs spent less than 7% of their total budget on vocational training.<sup>24</sup>

The Bureau of State Use Industries in New Jersey continued various efforts to upgrade the industrial programs. Also regularly reported any factors beyond the Bureau's control that impacted negatively on the industrial operations. Commissioner Klein soon requested Mr. Joel Kolbert, one of her staff assistants, to review the Bureau's problems. After a series of discussions and personal interviews, Mr. Kolbert was instrumental in obtaining the services of the Treasury Department's "Management Improvement Unit" to study the operation and role of the Bureau of State Use Industries within the Department of Institutions and Agencies. A report was published in September 1975.<sup>25</sup>

This study expected to aid management by formulating:

- (a) The role and objectives of State Use Industries.
- (b) Organizational changes needed to bring Bureau activities in line with departmental objectives.
- (c) Management control and any coordinating functions necessary for effective operation.

The most significant factor found to be affecting the Bureau's operations was the decline of the inmate work force during the last several years. The cause of this decline was listed as, "competition for inmate time from other activities such as maintenance details, institution support services and educational/rehabilitation programs."

While it was the Bureau's objective to cover costs or at least to "break-even" financially, this objective was feasible if the inmates did not have other options for work or training, and the work force remained fairly constant.

"The competition from other training and work programs (e.g. Garden State School District) in the recent past have decreased the State Use work force. From all current indications the work force will continue to decrease if no changes are instituted (average full time jobs in 1971 = 830 inmates; in 1974 = 432 inmates). Bureau management is aware of these problems and is attempting to provide solutions which will increase the work force (additional incentives, etc.). Increasing the work force will avoid the need to raise prices, since the overhead costs of the Bureau (personnel and facilities) would decrease in relation to the inmate labor".<sup>26</sup>

The study also states that the Division of Correction and Parole management "appears to be satisfied with the Bureau's operations and objectives, primarily out of indifference. The Bureau's operations are not a primary concern of the Division management. As long as the Bureau continues to maintain a semblance of self-sufficiency and does not present problems in the custodial activities of the Division, no intervention from Division management can be expected."<sup>27</sup>

The Department of Institutions and Agencies expected the industrial program of the Bureau to provide:

- (a) reliable, quality products and services for state institutions.
- (b) the utilization of inmate labor in an effective manner, with maximum cost benefit to the Department.

"Rehabilitative, educational and training concerns appear to be directed to other activities within the Department (e.g. the Garden State School District). Thus, rehabilitation is not a major role

for the Bureau and coordination with the rehabilitative activities is the extent of the expected role. The work environment provided by the Bureau is a part of correctional institution programs. However, this aspect is not pursued in this report.<sup>28</sup>

The Kolbert study recognized that State Use Industries produces various products which are not readily available from commercial sources and which can be critical to State operations. It also noted that by producing many of these products, the Bureau's operation maintains a cost savings to the using agencies.

However, State Use Industries, "is dependent on the various classification committees and the institution Superintendents to provide a work force of suitable skills and number. Inmate assignment is treated differently at each institution and results in the Bureau operating unique and independent shops at each institution."<sup>29</sup>

Some of the changes recommended were:

- a. Combine existing Bureaus using inmate labor into a single unit. This would reduce the competition between such units and allow for better scheduling of inmate labor activities. Other benefits might include savings in personnel costs and consolidation of responsibility with better coordination of work activities.
- b. Reschedule inmate activities to reduce the conflicts between work assignments and other activities. For example, evening classes could reduce the daytime conflicts!
- c. Wage standards should consider departmental priorities and the value of the work performed to the department. The work standard should reflect actual working time, rather than just a general work assignment. Hourly rates should be given serious consideration!

The State Use staff had high hopes that some significant changes would result from this particular study because of the Department's leadership role. Unfortunately, like so many previous "studies" we were disappointed by the lack of implementation by higher authority. It became more obvious that priorities of a more acute nature existed (usually correctional security) than industrial or inmate treatment programs.

During the 1975-76 fiscal period, the Bureau worked hard to achieve a number of objectives. Again, there were more periods

of adversity: The printing industry at Trenton Prison lost two supervisors via resignation; we also experienced several serious disturbances at the Trenton Prison which closed our industries between October 1975 and February 1976 for extended periods of lost production; electrical and equipment failures at Annandale Feed Mill; several small fires at Rahway; a ruptured fire sprinkler system in our Trenton Warehouse; and difficulties obtaining aluminum and textile supplies through the Purchasing Bureau.<sup>30</sup>

The matter of post release employment for those inmates that had developed industrial skills in our shops was an item of great Bureau concern. In cooperation with the Garden State School District, a program called "Project Employ" was in the early stages of development. This effort was counter-productive because of Garden State employee cut-backs, due to the loss of Federal grant funding. The elimination of this operation was disappointing!

There was no significant improvement in the assignment of inmates to the work force. We commented in the Annual report as follows:<sup>31</sup>

State Use Industries has on numerous occasions expressed dissatisfaction with the inadequacy of inmate assignments to the industries. It is a paradox that our institutions are confronted with inmate over-population, yet the industries are forced to operate with an inadequate work force. The turnover rate of inmate workers approximates (5) inmates per job annually.

... The circumstances we have been experiencing remain completely intolerable. Present staff is handicapped in coping with the heavy training burden being imposed upon them. Hiring additional staff creates a financial hardship which the Bureau cannot afford and is questionable as to results, especially under existing circumstances.<sup>32</sup>

The Bureau report noted that staff efforts to reconcile these problems were not successful. In fact, due to other "priorities" at some of the institutions, requests for assistance resulted in hostile responses. Lack of institutional cooperation will cause further loss of inmate jobs or even the loss of some industries at certain institutions.

For many years, State Use Industries maintained a policy of industrial diversification for purposes of training inmates. However it is highly impractical from a business viewpoint to continue subsidizing industries that cannot at least meet the cost of their overhead expenses. "Work opportunities will deteriorate unless there is a positive commitment by concerned inmates and operating unit administration to reverse the present trend."<sup>33</sup>

Supposedly because of the lack of suitable work opportunities and the declining industrial jobs, several inmates at the Trenton State Prison developed a unique program. The proposal stimulated a considerable amount of community interest—particularly from several church groups, the Garden State School District and a few large corporations. This program was called, "Community Action for Vocational and Industrial Development," commonly known as CAVID.

From the beginning it was obvious that any manufacturing operations being planned would be in direct conflict with the State Use Industries program. The Attorney General subsequently rendered a legal opinion that the CAVID program must pattern its operations in conformity with the "State Use Laws", N.J.R.S. 30:4-92 thru 100. (SEE APPENDIX B)

Our Bureau cooperated with all parties concerned with the CAVID proposal and participated in a number of meetings dealing with this topic. It was the intent of this inmate program to initially develop a printing operation that would supply printed products in the private sector and/or municipal communities. Some of their program areas would be in violation of the "State Use Laws". There was also considerably strong opposition from various labor unions. The CAVID proposal was ultimately referred to a Legislative committee, but to my knowledge, never was implemented.

It was quite a revelation that the sponsoring community groups were willing to pledge and supply considerable private financial support to the CAVID project during its early stages. Once the inmate leaders were released from imprisonment, the entire program gradually disintegrated.<sup>34</sup>

The regulations affecting the State Use industrial program are deliberately restrictive to minimize competition with the private sector. Any projects involving industrial expansion must take these factors into consideration as a practical reality of the public attitude toward prison labor. It was the legal opinion of the Attorney-General that the CAVID proposal could only operate under

supervision of the Bureau of State Use Industries as legally mandated by the Legislature. This direction was obviously unsatisfactory to the CAVID management.

State Use Industries has historically kept a low profile. On a number of occasions there have been complaints from various employer or trade association groups and some labor unions regarding our industrial operations. It is not the Bureau's intention to deliberately create any difficulties with anyone in the private sector. Our staff observes the rules established for the industrial operations in the New Jersey Statutes. The CAVID proposal would in all probability have generated heated attacks from both labor and employer groups. The Bureau staff preferred to eliminate the prospect of such unnecessary entanglements with outside private organizations.

Korn and McCorkle criticized this situation as follows:<sup>35</sup>

Most

State Use systems continue to operate unprofitable industries either as a service to State agencies or for the purpose of training inmates. But even these concessions have failed to satisfy pressure groups, and almost yearly attempts are made in the State legislatures to place some additional restrictions on the employment of prisoners.

During the 1976-77 fiscal period there were a number of equipment units purchased. Priority was given to upgrading and replacing machinery in the traffic sign and printing industries. Several new delivery trucks and a 4,000 lb. forklift unit were received. A new Olivetti mini-computer was installed within the Central Office and staff was trained in the new operational procedures. These expenditures exceeded \$81,000.

A major precedent was established when, after lengthy negotiations with the New Jersey Department of Transportation, a federal grant contract was approved by the Federal Highway Administration. Some 20,000 traffic signs and 11,000 sign posts were completed and delivered two months ahead of schedule to 35 counties and municipalities. This was the first time such a contract had been issued to the Bureau and established an important precedent in utilizing prison labor for future orders involving Federal funding.

The industries only employed 11.5% of the inmate population. An average number of 62 jobs were not filled due to inadequate

assignments and the industrial work details were reduced to only 570 full time jobs—a loss of 155 during the year.

The Snow Fence industry at Annandale was closed down in October 1976. The operation was not profitable, costs were rising and the number of jobs was limited.

Our State Use staff continued to face the daily problems—many of which were completely unnecessary—and took steps to contain and resolve the difficulties. The industrial supervisors deserve much credit for helping to increase the Bureau's sales volume to an unprecedented figure exceeding four million dollars for the first time.

A new program was established for the benefit of our inmate work force. State Use Industries awarded a "Certificate of Accomplishment" to those inmate workers earning recognition for achieving proficient trade skills. They were required to complete 1,500 hours of training in the industry and be recommended for this certificate by their industry supervisor.

The Central Office staff upgraded the State Use advertising program during the year.

1. We printed and distributed "*Sudia Products—Handling Safeguards*". This fact booklet provides necessary chemical and antidote information for medical personnel in the event of accidental ingestion of Bureau cleaning products.
2. Printed and re-distributed a customer contact booklet, "*A Brief Description of State Use Industries*."
3. The Bureau also participated in a half hour broadcast on New Jersey Public Television entitled, "*Workin' or Slavin'*". This was a report on the work and attitudes of prison inmates, televised during June 1977.

For a number of years there had been a confusing policy within the Division of Correction and Parole regarding the salary payments of Correction Officers assigned to security duty within State Use shops. The State Auditors had recommended, and Director William Fauver agreed, to transfer all such correctional officers to their respective institutional payrolls, commencing with the new fiscal year in July, 1977. "This very important decision will relieve the Bureau of an undue financial burden and establishes a uniform Department policy on officer assignments to the industries."<sup>36</sup>

Bureau management has always concerned itself with maintaining a safe industrial operation. All workers are cautioned to wear prescribed safety equipment and observe common sense safety regulations; to report possible hazards within the shop for correction; and supervisors are required to practice good housekeeping procedures in their assigned industrial areas.

Only three accidents were reported during the year which required hospitalization. When we consider some of the potential hazards that could arise if reasonable care is not exercised in the operation of machinery—this is a very good safety record!

During February 1977, the Bureau held a conference to discuss various factors associated with bedding combustion. Representatives from the Purchase Bureau, Corrections and the Fire Marshal's office were also present. Soon after this meeting, the Bureau began developing research into various materials for manufacturing mattresses and pillows which had desirable flameproof characteristics.<sup>37</sup>

These experiments were to continue for more than five years. After a variety of materials were tested using different combustion environments, a successful, useful mattress was developed by the Bureau and approved some five years later for use in correctional institutions.

This major contribution is probably the first flameproof mattress developed and there are high hopes this achievement will alleviate the risk factors involved in bedding combustion, particularly within institutions requiring inmate confinement.

This exciting event was publicized by all the New Jersey media.

Recognition of the Bureau's accomplishment was initiated by the following communication:

To: Department of Civil Service  
Professional Accomplishment Committee

From: Irving Seligman, Chief *Seligman*  
Bureau of State Use Industries

August 20, 1981

Work Awards (22-1.105b thru d)

State Use Industries has been a prime manufacturer of pillows and mattresses for New Jersey's various State, County and Municipal institutions. As Bureau Chief, I have been greatly concerned about the potential mattress fire hazards (particularly in correctional facilities) during the past (5) years.

In February 1977, I assembled a conference to discuss "Mattress and Pillow Flammability" problems. This meeting was attended by representatives from the Fire Marshal's Office, Purchase Bureau, Department of Corrections and Bureau staff. See the enclosed February 28, 1977 report.

During 1977 and 1978 there were a series of penal fires throughout the United States and Canada. The Maury County Jail fire in Columbia, Tennessee during June 1977 created a national uproar when some (43) inmates and visitors died. In August 1977 the American Correctional Association issued a resolution requesting we ban the use of polyurethane mattresses in correctional facilities.

I have enclosed a series of representative communications summarizing the development of our new flameproof mattress program by the Bureau of State Use Industries. We attempted several experimental prototypes for the filler cores:

- (a) Cattle Hair      (b) Polyvonar      (c) Low Smoke Neoprene

While these items were obviously a progressive step forward, the low smoke neoprene foam core eliminated the problem of toxic smoke gases.

A major breakthrough occurred when we located a textile source able to assist us in developing a special fiberglass mattress ticking which is flameproof up to 1200 degrees. Please try to burn the enclosed swatch samples of fiberglass and neoprene!

In August 1977, Contact, Inc. of Lincoln, Nebraska published a brief article regarding our Bureau's research. This gave us national recognition and we promptly received some (50) inquiries from various agencies throughout the country. This innovative mattress program has the full support of Commissioner Fauver. The use of "Neo-glass" mattresses is now mandatory in all New Jersey jails, youth houses and correctional facilities. State Use Industries has been manufacturing and distributing this product since June 1980.

The Bureau staff is proud of its contribution in producing this life saving product. The ability of these material combinations to successfully inhibit toxicity and flammability factors makes this the safest, sophisticated mattress available today. New Jersey's Bureau of State Use Industries is being recognized for its leadership position in implementing this program. It is my belief there will be a substantial carry-over into the commercial, home furnishings and transportation areas in the near future.

# Official News Release

 CIVIL SERVICE COMMISSION  
 S. HOWARD WOODSON, JR.  
 President

JOSEPH M. RYAN, Acting Chief Examiner and Secretary

 For information Contact: Donald C. McCabe, Public Information Officer  
 East State and Montgomery Streets  
 Trenton, New Jersey 08625  
 (609) 292-4138

FOR RELEASE: February 3, 1982

S. Howard Woodson Jr., President, New Jersey Civil Service Commission, announced today the following award presentations authorized by the New Jersey State Employee Awards Committee to be made by Commissioner William Fauver of the Department of Corrections in a special ceremony in his Conference Room, Whittlesey Road, Trenton, at 10:00 a.m., Friday, February 5, 1982.

### Professional Accomplishment Plaques

Lucas J. Filiponi, Trenton  
 Clifford S. Burd, Trenton  
 Charles Kelley, Haddonfield  
 Edward Ramsey, Wrightstown  
 John DeAngelo, Trenton  
 Captain Donald Keenan, Washington  
 Edward Shelton, Groveville

These seven men are employees of the Department of Corrections. Filiponi, Burd, Kelley, Ramsey, and DeAngelo are staff employees of that Department's Bureau of State Use Industries, a prime manufacturer of pillows and mattresses for New Jersey's various State, County, and Municipal institutions.

The New Jersey State Employees Professional Achievement Award was approved for each of these individuals for their coordinated effort in developing the first flame-proof mattress in the country. These mattresses are now being manufactured at the Bureau of State Use Industries and are used in all New Jersey State Prisons and many County Correctional Institutions and State Hospitals.

The development of this mattress required five years of testing and development and has resulted in a product that has decreased the probability of prison inmates and hospital patients being injured or killed by fire.

*New Jersey is an Equal Opportunity Employer operating under the Merit System.*

A number of senior staff members in the Division of Correction and Parole suspected that the internal tensions generated within correctional facilities created fiscal problems in the Department of Institutions and Agencies. The correctional difficulties also were periodically dramatized in the public press. Since the Department was by far the largest in New Jersey government, there were recommendations on various occasions to split Institutions and Agencies into more manageable administrative units.

The "Department of Corrections Act of 1976" effectively accomplished this objective and (when approved in October 1976) became Chapter 98, Laws of New Jersey 1976. It was:

An Act concerning the organization and reorganization of the State Government, establishing a Department of Corrections as a principle department in the Executive Branch, changing the name of the Department of Institutions and Agencies to the Department of Human Services and continuing it as a principle department in the Executive Branch, transferring the (Garden) State School District for Institutions to the Department of Education.

The "functions, powers and duties of the Division of Correction and Parole, the Department of Institutions and Agencies and the Commissioner of Institutions and Agencies with respect to all matters affecting State correctional institutions . . . are hereby transferred to the Department of Corrections and Commissioner of Corrections established hereunder."

The necessary funds, personnel, property, equipment, files and records, etc., were also moved to the new department. The State Parole Board maintained its functions, powers and duties, but was also transferred to the Department of Corrections.

The powers and functions of the State Board of Institutional Trustees, with respect to correctional facilities, were transferred and vested in the Commissioner of Corrections.

An Advisory Council on Corrections was also created to consult with and advise the Commissioner.

Thus the new Department of Corrections was established for the first time in the history of New Jersey. Once again the continuing problems associated with prisoner over-population helped to create enough public pressures necessary to upgrade and reform our correctional facilities. This new direction would have far

reaching, important policy results as the correctional staff attempted to meet the problems and challenges created by rapid expansion.

## Footnotes

<sup>1</sup>Annual Report, 1974-1975, State Use Industries

<sup>2</sup>*Ibid*

<sup>3</sup>*Ibid*

<sup>4</sup>Monthly Report, July 1974, Division of Correction and Parole

<sup>5</sup>Annual Report, 1975-1976, State Use Industries

<sup>6</sup>John C. Bonnell, *Training Programs for Industrial Staff in a State Use System*, American Correction Association, 85th Congress, Des Moines, Iowa, 1955 pp. 86-87

<sup>7</sup>A. Evans, *Correctional Institution Personnel—Amateurs or Professionals*, American Academy of Political and Social Sciences, Philadelphia, Pa., 1954, p. 70

<sup>8</sup>*Loc.Cit.*

<sup>9</sup>*Ibid*, p. 77

<sup>10</sup>John J. Moran, *A Plea for Balance*, Correctional Industries Regional Seminar, Montreal, Canada, May 1969, p. 10

<sup>11</sup>T. Wade Markley, *Should Prisoners Work?*, Correction Industries Association Newsletter, April 1966, pp. 5-7

<sup>12</sup>*Loc.Cit.*

<sup>13</sup>*Ibid*, p.7

<sup>14</sup>Daniel Glaser, Ph.D., *The Effectiveness of a Prison and Parole System*, Bobbs-Merrill, Indianapolis, Indiana, 1964, Chapter 19 see also: James A. McLaughlin, *Research—A Partner for Correctional Industries*, Correctional Industries Assoc. Newsletter February, 1967 p.8

<sup>15</sup>Duane Barrington, *The President's Pen*, Correctional Industries Assoc., Newsletter, May 1974, p.1

<sup>16</sup>Moran, op.cit., pp. 6-7

<sup>17</sup>*Ibid*, p. 8

<sup>18</sup>———, *Study of the Economic and Rehabilitative Aspects of Prison Industries*, Correctional Industries Assoc. Newsletter, April 1975, p.4

<sup>19</sup>*Loc.cit.*

<sup>20</sup>———, *Prisons Do Inadequate Job In Training Inmates For Jobs*, Correctional Industries Assoc. Newsletter, April 1976, p.3

<sup>21</sup>*Loc.cit.*

<sup>22</sup>Annual Report, 1975-1976, State Use Industries

<sup>23</sup>*Loc.cit.*

<sup>24</sup>*Op.cit.*, April 1976, Correctional Industries Assoc. Newsletter

<sup>25</sup>Roman Kyweluk, *Study of State Use Industries in the Department of Institutions and Agencies*, Department of the Treasury, Trenton, N. J., September 1975

<sup>26</sup>*Ibid* p.4

<sup>27</sup>*Ibid* p.2

<sup>28</sup>*Loc.cit.*

<sup>29</sup>*Ibid* p. 9

<sup>30</sup>Annual Report, 1975-1976 State Use Industries

<sup>31</sup>*Loc.cit.*

<sup>32</sup>*Ibid* p.10

<sup>33</sup>*Ibid* p.11

<sup>34</sup>Annual Report, 1976-1977 State Use Industries

<sup>35</sup>Richard R. Korn and Lloyd W. McCorkle, *Criminology and Penology*, Henry Holt and Company, New York 1959, pp. 480-481

<sup>36</sup>*Op.Cit.*, Annual Report, 1976-1977, p.10

<sup>37</sup>*Ibid*p.11

## **PHASE XV (1977 - 1978) CREATION OF THE DEPARTMENT OF CORRECTIONS**

The inmate population at the Trenton State Home for Girls had been consistently decreasing for several years. The Department of Institutions and Agencies made an administrative decision to close the institution, when it was felt the overhead costs were no longer warranted. Selected staff members and the reduced female population were transferred to a separated cottage area at the Jamesburg State Home for Boys. A skeleton crew was retained to maintain the various buildings at the State Home for Girls, which was destined to remain unoccupied for several years.

With the creation of a separate Department of Corrections in October 1976, the former State Home for Girls property was transferred for departmental use as a Central headquarters. The facilities are located in a once fashionable area in the western section of the capital city of Trenton. Unfortunately the institution buildings and utilities had suffered from disuse and the lack of adequate maintenance and were to require an extensive and costly renovation program. Many of the institutional type buildings were not suitable for their new functions and had to be converted into the necessary offices, conference rooms, rest-room areas, parking lots, etc. Expanded utility and telephone services were also required. Some building units had very defective roofs which necessitated complete replacement. The correctional staff members were placed in temporary quarters as the renovations gradually progressed—one building at a time, subject to the availability of funds, materials and worker personnel. With the passage of time and perseverance, the building projects began to take their anticipated shape and were transformed into a practical and reasonable environment in a campus-like setting, very suitable for the needs of the Department of Corrections.

Governor Brendan T. Byrne appointed Robert E. Mulcahy III to the new cabinet position as the first Commissioner of Corrections, in November 1976.

Mr. Mulcahy was born on May 23, 1936. After his early schooling he attended Villanova University and was graduated in 1958 with a Bachelor's Degree in History. Having participated in the Naval Reserve Officers Training Corps (NROTC) at Villanova, he was commissioned as an Ensign in the U. S. Navy upon graduation, and served for several years on active duty. Mulcahy was honorably discharged in 1960 having attained the rank of Lieutenant, Junior Grade.

He was a resident of Mendham, N. J., a Borough located in Morris County. The new Commissioner and his wife the former Marie McGrath are the parents of six children.

There was an extensive background of business experience from 1960 through 1974. He was employed by his family owned construction firm as an executive; became president of Mulcahy Realty Construction Company; and helped to organize and serve as a director of the First Morris Bank of Morris Township, N. J.

He was politically active in various capacities with the Democratic party. For some five years, he was also a Trustee of the County College of Morris. From 1963 through 1974 Mr. Mulcahy successively functioned in various elected local government positions as:

Councilman, Borough of Mendham; Member of the Planning Board;

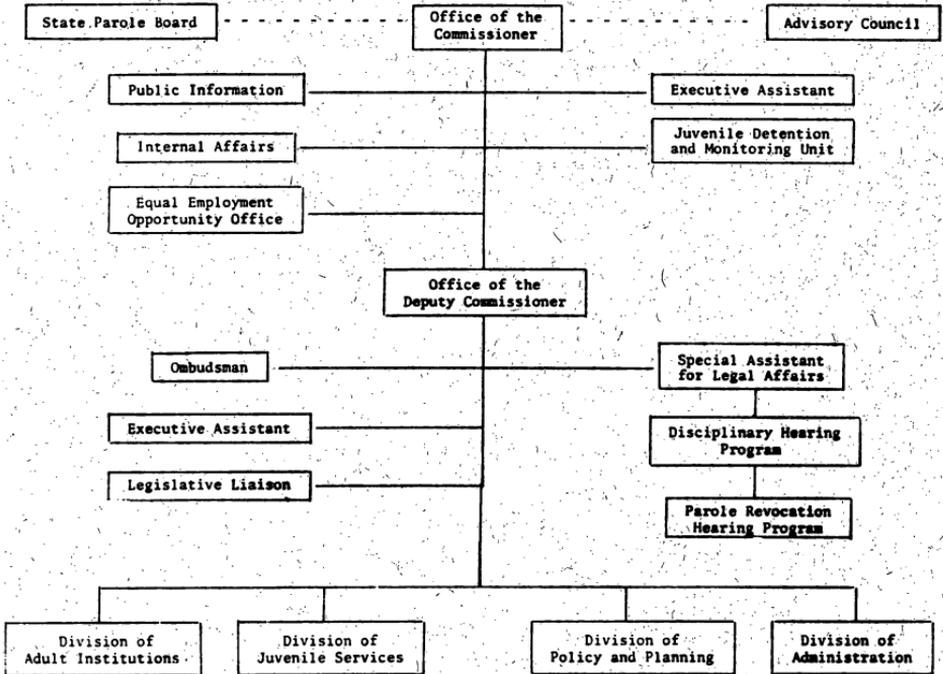
President-Borough Council, and from 1971-1974 as the Mayor.

In 1974 he entered State government when, then Commissioner Ann Klein, appointed him as the Deputy Commissioner of the Department of Institutions and Agencies.

During the early phase of his administration, Commissioner Mulcahy concentrated on establishing the numerous working details inherent in a new correctional organization. The basic chain of command was simple. A Deputy Commissioner (W. H. Fauver) was designated with four Assistant Commissioners responsible for administering their respective divisions.

See Table XXIII for the new Table of Organization.

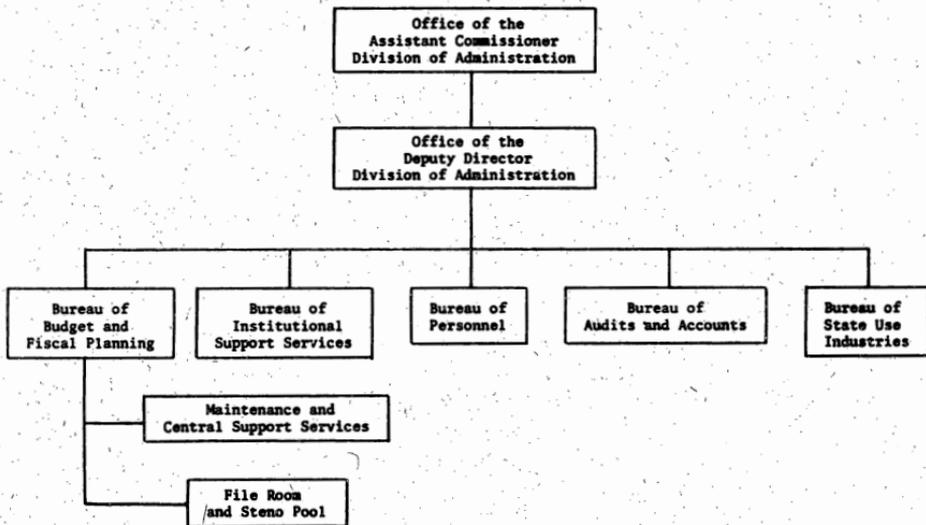
DEPARTMENT OF CORRECTIONS  
OFFICE OF THE COMMISSIONER AND THE DEPUTY COMMISSIONER



T A B L E    X X I I I    (page 2)

DEPARTMENT OF CORRECTIONS

DIVISION OF ADMINISTRATION



Prior to the establishment of the Department of Corrections, a Correctional Master Plan Policy Council had been established by the Department of Institutions and Agencies. The Council was headed by Jay Friedman, Ph.D. with James L. Benedict and Ira Piller as his principal assistants, along with various correctional staff advisors as required. In March 1977 they published the New Jersey Correctional Master Plan.

Some of the comments regarding the Bureau of State Use Industries were:

- (1) There are (23) operational industries located in (7) correctional institutions.
- (2) The industries are deliberately diversified to reduce impact on any one outside competitive manufacturer.
- (3) The Bureau is responsible for overall planning, selection of products, management of equipment and materials, coordination of processes, product distribution, and technical advice and services . . .
- (4) The Superintendents of the institutions are responsible for managing and directing the industrial shops within their institutions, adhering to manufacturing schedules, and meeting the inmate training objectives . . .
- (5) Shop supervisors and all State Use staff members at the institutions are responsible directly to the Superintendent, who is their appointing authority.
- (6) The Central Office staff, with their administrative and coordinating responsibilities, is under the supervision of the Chief of the Bureau of State Use Industries, who reports directly to the Director of the Division of Correction and Parole.

Largely because it is expected to be economically self-sufficient, State Use operates semi-autonomously from the Division. Salaries, inmate wages and operating costs, etc. are furnished by the Bureau from its income. "This semi-autonomy of the Bureau from the Division and the industries from the Bureau results in curtailed lines of communication between the agents responsible for planning and the agents responsible for implementation."<sup>1</sup>

"Coordination of State Use Industry needs with other program priorities has proven difficult. For maximum efficiency of operation, with its many repercussions for competitiveness, income,

and quality of products, *a stable, skilled work force is necessary*. No formal structure exists for dealing with the many conflicts with other programs that arise from these needs."<sup>2</sup>

The Master Plan did little to alter factors already known to the Bureau staff. Higher authority tended to concentrate on implementing those areas in the report with greater priority ratings for the Department of Corrections. Although State Use Industries continued to register complaints regarding inmate worker assignments, little was done to change a rapidly deteriorating condition, with negative implications for the Bureau's industries.<sup>3</sup>

T A B L E    XXIV

	<u>Average Number Inmate Jobs</u>	<u>Inmates Assigned Annually</u>	<u>Average Number Per Job</u>
1975	523	2371	4.5
1976	538	1674	3.1
1977	508	1755	3.5
1978	487	1698	3.5
1979	455	1545	3.4
1980	432	1276	3.0
1981	419	1396	3.3

It was most difficult for State Use Industries to comprehend the viewpoint of the Department of Corrections or their apparent indifference to the industrial problems that continued to exist. The inmate population had been rising at an accelerated rate to the highest prisoner count in New Jersey history. It was inconceivable that the Bureau could not acquire sufficient inmate manpower to fill an already limited number of jobs. At best, State Use had only employed about 11% of the inmate population. The then current number of prisoners in "idle" status must, of necessity, have been extremely high.

Norman Carlson, Director of the Federal Bureau of Prisons has commented: "Ours is a society built on the work ethic and enforced idleness deprives offenders of self-respect and a sense of purpose. The danger of having large numbers of inmates with no constructive outlet for their energies can be overcome by a balanced work

program that employs as many persons as possible in productive labor."<sup>4</sup>

We have indicated a variety of concepts designed to alter human behavior during periods of incarceration. In our American system of corrections, some of the efforts to relieve the internal weaknesses of confinement have included: penitence, isolation, education, recreation, medicine and mental therapy. There has been increasing attention focused on attempts to (a) improve job skills and (b) develop good work habits among inmate workers. There is justification for the belief that these two conditions are highly necessary for successful community re-integration. Thus prison industrial operations had been elevated to positions of recognized significance as an important means for improving prisoner productivity and individual vocational skills.

An earlier report for the Joint Commission on Correctional Manpower and Training noted that a prime goal for corrections is the prevention of separating the offender from activities, relationships, opportunities and those relative values, for most persons in our social communities, which comprise daily living habits. "If a man has a job appropriate to his abilities and needs and is able both to count on it and to hold it, he meets an essential—perhaps the most important—requirement of social integration in our society today. . . . It adds to the role of worker, the dimension of ability to manage the material aspects of one's personal and domestic affairs."<sup>5</sup>

Despite the importance being stressed on prison industries, some ten years later the National Institute of Law Enforcement and Criminal Justice found that generally the results achieved fall short of their possible potential. Of course there were exceptions, however, this national study indicated the average prison workshop suffered: idleness, short work shifts, work interruptions, make-believe work, obsolete methods, overmanned operations, and sometimes material and equipment which did not enhance the ex-offenders prospects of being hired by the private sector upon release.

In addition there was little correlation between available jobs in prison operations and the labor market demands in those geographical areas to which ex-offenders would return.

Finally, there was insignificant interest expressed by inmate workers in seeking similar employment in a related job after release. There was little or no job placement assistance offered by prison authorities.

These circumstances encouraged some correctional administrators to review their prison industrial programs. There was obvious interest in a new approach designed to upgrade their industrial systems into a self-supporting program which would actively promote the reformation of prison inmates.

Utilizing the Econ, Incorporated study, the Law Enforcement Assistance Administration (LEAA) developed a new, innovative concept for prison industries. The major principle of this program was work based on productive labor with private sector efficiency, private sector wages and private sector relevance. This new concept was known as the "Free Venture Model". Its dual goals were—financial self-sufficiency and the integration of ex-offenders into the social community.

"The Free Venture Model, which is designed to emulate the outside world of work as closely as possible within the prison setting, proposed these broad goals:<sup>6</sup>

1. A realistic work environment, including—a full work day; inmate wages based upon work output; productivity standards comparable to those of private industry; hire and fire procedures, within the limits of due process rights; and transferable training and job skills.
2. partial reimbursement of the state by inmates for custody and welfare costs, as well as restitution payments to victims.
3. graduated preparation of inmates for release into the community.
4. fixing responsibility for job placement of inmates upon release into the community.
5. financial incentives to prison industry for successful re-integration of offenders into the community.
6. self-supporting or profit making business operations."

There were a number of economic questions which the Free Venture operation did not address. Based on statutory limitations, which markets could be served by prison labor? Which economic resources would be needed by prison industries to serve the proposed markets? How would the financial returns on this investment be evaluated?

LEAA Administrator George Bohlinger spoke to the Correctional Industries Association in 1977 regarding some of these problems. He stated there were obstacles to be resolved. Some of

these involved salary differentials between inmates and staff workers, minimum versus prevailing wages, etc. Mr. Bohlinger emphasized that a complete evaluation of the Free Venture Model would require several years and was considered purely experimental at that time.

Seven states were selected to develop and implement a Free Venture corrections project after a preliminary study. The State of Connecticut was ultimately selected for an in depth review. LEAA awarded the following Federal grants:<sup>7</sup>

Minnesota .....	\$324,987
Colorado .....	153,400
Iowa .....	108,303
Illinois .....	323,534
South Carolina .....	108,981
Washington .....	417,378
Connecticut .....	342,900

Total \$1,779,483

These intensified activities by Federal agencies stimulated renewed interest nationally in developing viable improvements for expanding industrial operations. Some state industrial programs were experiencing fiscal difficulties and they actively competed for the grant funding in order to upgrade their industries or obtain capital funds for expansion into additional industries.

In New Jersey, Commissioner Mulcahy was aware of these circumstances. His background and interest in business activities suggested that the Free Venture program warranted additional investigation. He assembled a committee consisting of Assistant Commissioner Albert Elias, Superintendent Sidney Hicks, Correction Captain Edward Shelton and myself. In October 1977 this group visited the Connecticut institutions. Our purpose was to study the impact of the federal grant funding on their correctional program from the viewpoint of: administration, institutional operation, security and industries.

The Connecticut correctional system had adopted the Free Venture program in its entirety. All industries were involved and had the cooperation and support of their Commissioner, Wardens and industrial staff. "The six other pilot states instituted the project only in specific parts of their total industry programs."<sup>8</sup>

There is no doubt that each of the pilot states involved in Free

Venture derived certain benefits from the program—depending on their individual objectives. Our New Jersey task force had submitted a comprehensive report to Commissioner Mulcahy. It was our collective impression that most of the Free Venture model could be instituted in New Jersey simply by altering various correctional administrative procedures. Some of the latter were deeply ingrained by historical precedent and probably would require department wide cooperation and support. The committee also felt that a number of New Jersey correctional procedures were superior to those witnessed in Connecticut and did not warrant any change. While our industrial operations could always stand improvement New Jersey's program was financially solvent and being managed in a result-oriented, business-like manner consistent with our statutory mandate.

Thus, Free Venture was considered as an innovative operation, but was never implemented in New Jersey. "While there were high hopes for the Free Venture programs due to heavy federal grants, I believe they were successful only in assisting involved states to purchase machinery or establish new industries. Many of the state organizations could have adopted a number of the Free Venture proposals by simply changing their administrative procedures. It should be noted that many of these proposals (such as inmate wages and market availability) had to be considerably modified as the program developed."<sup>9</sup>

The Free Venture project was under the technical supervision of the American Institute of Criminal Justice located in Philadelphia, Pennsylvania. The program existed for about seven years and was supported with 2.8 million dollars in Federal funds. There has been considerable national debate regarding this topic and the resulting benefits. Many industry officials concede that not all of Free Venture's goals have been met in all seven pilot states. The Free Venture project ended in January 1982.

A number of correctional industries programs in many states have traditionally experienced difficulties in achieving self-sufficiency or a profitable operation. There are probably a variety of logical reasons for not reaching that goal. The passage of Federal legislation some 50 years ago, preventing the interstate sales of prison industry merchandise, has been cited as one of the principal reasons. These laws were intended to protect private business organizations from competition by inmate labor.

The expansion of prison inmate populations dictates a propor-

tional expansion in prison industries. The industrial base must be extended if additional inmate workers are to be employed.

With the demise of the Free Venture project, another Federal program has been advocated by Illinois Senator Charles Percy. It is officially named "The Prison Industry Enhancement Program (P I E)." Some seven states also will initially be involved in this experimental project, which has goals very similar to the Free Venture model. One of the main objectives is to, "waive the Federal restrictions on interstate sales and on sales to the Federal government of prison products."<sup>10</sup> It is too early to estimate the value of this new pilot program at the present time. There is apparently a changing attitude on the part of many national legislators for a more liberal viewpoint concerning prison industries administration.

See Appendix E, Public Law 96-157 (December 27, 1979)

During the 1977-1978 fiscal year, State Use Industries concentrated on the replacement or addition of machinery and equipment. The objective was the elimination of all obsolete units in order to upgrade productive efficiency.

The Bureau experienced increased business volume in our Auto Tag, Feed Mill, Sign, Printing and Soap industries. The sales once again had exceeded the four million dollar mark. The overall sales distribution was:

Department of Corrections .....	27 %
Department of Human Services .....	21 %
Other State Departments .....	43 %
Counties and Municipalities .....	9 %

The increased sales (which indicated greater production efficiency) only created additional Bureau hardships because of a continuing inadequate inmate work force. We should have been expanding job opportunities. Instead, the opposite was true. By April 1978 the State Use inmate manpower had declined to only 446 workers—the lowest in recent memory! At least three meetings were held during the year with Department of Corrections administrators, attempting to establish a definitive policy for supporting inmate assignments to the industries. The results were inconclusive and continue as a major concern to the State Use staff members.<sup>11</sup>

A favorable condition is best achieved where there is mutual

respect and understanding between management and employees. Productive output is usually in direct proportion to the manner in which an employee feels he is being treated. Correction management must avoid establishing or perpetuating circumstances which weaken an individual's motivation to work productively and effectively.<sup>12</sup>

"Most management consultants agree that an excellent situation prevails if the employees apply themselves willingly to the tasks which must be accomplished." Such motivation requires that workers are imbued with reasons for being productive, cooperative and purposeful in the performance of their work activities. When management deals unfairly or arbitrarily with employees that have done their best, the workers will fail to put forth their best efforts and their energies will be dissipated worrying about their own personal treatment in the future.<sup>13</sup>

The Bureau staff was also concerned with the regularly increasing prices for materials and services, also salaries and inmate wages. Manufacturing productivity was not able to increase in ratio to the cost of operations with these inflated market conditions.

State Use Industries had long planned to establish a central warehouse program to speed the shipments of finished products to our customer agencies. There had been initial agreements to develop such an operation in our defunct Woodworking industry at the Yardville Reception and Correctional Institution. However, these plans never materialized due to some misunderstandings with the institutions management that were never resolved. The Department tried to assist us in finding another location without success. In the meantime, the Trenton State Prison building expansion program placed the State Use Central Office and existing warehouse buildings in sudden jeopardy. It was acutely apparent that these Bureau facilities would be dispossessed and our operation would be required to move elsewhere. The Department staff assured us there would be ample time for moving the State Use operation, we would have at least six months advance notice! Subsequent events proved this time factor to be a projected figment of an overactive imagination. Because of the authoritative source, the Bureau believed the information forwarded by higher authority and unfortunately suffered the consequences.

State Use Industries had occupied their Central Office and Warehouse facilities at the Trenton Prison for about 17 years. During his tenure Chief John Bonnell utilized prison labor and

spent some \$30,000 for materials to renovate the former Woodshop building into very convenient quarters. Our staff was not happy at the prospect of being evicted.

Prior attempts to establish a new Warehouse distribution operation had encountered little cooperation, much frustration and practically no progress. The Bureau requested assistance from the Office of Industrial Development (part of the Department of Labor and Industry). With their cooperation our staff investigated more than twenty building site locations in the greater Trenton area. This assistance led to a suitable building location that measured 56,000 square feet on four acres of land, with blacktopped parking areas, perimeter cyclone fencing, 600 amp. electric service, a complete fire sprinkler system and two truck loading docks. The building was only twelve years old and previously used by a national company for manufacturing asphalt floor tiles.

The property was submitted to various investigations by state officials and passed all the necessary inspections. Chief William Bolen of the Bureau of Real Property and his staff were very helpful by assisting State Use Industries in negotiating a realistic and agreeable selling price with the property owners. The necessary contracts were prepared and finalized by the State Attorney-General's Office.

It should be noted that the Department of Corrections stated there were insufficient funds available to purchase the new property. State Use Industries fortunately had the monetary means to complete the transaction without the Department's help. A property closing took place during September 1979 and possession of the land and building structures at 111 Oak Street in Trenton, N. J. was transferred to State use Industries and the State of New Jersey.

The Bureau had expressed concern on a number of occasions as to the planning timetable for vacating the Trenton Prison premises. We were told by several Department of Corrections officials that due to: (a) litigation in the courts by a group attempting to halt the prison building expansion and (b) existing plans to construct the new facility in phases, that State Use Industries would have sufficient advance notification.

On October 11, 1979 the Bureau was unceremoniously shocked to learn there had been a change in plans and we would be forced to move by November 15th.

Our staff was totally unprepared for the sudden change of events. Plans were hastily developed to meet this new challenge.

During the next few weeks the movement of materials, personnel and equipment was a horrible experience in logistics. The new Warehouse facility still contained equipment from the previous owner and State Use personnel barely had time to clean a portion of the new building before our supplies began to arrive in a continuous series of truck and trailer shipments. The move was completed on November 16th and building demolition began that same day at the Trenton State Prison.

Our Central Office staff was temporarily relocated into three rooms in the Voorheese Building at the Department of Corrections complex. Arrangements were completed for a daily inmate work detail to be transported by bus from the Jones Farm in West Trenton to the new Warehouse. Though supervised by a Correction Officer, these men were all in minimum custody status.

While the Bureau was usually housed within a correctional institution or other State facility, all necessary maintenance functions were handled by their regular staff. For the first time the State Use operation found it necessary to exercise responsibility for providing its own maintenance services and a competent Supervisor, Louis Scarpati, was hired for this purpose.

Plans for a 4,000 square foot office unit were discussed and promulgated by the Bureau staff. Utilizing inmate labor and several State Use Trade Instructors, Mr. Scarpati did a very creditable job in supervising the office construction within the new Warehouse facility. Skilled outside contractors (such as plumbers and electricians) were utilized only when necessary. Assistant Chief Lucas Filipponi coordinated this program and assisted the work crews in expediting the availability of all necessary materials. Once again the State Use staff met the challenge and overcame all obstacles!

The State of New Jersey had operated a number of farm programs for many years. These were principally located at various mental health institutions, but the farm workers were predominately prison inmates supervised by experienced civilian farmer personnel. With the establishment of a separate Department of Corrections, the responsibility for operating all the farm installations was transferred to the new department. It is strongly suspected that the business management at the mental health facilities were glad to rid themselves of the seemingly never-ending "farm headaches".

Under these arrangements, the farms were placed on a new

revolving fund with a mandate to become self-supporting within two years.<sup>14</sup> Beginning in February 1978, a number of meetings were held with Division of Administration staff to discuss future operations of our Feed Mill Industry at Annandale. The Feed Mill Industry was a self-supporting program operating on a minimal return of about 5% on a sales volume of \$500,000 annually. There were some problems in operation—usually the timely procurement of materials! But, it did employ three staff members and about 28 inmates.

State Use Industries had successfully operated the Feed Mill program for some forty years. There was even some preliminary staff discussion relevant to the possibility of erecting a new building on the concrete foundation of the burned-out Cannery area. Such ideas were held in abeyance pending the future stability of the new farm operation.

It was apparent that the State Use program did not satisfy the projected plans for the farms. It soon became evident that the Feed Mill would become a casualty of their reorganization. While the State Use staff was opposed to closing down this stable industry, we were forced to accept the decision of higher authority with great reluctance and the industry was closed in July 1978.<sup>15</sup>

During the previous ten years, State Use Industries had eliminated nine industries, reduced staff by thirty-two employees and lost some four hundred inmate workers. There were various administrative difficulties associated with inflation, procurement of materials, staff turnover and replacement. "Despite these negative factors, Bureau management has instituted better administrative procedures designed to improve efficiency, eliminate waste, reduce costs and bolster production. As a result the industrial program has continued to remain self-supporting without cost to New Jersey taxpayers."<sup>16</sup>

## Footnotes

<sup>1</sup>*New Jersey Correctional Master Plan*, Department of Corrections, Trenton, N. J., March 1977, p. 165

<sup>2</sup>*Loc.cit.*

<sup>3</sup>Annual Reports, 1976 thru 1981, State Use Industries

<sup>4</sup>Norman A. Carlson, *Prison Industries*, Correctional Industries Association Newsletter, April 1978

<sup>5</sup>John J. Galvin and Loren Karacki, *Manpower and Training in Correctional Institutions*, Joint Commission on Correctional Manpower and Training, Washington, D. C., December 1969

<sup>6</sup>———, *Prison Industries and the Free Venture Model*, Corrections Compendium, Contact, Inc., Lincoln, Nebraska, Oct. 1978

<sup>7</sup>*Loc.cit.*

<sup>8</sup>———, *Free Venture*, Correctional Industries Association, Newsletter, June 1981

<sup>9</sup>Irving Seligman, *Some Random Reflections on Correctional Industries*, Correctional Industries Association Newsletter, August 1982

<sup>10</sup>*Op.cit.* Correctional Industries Association Newsletter, June 1981 see also: Correctional Industries Association Newsletter, November/December 1980 and March 1981

<sup>11</sup>Annual Report, 1977-1978, State Use Industries, p. 14

<sup>12</sup>Irving Seligman, *Motivation and Morale—A Concept in Employee Relationships*, American Journal of Correction, May-June 1962, p. 14

<sup>13</sup>*Loc.cit.*

<sup>14</sup>*Op.cit.* Annual Report, 1977-1978, State Use Industries, p. 2

<sup>15</sup>*Loc.cit.*

<sup>16</sup>*Ibid*, p. 9

## **PHASE XVI (1979 - 1982) THE RESURGENCE OF PRISON INDUSTRIES**

During January 1978, Governor Brendan Byrne selected Commissioner Mulcahy as his Chief of Staff. He remained in this key cabinet position for several years as an active assistant to the Governor. When the New Jersey Sports Authority was seeking a replacement for the vacated position of Executive Director, Bob Mulcahy was chosen to head the Meadowlands Sports Complex. He continues to function in that position at the present time.

In deciding upon a replacement for Robert Mulcahy, Governor Byrne selected Deputy Commissioner William H. Fauver, an experienced career employee with correctional credentials.

Mr. Fauver was born in Camden, New Jersey on November 30, 1931. He attended public schools in Haddon Heights and in 1953 was graduated from Rutgers University. After completing advanced studies in group dynamics, Temple University awarded him a Master's degree in Education.

He served in the armed forces and was discharged with the rank of Sergeant.

During 1962, Bill Fauver began his service in New Jersey's correctional institutions as a teacher at the Bordentown Reformatory. From 1967 to 1970 he served as the Assistant Superintendent at the new Yardville Youth Reception and Correction Center. Fauver was subsequently transferred to the Superintendent's position at the Youth Correctional Center, Annandale and remained at that institution for almost two years. During 1972 and 1973 he was elevated to Superintendent of Trenton State Prison and gained valuable experience in operating a maximum security adult facility.

With the retirement of Albert C. Wagner as the Division head, Bill Fauver was selected to become the new Director of the Division of Correction and Parole (in the old Department of Institutions and Agencies) during May 1973. He remained in that position until November 1976, when he was appointed Deputy

Commissioner for the new Department of Corrections.

Since 1974 he has served as a member of the National Crime Information Center Advisory Board. On June 15, 1978, Mr. Fauver was sworn as the second Commissioner of the Department of Corrections.

The Department of Corrections was created by Chapter 98 of the Public Laws of 1976 and became operational on November 1, 1976.

The Department operates three major prisons, four large correctional institutions, two training schools for youthful offenders, four residential group centers, an adult diagnostic and treatment center, five community treatment centers, nine parole offices, and numerous satellite facilities. There are approximately 4,200 employees, 8,600 offenders in custody, and some 9,300 parolees under supervision. The annual Department budget appropriation exceeds 107 million dollars.

One of the major problems that has not been adequately addressed in New Jersey's past is the routine overcrowding of the correctional system. This factor has been a significant, continuous difficulty during our State's two hundred year history in correctional administration.

It is recognized that the public sees little glamour in prisons! Most taxpayers would prefer to forget the existence of prison inmate populations. They are frequently viewed as a social embarrassment that contain individuals with dangerous tendencies. The tax paying public often resents the necessity for building and maintaining security institutions for purposes of incarceration.

During the past twenty-five years, a number of responsible New Jersey officials have projected and accurately predicted the severe difficulties this state would face with an ever increasing prison population. With the lack of adequate appropriations, even much needed maintenance programs for existing structures were curtailed. The construction of new facilities unfortunately has been too little—too late!

It has been particularly disturbing to all sectors in the correctional system that the long delays in building additional, modern correctional facilities has had a very negative impact on all concerned:

- (a) Many important and beneficial programs affecting inmate behavior had to be eliminated.

- (b) The lack of adequate facilities had a depressing effect on the quality of life for many of the New Jersey's prison inmates.
- (c) Extensive delays in implementing the construction program, added significantly to the building costs borne by the taxpayers.<sup>1</sup>

It has been previously indicated that very few of the motivating factors, which influence people in our normal social environment, have an impact on prison inmate groups. Most prisoners accept the fact they carry a tattoo of both social and judicial stigma. However, there is no social benefit if the offender leaves a prison facility no better than when he first entered. Unless there is an attitudinal change within the individual, a period of incarceration is of minimal assistance to our society in any programs established to fight crime. Without the proper facilities, motivated staff, and the other needed adjunct tools—we shall continue to lose ground in the area of inmate reformation. Attempting to change an individual's lifestyle can be a difficult, frustrating adjustment and educational procedure. Many of us in this business have utilized various methods in attempting to effect changes in the offender. But, there have only been minimal, beneficial results in our experience.

There was gradual improvement in renovating the obsolete buildings on the campus of the Department of Corrections. Most of the work was being completed by the internal maintenance staff, supplemented with inmate work details. While these improvements were a continuing problem for the Commissioner and his staff, they were minor in comparison to the constantly increasing prison populations. The overcrowded conditions created major difficulties for the Department of Corrections. Commissioner Fauver's administration will be remembered for the various internal department maneuvers and construction programs instituted to help in resolving those most difficult problems associated with an overcrowded inmate population.

We have previously indicated New Jersey's pioneer efforts in developing written procedures and standards for correctional administration. Much of this program evolved over a ten year period under the leadership of Director Albert C. Wagner.

There was increasing national interest in improving a variety of correctional staff training programs. The Law Enforcement

Assistance Administration (LEAA) funded a Commission Accreditation for Corrections. The ultimate goal was to upgrade the field of Corrections into a recognizable professional status level. The process of accreditation required the establishment of written guidelines so that the correctional operations involved could be measured against an acceptable yardstick.

In 1977 a Manual of Standards for Adult Correctional Institutions was published under sponsorship of the American Correctional Association (ACA). This important document only contained (7) general standards affecting industrial programs under the heading of Inmate Work Programs:<sup>2</sup>

- (1) There are sufficient employment opportunities for inmates.
- (2) Inmate work assignments provide work experience relevant to the current job market.
- (3) An effort is made to structure the inmate work day to approximate the work day in the community.
- (4) The inmate training and work programs utilize the advice and assistance of labor, business and industrial organizations.
- (5) Inmates are paid for work performed.
- (6) There is a written plan for providing incentives to inmates in work programs.
- (7) Inmates employed by public or private organizations are compensated at the prevailing rate.

While these industrial standards only represented a small segment of the Adult Correctional Institutions Standards, compliance was expected if a particular institution was to be favorably accredited with a satisfactory rating.

One of the difficulties associated with the administration of a correctional industries program is the confusion and controversy that exists regarding the goals and purpose of such an operation. The history of prison industrial programs has without doubt contributed to these circumstances.

The basic State Use laws in New Jersey were promulgated more than sixty years ago. These regulations are primarily production oriented, with a goal of self-sufficiency to minimize any taxpayer expense. Since there are no appropriated funds for the Bureau of State Use Industries, their continued existence requires the maintenance of a profitable industrial organization. In this respect,

the staff outlook must be geared to a business, production orientation as the Bureau's primary objective. These economic requirements frequently caused problems with free labor and the private manufacturing sector as prison industries increased in size. Even in today's enlightened economic environment, there continues to be sporadic opposition from various sources for providing inmates with reasonable training and work opportunities.

During the past forty years, there has been increasing emphasis on a variety of so-called "treatment programs" and the rehabilitation of the offender. Work operations were viewed as training for the inmate participant. The object was to develop work skills that might be beneficial to the ex-offender in finding a job upon release. Correctional industries was also considered a phase of the treatment program. Business goals and production techniques were viewed as subordinate to many treatment methods.

There seemed to be little concern in New Jersey that State Use Industries was mandated by statutory regulations to follow certain procedures. A number of highly placed administrators tended to bypass or ignore these rules when it suited their convenience—or perhaps they were just ignorant of their existence! The Bureau policy always favored cooperation with higher authority. It is unfortunate that Bureau activities lacked consistent Department direction and we were frequently placed in the embarrassing position of: "Damned if we do, or damned if we don't!"

The Bureau occasionally requested clarification of the statutes via opinions from the Attorney-General's office. Another source of Bureau assistance emanated from required audits performed by the State Auditor's staff. The latter required the Bureau to adhere to the statutory regulations.

Officially, no one wanted to accept responsibility for requesting that the existing statutes be changed and/or upgraded to recognize the current conditions affecting the industrial operations. Commissioner Lloyd McCorkle once observed that it was extremely difficult to operate a 1970 correctional program in a 1920 environment. Statutorily speaking, that is precisely the situation currently affecting New Jersey's Bureau of State Use Industries.

In recent years there has been renewed interest in once again redeveloping self-sufficient industrial programs and the original concept of the work ethic. The costs of operating correctional institutions have been rising dramatically. The value of work programs to a portion of the incarcerated offenders is obvious to both

legislators and correctional administrators especially when such work does not require the utilization of tax funds.

Conditions in the work environment have changed drastically in recent years. Judicial decisions, primarily by our Federal courts, have revised and upgraded national concepts of inmate rights. The inmate worker today is encouraged to elevate his self-worth attitude and strive for successful accomplishments as a matter of pride in his work. Industries attempt to provide a safe and humane environment for inmate workers. Many prisoners make a substantial contribution to the production effort in their industry assignments. They are treated with dignity and respect by fellow associates and staff members because they have earned the right to be trusted.

It must be emphasized that not all inmates are suitable for industrial assignments. The industrial staff maintains a broad outlook and tries to fill necessary vacancies with the manpower available to them. Rarely do they have an opportunity to selectively hand-pick the "best" inmates. Many of the inmates being classified for assignment are not interested in working within certain industries. The reasons vary, but might include: too much work, tough staff, homosexual label, inadequate education or not enough inmate wages. We must remember that many offenders have a very poor work attitude and often were in trouble because they desired the benefits usually achieved through a working occupation, but sought means to circumvent the responsibilities associated with any steady employment. Overcoming such negative attitudes and instilling a desire to learn basic work skills is a most important function of the industrial staff. They are faced with a difficult task which involves constantly training inmate workers in handling the necessary mechanical tools and skills needed to complete a satisfactory finished product.

Industrial operations within a correctional institution have many restrictions which detract from achieving efficient results. The industrial programs are uniquely different from other institutional activities, since they furnish a work environment that closely resembles similar functions in the private sector. Such programs are business oriented and require realistic production performance to satisfy a customer's order requirements.

The sale of products must generate suitable revenue to offset operational costs and maintain industrial self-sufficiency. Within a correctional setting inmate workers are given a unique oppor-

tunity to experience personal associations, satisfactory achievements and learning to cope with their failures, whether human or mechanical.

The increasing importance of the work ethic required additional attention from the groups involved with establishing standards. In June 1981 the American Correctional Association published an additional brochure called Standards for Correctional Industries. There were enumerated some seventy-four industrial standards. But for an initial period, these standards are now viewed as only suggested guidelines. They are not to be utilized as mandatory requirements in determining the program accreditation for any correctional institution.

The Standards for Correctional Industries were broken down into six major categories. I have attempted to arbitrarily analyze New Jersey's compliance with these standards in the following summary:<sup>3</sup>

T A B L E            XXV

<u>Standard Category</u>	<u>New Jersey Compliance</u>			<u>Standards Totals</u>
	<u>Yes</u>	<u>Partial</u>	<u>No</u>	
Administration	9	1	7	17
Fiscal Management	9	1	0	10
Safety, Security & Working Conditions	8	4	4	16
Inmate Personnel Practices	7	3	6	16
Shop Practices	2	3	2	7 *
Marketing	3	1	2	6
	<hr/> 38	<hr/> 13	<hr/> 21	<hr/> 72

\* Not applicable: 2 agricultural standards unsuitable for our industrial program not included.

If and when these industrial standards are mandatorily required for institutional accreditation at the national level, New Jersey's current practices will necessitate some changes. Upgrading is obvious in (21) areas of non-compliance and some (13)

areas of partial compliance will need review for any necessary implementation.

During fiscal year 1978-1979, State Use Industries continued a policy of upgrading machinery and equipment by spending about \$160,000. We continued to receive substantial traffic sign orders from the Department of Transportation. The Bureau also assisted their engineers in developing a "Breakaway" style traffic barricade made from 4" plastic tubing and hi-intensity reflective sheeting. More than 850 units were initially manufactured and delivered in special cardboard containers.

New Jersey had utilized a straw background/black numeral license plate for some twenty years. The Division of Motor Vehicles decided a color change was desirable. They selected a medium blue background with straw numerals. Our Auto Tag industry experienced some major technical problems with these new materials. The shop was forced to curtail production for some five months. The first initial shipments of our new license plates commenced in June 1979.

This lost production time plus the closing of the Annandale Feed Mill industry depressed the Bureau's annual sales volume. For the first time since 1976, State Use sales dropped below the four million dollar mark!

We expanded the Inmate Hourly Wage program to our industries at both Rahway and Bordentown during January 1979.

The Rahway Textile industry was combined with the Clothing operation. Without skilled inmate workers, the Textile program was severely handicapped and unable to produce the quality or quantity of required textile products. The institution was consistently unable to provide a full complement of 55 inmate workers. We were down to 15 inmates when the industries were joined in order to balance various Bureau cost factors.

While it was fairly normal for State Use Industries to experience a variety of difficulties, there were also some positive benefits. The renewed interest in expansion of industries and development of standards indicated that problems being pinpointed at the national level could best be controlled if broken down into regional areas.

The attitudes and established precedents that were considered acceptable, varied in accordance with the different regions of our nation. Such items as regional economy, transportation, population density, and even historical antecedents were items that

contributed to such regional concepts. It soon became apparent that while correctional industries had certain common goals at the national level, various state organizations (that comprised a regional sector) travelled different pathways to achieve similar objectives.

The present doctrine of regionalization was promoted by Robert Thomas, Director of Industries for the Commonwealth of Massachusetts. New Jersey participated in the 1979 organization of the Northeast Correctional Industries Conference. The program is designed to operate within the framework of the national Correctional Industries Association. It has been developed to meet at more frequent intervals for the purpose of reviewing industrial ideas of common interest and related problems characteristic to the northeast area. Some ten states and Canada actively participate in the Northeast Conference program with the cooperation and approval of their respective Commissioners. These close contacts with our counterparts in this region have been a source of tremendous value as a direct reference in resolving various industrial difficulties that are endemic to the correctional environment.

Fiscal year 1979-1980 presented a great number of difficult obstacles to the State Use operation. The inflationary trends during the year had a serious, adverse effect on the Bureau's cost of doing business. Efforts were made to hold down prices where possible. As our material inventories required replacement, higher material costs necessitated increased selling prices for some products.

Gasoline rationing affected the Bureau's ability to visit customers and make deliveries. A program was instituted to consolidate truckloads of finished products. Institutional trucks in the Trenton area also cooperated by visiting or calling the Warehouse for any available merchandise going to their agencies. These efforts helped to conserve fuel!

There was a serious incident in November 1979 at Trenton State Prison. Due to contractor negligence, the Industrial Building roof sustained heavy storm damage over the Thanksgiving holiday. The industries were forced to close down for many weeks. There was considerable loss to Bureau equipment and merchandise which was estimated well in excess of \$108,000.

Shipments of the new pre-painted blue aluminum license plate material were received in poor condition. About 107,000 pounds

of this defective aluminum was returned to the vendor for replacement by the Auto Tag industry.

There were difficulties in the prison Printing industry and complaints due to our inability to meet deadlines. The Bureau found it necessary to release a number of new printing orders for outside purchase. Bureau attempts to resolve the problems with Trenton Prison officials were at best temporary, and the condition remained highly unstable. After discussion with higher authority, the Printing industry was expanded into a second unit. Selected basic equipment was removed from the Trenton Prison and installed in an area of the Bureau Warehouse during May 1980. The establishment of this added facility enabled us to eliminate much of the printing backlog and to expedite some of the emergency orders. Additional printing equipment was subsequently added to enable this unit to function as a self-contained operation.<sup>4</sup>

There was a heavy turnover in State Use staff personnel during the fiscal year. Ten employees resigned or were terminated and nine people retired. The Central Office lost five experienced employees which included Head Audit Account Clerk Lyda MacNaughton, Principal Clerk Lilliam Blue, Senior Audit Account Clerk Florence Horner and Trade Instructor Benedict Blank—our longtime metal shelving specialist and installation coordinator. It was difficult to lose reliable and experienced employees, especially when the recruitment of suitable replacements seemed to be a problem. Our total civilian staff had been reduced to 60 employees, the lowest number in some 24 years.

The State Use staff worked under a heavy burden and experienced hardships during this fiscal period that were quite traumatic! However, the Bureau did achieve some satisfactory accomplishments:<sup>5</sup>

1. The State Auditors from the Office of Fiscal Affairs had reviewed the Bureau's financial operations. Their published report in October 1979 stated, "The audit disclosed that the Bureau's records are generally well maintained and are in accordance with State accounting policies and procedures." There were several audit recommendations which the Bureau was able to implement without difficulty.
2. The Bureau staff began installation of a substantial metal shelving order for the Department of Labor and Industry. There were also significant increases in sales volume for items made by

the Clothing, Mattress, Traffic Sign and Auto Tag industries. The latter required an overtime work program to make up for the production time lost because of inadequate available materials for the new blue background license plates (previously described).

3. The annual sales had increased about 13% and the Bureau once again exceeded the \$4,000,000 mark!

4. Total equipment purchased during the fiscal period exceeded \$104,000 and helped to further upgrade the industrial capability in our various operating units.

5. The Bureau's greatest accomplishment was the purchase of the new Warehouse/Central Office facility at 111 Oak Street. Through this acquisition, State Use Industries had finally obtained a modern, outstanding structure. While renovations were necessary to accommodate the Bureau's needs, these new quarters were a tremendous improvement over the previous, obsolete buildings at the Trenton Prison.

Of considerable importance—successful negotiations by our Bureau staff enabled the property to be purchased for about \$6.50 per square foot! I was particularly pleased with this result, since new building costs in the Trenton area were close to \$40.00 per square foot. This highly satisfactory realty transaction enabled State Use Industries to afford a much improved and larger facility than we could have anticipated under normal circumstances.

There was disappointment over the reluctance of the Department of Corrections to assist State Use Industries with the necessary funds to purchase the new building. The Bureau staff had worked hard to accumulate this money, which was intended to purchase new equipment and aid in the expansion of the industrial operations. It was obvious, that we would have to curtail some of our more ambitious industrial projects in deference to the Warehouse building priority.

There was an innate, personal feeling of satisfaction and accomplishment that was represented by the purchase of this property with Bureau funds. The structure is a tribute to all the hard work expended by a diligent and loyal Bureau staff.

Our property deed assures that the Bureau will not have to vacate these premises for many years into the future! State Use Industries is proud to have reached this important goal in its industrial development.

Since the Bureau does not receive appropriated funding from

the State Treasury, it is frequently difficult for those not intimately associated with a revolving fund program to understand the complexities involved. Like any similar manufacturing operation in the private sector, the State Use program is mandated by statute to maintain a profit status. While the profits achieved are intended to be kept at minimal margins, such funds are necessary to support self-sufficiency. It is a primary goal of Bureau management to achieve this highly desirable result!

Any business entrepreneur will agree that the control of business costs is a most vital aspect of success or failure. This is particularly true in business operations working on tight profit margins. If the State Use program has been fiscally successful, it is principally due to the close attention paid to cost expenditures during the past decade. Table XXVI indicates the Bureau's percentage distribution of cost expenses for the indicated fiscal periods.

It should be noted that the Bureau has little direct control over the major cost factors. Material costs are a reflection of the State of New Jersey purchasing conditions and any market inflationary trends. Total salaries, for both inmates and civilian staff, are established by the policies of State government. The Bureau is never consulted as to its ability to pay the established wage standards.

With the exception of Fiscal Year 1979, Table XXVI indicates a steady rise in sales volume. However, the latter was also accompanied by a rise in the general expense accounts which tended to deplete our small profit margins down to 10.2% at the end of F.Y. 1981. Total salaries had been decreased at this period to only 26.8%.

See Appendix G for Bureau staff reductions that are consistent with the steady loss of inmate workers and those industries which were closed or combined between 1977 and 1981.

T A B L E    XXVI

BUREAU    DISTRIBUTION    OF    EXPENSE    COSTS

	<u>F.Y.1977</u>	<u>F.Y.1978</u>	<u>F.Y.1979</u>	<u>F.Y.1980</u>	<u>F.Y.1981</u>
SALES (in 000's)	4,087	4,083	3,781	4,291	4,587
Material Costs	53.5 %	53.7 %	52.7 %	54.5 %	55.5 %
Total Salaries	27.0 %	26.9 %	30.3 %	28.0 %	26.8 %
Industrial Expense *	3.2 %	4.8 %	3.4 %	3.7 %	4.9 %
Indirect/Miscellaneous Expense **	.9 %	1.1 %	.9 %	2.5 %	2.6 %
Profit	15.4 %	13.5 %	12.7 %	11.3 %	10.2 %
Total 100 %					

\* Industrial Expense

Freight and Cartage  
Light, Heat and Power  
Repairs and Repair Parts  
Depreciation  
Rents and Royalties

\*\* Indirect and Miscellaneous Expense

Insurance  
Stationery and Printing  
Telephone and Telegraph  
Compensation Awards  
Miscellaneous Expenses

The rise in sales volume does not necessarily reflect an increase in profit margins. The distribution of expense factors is a matter of vital consideration at all management echelons, if Bureau fiscal objectives are to be maintained at a proportionately high level. During the past decade, State Use Industries has worked to increase the annual dollar sales volume. Equally important, the Bureau has consistently maintained the New Jersey Statutory mandate to operate the prison industries at a self-sustaining, profitable level during the past ten years. Our State Use management team is quite proud of this accomplishment and the fact that the taxpayers were not required to financially subsidize any of the Bureau's industries program.

There have been numerous difficulties and staff members were forced to accept a variety of challenges that periodically erupted. The small pebbles in the industrial pathway were generally handled smoothly, but the large boulders frequently created disruptive barriers in the road to real progress.

Changing administrations usually brought changing attitudes and oftentimes necessitated the changing of plans that had taken lengthy time periods to develop and set in place for greater implementation. The frustrations were usually directly proportionate to the size of the boulders the industrial staff had to move out of the road and the extra costs for repairing the ultimate damage that had been created. This is an unfortunate condition that exists in the correctional work environment.

Industrial progress will not expand beyond the current status until the correctional community is able to accept a more liberal and flexible direction regarding their desirable inmate objectives. The State Use Industries program has been in existence for some sixty plus years in New Jersey. While there have admittedly been some serious difficulties, by and large the operation has fulfilled the faith and vision of our earlier founders in the original Department of Institutions and Agencies. Other programs have been instituted for a variety of reasons. They ultimately faded out of existence—usually because of budgetary limitations and greater priorities elsewhere. It is important to recognize the practical importance of a self-sustaining program such as the industrial operations if a continuing longevity is a paramount consideration.

The prison industry programs in some thirty states were adversely affected by a new Federal Statute (H.R.6417) known as the Surface Transportation Act of 1980. A negative change in the

interpretation of this regulation could have had a serious effect on our Traffic Sign industries by the prohibition of convict manufactured goods on Federal aid highway projects. The American Correctional Association and National Institute of Corrections supported the New Jersey position (and complaints from various other member states in the Northeast Correctional Industries Conference). This Bureau was pleased with the results achieved since the Federal Highway Administration was permitted to continue its original policy allowing the use of convict made goods in highway programs.<sup>6</sup>

During December 1980, the Bureau's Central Office vacated the temporary quarters located in the Voorheese building at the Department of Corrections. We had been in these uncomfortable, crowded surroundings for about one year. While some of the furniture and other needed accessories had not been delivered, the new office equipment was a tremendous and welcome improvement which helped to boost the morale of our office staff. The Bureau utilized its own trucks and personnel to move all necessary equipment and records to the new Warehouse/Office facilities at 111 Oak Street.

State Use Industries had paid close attention to the necessity for employee overtime schedules. The Bureau's program for staff overtime was controlled and kept to a bare minimum. It was effective also in eliminating all previous overtime backlogs on Bureau personnel records that were owed to staff members. This was a major accomplishment that possibly posed a costly future problem for the Bureau's fiscal structure. Management had worked hard to resolve this growing problem and was greatly relieved when it was eliminated. Some overtime in a correctional environment is unavoidable, usually due to emergency situations.

The Auto Tag industry had solved most of the technical difficulties with the new blue license plate materials. Their production output was gradually increasing. The shop was meeting current demands when the Bureau received additional orders for 626,000 pair of license plates. While the latter created increased production pressure on the staff, it was welcomed as a source for maintaining the higher level of production flow for which the industry had been trained.

We had been studying the necessity for replacing our twenty year old metal blanking line in the Auto Tag industry. This is a piece of equipment that produces 6" x 12" metal blanks from a

large coil of either aluminum or steel stock. While the thought of a capital expenditure for this equipment (in excess of \$100,000) was great cause for concern, the staff saw little alternative. So much depended on the capability of the blanking line to reliably produce the required amounts of license plate metal blanks without interruption. Preliminary steps were taken to place purchase orders for the equipment which would not be delivered until the following fiscal year.

Additional equipment expenditures for the year 1980-1981 amounted to more than \$144,000.<sup>7</sup>

For some ten years, State Use Industries had successfully supplied a product line of Patient Aid equipment to various mental health and mentally retarded institutions. The Bureau was unable to obtain contracts from our New Jersey Purchase Bureau for the manufacturing components which were normally supplied by vendors in the private sector. It is my personal opinion that State Use Industries had "stepped on some toes" by successfully producing this line, since there had been previous political pressures exerted by some highly placed personages. Without component contracts, the Bureau was forced to eliminate these needed products, which continue to be purchased from outside vendors.

The Patient Aid operation was a unique program that served a valuable using agency function. Product quality was already built into the various component items and enabled the inmate workers to receive beneficial training in the use of pneumatic hand tools and various assembly techniques in a short time span.

Another disappointment to Bureau management was our inability to develop a new Tire Retreading industry planned for installation at the Annandale Reformatory in the old, empty Feed Mill building. There had been a number of discussions with the institution regarding extensive roof repairs. We had promises that the building would be upgraded by their maintenance staff, but the necessary improvements evidently were given a very low priority and never completed. The Bureau saw no benefit in furnishing a substantial machinery investment within an inadequate and leaking structure that had potential hazards to personnel, equipment and product inventory. Thus, the Tire Retreading program has been kept in abeyance, even though the Bureau had received approval from the State House Commission (as required by Statute) for implementation.

This matter has been referred to the Department of Corrections

for review along with the condition of the Bordentown Soap industry building. The latter is a sturdy concrete structure that requires a program of renovation because for many years it has been neglected and allowed to deteriorate. Since substantial funding will probably be necessary to upgrade these buildings at the indicated institutions, State Use Industries must rely on the Department for direction and an adequate resolution to these structural problems.

The inmate work force had dropped to only 419 workers—the lowest number in the Bureau's experience. The job turnover rate had increased to 3.5 annually. The Bureau staff had ample reason for frustration when there was increasing overpopulation in the institutions, increased idleness and inadequate manpower to fill the inmate jobs available in the industries. It was obvious that the inmate population did not desire to work and little encouragement was being exerted by the Classification Committees or other institutional authorities to help the industries with their manpower needs.

A number of the industries were able to meet the production challenge utilizing increased machine capacity, less inmate workers and greater consolidation of product items for longer production runs. The overall result was an increased sales volume exceeding \$4,500,000 for the 1980-1981 fiscal period.<sup>8</sup>

The increasing correctional problems within New Jersey were also being experienced at the Federal level and within other states organizations. Various correctional professional groups such as the American Correctional Association and their affiliated Correctional Industries Association began expanding national programs. It soon became obvious there was a critical need for current topical information, acceptable correctional standards and improved staff training.

The Correctional Industries Association was instrumental in obtaining several staff training grants sponsored by the National Institute of Corrections. Two groups of industrial management personnel participated in these seminars toward the end of 1980. These pilot sessions were highly successful and the National Institute of Corrections (NIC) continued the training grants through 1981.<sup>9</sup>

In 1978, the Correctional Industries Association established the GILBERT RODLI AWARD to memorialize his long and dedicated service to correctional industries programs. The award is designed

to recognize outstanding correctional achievements in industries at the administrative level in the United States and Canada.

Rodli Award winners to date are:<sup>10</sup>

1978	Sammie D. Bradley	Texas
1979	David Jelinek	Federal Prison Industries Washington, D.C.
1980	James A. McLaughlin	Canada
1981	Robert A. Thomas	Massachusetts
1982	Irving Seligman	New Jersey
1983	Edwin A. Harmon	Pennsylvania

During 1980 the Correctional Industries Association also established two additional annual awards for the recognition of "SUPERVISORY EXCELLENCE" by staff personnel. New Jersey had several competing candidates. In 1982 Mrs. Una L. Gamane of our Correctional Institution for Women at Clinton, New Jersey was voted as one of the top award recipients. Mrs. Gamane is a career employee then serving as a Supervising Trade Instructor, Clothing. She has since been promoted to Industrial Manager II, Clothing production.<sup>11</sup>

The year 1982 therefore highlighted the distinctive industrial contributions made by two of New Jersey's staff members. Both of these prestigious awards brought honor and national recognition to the individual recipients, as well as our Department of Corrections.

For many years Chief Justice Warren E. Burger of the United States Supreme Court had expressed grave concern for conditions in our nation's prison system. He felt that the prison overcrowding and increasing prisoner populations were problems that could not be confined to one area of society or a single level of government. "State, local and Federal authorities must focus on these problems and, in concert—within the framework of Federalism—develop a national correctional policy to deal with them."<sup>12</sup>

Total prisoner population in 1972 was about 200,000 and by 1982 had doubled to approximately 400,000. This gloomy picture would continue to worsen in the future since 37 states had adopted mandatory sentencing laws and some 123 new anti-crime bills which could lead to enlarged prisoner populations. By 1982 there were 39 states under court order to reduce prison crowding and litigation in some 37 states because of poor prison conditions during 1981.

The Chief Justice suggested several steps to cope with the exploding prison population:

- (a) improve existing prison conditions
- (b) build new facilities to decrease overcrowding
- (c) renovate older institutions
- (d) develop humane and effective prisoner treatment by improving the caliber and training of prison officials.
- (e) provide opportunities for inmate education and work experience.

Mr. Burger commented that one of the greatest weaknesses in our prison system has been the lack of training of guards and other staff members that have close, daily contacts with prisoners. "If they are not able to cope with inmates—who by definition are abnormal people—prison disturbances, costly riots and often loss of life will result."<sup>13</sup>

He had been a staunch advocate for establishing a National Academy of Corrections. With the cooperation of Attorney General William F. Smith, NIC (National Institute of Corrections) Director Allen Breed established the National Academy in October 1981 at Boulder, Colorado.

More than 2,100 people have participated in Academy Training in the initial areas of "staff training" and "correctional management". An enlarged enrollment is anticipated during 1983 when there will be various additional courses on "population management" and "prison or jail overcrowding". The creation of a National Academy of Corrections has been a significant step in upgrading the level of professionalism within the correctional field.

The Chief Justice had been a strong promoter of inmate education and prison industrial programs. He believes that many prison inmates by training and active work productivity can be motivated to help pay for the costs of incarceration. Prison industrial programs he said must be expanded and made a universal practice.<sup>14</sup>

*"Every correctional institution must be made a combined educational and production institution—a school and factory with fences. Archaic attitudes and obsolete statutes limiting the sale and transportation of prison made goods must be changed or we will continue the melancholy business of re-*

leasing inmates less fit to resume private life than before conviction."

The correctional guidelines being advocated at national levels were not wasted in New Jersey. It was tragically obvious that our seriously overcrowded prison system was in urgent need of early relief. Emergency measures were taken to purchase temporary trailer housing units and the county jails were required to hold prisoners that had been sentenced by the courts, awaiting space in the state correctional facilities.

Governor Thomas Kean took office in January 1982. He retained William Fauver as his Commissioner of Corrections. The main priority in the Republican Governor's correctional program was obtaining additional space for the prison population which seemed to be bursting at the institutional seams. Plans were developed with the Federal military authorities to lease the available stockade at Fort Dix. After renovations this facility is now known as the Mid-State Correctional Institution.

A new medium security structure is being built at Camden, N. J. Also undergoing considerable expansion is the Leesburg institution. A new prison is presently on the drawing boards for construction in the City of Newark area. Some of the existing facilities will also be upgraded and renovated to serve the needs of a growing inmate population.

This ambitious building program is financed by a series of taxpayer approved bond issues. It is the greatest and most expensive correctional construction program ever undertaken by the State of New Jersey.

Following extensive study, the Legislature passed a new and more stringent Criminal Code that became effective in 1982. The growing crime rate had become a matter of increasing concern to the voting public. The attitude of many New Jersey citizens was further inflamed with the trial and conviction of several key elected officials for their involvement in corruption practices.

The prevalent viewpoint of our citizens is less tolerant! Most of the earlier correctional theories which have been implemented in this country thus far, have proven to be failures! Since we apparently do not know how to cure the majority of inmates from their criminal tendencies, why bother? The longer chronic, repeat offenders are kept behind prison walls, the safer and more comfortable society will feel!

Thus it became a potent, political issue for State laws to become

tougher and the statutes to mandate longer prison sentences for convicted felons. As a further sign of the times, the New Jersey Legislature once again passed a new Capital Punishment law, which was approved by Governor Kean. Convicted murderers now face the possibility of execution by lethal injection in this state.

As our State of New Jersey prison system gradually began to display signs of expansion, State Use Industries products increased in demand. With a decreased work force, Bureau facilities were taxed to meet tight schedules in providing beds, pillows, mattresses, blankets and footlockers.<sup>15</sup>

As noted in an earlier phase, New Jersey has received national recognition for its industrial leadership role in expediting a suitable prototype mattress. The ability of the special materials being utilized to successfully inhibit toxicity and flammability factors makes our institutional mattress the most sophisticated and safest product presently available.<sup>16</sup>

As a result of this pioneering effort, five State Use employees received Professional Accomplishment Awards from the Department of Civil Service for their role in the development and production of the Bureau's Neo-glass mattress for correctional settings. With television and newspaper media present, the Awards were personally presented by Commissioner Fauver on February 6, 1982.<sup>17</sup>

State Use Industries had been a major participant in negotiating a satisfactory insurance settlement for substantial water damage in November 1979 from the industrial building roof renovation at the Trenton Prison. The settlement was approved by the Attorney-General and the court suit against the contractor was cancelled. The Bureau was now able to purchase appropriate replacement equipment and other tooling.

The Central Office received a new Olivetti BCS 20/30 Computer which upgrades and replaces an obsolete A5 magnetic card unit. "This new system is designed to handle accounts receivable and general ledger entries for all industries as well as programming of our raw material and finished product inventories."<sup>18</sup>

The new metal blanking line was delivered and installed at the Leesburg Auto Tag industry. "The new line is capable of handling 12" width aluminum coil and replaces the antiquated 6" line. Continuous high production is expected due to the larger coil sizes which require less machine set-up time."

During 1982, Capital Expenditures amounted to \$360,093. The

total Machinery and Equipment asset inventory as of July 1981 was valued at \$1,654,645. The new total value now exceeds 2 million dollars, a major improvement!

Large production orders were developed with the Department of Transportation, New Jersey Transit Authority, The Justice Department, and the Division of Taxation and our own Department of Corrections. These items, when added to our normal manufacturing output, increased the Bureau's sales volume to more than \$4,647,000 and a profitable program for the 9th consecutive year.<sup>19</sup>

During this fiscal period, there had been a slight improvement in the number of inmates classified for industrial work. The inmate hourly wage rates were increased in July 1981:

"A" rate = 52¢/hour ..... "B" rate = 42¢/hour  
 "C" rate = 27¢/hour ..... "D" rate = 22¢/hour

The Inmate Instructor Assistant wage was upgraded to 82¢/hour. *Table XXVII* indicates the Bureau's summary of employment activity:<sup>20</sup>

T A B L E      X X V I I

INMATE EMPLOYMENT SUMMARY      ( 1981 - 1982 )

Total Employed .....	1619
% of Population Employed .....	11 %
Number of Working Days .....	247
Average Number Employed .....	461
Inmates per Job Assignment .....	3.5
New Inmates Assigned to Payroll .....	1120
Inmates Dropped from Payroll .....	1036

It is a recognized fact that periods of enforced idleness can be highly debilitating to any individual. The prison industry operations have been designed to keep prisoners constructively occupied. This industrial service also enables an offender to earn monetary and other benefits, to acquire reasonable work habits, and to develop skills that could assist him in securing and holding employment upon release.

Prison industrial operations and their place in the criminal justice system are probably one of the most misunderstood (by the public) of all correctional programs.

While many correctional professionals might disagree as to the objectives of incarceration, there is consistent recognition that such institutions must have programs that are humane and safe. Offenders must have available opportunities to participate in training, educational and work programs. There is no forward progress for the individual that loses beneficial skills or abilities he had upon entering an institution, if they are lost because of inmate idleness or a deteriorated self-image.

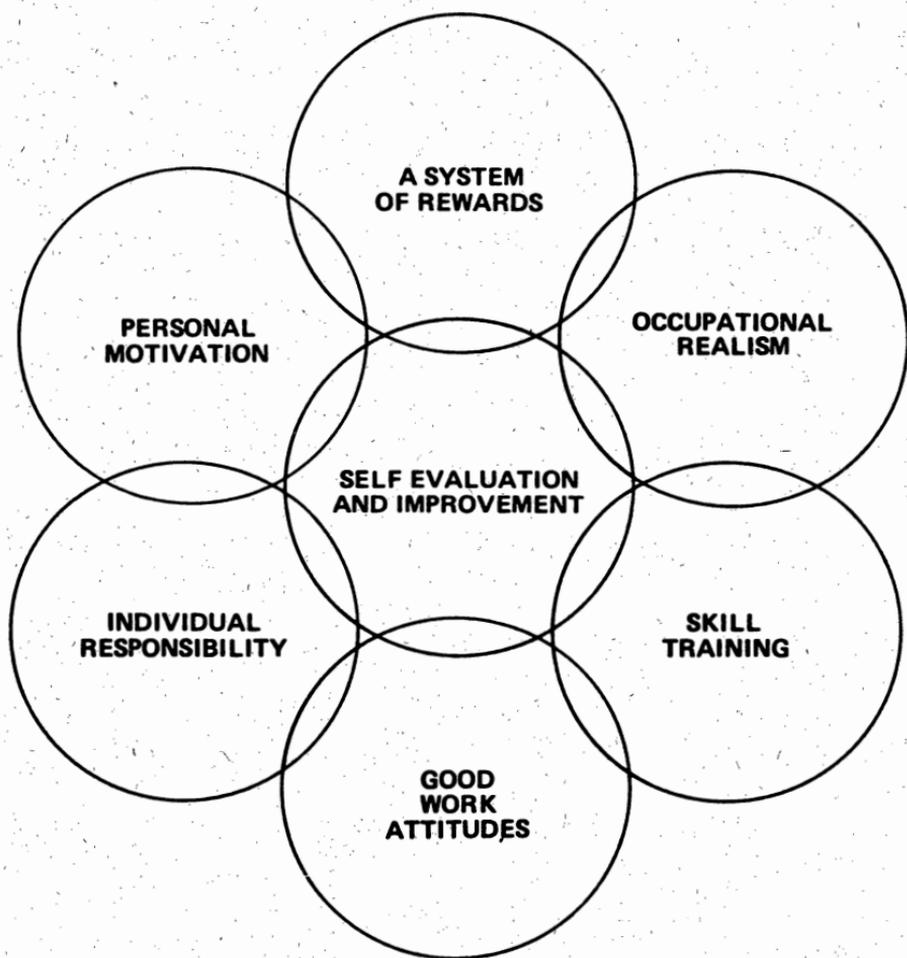
It is highly desirable to modernize industrial programs within the prisons to match more closely jobs that might be available in the private sector. However, one must recognize there are numerous constraints such as internal security, the need for labor intensive work, and limited available markets for prison products. Our prison industrial operation attempts to provide constructive work for inmates and simultaneously train inmates for the outside job market, while producing a variety of goods and services. "It is unrealistic to expect industries to offer the full range of occupational experiences or to use machinery and technology that cut the need for human input to the barest minimum."<sup>21</sup>

The State Use work program exerts a personal influence upon the inmate, allowing him in a normal way to experience and meet the demands of cooperation and consideration for others expected by society. The function of the Bureau's staff personnel is to gain the inmate worker's confidence and assist him by means of advice and guidance.

The inmate worker must assume the initiative and feel responsible for his own future. The Bureau's workshops are intended to be administered so that they will be one part of the correctional setting which differs least from outside working conditions.<sup>22</sup>

See Table XXVIII

**To encourage ...**



This commentary on the development of prison industrial operations in New Jersey's correctional institutions has attempted to summarize the highlights as viewed by the writer. Many of these illustrations were based on samples of personal experiences within the correctional system.

We have discussed the past and the present! There will continue to be a future—but the extension of this chronicle must await a projection to another time and place. I am confident someone from a future generation will continue the development of this historical report on correctional industries.

Usually everything that has a beginning, ultimately requires an ending. In this case the author has arbitrarily decided to pause during the month of June, 1982.

I was particularly pleased that my long time associate, Lucas J. Filipponi was available to assume the Bureau leadership as Acting Chief. He was born, raised and educated in the Trenton, N.J. area. Prior to entering State service, Luke was associated in several private business ventures. He served in the U. S. Air Force during World War II.

His Civil Service career started some 30 years ago as a Senior Clerk at the Trenton State Prison. He was shortly promoted to an available position as Storekeeper I. During this period he continued to attend evening session college classes. Upon successfully completing the curriculum requirements, Rider College granted him a Bachelor's degree in Accounting.

Mr. Filipponi was subsequently promoted to the accounting staff in the Bureau's Central Office. As more responsible staff positions became available he was elevated to the higher titles of: Accountant I, Supervising Accountant and Assistant Bureau Chief.

Mr. Filipponi's entire thirty year career has been spent within the Bureau of State Use Industries. He is thoroughly familiar with the potential industrial problems that might be encountered.

Because of his institutional experience, strong fiscal background and his more than ten years of Central Office administration, he is uniquely qualified to serve as the Bureau Chief.

## Footnotes

<sup>1</sup>*THE TRENTONIAN*, Trenton, N. J., October 14, 1982

<sup>2</sup>Commission on Accreditation for Corrections, *MANUAL OF STANDARDS FOR ADULT CORRECTIONAL INSTITUTIONS*, American Correctional Association, College Park, Maryland, 1977, pp. 75-76

<sup>3</sup>Committee on Standards, *STANDARDS FOR CORRECTIONAL INDUSTRIES*, American Correctional Association, College Park, Maryland, 1981

<sup>4</sup>Annual Report, 1979-1980, State Use Industries

<sup>5</sup>Annual Report, 1980-1981, State Use Industries

<sup>6</sup>*Ibid*

<sup>7</sup>*Ibid*

<sup>8</sup>*Ibid*

<sup>9</sup>Correctional Industries Association Newsletter, May-June 1983

<sup>10</sup>Annual Report, 1981-1982, State Use Industries

<sup>11</sup>Correctional Industries Association Newsletter, March-April 1983

<sup>12</sup>*Ibid*

<sup>13</sup>*Ibid*

<sup>14</sup>Annual Report, 1980-1981, State Use Industries

<sup>15</sup>*Ibid*

<sup>16</sup>Annual Report, 1981-1982, State Use Industries

<sup>17</sup>*Ibid*

<sup>18</sup>*Ibid*

<sup>19</sup>*Ibid*

<sup>20</sup>*Ibid*

<sup>21</sup>Norman A. Carlson, *PRISON INDUSTRIES*, The Correctional Industries Association Newsletter, April 1978, pp. 1-4

<sup>22</sup>Annual Report, 1979-1980, State Use Industries

## EPILOGUE

Having participated as a correctional professional for some twenty-six years, I have attempted to indicate areas in the correctional environment that had general industrial importance from my viewpoint.

There were policies with which State Use Industries did not always agree. With the best interests of the Department in mind, our staff attempted to honestly complete assignments in a satisfactory manner.

During recent years, inmate worker assignments to industrial operations have been severely depleted and completely inadequate. It would be highly beneficial if well trained and motivated individuals were available for assignments in prison industries. From a practical outlook, rarely does this happen! Industrial operations are forced to compete with prison programs that are deemed to have a higher priority for adequate manpower.

Such inadequacies probably could have been improved with greater support from the Department of Corrections and the establishment of a better work priority policy. Unless a correctional facility was directly involved, there was little concern that customer order commitments could be maintained. Too high a rate of inmate turnover was experienced in the industries due to parole releases, sentence completions, reassignments to other institutional programs or inmate transfers to other institutions. There appeared to be no regard that an inmate worker was inadequately trained in an industrial skill, or that a poor quality product was being produced due to inexperience. There is little wonder that industrial supervisors habitually requested excessive numbers of prison workers in order to maintain their production needs.

It is difficult to maintain proper standards of cost reduction because prison industries are generally small scale operations. The maintenance of production continuity is also difficult to establish and usually is in direct ratio to the skills and experience being developed in the inmate workers. Familiarity with the trade

requirements and working conditions within the community is generally in the inmate workers best interest when seeking future employment.

Prison industries does not wish to make excuses for past performances or inability to reach planned objectives. It is extremely unfair to compare industrial programs within correctional environments to any manufacturing operations in the private sector. Minnesota's D.G. Tomsche, a past President of the Correctional Industries Association, once observed that the lack of achievement usually is due to the constraints placed upon correctional industries. He noted some of these more important items as:

- (1) An inadequate work force; either too many or too few.
- (2) Little control over the work force.
- (3) Restrictive legislation.
- (4) Poor motivation or lack of work incentives.
- (5) Inadequate control over "profits" or non-industrial expense.
- (6) A short work day.
- (7) Interference from other programs (sick call, haircuts, counselling, visits, etc.)
- (8) Poor departmental support.
- (9) Local institutional restraints.
- (10) Unrealistic department goals or objectives.

There are always a variety of institutional pressures impacting on the prison environment. The industries program has proven to be most adaptable to these fluctuations! Inability to reach all of our goals is usually not because of an industrial failure. Experience has indicated that industrial programs are regarded as the most stable and reliable operations within correctional institutions.

There have been disappointments, but from my perspective, State Use Industries has witnessed a number of considerable improvements. I am proud and satisfied that unique and innovative concepts have been developed and completed by the New Jersey industries during my tenure as Bureau Chief. Highlights include:

- (a) The operations have been maintained and remained fiscally solvent during the last decade.
- (b) There have been progressive staff salaries and better inmate wage scales.

- (c) Bureau machinery and equipment has been upgraded and greatly improved.
- (d) The new Warehouse/Office facility is a tremendous administrative advancement.

There is no doubt that the Bureau of State Use is in much better financial condition now than when I took over the administrative controls some ten years ago.

It is my sincere conviction that industrial operations must remain as a primary factor in any successful correctional program. My experience is indicative of the fact that both trade staff members and the industries they represent, are forced to operate under circumstances that are frequently quite difficult. They are worthy of respect and have earned the commendations of their peers for job performance.

While I was pleased to accept the challenges presented by the prison industrial operations, there was a sense of pride in being associated with a very dedicated State Use staff. It was with some regret that I prematurely concluded my career with the State of New Jersey by retiring during April of 1983.

These are constantly changing times and as circumstances progress, we must recognize flexibility is a desirable trait and there must always be room for improvement—in both individuals and programs!

It is anticipated that the expanding operations of our Department of Corrections will bring numerous opportunities for improvements. There should be a proportionate expansion of plans for adequate vocational training and industrial workshops.

Some 200 years ago the Quakers tried to determine adequate means for handling prisoners and changing their criminal tendencies to socially acceptable behavior. Society has endured a long time penological experience and is still looking for acceptable and lasting resolutions to negate anti-social human attitudes. Correctional institutions can provide varying facilities and various environments to contain and study inmate behavior for changes in social adjustment. Unfortunately none of the efforts previously expended has been able to guarantee a permanent personality change within the inmate.

Prison systems obviously cannot be all things to all people! There are criticisms of present industrial training within our institutions. A considerable amount of industrial diversification

has already been introduced into our prison operations. However, many of these situations are dependent on the correctional policies that the public is willing to accept.

Supreme Court Chief Justice Warren Burger has commented: "We take on a burden when we put a man behind walls, and that burden is to give him a chance to change."

Louis P. Carney\* has made the observation that society places great importance on employment that is remunerative. Satisfying employment is accepted as a prerequisite for social adjustment, as both a duty and a status symbol.

While we cannot foretell the future, we must proceed with hope and optimism that correctional problems will eventually be resolved. Robert Martinson, has likened the history of corrections to a "graveyard of abandoned fads." Yet it is my fond expectation that we shall continue to learn and profit beneficially from the mistakes of the past.

There will always be certain individuals to criticize and tell us where errors have been committed. If future progress is the desired result, then courage is a definite requirement. Courage is best achieved by developing knowledge and ability while simultaneously cultivating a certain mastery of one's vocation and of self.

If society is to approach a utopian level in corrections, I believe that a sound industrial program must constitute an essential ingredient. The current state of the arts requires travelling a distance before arriving at such a grand plateau. That judgement must be left to future generations, whose wisdom will hopefully be considerably enhanced by our past experiences!

\*Louis P. Carney, *Corrections: Treatment and Philosophy*, Prentice Hall, Inc., Englewood Cliffs, N.J. 1980

**APPENDIX**

TITLE 30  
INSTITUTIONS AND AGENCIES  
ARTICLE 5. INSTITUTIONAL LABOR

30:4-92. Inmates of institutions to be employed in productive capacity; compensation

The inmates of all correctional and charitable, hospital, relief and training institutions within the jurisdiction of the State Board shall be employed in such productive occupations as are consistent with their health, strength and mental capacity and shall receive such compensation therefor as the State Board shall determine.

Compensation for inmates of correctional institutions may be in the form of cash or remission of time from sentence or both. Such remission from the time of sentence shall not exceed 1 day for each 5 days of productive occupation but remission granted under this section shall in no way affect deductions for good behavior or provided by law.

In addition, all inmates classified as minimum security and who are considered sufficiently trustworthy to be employed in honor camps, farms or details, shall receive further remission of time from sentence at the rate of 3 days per month for the first year of such employment and 5 days per month for the second and each subsequent year of such employment.

30:4-93. Contracts for labor and products

No contracts shall be made by which the labor or time of any inmate of any of the institutions within the jurisdiction of the state board, or the product or profit of his work, shall be let, contracted for, leased, farmed out, given or sold, except in accordance with the provisions of this title.

30:4-94. Catalogue of articles and prices

The state board shall cause to be prepared a catalogue containing a description and a price list of all the articles manufactured or produced by the institutions within its jurisdiction. Copies of this catalogue shall be sent to all institutions supported in whole or in part by the state, to all state departments and branches and agencies of the state government, to the governing bodies of each county and to each of the institutions maintained by each county, and the receipt of the catalogue by each of them shall be sufficient notice to each of them that the articles described in the catalogue are or about to be manufactured or produced by the labor of the inmates of the institutions within the jurisdiction of the state board.

30:4-95. Purchases of articles manufactured by institutional labor

The several state and county institutions and noninstitutional agencies, the several counties and all departments and agencies

30:4-95. Purchases of articles manufactured by institutional labor (continued)

of the state shall purchase from the state board all articles or supplies manufactured or produced by institutional labor which are needed by them and shall not purchase any such supplies or articles from another source unless the state board shall first certify on requisition made to it that it cannot furnish the same or the equivalent thereof. The state board as far as practicable shall honor all requisitions.

30:4-96. Estimates for ensuing year; no technical evasion

At least thirty days before the commencement of each state fiscal year, the proper officials of each institution, non-institutional agency, department or agency of the state or the counties thereof, shall report to the state board estimates for the ensuing year of the amount of supplies of different kinds required by them, which shall refer to the catalogue issued by the state board, in so far as the articles indicated are included within such catalogue. No purchasing agency shall be allowed to evade the intent and meaning of this article by specifying slight variations from the standards adopted by the state board, when the articles provided by it in accordance with its standards are reasonably adapted to the actual needs of the purchasing agency.

30:4-97. Sale of surplus; goods stamped

Any surplus product may be sold in the open market under such terms and conditions that it shall not compete unfairly with the product of free labor. All goods, wares and merchandise, made by convict labor in any such institutions, shall be branded, labeled or marked as required by chapter 31 of the title property (46:31-1 et seq.). Any other nonperishable articles so marketed shall be stamped in a legible and conspicuous manner "Manufactured in the New Jersey \_\_\_\_\_," naming the institution of manufacture; provided, that whenever from the nature of the articles made or manufactured it shall be impracticable to stamp each article, or if such articles are usually put up in packages, it shall be sufficient for the purpose of this section to put a stamp, label or tag upon such package, showing where such articles are made, provided that said stamp, label or tag shall be put on said package in a good, lasting and permanent manner.

30:4-98. Powers of state board

The State Board shall have power to:

a. Assign to each institution the industries, occupations, vocations and labor to be operated or performed by the inmates thereof, but no new industry shall be established in any

30:4-98. Powers of state board (continued)

institution nor shall any existing industry be enlarged material except by the consent of the State House Commission;

b. Establish for each institution and for each industry, occupation and vocation, hours and days of labor, determine the rate of compensation to be paid therein and pay or cause the same to be paid to the worker or his dependents, or apportion the pay between the worker and his dependents;

c. Procure and install in each institution the machinery and equipment and furnish the tools, supplies, raw materials, seeds, fertilizers and articles necessary for the operation of the assigned industries and the performance of the assigned occupations and vocations with relation to the determined standards of quality and quantity;

d. Establish standards of machinery, equipment, tools, supplies, raw materials; adopt in conjunction with the Division of Purchase and Property in the State Department of Taxation and Finance, styles, patterns, designs and qualities of finished products; determine the cost of production and fix the selling price thereof;

e. Establish a uniform system of accounting and cost of production for materials and labor including maintenance and wage payments;

f. Prepare and issue a catalogue containing a description and price list of all articles manufactured or produced by all the institutions within its jurisdiction;

g. Assign any number of the inmates of any institution to the performance of labor outside the usual limits of the institution of which they are inmates, of whatever character and wherever, within the boundaries of this State, may be determined by the State Board; provided, such labor shall only be employed in enterprises of a public nature or connected with the public welfare or in such work in such places as may be necessary to meet any emergency arising from scarcity of labor on farms. Such labor shall be performed under the direct supervision of an officer or officers authorized by the commissioner;

h. Pay from the working capital account or any other funds at its disposal, for the transportation of such laborers to and from the place of detention to the place of assigned labor, and for the proper clothing, maintenance, guarding and medical attention of the assigned laborers;

i. Determine the amount to be charged for the labor of such inmates as may be assigned to any work for any other department or branch of the State Government not included within the jurisdiction of this department and contract and agree with the chief executive officer thereof as to the performance of the work, the rate to be paid therefor, the number of inmates to be assigned and such other details as may be necessary and proper;

0:4-98. Powers of state board (continued)

j. Determine and apportion between the institution furnishing the labor and the institution receiving the benefit thereof the cost of such labor and expenses incident thereto, which such labor is assigned from one institution to another within the jurisdiction of the department;

k. Detail keepers, guards or attendants from the employees of any institution as guards for the inmates thereof when out of the institution on assigned labor or to hire additional keepers or guards as may be necessary, paying therefor from the working capital account of such institution and including the cost thereof in the calculated cost of such labor;

l. Perform as an independent contractor, with the labor of the inmates of the institutions within its jurisdiction, any public work, either upon the lands of the State or elsewhere; and

m. Employ the inmates of any or all of the institutions within its jurisdiction upon any work for the United States Government or any department thereof, upon such terms as the State Board may determine. As amended L. 1948, c. 291, 1; L. 1948, c. 398, p. 1596, 1.

0:4-99. Limitations on employment; marching prisoners in irons, armed guards; free labor

The employment of the inmates of any institution within the jurisdiction of the state board shall be subject to the following specific limitations:

a. Marching or transportation of convicts in irons through public streets or to or from their places of assigned labor shall not be permitted except in case of absolute emergency;

b. Convict labor under armed guard shall not be used on public improvements in conjunction with free labor;

c. Convict labor shall not be used to take the place of free labor locked out or on strike.

CHAPTER 21, LAWS OF 1959

CHAPTER 21

An Act concerning State Use Industries within the Department of Institutions and Agencies, establishing limitations on accumulation of cash reserves and amending section 30:4-100 of the Revised Statutes.

Section amended.

Cash operating fund settlements: monthly statement: delivery: disposition of receipts; annual statement by bureau.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. Section 30:4-100 of the Revised Statutes is hereby amended to read as follows:

30:4-100. The legislature shall annually appropriate to the department a sum for a cash operating fund, which may be allotted by the State Board to the Bureau of State Use Industries, which the State Treasurer shall, upon the warrant of the Director of the Division of Budget and Accounting, as directed by rule or order of the State Board, advance to said bureau. Settlements between institutions, departments, boards and other State agencies shall not be made in cash, but by debits and credits on the State Treasurer's books, any accumulation of such credits being allotted at least quarterly to the State Board for the subsequent use of the bureau. The bureau shall, on or before the tenth day of each month, file with the Director of the Division of Budget and Accounting a statement showing all deliveries made by the bureau during the month immediately preceding. Delivery shall be considered to have been made only when the bureau shall have received and submitted, with its monthly report, the acknowledgement of receipt from the receiving institution, board, commission or other State agency, or in event of sales in the open market, acknowledgement of receipt by the purchaser. A separate report to be submitted with the report of deliveries shall show all products sold, acknowledgment of delivery of which has not been received. All receipts from sales shall be credited to the cash operating fund for the then current fiscal year and thereafter, from year to year, as replacement thereof, without further appropriation and shall not lapse into the unappropriated funds of the State Treasury except as hereinafter provided. There shall be an annual examination of the accounts of the State Use Bureau in the Department of Institutions and Agencies, and the Governor, with the advice of the Director of the Division of Budget and Accounting in the Department of the Treasury, shall recommend to the Legislature the sum of money which may be transferred from the profit and surplus of the State Use Bureau

to the unappropriated funds of the general treasury of the State and the Legislature in each annual appropriation act may provide for such transfer; provided, however, that no such transfer shall in anywise operate to interfere with the efficient conduct and management of the industries of the State Use Bureau and in no event shall such transfer reduce the net cash operating fund of the said State Use Bureau, as reflected by its accounts, below the sum of \$250,000.00. The inventory shall be subject to approval of recommendation as to the amount thereof by the State House Commission and shall be valued at cost, which shall be taken as of July 1 of each fiscal year.

The bureau shall file annually with the State Treasurer and State House Commission a statement of assets and liabilities at the end of each fiscal year, which shall include (1) an inventory summary by product category of materials, supplies, finished products and work in progress valued at cost or market value, whichever is lower, and (2) a summary of machinery and equipment, less accumulated depreciation or obsolescence thereon.

2. This act shall take effect immediately.

Approved April 14, 1959.

TITLE 46

CHAPTER 31. CONVICT-MADE GOODS

- 46:31-1. Sale or exchange of goods from other states prohibited; persons violating disorderly persons; punishment

No goods, wares or merchandise manufactured, mined, or produced, wholly or in part outside this state, by convicts or prisoners, except convicts or prisoners on parole or probation, shall be sold on the open market in this state, or be sold to or exchanged with any institution of this state or with any of its political divisions or subdivisions.

Any person, firm or corporation, or officer or agent thereof, violating the provisions of this section shall be deemed and adjudged a disorderly person and upon conviction thereof shall be punishable by a fine of not less than fifty more than five hundred dollars, or by imprisonment of not less than thirty nor more than ninety days, or by both such fine and imprisonment.

- 46:31-2. Brand, label or mark required

All goods, ware and merchandise made by convict labor in any jail, penitentiary, prison, reformatory, or other establishment in this state shall be branded, labeled, or marked as provided in this chapter before being exposed for sale, and shall not be so exposed without such brand, label or mark.

- 46:31-3. Method and place of marking articles

The brand, label or mark required by section 46:31-2 of this title shall contain at the head or top thereof the words "convict made", followed by the year and name of the penitentiary, prison, reformatory, or other establishment in which it was made, all in plain English lettering of the style known as great primer Roman capitals. The brand or mark, if the article will permit, shall be placed upon it and when such branding or marking is impossible the label shall be used.

The brand, mark or label shall be placed outside of and upon the most conspicuous part of the finished article and its box, crate or covering.

- 46:31-4. Possession for sale

A person dealing in convict-made goods, wares or merchandise, as described in this chapter, sale of which is lawful, shall not

46:31-4. Possession for sale (continued)

knowingly have them in possession for the purpose of sale, or offering them for sale without the brand, label or mark, required by this chapter, or remove, conceal or deface the brand, label or mark thereon.

46:31-5. Violation of chapter; misdemeanor

Any person, firm or corporation violating the provisions of this chapter, except sections 46:31-1 and 46:31-6 of this title, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five nor more than fifty dollars for the first offense, and not less than fifty nor more than two hundred dollars for each subsequent offense.

46:31-6. Goods made by convicts of other states subject to laws of this state; violators disorderly persons; punishment; procedure

All goods, wares and merchandise manufactured and produced, wholly or in part, outside of this state by convicts or prisoners, except convicts or prisoners on parole or probation, in any penal or reformatory institution, transported into this state, and remaining herein for use, consumption, sale or storage, shall upon arrival or delivery in this state be subject to the operation and effect of the laws of this state to the same extent and in the same manner as though such goods, wares and merchandise had been manufactured or produced in the penal institutions of this state, and shall not be exempt therefrom by reason of being introduced in the original package or otherwise.

Any person, firm or corporation violating the provisions of this section shall be deemed and adjudged to be a disorderly person, and upon conviction thereof shall be punishable by a fine of not less than fifty dollars, nor more than five hundred dollars, or by imprisonment of not less than thirty days, nor more than ninety days, or both.

All proceedings for violations hereof shall conform to the procedure and practice contained in chapter 206 of the title Administration of Civil and Criminal Justice.

STATE OF NEW JERSEY

Regulations: Department of the Treasury

Article 52:25-3

"Nothing contained in this chapter shall be construed to alter, amend or repeal any provision of any law of this state relating to the purchase or use of the products of the labor of the inmates of any charitable, reformatory or penal institution of this state."

The following is a summary of various Formal Opinions provided by the New Jersey Office of the Attorney General. These legal interpretations are only a brief review of the salient features impacting on the industrial operations of the Bureau of State Use Industries. The author has extracted the principal items in the Legal Opinions for the reader's benefit.

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FORMAL OPINION #5

March 15, 1956

"Ever since license plates have been manufactured at the State Prison, it has been the practice of the Motor Vehicle Division to advise the State Use Industries in the Department of Institutions and Agencies well in advance of the Motor Vehicle Division's requirements for new plates or inserts. Many months ago we advised the State Use Industries that we would want a new general issue of plates (starting in June 1956). Already, 110,000 sets of these plates have been manufactured."

Since the budget funds to pay for these license plates is contained in next year's Motor Vehicle appropriation request (1956-1957), the Appropriations Committee has questioned the legality of this procedure.

"We (the Attorney General's Office) have been informed that the State Use Division, by prior experience, would require approximately seventy-five weeks of normal production to fill the demand for these plates during the fiscal year commencing July 1, 1956..... We understand that these plates are manufactured and kept on an inventory basis by the State Use Division and when needed, are purchased by the Division of Motor Vehicles out of available appropriations."

"Clearly, no funds have been expended by you in excess of your appropriations or amount limited by law. You have simply advised the State Use Division, as required by Statute, of your forthcoming needs."

"R.S. 30:4-100 provides a method by which the expenses incurred by the State Use Division to manufacture products may be underwritten prior to the time of actual purchase and use by an agency which has complied with the provision of R.S. 30:4-95 and 96. Under this section, a working capital fund is maintained on a revolving basis....."

"In this instance, the working capital fund bears the cost of the manufacture of the license plates. No delivery is made until the Division of Motor Vehicles is prepared to and does reimburse the State Use Division out of such funds as are appropriated for this purpose by the Legislature.

If the Legislature fails to appropriate the necessary funds with which to pay for the license plates, the State Use Division may hold the plates in inventory until such times as the Legislature does make an appropriation to the Division of Motor Vehicles to consummate the purchase.

It is our opinion that you have correctly conformed with the proper statutory procedure and that your actions were legal and proper."

For: Grover C. Richman, Jr., Attorney General  
By: David M. Satz, Jr., Deputy Attorney General

II. FORMAL OPINION M76-2532

March 23, 1976

An opinion has been requested as to whether the Division of Correction and Parole may enter into a contract with a private organization, whereby such organization will establish a printing plant as part of a vocational education program at a State correctional facility. "For the reasons set forth in this opinion, you are advised that entering into such a contract would be acceptable with certain qualifications."

(1) The statutes specifically provide that "no contract shall be made by which the labor or time of any inmate..... shall be let, contracted for, leased, farmed-out, given or sold, except in accordance with the provisions of (N.J.S. A30:4-92, et seq.). Accordingly, the Commissioner of the Department of Institutions and Agencies (now the Department of Corrections) is vested with certain delineated powers with respect to the employment of inmate labor. (N.J.S. A30:4-98)"

(2) "It is clear that the Commissioner ..... is to determine virtually all policy and administrative matters with respect to the implementation of a State Use Industries program. Responsibility for employment of civilian staff members, arrangement for custodial personnel, and establishment of rates of pay (with its concomitant issues of tax consideration workmen's compensation, and social security), administrative supervision, and accounting procedures cannot be delegated -- they must be tailored to the existing legislative scheme."

(3) Any such program would have to remain under the direction of State Use Industries and no arrangements for extensive management and space rental (by the private organization) could be made. "Inmates would, nevertheless, be entitled to vocational credits and job placement upon parole....."

(4) "Staff personnel for such a program would, of necessity have to be hired in accordance with Civil Service procedures and could not be employed at the discretion of (the private organization)."

(5) "Institutional pay scales are specifically set by the Commissioner..... A proposed (private organization) inmate wage scale of \$3.00 to \$10.00 per day would be impermissible under current statutes and regulations."

The Division of Correction and Parole may enter into an agreement with a private organization for installing a printing program as part of a vocational training unit in order to produce materials for sale to state, county and municipal governments. The private organization would be responsible for any modification of the required building and to provide the necessary equipment. "However, the Division of Correction and Parole is not in a position to rent any building of the institution for such purposes. In addition, all administration of such a program would, by law, have to vest in the Bureau of State Use Industries and the Commissioner (of Corrections)."

For: William F. Hyland, Attorney General  
By: Mark A. Geannette, Deputy Attorney General

III. FORMAL OPINION      M75-1974

July 21, 1976

A - An opinion has been requested as to "whether public entities specified in N.J.S.A. 30:4-92 et seq. may self-produce or purchase from other sources items which can be produced by and obtained from the Bureau of State Use Industries. Except as indicated, you are advised that they may not."

The statute clearly indicates the requirement that the public entities purchase needed supplies from the Bureau of State Use Industries, the agency which directs the production and sale of inmate produced items. "Where the Bureau is able to supply the sought items or materials, or their reasonable equivalent, the purchasing agency is prohibited from self-producing or obtaining elsewhere such items or materials."

"Even in those cases where purchase from the Bureau would apparently be impractical, the purchasing agency should first submit its requisition to the Commissioner for certification that the Bureau is unable to fill the order. Where an agency required by the statute to purchase from the Bureau has failed to do so, it is suggested that such violation be referred to this office for the taking of appropriate legal action."

B - An opinion has also been requested as to "Whether the provisions of the Local Public Contracts Law (N.J.S.A. - 40A:11-1 et.seq.) are applicable to the purchase by a county of items produced by the Bureau. You are advised that they are not."

The above Law requires public advertisement and bidding on purchases, made from public funds, exceeding \$2,500. It is directed toward vendors in the private sector. Its purpose is "to secure competition and to guard against favoritism, improvidence, extravagance and corruption."

N.J.S.A. 40A:11-5 exempts from compliance with the statute any purchase or contract -----

"..... to be made or entered into with the United States of America, the State of New Jersey, county or municipality or any board, body, officer, agency or authority thereof, and any other state or subdivision thereof."

The Bureau, as an agency of the State, is not required to submit bids on items being purchased by a County.

"....., since counties are required to purchase their needs from the Bureau to the extent the Bureau is able to satisfy such needs, the Bureau is by legislative design the only source of supply from which a county may purchase such needs."

C - Clarification has also been requested as to whether State Use Industries may purchase component parts required for assembling a finished product to be sold to a purchasing agency. Because of limitations arising from the nature of the Bureau's operations, not all components needed in the manufacture of certain finished products can be produced. "Insofar as assembly of purchased components into a finished product provides productive activity for inmates, you are advised that such purchase is permissible."

For: William F. Hyland, Attorney General  
By: George W. Fisher, Deputy Attorney General

January 24, 1978

"N.J.S.A. 30:4-92 et seq. provides for the employment of inmates of State institutions in productive activities and for the sale of the products of inmate labor....." An opinion has been requested as to whether mixing liquid cleaning concentrates with liquid dilutents and packaging thereof by State Use Industries constitutes "manufacturing" consistent with the above law.

"..... you are advised that such activity falls within the intended scope of the statute and, accordingly, the sale of such products is consistent with legislative authority."

"....., manufacturing includes the production of articles for use from raw or prepared materials by giving such materials new forms, qualities, properties, or combinations, whether by hand labor or machine." The mixing of concentrates with dilutents results in productive occupation for inmates and creates a product with new qualities and properties. "Thus, this procedure qualifies under a broad reading of manufacturing."

You are advised that the process is consistent with N.J.S.A. 30:4-92 et seq.

For: John J. Degnan, Attorney General  
By: Janice S. Mironov, Deputy Attorney General

## STANDARDS

Division of Correction and Parole  
610  
7/1/68610. STATE USE INDUSTRIES.232 Supervisory Responsibilities

The Chief Executive Officer of each operational unit is responsible for the management and direction of any State Use activities within his unit and for the satisfactory completion of such manufacturing schedules and training objectives as are established for his operational unit by the Bureau of State Use and approved by the Director.

In keeping with the above, the Chief Executive Officer of the operational unit is the Appointing Officer for State Use personnel assigned to his unit and has full authority over all such personnel under Civil Service Rules and Regulations. He is also responsible for establishing work schedules for employees and inmate workers, for promulgating and enforcing shop rules and standards of conduct for employees and inmates, and for meeting frequently with the person in charge of the shops to review the status of all operations which affect the satisfactory fulfillment of the orders on schedule.

The Bureau of State Use has the responsibility for overall planning, accounting, procurement of materials, distribution of products and rendering of technical advice and service.

.234 Personnel Actions Reviewed by State Use Chief

Although the incumbents of State Use positions are operational unit employees, before any personnel action is taken (such as a new appointment, reclassification or promotion) the Chief, Bureau of State Use is consulted for his technical advice and fiscal approval. He also shares in the evaluation of new State Use employees' progress during the probation period and in evaluating the performance of incumbents through performance ratings. When a position specification requires change, or a new position specification is required, the Chief, Bureau of State Use is consulted concerning the technical requirements and duties of the position.

STANDARDS

Division of Correction and Parole  
610  
7/1/68

610. STATE USE INDUSTRIES (Cont'd)

.243 Payroll and Budgeting

The positions are listed on the operational unit's payroll. Salaries paid to State Use employees are automatically charged against the State Use salary account (725-300-120) and the Central Office of the Bureau receives an Advise of Charge sheet and a breakdown of the payroll charges for each payroll period, which is used for auditing and accounting purposes. The above procedure also applies to all supplementary and overtime payrolls.

For budget purposes, the operational units forward to the Bureau of State Use Industries at the end of each fiscal year the Salary Detail form BB1-8 and the Staffing Analysis form. The operational units also submit the Breakdown of Sick Days Used and the Summary of Accumulated Overtime Hours forms.

Advance approval is obtained from the Chief, Bureau of State Use for any payroll commitments such as overtime or temporary employment.

.295 Previous Reference

These Standards implement a State Board of Control resolution dated 2/17/56 and replace Penal and Correctional Circulars #68, 12/24/57 and #106, 11/16/59.

STATE OF NEW JERSEY  
DEPARTMENT OF CORRECTIONSSTANDARDS 620. INMATE WAGESRevised  
SEP 4 1971/81

APPLICABLE TO: Prison Complex  
Youth Correctional Institution Complex  
Correctional Institution for Women  
Adult Diagnostic and Treatment Center

I. S.

.1 Purpose

To establish a standard system for compensating inmates for institutional work, excluding assignments paid from revolving fund accounts and special grants.

.2 Initial Evaluation of Jobs

All regularly assigned institutional jobs shall be evaluated by the Superintendent and selected staff members, and shall be formally classified as (1) skilled, (2) semi-skilled, and (3) unskilled. As new jobs are created, they shall be classified as one of the above.

The evaluation and subsequent classification of jobs shall be based on the following characteristics, appropriately weighted:

- degree of skill or background knowledge required
- degree of physical effort and/or responsibility inherent in the job
- degree of production demand and/or physical discomfort associated with the job.

Each characteristic shall be rated numerically with a "0", a "1" or a "2" in the following manner:

- 0 - little or none
- 1 - moderate
- 2 - high

If the total score for the job is 3 or less, it is classified as Unskilled. A score of 4 or 5 denotes a Semi-skilled job, and 6 denotes a Skilled one.

Vocational training programs shall all be classified as Semi-skilled.

Although considerable variation is anticipated from one detail to another, the composite of all work assignments is expected to approximate 40% Unskilled, 45% Semi-Skilled and 15% Skilled.

.3 Inmates Rated on Job Performance

Each work supervisor shall rate the job performance of each inmate under his charge once per month. This rating determines the inmate's pay for the succeeding month. As a result of rating, inmate workers shall be graded into one of three pay scale categories, as follows: (1) below average worker, (2) average worker, and (3) above average worker.

In rating his inmate employees, the work supervisor shall consider such criteria as quality of work, quantity of work, reliability, relationships with co-workers, and work interest. In large details, and for the institution's work force as a whole, it is anticipated that the approximate rating distribution will be as follows:

Below Average 35%  
Average 50%  
Above Average 15%

There are no formally pre-established quotas for job performance ratings within details or work areas, and the ratios of ratings to inmates should reflect the rater's appraisal of the inmates' performance.

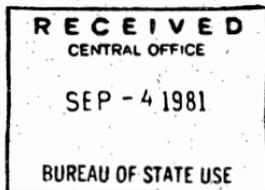
A new inmate, being initially assigned by the Classification Committee, shall be paid the average level pending his first rating.

.4 Minimum Wages Paid Certain Inmates; Details

Inmates serving life sentences who have reached parole eligibility and have been denied parole and inmates sentenced as sex offenders shall be paid at no less than Semi-skilled level, since neither are permitted time earnings under the law.

Off-grounds details shall be evaluated in the same manner as other work details. However, where considerable travel time requires an appreciably longer day, the pay shall be affixed at a minimum of Semi-skilled level.

Where unusually difficult or hazardous work conditions prevail, the inmates shall be paid at no less than Semi-skilled level.



.5 Inmates Paid on a Daily Basis

Inmates shall be paid for actual days worked. There shall be no payment for daily overtime in institutional work.

Inmates who are assigned to work but are not available because of physical disability or illness shall receive no pay. Inmates who sustain legitimate injuries in the course of institutional employment must be declared incapacitated for work by the institution's medical department. Inmates so identified shall continue to receive their last normal wage, work credits, or other institutional credits toward their parole or maximum release status, until they are declared ready to return to work by the institution's medical department.

Inmates not available for work because of action taken by the disciplinary hearing officer or Adjustment Committee shall receive no pay. However, in the case where an inmate is withheld from work pending a disciplinary hearing which results in a not guilty decision, he is paid for the days missed.

.6 School Attendance and Therapy Groups

Inmates who, on a regular basis, work half-day and attend education classes or therapy groups half-day shall be paid for a full-day of work at the attained rate of the concurrent work assignment. Those inmates working on State Use jobs and attending such programs half-day shall be paid for the latter from the institution's inmate salary account.

Inmates attending education classes half-day shall be rated monthly by their instructors on a similar 3-level scale indicating:

- A. Student performing at a level below his potential
- B. Student performing at a level equal with his potential
- C. Student highly motivated; performing above expectation

This rating is scheduled to precede the work supervisors' monthly rating to ensure adequate time to incorporate it into the inmate's overall monthly rating. The educational rating shall be forwarded to the inmate's work supervisor, who averages the two ratings to determine the inmate's pay scale. When the average score falls between ratings, the higher rating shall be used.

.6 School Attendance and Therapy Groups (cont'd)

An inmate attending half-day classes who is laid off from his work assignment for non-disciplinary reasons shall continue to be paid half-day at his last salary level. A half-day student who declares himself idle and continues to attend school half-day shall be paid half-day at the lowest institution job classification range.

Inmates attending school full-day shall be paid within the Semi-skilled range.

.7 Inmate Wage Scale

Effective November 1, 1982 the minimum inmate wage earned shall be \$1.10 per day and the maximum inmate wage earned, excluding any variances, shall be \$1.40 per day.

The following table describes the pay scales for inmates within the three job skill levels and three performance levels. The rating distribution should fall within and adhere to the percentages described in sections .2 and .3 of these Standards.

	35% <u>Below Average</u>	50% <u>Average</u>	15% <u>Above Average</u>
Skilled 15%	1.30 (5.25%)	1.35 (7.5%)	1.40 (2.25%)
Semi-Skilled 45%	1.20 (15.75%)	1.25 (22.5%)	1.30 (6.75%)
Unskilled 40%	1.10 (14.0%)	1.15 (20.0%)	1.20 (6.0%)

Exception to the above wage scale is only by authorization of the Commissioner of the Department of Corrections. Form 620-I REQUEST FOR INMATE WAGE VARIANCE, found at the end of these Standards, shall be utilized for this purpose.

.8 Procedures

Each institution shall develop written procedures to implement these Standards.

REQUEST FOR INMATE WAGE SCALE VARIANCE  
(Type or Print)

This form is to be used when requesting a variance from the wage scale delineated in 620.7. Authorization must be obtained from the Commissioner of the Department of Corrections before implementing the amended wage scale.

I. Institution: \_\_\_\_\_ Date of Request: \_\_\_\_\_

Name of Detail or Job Title: \_\_\_\_\_

Number of Inmates in Detail or Job Title: \_\_\_\_\_

II. Description of Detail or Job Title (include duties performed, location, hours worked, days worked, experience and/or training required, current skill level(s) and requested skill level(s):

III. Justification for Requested Variance:

IV. Source of Funds:

Approved by:

\_\_\_\_\_  
Superintendent/Date      Assistant Commissioner/Date      Commissioner/Date

Disapproved by:

\_\_\_\_\_  
Superintendent/Date      Assistant Commissioner/Date      Commissioner/Date

NOTE: Attach additional information as needed.

OFFICE MEMORANDUM

TO: Herbert B. Blumenthal, Ass't. Commissioner  
Division of Administration

DEPARTMENT OF CORRECTIONS  
BUREAU OF STATE USE INDUSTRIES

FROM: Lucas J. Filippone, Acting Chief  
Bureau of State Use Industries

*Lucas J. Filippone*

DATE: Oct. 13, 1982

*Approved  
JBS 10/20/82*

SUBJECT: Increased Inmate Wages  
Ref: Memo of Oct. 8, 1982

Per your memo dated Oct. 8, 1982 we submit the following inmate wage scales presently being utilized by the Bureau of State Use Industries and the upgraded scales by \$.10 per day:

DAILY WAGE SCALE

	<u>Below Avg.</u>	<u>(New)</u>	<u>Average</u>	<u>(New)</u>	<u>Above Avg.</u>	<u>(New)</u>
Skilled	\$1.20	\$1.30	\$1.25	\$1.35	\$1.30	\$1.40
Semi-Skilled	1.10	1.20	1.15	1.25	1.20	1.30
Unskilled	1.00	1.10	1.05	1.15	1.10	1.20

Bonus: Industry inmate will qualify for a bonus when he achieves the top pay rate in the Unskilled range.

A bonus of 25¢ per day is paid to industry inmates working within their assigned shops for a minimum of 5 hours daily.

AM/PM WAGE SCALE (State Prison, Trenton)  
(3 hrs. each Shift)

	<u>Below Avg.</u>	<u>(New)</u>	<u>Average</u>	<u>(New)</u>	<u>Above Avg.</u>	<u>(New)</u>
Skilled	\$2.05	\$2.15	\$2.15	\$2.25	\$2.25	\$2.35
Semi-Skilled	1.55	1.65	1.65	1.75	1.75	1.85
Unskilled	1.05	1.15	1.15	1.25	1.25	1.35

Learner: \$1.00 (\$1.10) for 2 months only (when necessary)

Inmate Instructor Assistant: \$3.00 (\$3.10)

HOURLY WAGE SCALE

Inmate Instructor Assistant: \$.82/hour (\$.84/hour)

"A" rate @ .52/hour (.54)

"B" rate @ .42/hour (.44)

"C" rate @ .27/hour (.29)

"D" rate @ .22/hour (.24) Learner for only 2 months (when necessary)

LJF/ac

cc: R. Waldis

## 1979 Amendment To U.S. Code Concerning Sale Of Certain Prison Made Products

PUBLIC LAW 96-157—DEC. 27, 1979

### PRISON INDUSTRY ENHANCEMENT

"Sec. 827. (a) Section 1761 of title 18, United States Code, is amended by adding thereto a new subsection (c) as follows—

"(c) In addition to the exceptions set forth in subsection (b) of this section, this chapter shall also not apply to goods, wares, or merchandise manufactured, produced, or mined by convicts or prisoners participating in a program of not more than seven pilot projects designated by the Administrator of the Law Enforcement Assistance Administration and who—

"(1) have, in connection with such work, received wages at a rate which is not less than that paid for work of a similar nature in the locality in which the work was performed, except that such wages may be subject to deductions which shall not, in the aggregate, exceed 80 per centum of gross wages, and shall be limited as follows:

"(A) taxes (Federal, State, local);

"(B) reasonable charges for room and board as determined by regulations which shall be issued by the Chief State correctional officer;

"(C) allocations for support of family pursuant to State statute, court order, or agreement by the offender;

"(D) contributions to any fund established by law to compensate the victims of crime of not more than 20 per centum but not less than 5 per centum of gross wages;

"(2) have not solely by their status as offenders, been deprived of the right to participate in benefits made available by the Federal or State Government to other individuals on the basis of their employment, such as workmen's compensation. However, such convicts or prisoners shall not be qualified to receive any payments for unemployment compensation while incarcerated, notwithstanding any other provision of the law to the contrary;

"(3) have participated in such employment voluntarily and have agreed in advance to the specific deductions made from gross wages pursuant to this section, and all other financial arrangements as a result of participation in such employment.

"(b) The first section of the Act entitled 'An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes', approved June 30, 1936 (49 Stat. 2036; 41 U.S.C. 35), commonly known as the Walsh-Healey Act, is amended by adding to the end of subsection (d) thereof, before 'and', the following: 'except that this section, or any other law or executive order containing similar prohibitions against purchase of goods by the Federal Government, shall not apply to convict labor which satisfies the conditions of section 1761(c) of title 18, United States Code'.

"(c) The provisions of this section creating exemptions to Federal restrictions on marketability of prison made goods shall not apply unless—

"(1) representatives of local union central bodies or similar labor union organizations have been consulted prior to the initiation of any project qualifying of any exemption created by this section; and

"(2) such paid inmate employment will not result in the displacement of employed workers, or be applied in skills, crafts, or trades in which there is a surplus of available gainful labor in the locality, or impair existing contracts for services.

STATE USE ADVISORY COUNCIL

For some twenty years, the Advisory Council functioned as a most valuable adjunct citizen board. They provided important business advice, liaison with other government officials and the community, suggested marketing techniques and new product items.

With the decline of the New Jersey State Board of Control, appointments to the State Use Advisory Council were gradually discontinued. The Council was eliminated by attrition and ceased to function after 1974.

The following citizens were active members of the last Advisory Council. The Bureau of State Use Industries extends its appreciation for their dedicated and valuable service to our industrial organization:

MEMBER	New Jersey AREA OF RESIDENCE	REPRESENTING
Mrs. Maxwell Barus (Chairperson)	Montclair	Public
Bradford Cochran	Bernardsville	Finance
Harvey A. Collins	Ridgewood	Small Employer
Mrs. Louis Kellogg	Mendham	Public
Malcolm Kirkpatrick	Jamesburg	Management
Jack Lamping	Toms River	Public Relations
Robert Prull	Jamesburg	Management
Carlton Tillinghast	Burlington	Public
Wilbur Vanderslice	Clifton	Labor

APPENDIX G

BUREAU OF STATE USE INDUSTRIES                      TREND ANALYSIS SUMMARY

Fiscal Year	1965 - 66	1966 - 67	1967 - 68	1968 - 69	1969 - 70	1970 - 71
Sales (in 000's)	2,313	2,328	2,446	2,219	3,283	2,671
Industries	26	26	27	28	24	25
Inmates Working	1,003	1,000	870	822	837	830
Inmates/Job	3.0	3.3	3.1	4.0	3.6	3.7
Staff Employees	94	95	98	100	93	93
Fiscal Year	1971 - 72	1972 - 73	1973 - 74	1974 - 75	1975 - 76	1976 - 77
Sales (in 000's)	2,411	2,572	2,752	3,386	3,811	4,087
Industries	25	26	21	20	20	19
Inmates Working	767	555	432	523	538	508
Inmates/Job	3.9	5.1	5.5	4.5	3.1	3.5
Staff Employees	88	75	73	73	76	72
Fiscal Year	1977 - 78	1978 - 79	1979 - 80	1980 - 81	1981 - 82	1982 - 83
Sales (in 000's)	4,083	3,781	4,291	4,587	4,647	5,133
Industries	18	17	16	16	17	17
Inmates Working	487	455	432	419	461	488
Inmates/Job	3.5	3.4	3.0	3.5	3.5	3.8
Staff Employees	69	67	64	69	72	73

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1982
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## INDEX

- A** Abbott, Alexander 188 - 189  
 accreditation 300  
 Act of October 14, 1940 114  
 Adams, Burton G. 145  
 administration 29, 35, 37, 61-62, 69  
   73-74, 89-90, 127-128, 142, 147,  
   155-157, 160-161, 198, 221-223,  
   224-225, 234, 248, 256, 260,  
   263, 291, 295  
 advertising 105, 256-257  
 Advisory Council on Corrections  
   (N.J.) 278  
 agriculture 66, 83, 93, 115, 171,  
   186, 294-295  
 Alexander, Archibald 193, 244  
 Alexander, Myrl E. 146  
 Aluminum Window and Screen  
   Industry 115, 204  
 American Correctional Association  
   (ACA) 60, 149, 225, 238, 300,  
   303, 311, 313  
 American Journal of Correction 261  
 American Institute of Criminal Jus-  
   tice 290  
 American Federation of Labor (AFL)  
   54, 57  
 American Prison Association 60, 98,  
   131, 145, 149  
   see American Correctional  
   Association  
 Ancora State Hospital (N.J.) 164,  
   192  
 Anderson, David J. 216, 219, 228,  
   249  
 Annandale State Reformatory (N.J.)  
   70, 96-98, 136-137, 171, 177,  
   181, 186, 204-205, 226, 232,  
   235, 251, 274, 295, 297, 304,  
   312  
 Arizona 261  
 architecture, institutional: see  
   buildings  
 Ashe, Stanley 154  
 Attorney-General (N.J.) 175, 272,  
   301, 317  
 Auburn State Prison (N.Y.) 26,  
   30-34, 35-36, 37, 40-41, 81  
 auditors (N.J.) 178, 181, 232, 241,  
   259, 301, 306  
 August, Edward 215
- Australia Penal Colony; see  
 Machonochie, Alexander  
 Auto Tag Industry 82, 85, 95, 143,  
   175, 187-188, 189-190, 200, 201,  
   233, 234, 235-237, 249, 291,  
   304, 306, 311-312, 317  
 automobile 105, 107
- B** Baer, Frank 180  
 Bakery Industry 228, 240  
 Bannon, Leo 136, 171  
 Barnes, Harry E. 76  
 Barnard College (NYC) 255  
 Barus, Jane 172  
 Bates, Sanford 113, 132-134, 135,  
   143, 153, 159-161, 166, 210  
 Battelle—Columbus Laboratories  
   266-268  
 Benedict, James L. 285  
 Bennett, James V. 111, 126, 158  
 Bintliff, George W., Jr. 177  
 Bixby, F. Lovell 96, 134, 140-141,  
   143, 153, 158-159, 162, 164,  
   167, 184, 189, 202  
 Blank, Benedict 306; see Metal  
   Shelving Industry  
 Blasi, Frank 216; see Clothing  
   Industry  
 Blue, Lillian 306  
 Board of Institutional Trustees,  
   (N.J.) 240, 244, 253, 278  
 Boards of Managers (N.J.) 75-76,  
   78-79, 81, 85, 93, 99, 135,  
   164-165, 218  
 Bohlinger, George 288-289  
 Bolen, William 293  
 bond issues 96, 141, 143, 219, 226  
 Bonnell, John C. 67, 95, 159-160,  
   166, 168, 171, 175, 178, 180,  
   184, 193, 199, 227, 228, 241,  
   247, 250, 251, 260, 293  
 Bordentown Reformatory, (N.J.) 96,  
   114, 140-141, 153, 171, 175,  
   177, 192, 204, 219, 226, 231,  
   235, 246, 297, 304, 313  
 Boston Massachusetts 19, 132  
 Boston Prison Discipline Society 31,  
   33, 37, 39, 43  
 Boys Clubs of America 132  
 Brancale, Ralph, M.D. 140

- branding of criminals; see punishment
- Breed, Allen 315
- Bright, William H. 86-87
- Bright Commission; see New Jersey Joint Legislative Survey
- Commission
- Brockway, Zebulon R. 61
- Brooklyn College (NYC) 259
- Broom Industry 115, 140, 235
- Brown vs. Board of Education (Topeka, Kansas) 151
- Bruner, Richard 234
- Brushmaking Industry 102
- buildings 29, 35, 39, 61, 114, 146, 245-246
- Budd, William 215
- Burd, Clifford 277
- Bureau of Operations (N.J.) 235
- Bureau of Real Property (N.J.) 293
- Bureau of State Use Industries (N.J.) 56, 65-68, 78-79, 83-84, 93-96, 97-100, 102, 111-112, 115, 117-119, 125, 127, 129, 131, 134, 135-137, 140, 143, 146, 154, 158, 167, 177, 182-184, 189, 194-197, 199, 202, 205-206, 217, 219, 222, 224, 229, 231-232, 233-234, 236-238, 239-240, 247-250, 251-253, 256-258, 259, 268, 270-273, 274-276, 285, 286, 291-295, 300-301, 304, 306-307, 310-311, 313, 317, 319, 323-325
- Burlap Bag Industry 235
- Burlington, New Jersey 159
- Burger, Warren E. 314-316, 326
- Byrne, Brendan T. 208, 255, 281, 297
- Byrnes, Thomas 239
- C**
- Cahill, William T. 236, 239-240, 246-247, 253
- California 146, 148
- Camden and Amboy Railroad 48
- Camden, New Jersey 159, 297, 316
- Cannery Industry 83, 97, 137, 186, 205, 233, 237, 239, 252
- Carpenter's Council, (N.J. State Federation of Labor) 83
- Carton Industry 205, 239
- Carlson, Norman 286
- Carmasine, Frank 215; see Clothing Industry
- Carney, Louis P. 326
- Carty, William H. 153-155
- Castle Island Prison; see Massachusetts
- Caughey, May 70
- certificates of accomplishment 274
- Charlestown Prison; see Mass.
- charters 47
- Chain Industry 95, 137
- Cherry Hill Prison; see Eastern State Penitentiary, Pa.
- Chicago, Illinois 159
- Children's Village, Dobbs Ferry, New York 86
- Cincinnati, Ohio 60, 157
- civil rights 151
- Civil War 51-54, 60
- Clancy, William 216; See Machine and Bed Industry
- Classification 75, 79, 90-91, 95-96, 125, 198, 206, 214, 233, 249, 313
- Clayton, Charles 85
- Clothing Industry 97, 102, 104, 111, 178, 200, 204-206, 214, 219, 232, 239, 304, 307
- Clifford, Robert L. 246
- Clinton Farms Reformatory for Women (N.J.) 70, 96-97, 118, 165, 177-178, 205, 234, 246
- Cody, Isabelle 249
- Columbia University (NYC) 75, 218, 255
- Columbus University (Washington, D.C.) 165
- Coffee Roasting Industry 80, 102, 186
- Collins, Earl 215, 228; see Knitting Industry
- Collins, Harvey 193
- Commercial Laboratory and Exterminating Industry 115, 137, 219
- Commissioner of Corrections (N.J.), power of 278
- Community Action for Vocational and Industrial Development (CAVID) 272-273

- Community Service Centers 250  
 Concord Reformatory (MA.) 68  
 Concrete Industry 83, 86, 104  
 confinement 17, 23, 26, 30, 32, 41  
 congregate prisons; see Auburn, New York  
 Connecticut 19, 37, 43, 289-290  
 contract labor 29, 36, 38, 43, 45, 47, 51, 54, 57, 61, 65, 67-68, 75, 79, 82, 94, 129, 146  
 convicts transported 17  
 Coolidge, Calvin 107, 132  
 Coonley, Howard 222  
 Cooper, F. Herbert 149  
 Correctional Industries Association (CIA) 149, 305, 313-314, 324  
 Correctional Institution for Women, Clinton (N.J.); see Clinton Farms Reformatory  
 Correction Officers 155, 167, 181, 200, 245, 274, 294  
 Correctional Master Plan, New Jersey 285  
 criminal code 23, 316  
 Crofton, Sir Walter 60  
 Cufone, Frank 216; see Shoe Industry  
 Curran, James W. 147
- D**
- Dean, William 215  
 DeAngelo, John 277; see Mattress and Pillow Industry  
 death penalty 17, 19, 206-208, 317  
 Delaware 261  
 Dempsky, Albert L. 217  
 Department of Civil Service (N.J.) 81, 85, 134, 180, 206, 317  
 Department of Conservation and Economic Development (N.J.) 232  
 Department of Corrections (N.J.) 260, 278, 281, 286, 293, 294, 298, 299, 307, 311, 313-314, 318, 323, 325  
 Department of Criminal Justice (N.J.) 318  
 Department of Higher Education (N.J.) 205  
 Department of Institutions and Agencies (N.J.) 77-78, 82, 86-87, 96, 99, 114, 132, 135, 154, 160-161, 177, 184, 192, 202, 226, 231, 234, 236, 239, 255, 269, 278, 281, 310
- Department of Transportation (N.J.) 273, 304, 318  
 Department of the Treasury (N.J.) 83, 161, 268, 269-270, 308  
 Derrick, Calvin 62, 81-82, 84-86, 90, 96, 131  
 Diagnostic Center; see Menlo Park Diagnostic  
 discipline 17, 26, 33-34, 39, 61, 63, 69, 73-75, 81, 90, 98, 146, 167, 211, 213, 245, 250  
 District of Columbia 113, 165, 233  
 Division of Architecture (N.J.) 161  
 Division of Correction and Parole (N.J.) 167, 202, 220, 226-227, 231, 238, 245, 250-252, 255, 269, 274, 278, 297  
 Division of Labor and Industry (N.J.) 78, 84, 307  
 Division of Motor Vehicles (N.J.) 175, 200, 236-237, 304  
 Division of Old Age Assistance (N.J.) 226  
 Division of Purchase and Property (N.J.) 86, 94, 137, 246, 248, 252, 271, 275, 308, 312  
 Division of Taxation (N.J.) 318  
 Division of State Use Industries; see Bureau of  
 Dix, Dorothea 33, 43, 45  
 Dixon, William B. 74  
 Doll, Edgar A. 90, 92-93  
 Driscoll, Alfred E. 134, 142, 154  
 Duffy, Clinton T. 146-147  
 Duidick, Myron 215; see Printing Industry  
 Duke University, Durham, N.C. 246  
 Dwight, Louis 31, 39-40, 43
- E**
- Earle, Ellis P. 76-77, 87, 89, 120  
 Earle Commission: see N.J. State Commission to Investigate Charitable Institutions  
 Eastern State Penitentiary, Philadelphia, Pa. 30-31, 37, 40-41  
 Econ, Inc. 266, 288  
 Edge, Walter E. 74, 76, 81  
 education 37, 61-63, 69, 74-75, 79, 90, 93, 97-98, 131, 141, 235, 238, 257, 268, 315

- Edwards, Edward I. 81  
 Eisenhower, Dwight D. 151  
 Elias, Albert 141, 233, 289  
 Ellis, William John 90, 92-93, 96,  
 99-100, 114, 120-121, 133, 134,  
 157  
 Elmira Reformatory (N.Y.) 61, 68-  
 69, 98  
 employment; see Labor; also  
 unemployment  
 England 17  
 Engelberger, John 187, 215; see  
 Machine Shop Industry  
 Englewood, New Jersey 92  
 execution 17, 206-208, 317
- F**  
 Fair Employment Practices  
 Commission 151  
 Fall River, Wisconsin 165  
 farms; see agriculture  
 Fauver, William H. 250-251, 283,  
 297, 299, 316-317  
 federal government 48-49, 51-53,  
 63, 67, 91, 105, 115, 132, 288-  
 290, 302, 311, 314, 316  
 Federal Highway Administration  
 273, 311  
 Feed Mill Industry 137, 251, 271,  
 291, 295, 304  
 Filipponi, Lucas J. 277, 294, 321  
 fire, 206, 237, 251, 271, 275  
 Forbes, Malcolm 167  
 Ford, Henry 105  
 Forked River Residential Center  
 (N.J.) 232  
 Fort Dix (N.J.) 92, 316  
 Fort Knox Rehabilitation Center  
 (Ky.) 140  
 Foundry Industry 97, 104  
 Free Venture Model 288-291; see  
 Econ, Inc.  
 Friedman, Jay 285  
 Froitzheim, Bernard 215  
 Furniture Refinishing and Repair  
 Industry 172, 204, 241
- G**  
 Gamane, Una L. 314; see Clothing  
 Industry  
 Garden State Parkway 143  
 Garden State School District 257,  
 269, 271-272, 278
- Gassert, Frederick Jr. 175  
 George Junior Republics (N.Y.) 62  
 George, William R. 62  
 Gerry, Francis X. 96, 114, 133, 162  
 Gibb, Alex 216  
 Giger, George 96  
 Gill, Howard B. 148  
 Gillin, John L. 145  
 Glaser, Daniel 263  
 Glen Gardner Sanatorium (N.J.) 136  
 Goff, Donald 167  
 Goodman, George 181, 189, 213,  
 217  
 Greystone Park State Hospital (N.J.)  
 237  
 Grodeck, Joseph 256  
 group psychotherapy 140-142
- H**  
 Haight, Edward M. 149  
 Hale, Herbert 214  
 Harding, Warren 107  
 Haviland, John 41  
 Hawes-Cooper Act 109  
 Heher, Harry 154  
 Heyns, Garrett 147  
 Hicks, Sidney 289  
 Highfields Residential Center  
 (N.J.) 141, 218, 232  
 Hobart College, (N.Y.) 92  
 hobby shops 153  
 Hoff, Joseph 81  
 Hoover, Herbert 107, 132  
 Horner, Florence 306  
 Hunterdon County Medical Center  
 (N.J.) 165  
 Hunterdon State School (N.J.) 233  
 Huntingdon, Pa. 148  
 Huntingdon Reformatory (Pa.) 68  
 Hughes, Richard J. 217, 220, 226,  
 236
- I**  
 Illein, Gustav 216; see Machine and  
 Bed Industries  
 immigration 48, 53  
 indeterminate sentences 59-60  
 individual treatment 70, 90-91, 123,  
 233, 270, 301  
 industry 17, 18, 20, 24-25, 40, 43,  
 52-53, 54, 62, 66, 90, 224  
 industrial directives 256-257  
 industrial goals 223-224

- Industrial Managers 79-80, 86, 115,  
136, 168-169, 180, 206, 219,  
239, 249, 251, 256, 258, 314  
inmate clothing 36, 63  
inmate drug treatment 250  
inmate furloughs 250  
inmate idleness 17, 20, 26, 29, 44,  
54, 56, 64, 94, 113, 124, 128,  
143, 145, 153, 171, 204, 211,  
223, 241, 286, 313, 319  
inmate labor; see labor  
inmate mail censorship 245  
inmate work recognition program  
168-170  
inmate work release program 235,  
245, 250  
inmate wages 20-21, 24, 44, 83,  
167-170, 188, 189, 220, 234-235,  
239, 245, 258, 267, 270, 302,  
304, 318  
Inspectors (jails) 25, 40, 47, 55, 235  
Iorio, Joseph 216  
Irish system 60  
Israel, Henry 215; see Printing  
Industry
- J**  
Jackson, Andrew 42  
Jackson, James 214  
Jamesburg State Home for Boys  
(N.J.) 62, 69, 82, 167, 234  
Jenkinson, Charles V. 148  
Jersey Cape Center for the  
Occupationally Handicapped  
(N.J.) 259  
Johnson, Kate Burr 96  
Johnstone, Edward R. 90  
Johnstone Defective Delinquent  
Unit (N.J.) 205, 251  
Johnstone, Edward R. Training  
and Research Center (N.J.) 164  
Joint Commission on Correctional  
Manpower and Training 287  
Jones Farm (N.J.) 294  
Juniata College (Pa.) 218  
Juvenile institutions; see  
Jamesburg, Skillman, Trenton  
State Home for Girls
- K**  
Kazarow, Jules 187, 215; see Auto  
Tag Industry  
Kean, Thomas H. 316-317  
Keefe, Charles 187-188, 215; see  
Auto Tag Industry  
Keenan, Donald 277  
Kelley, Charles 277  
Kelly, David I. 78, 84  
Kimberling, Mark 96  
Kirchwey, George 75  
Klein, Ann 255, 268, 282  
Knights of Labor 53, 54, 57  
Knitting Industry 82, 102, 186, 204,  
228, 232  
Kolbert, Joel 268, 270  
Korn, Richard R. 149, 152, 273  
Kott, Maurice 240, 246  
Krasnowsky, William 181, 214
- L**  
labor 9-10, 17-19, 23-24, 30, 32,  
36, 37-38, 43, 47, 51, 53, 63,  
65, 71, 74, 78, 84, 94-95, 97,  
108-109, 118-119, 124, 145-146,  
192, 222, 224, 245, 252-253,  
258, 262-265, 270, 272, 273,  
286-287, 291, 299-300, 313,  
319, 323  
Lamberton Prison (N.J.); see Trenton  
State Prison  
laundry 192, 231, 245  
Law Enforcement Assistance  
Administration (LEAA) 235, 266,  
288, 300  
League of Women Voters 160, 255  
leasing 36, 38, 67, 146  
Leesburg State Prison (N.J.) 70,  
136-137, 140, 186, 204, 233,  
239, 240, 246, 249, 316  
Leggett, William 215  
Lehman, Herbert H. 133  
Lehigh University (Pa.) 246  
Leiby, James 39-40  
Lewis, Burdette G. 77-78, 82, 84,  
86-87, 90, 92, 121, 133  
Lewis, Charlton 76  
Lewis, Orlando F. 20  
Lewisburg, Pa. 105  
Lewisohn, Samuel 111, 118  
libraries 250  
Lincoln, Abraham 53  
Lindbergh, Charles A. 141  
Lindsay, John 256  
Lipisko, Edward 216; see Clothing  
Industry

Little, William 22; see Massachusetts  
Louisiana 66  
Lydon, Timothy 216; see Shoe  
Industry  
Lynds, Elam 30; see Auburn Prison  
Lynn, Harold 256

## M

MacCormick, Austin H. 154  
MacDonald, John 216  
Machine Shop Industry 83, 97, 104,  
214  
Machonochie, Alexander 59  
MacNaughton, Lyda 306  
MacNeil, Douglas 96  
Madden, Thomas 73  
Madden, Walter 73  
Magovern, John J. Jr. 241  
Mahan, Edna 96-97  
Male, Raymond F. 134  
Mallor, Norman 177  
Management Commission of 1970  
239  
Management Improvement Unit  
(N.J. State Treasury) 268  
Marino, Angelo 216  
Mark System 59-60  
Markley, T. Wade 262  
Marlboro State Hospital (N.J.) 96,  
192, 232  
Martinson, Robert 326  
Maryland 19, 147  
Massachusetts 19, 22, 37, 43, 76,  
132, 233, 255, 305,  
Mattress and Pillow Industry 137,  
186-187, 275, 307  
"Mechanics" 33, 43-44  
medical 24, 31, 37, 42-43, 75, 90,  
117  
Mendham, N.J. 282  
Menlo Park Diagnostic Center (N.J.)  
140  
Menlo Park Soldiers Home (N.J.) 96  
"Merchant-Capitalists" 33, 37-38, 51  
Merrill, E. I. 177, 231  
Metal Shelving Industry 228, 231,  
251, 306  
Meth, Sidney 213-214  
Meyner, Robert B. 161, 166, 171,  
193-194, 217

Michaelis, Carl 216; see Traffic Sign  
Industry  
Michigan 147, 149, 154  
Middlehauve, Karl 216; see  
Woodworking Industry  
Mid-State Correctional Facility (N.J.)  
316; see Ft. Dix, N. J.  
Mihalko, William 215; see  
Upholstery Industry  
Minnesota 66, 89, 324  
Mississippi 66  
Mitchel, John P. 77  
Molnar, Peter 215; see  
Mattress and Pillow Industry  
Montreal, Canada 261  
Mooney, Bert 215; see Clothing  
Industry  
Moore, A. Harry 86, 99  
Moore, Frank 69, 74, 96-97, 136  
Mop Industry 115  
Moran, John J. 261  
Morgan, Robert 215  
Morrow, Dwight 75-77, 120-121,  
157  
Morrow Commission; see N. J. State  
Prison Inquiry Commission  
Muehlronner Act of 1897 (Pa.) 64  
Mulcaby, Robert E. III. 255, 281-  
282, 289-290, 297  
Mulheron, James H. 79, 81  
Muncy, Pa. 92

McCarthy, Joseph 150  
McCorkle, Lloyd W. 140-141, 149,  
152, 155-156, 180-181, 202,  
217-218, 221, 226, 231, 240,  
273, 301  
McGee, Richard A. 222, 224  
McGraw, Pega and Walter 154  
McHugh, George 216; see Rahway  
Storeroom  
McLaughlin, James 260  
McCormack, Patrick 215

## N

National Academy of Corrections 315  
National Advisory Commission on  
Criminal Justice Standards and  
Goals 265; see LEAA  
National Association for the

- Advancement of Colored People (NAACP) 151  
 National Association of Manufacturers 222  
 National Institute of Corrections (NIC) 311, 313  
 National Institute of Public Administration 99  
 National Prison Association 60; see American Correctional Association  
 National Recovery Act (NRA) 110-114  
 Nebraska 77  
 "New Deal": See National Recovery Act  
 Newgate Prison (N.Y.C.) 19, 26  
 New Hampshire 19  
 Newark News (newspaper) 74  
 New Jersey Bi-Centennial Commission 259  
 New Jersey Commission on Vocational Education in Correctional Institutions 247  
 New Jersey League of Municipalities 196  
 New Jersey Prison Reform Association 46  
 New Jersey Public Television 274  
 New Jersey Sports Authority 297  
 New Jersey Safety Council 234  
 New Jersey State Allied Printers Council 193  
 New Jersey State Commission to Investigate Charitable Institutions (Earle Commission) 76  
 New Jersey State Commission to Study the Department of Institutions and Agencies (Alexander Commission) 193  
 New Jersey State Constitution 55, 134-135, 143, 166  
 New Jersey State Department of Charities and Corrections 77; see Department of Institutions and Agencies  
 New Jersey State Fair 196  
 New Jersey State Governor, powers of 55, 135, 240, 244  
 New Jersey State Joint Legislative Survey Commission (Bright Commission) 86, 95, 97  
 New Jersey State Legislature 29, 39, 46, 47, 55, 68, 78, 99, 133, 161, 172, 177, 236-237, 253, 255, 317  
 New Jersey State Prisons; see Trenton, Rahway, Leesburg, Clinton Farms  
 New Jersey State Prison Inquiry Commission (Morrow Commission) 74-75, 93, 97, 158, 202  
 New Jersey Supreme Court 246  
 New Jersey Taxpayers Association 177, 178, 182-183, 194  
 New Jersey Transit Authority 318  
 New Jersey Turnpike Authority 143  
 New Jersey Welfare Council 196, 244  
 New York City Commissioner of Corrections 77  
 New York Post (newspaper) 74  
 New York Prison Association 43, 60  
 New York Prison Survey Committee 130  
 New York State Legislature 26, 44, 66, 68, 130  
 New York University (N.Y.C.) 218  
 Nixon, Richard M. 67  
 Northeast Correctional Industries Conference 305, 311  
 Northeastern University (Boston, Ma.) 132  
 Northwestern University (Evanston, Ill.) 159  
**O**  
 Ohio 19, 37  
 Osborne Association 134, 154  
 Osborne, George O. 73  
 over-stint 45  
**P**  
 Page, George 135, 153  
 Palumbo, Fred 216; see Clothing Industry  
 Paraduik, Ben 216; see Shoe Industry  
 pardons 45  
 Parliament (England) 17  
 parole 74, 109, 135, 226, 245, 250  
 Passaic, N.J. 246  
 Patient Aid Industry 312  
 Patrick, Edward 237; see Cannery Industry  
 Patterson, William 23  
 Paterson, John 73

- Peebles, Elizabeth 228  
 penitentiary 17, 19, 23  
 Penney-Gwinn Corporation 87  
 Pennsylvania 17, 19, 52, 64, 149  
 Pennsylvania Prison Society 18, 21  
 Pennsylvania Railroad 48; see  
   Camden and Amboy Corporation  
 Pennsylvania System 30-32, 35;  
   see separate prisons  
 Percy, Charles 291  
 Petersen, Hugo 215; see Bakery  
   Industry  
 Philadelphia, Pa. 18-19, 21-22, 23,  
   40, 159  
 Philadelphia Society for Alleviating  
   the Miseries of Public Prisons;  
   see Pennsylvania Prison Society  
 Philips, George 216; see Shoe Industry  
 Piece-Price Method 38-39, 47, 56-  
   57, 67-68, 74  
 Piller, Ira 285  
 Pinto, Warren 214  
 Pleasant Valley, Pa. 217  
 Plessy vs. Ferguson 151  
 politics 47, 53, 55, 56, 64, 67, 68,  
   89, 95, 142, 161, 222, 224, 244  
 population 26, 29, 43, 45, 68-70,  
   96, 117, 124, 128, 131, 152, 221,  
   227, 229, 232, 241, 245, 291,  
   298, 299, 313-316  
 Potter, Ellen C. 96  
 Preston School of Industry (Ca.) 62,  
   81  
 Price, Rodman 46  
 Princeton, N. J. 39, 266  
 Princeton University (N.J.) 99, 156,  
   218  
 Principal Keeper 24-25, 42, 46, 55,  
   73, 79-81, 135, 197, 207, 211  
 Printing Industry 82, 95, 97-98,  
   104, 136, 143, 153-154, 186,  
   192-193, 200, 257, 271, 273,  
   291, 306  
 prisons, function of 11  
 Prison Compact Authority 111  
 prison labor; see Labor  
 Prison Labor Authority 111  
 Prison Labor Commission 68, 70, 82  
 Prison Industry Enhancement  
   Program (PIE) 291  
 Prison Industries Reorganization  
   Administration (PIRA) 112  
 prison reform 19, 22, 29, 30-31,  
   33-34  
 Project Employ (N.J.) 271  
 Prokop, John 187  
 psychiatry 75, 90  
 Public Account Method 39, 65-67,  
   94  
 public relations 69; 177  
 Public Works Authority (PWA) 112  
 Public Works and Ways Method 65-  
   67  
 punishment 10, 17-18, 19, 26, 29,  
   32, 33, 41, 44, 55-56, 61, 75,  
   89, 123  
**Q**  
 Quakers 17-19, 23, 26, 325  
**R**  
 Rahway State Prison (N.J.) 68-70,  
   82, 92, 95-96, 97, 118, 136-137,  
   141, 152, 153-154, 171-172,  
   177-178, 186, 204-205, 214,  
   216, 219, 226, 228, 231, 232,  
   240-241, 245, 250-251, 271, 304  
 railroads 48  
 Ramsey, Edward B. 232, 277; see  
   Knitting Industry  
 reconstruction 52  
 reformation 11, 18, 30, 32, 41,  
   59-61, 73, 123, 131, 198, 222,  
   299  
 rehabilitation 123, 198, 225,  
   269-270, 301  
 religion 17, 30, 32, 46, 90  
 Republican Party 53, 87  
 research 275-276  
 revolving fund 83  
 Reynolds, John 215; see Warehouse  
 Reynolds, John A. 214  
 Rhode Island 31, 52 261  
 Richardson, Alfred 215  
 Richman, Grover Jr. 175  
 Rider College (Lawrenceville, N. J.)  
   321  
 riots 143, 153-154, 156, 188-189,  
   245, 271, 315  
 Ripon College (Wisconsin) 165  
 roads 84, 86, 104, 136  
 Robinson, Louis N. 70, 78, 110-111  
 Rockefeller Brothers Fund 193  
 Rockhill, Maxwell 96, 117, 135, 140  
   143, 158

- Rodli, Gilbert 148, 314  
 Rogers, Curtis 216; see Carton Industry  
 Roosevelt, Franklin D. 108, 112, 132, 150  
 Roosevelt, Theodore 67  
 Ruhlman, Ernest 228  
 Russert, Samuel 187, 215; see Auto Tag Industry  
 Russoniello, Salvatore J. 226, 231  
 Rutgers University (New Brunswick, N.J.) 165, 218, 259, 297
- S**
- Salt Hay Industry 136  
 sanitation and safety 24, 36, 63, 206, 234, 274-275  
 Salvage and Repair Industry 175  
 Sandman, Charles 253  
 Schindler, Frank 180  
 Schley, Reeve 120, 135, 141, 159, 161, 164-165  
 schools; see education  
 Scarpati, Louis 294; see Warehouse  
 Schneider, John 215; see Printing Industry  
 Scozzaro, Samuel 200, 206, 215, 232, 249; see Clothing Industry  
 security 22, 35, 98  
 separate prisons; see Eastern State Penitentiary  
 Sheet Metal Industry 115, 175, 251  
 Shelton, Edward 277, 289  
 Sheridan, Jack 215; see Warehouse  
 Sheridan, John 249  
 Shoe Industry 83, 97-98, 104, 115, 171, 204, 214, 229, 235, 250  
 sickness 25, 26, 31, 37, 42-43, 213  
 Sing Sing Prison (N.Y.) 30, 37, 82  
 Skillman Neuro-Psychiatric Institute (N.J.) 141  
 Skillman Training School for Boys (N.J.) 233, 234  
 Smith, William F. 315  
 Snow Fence Industry 140, 186, 237, 251, 274  
 Soap Industry 115, 137, 291, 313  
 Social Security 165, 217  
 Soltis, Peter 215  
 Souders, Theodore 86, 180  
 Souter, Sidney Jr. 98  
 staff 213-216, 220, 221, 223, 256, 262, 295, 299, 301, 302, 306, 319, 323, 325  
 staff training 177, 213-234, 236, 245, 251, 274, 300, 313, 315  
 standards 233-234, 299-300, 303, 313  
 Starr, Samuel 46  
 State Board of Control (N.J.) 77, 81, 83-87, 89, 92-93, 99, 135, 141, 159-160, 166, 169, 184, 186, 196, 217, 218, 227, 240, 244, 253  
 State House Commission (N.J.) 312  
 State Use Advisory Council 159, 172, 177, 182, 193-194, 205, 219, 227, 233, 248, 253; see Appendix F  
 State Use Laws 272; see Appendix A & B  
 Steliga, Joseph 247  
 Stephens, Uriah 53  
 Storeroom 97, 104, 204; see Warehouse  
 S U D I A 178, 274  
 Sumners-Ashurst Act 110  
 Superintendent of Industries; see Industrial Manager  
 Superintendent of Institutions; see Principal Keeper  
 Supervising Industrial Manager 213, 249  
 Surface Transportation Act of 1980 311  
 Swink, Kenneth 215; see Printing Industry  
 Sykes, Gresham 156-157  
 Syracuse University (Syracuse, N. Y.) 140
- T**
- Taft-Hartley Act 150  
 taxation 32, 37, 142, 171  
 Taylor, Andrew 215  
 Taylor, Frederick W. 105  
 Temple University (Philadelphia, Pa.) 297  
 Textile Industry 172, 178, 229, 304  
 Thomas, Robert 305  
 Thoms, Donald 214  
 Thompson, Geraldine L. 76, 89, 121, 135

Tire Retreading Industry 312  
 Tomsche, Donald G. 324  
 Totowa Training School (N.J.) 96,  
 102, 178, 192  
 Traffic Sign Industry 95, 205, 273,  
 304, 307, 311  
 training schools; see Jamesburg,  
 Skillman  
 Tramburg, John W. 165-166, 192,  
 198, 217, 220, 226  
 transportation 17, 48; see railroads  
 and roads  
 Trenton, N.J. 226, 281  
 Trenton State Home for Girls (N.J.)  
 69, 96, 102, 281  
 Trenton State Hospital (N.J.) 102,  
 192  
 Trenton State Prison (N.J.) 19, 23,  
 24-26, 29, 31, 39-40, 41-43,  
 46-48, 62, 73-74, 78-79, 81-84, 86,  
 90, 92, 97, 114, 140, 143,  
 152-153, 154-155, 164, 171,  
 177, 180, 186, 189-190, 200,  
 205-206, 213, 228, 234, 240,  
 246, 249-250, 257, 271,  
 292-294, 297, 305, 317  
 Trenton Times (newspaper) 177  
 Truman, Harry S. 150-151  
 Typewriter Repair Industry 140, 154

U

Ulman Committee 111-112  
 unemployment 25, 44, 64, 107-108  
 Union Printer's League 82  
 United States; see Federal  
 Government  
 United States Bureau of Labor  
 Statistics 94, 146  
 United States Bureau of Prisons  
 105, 113, 132, 134, 158, 260,  
 262, 286  
 United States Congress 109-110, 150  
 United States Constitution 70  
 United States Industrial Commission 66  
 United States Navy 118, 226, 282  
 United States Supreme Court 107,  
 151, 314, 326  
 University of Chicago (Chicago, Il.)  
 165  
 University of Pennsylvania  
 (Philadelphia, Pa.) 226  
 Upholstery Industry 140, 241

V

Van Lenten, Richard 216, 219, 240,  
 251; see Textile Industry  
 Vechy, Paul 216, 251; see Textile  
 Industry  
 Velardi, John 215; see Clothing  
 Industry  
 Venables, G. Lawrence 214, 216,  
 239, 240  
 ventilation 36  
 Vermont 19, 261  
 Villanova University (Philadelphia,  
 Pa.) 226, 282  
 Vineland State School (N.J.) 82, 93,  
 102, 137, 186  
 Virginia 19, 85  
 Vocational Preparation in U.S.  
 Correctional Institutions (1974)  
 266  
 Voorheese building 294, 311  
 Vroom, Peter D. 42  
 Vuocolo, Alfred 234

W

Wagner, Albert C. 141, 148, 226,  
 231, 250, 297, 299  
 Waldmeyer, Ernest 214  
 Walnut Street Jail; see Philadelphia,  
 Pa.  
 Walsh, Frank 165  
 War of 1812 25  
 Warden; see Principal Keeper  
 Warden, Earl; see Machine Shop  
 Industry  
 Warehouse 187, 292-294, 305, 307,  
 311  
 Warren, Earl 151  
 Warren Residential Center (N.J.) 232  
 Weed, Elijah and Mary 20  
 Welfare Reporter 134, 167, 245  
 Wescott, Lloyd B. 165, 192-193,  
 226, 240  
 Western Penitentiary (Pa.) 52  
 Wethersfield (Ct.) 19, 30, 40  
 Williamson, Emily 76  
 Wills, Richard 172  
 Wilson, Woodrow 73  
 Wines, Enoch C. 60  
 Wisconsin 165  
 Wisconsin State Teachers College  
 (Whitewater, Wi.) 165

Wolfer, Henry 89  
Woodbine State Colony (N.J.) 83  
Woodbridge State School (N.J.) 228  
Woodworking Industry 83, 86, 97,  
136, 172, 186, 214, 217, 228,  
233, 251-252, 292-293  
Wood Stakes Industry 251-252  
Wooley, John A. 177  
work programs; see labor  
Works Progress Administration  
(WPA) 117  
World War I 68, 74, 78, 92, 107  
World War II 117, 121, 124, 127,  
132, 140, 146, 150, 218, 259,  
321

## Y

Yard, Joseph 42  
Yardville Youth Reception and  
Correction Center (N.J.) 205, 232,  
235, 251, 297  
Yeager, Howard 207, 213, 217, 228  
Young, James 216; see Textile  
Industry  
Youth Correctional Facilities;  
see Annandale, Bordentown,  
Yardville

## Z

Zambuto, Alfred 216

important that prison programs establish a continuous incentive for inmate participation."

The author emphasizes the industrial program of New Jersey's Bureau of State Use Industries and its operations over the past sixty-five years. It is a unique entity in the state's organizational structure which requires industrial functions to operate as a self-supporting unit within the Department of Corrections. The State Use work program aims at stimulating the inmate workers to take up the initiative and assume the responsibility for their own future.

Very little has been written about prison industrial operations by directly involved practitioners. With this illuminating and engrossing chronicle, Irving Seligman gives us complete coverage discussing important historical precedents, legislative and legal approaches along with prison work philosophies concerning the development of prison industries.



## ABOUT THE AUTHOR

Irving Seligman completed twenty-seven years with the New Jersey Department of Corrections, Bureau of State Use Industries. In 1956 he began his New Jersey career as the Industrial Manager at Trenton State Prison and rose to Chief of Industries, a position he held until his retirement in 1983. His occupational background in the private sector includes administrative positions as Production Manager, Plant Manager and Warehouse Foreman with major corporations.

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Several articles by the author have been published in the *Correctional Industries Newsletter* and the *American Journal of Correction*. He has been cited in a publication by the United Nations Social Defense Research Institute.

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