REPORT

OF THE

JOINT COMMITTEE

OF THE

SENATE AND GENERAL ASSEMBLY

TO INQUIRE INTO THE MANAGEMENT OF THE

NEW JERSEY STATE PRISON

FOR THE YEAR 1867,

APPOINTED BY CONCURRENT RESOLUTION PASSED MARCH, 1868.

9

TRENTON, N. J.:
PRINTED AT THE TRUE AMERICAN OFFICE.
1869.

REPORT

OF THE

N. J. Legislature.

JOINT COMMITTEE

OF THE

SENATE AND GENERAL ASSEMBLY

TO INQUIRE INTO THE MANAGEMENT OF THE

NEW JERSEY STATE PRISON.

FOR THE YEAR 1867,

APPOINTED BY CONCURRENT RESOLUTION PASSED MARCH, 1868.

TRENTON, N. J.:
PRINTED AT THE TRUE AMERICAN OFFICE.
1869.

REPORT.

The Joint Committee of the Senate and House of Assembly, appointed under a concurrent resolution of the last Legislature, passed March, 1868, as follows, viz: "*Resolved*, (Senate concurring), That a committee of three members on the part of the House and two from the Senate be appointed to inquire into and examine the management of the State Prison for the past year, and that said committee have power to send for persons and papers," beg leave to report—

That in pursuance of their appointment, they met in the City of Trenton to investigate certain claims preferred against the Keeper and Inspectors of the State Prison by a shoe manufacturer then working under articles of agreement with the Governor and Inspectors, and employing the convict labor of said Prison in accordance with his contract. He claimed damages in the sum of ten thousand dollars ($10,000), for alleged losses sustained during the term of said contract, basing his claim upon certain allegations, prominent among which was the want of proper discipline, whereby the work was imperfectly performed, the hours of labor not properly adhered to and enforced, &c., &c. The Committee having power to send for persons and papers, in accordance with the terms of the resolution which created it, proceeded to take sworn testimony, and also documentary evidence bearing upon the case. After a laborious and thorough investigation, they were unanimously of the opinion that there exists no just ground for said claim of damages as preferred by the said claimant, he having failed to establish his case to the satisfaction of the committee. They therefore dismissed the complaint as unjust, and not warranted by the facts brought before them.

During the whole pendency of this investigation, your Committee was deeply and sensibly impressed with the necessity of a thorough and radical reform in our present system of Prison discipline. They are convinced that the most important aim and object of all penal

discipline and restraint, the reformation of the offender, and his restoration to society as a useful member thereof, instead of a spoiler and a curse, is practically defeated by the fundamental and radical defects inherent to the vicious system that governs and controls our Prison organization. We allude more particularly to the evils consequent upon the intimate connection of the present system, with the varying ascendancy of political parties. We believe no intelligent man will deny that the evils, admitted and deplored by all, which underlie and vitiate our Prison management, are but the natural and legitimate outgrowth and consequence of that dangerous and fatal connection and control. Claiming the appointment of the Keeper and chief executive officers as the proper right and inheritance of that political party which the varying passions of the hour have placed in a temporary ascendancy, the selection of those officers upon whose vigilance, fidelity and moral fitness the whole welfare of the institution so largely depends, is but the expression of some real or fancied political necessity, the reward of some mere partizan, whose only merit may be a numerous grog-shop acquaintance, or a peculiar dexterity in the manipulation of fraudulent repeaters.

And as with the chief, so is it with the subordinates. The men who have the daily oversight and control of the Prison, whose influence, whether for evil or for good is so constant, so direct and so powerful in its every-day economy and government, are, too often, the mere annual waifs thrown up by the changing sea of political excitement, without fitness, and careless or ignorant of any moral responsibility. Now, we do not wish to be misunderstood. Your Committee, composed of members of each political organization, distinctly and emphatically deny any personality of allusion, or any animadversion upon the appointees of any political party, now or in the past.

We make no such allusion—no such charge. We charge it upon the vicious *system* that has so long controlled our whole Prison organization, and upon which it is, in fact, founded. Its vices and defects are radical and inherent, and in a radical and fundamental change alone can there, in our judgment, be either hope or expectation of reform.

Nor in our State alone has this unwise alliance with politics wrought out and insured its disastrous consequences. In the State of New York, and elsewhere, its evils have long been felt and deplored. In the annual report of the Prison Association of New York, an institution chartered by the State, with ample powers, constant reference is had to the baneful influence of party politics upon the whole system of penal administration and reform, and long and strenuous have been the efforts to accomplish a complete and thorough divorce.

Alluding to the great mass of testimony adduced before its Committee, regarding the effects of this great evil upon the good administration and reformatory power of the New York State and County Prisons, the report holds the following language:—"If this evidence

as summed up by the Commissioners, and spread, *in extenso*, before the public, does not cause this abomination, for it can be regarded as nothing less, to totter to its fall, it will be either because no credit is given to the testimony and opinion of men most competent from long experience and observation to form a correct judgment as to their operation and effect, or because the community will not read what is published on the subject, however weighty and startling it may be, or because the people are indifferent to the gravest abuses in one of the most important departments of the public administration." Nor have these efforts at reform been unavailing. In many of the New York Prisons, partizan politics are wholly ignored and exercise no control in the appointment of either Inspectors, Wardens or Deputies. In the Erie County Penitentiary, containing an annual average of about 300 convicts, since the year 1863 political considerations have entered but little into tne appointments. From even that incomplete emancipation the best results have followed, and, in the language of the report, it may now be classed among "the best penal institutions in the country." In the Monroe County Prison, near Rochester, with an average of 217 convicts, there is a complete freedom from political intermeddling. In the Albany Penitentiary, General Pillsbury, the present incumbent, has held the position of Warden for 23 years, continuously. When he assumed its duties it was upon the distinct understanding that politics should be excluded from any influence upon the Prison management and government. And the understanding has, to quote the words of the report, "been faithfully observed ever since by all the parties to it." As a proof, it may be stated that the majority of the appointing Board has been about half the time of one political party, and half the time of the other; and yet Mr. Pillsbury has been eight times chosen to the office of Superintendent, by a *unanimous vote.* In appointing his subordinates, the Superintendent never inquires into the party creed of any one who applies for a position in the Prison, and, of course, he never removes an officer on any such grounds. He knows nothing of politics in the administration of the Penitentiary. There are officers under him who have served eight, ten and twelve years; and he always retains a good officer just as long as he is willing to stay. He avows that, without being a politician, he has his own political views, that he holds them firmly and acts upon them conscientiously in the sphere to which they belong, but he declares that as a Prison officer he ignores the whole thing. He attributes the success of the institution, in a great measure, to this utter repudiation of party politics from its government and administration, and believes that its history would have been very different had this influence, healthy and beneficent when confined to its proper sphere, but always pestilent and often disastrous when it reaches beyond that sphere, been permitted to obtain a controlling power over its affairs." This Penitentiary is a model institution, and the great and marked success attending its administration

is largely owing to the above causes. One remarkable fact may be stated here. The Prison is weak and has no walls, yet, with an average of more than 500 convicts, there have been but two or three attempts at escape in the whole history of the institution. There has never been an escape from the *inside:* the few instances above alluded to being from prisoners engaged on outside work.

Another serious evil resulting from partisan control, as exemplified in our present system, is the want of permanence in the appointments. It is almost impossible, as now chosen, that officers can be had possessing the proper and necessary qualifications. The changes are so constant and the tenure of office so precarious that the best men will not suffer themselves to be candidates; and even though they may haply possess the requisite ability, they will lack the necessary experience to render that ability useful and availing. Indeed, the evil effects of the shortness and insecurity of the tenure by which our Prison officials hold their position, extend through every grade and class.

When the verdict of the November elections has been adverse to that political party to which they owe their appointment, the necessity of some other provision for the future becomes the immediate and constant care of each official. With their attention so naturally and inevitably engrossed by their own personal interests in the near event of their removal, the vigilance and sense of moral responsibility so indispensable to proper discipline, become of but secondary consideration and importance. Nor does the evil end here. The convicts themselves, aware of the coming change, become more difficult to manage, are more prone to acts of insubordination, more eager in determined efforts to escape, and the discipline, as an unavoidable consequence, becomes relaxed, demoralized and inefficient. Nor is the lowest depth of this thoroughly faulty system yet sounded. The new officers are confronted with the low *morale* of the institution, adding materially to the difficulties attendant upon their want of experience and the grave responsibilities of the management and moral control of more than five hundred convicts.

The question can be asked, and with great force and pertinence, why the beneficial effects that attach to the permanency of appointments in the control of the State *Lunatic Asylum* should be deemed as of slight account, or wholly disregarded in the management of the *State Prison?* Or, what would be thought of that Board of Directors who should insist upon a strict accordance with their own political views, as the one essential requisite in the qualifications of a bank president, in all other respects incompetent, and who, perchance, could with difficulty define the difference between a dividend and a discount, a coupon or a clearing house? Good behavior, and the possession of his faculties in a tolerable state of preservation, as a general rule, alone limit the permanence and continuance in office of the Superintendent and President of a Lunatic Asylum or a Bank.

Now, if ability and experience are deemed virtues to be cherished, how much more are they to be prized in those who have to deal with the souls of sinful men, than in the mere profitable investment of money, or even in the care of those unfortunates to whom God has, in His inscrutable wisdom, denied the gift of a sound reason, and from whom He, in His mercy, exacts no responsibility.

Indeed, the whole system seems to be an unalloyed *purity of evil.* We think it may be set down in all truth and soberness as an undeniable axiom, that politics and prisons are totally incompatible with each other. Whether regard is had to the great end of all prison discipline, the moral training and reformation of the convict, or to mere pecuniary considerations, the appointment to office of Inspectors, Keeper and subordinates, upon merely partizan grounds, and as a source of patronage to a dominant political party, will always and inevitably end in disappointment and disaster.

It is but maintaining a simple proposition to assert, that if these institutions are ever to become reformatory and self-sustaining, the management of our prisons, both as regards the welfare of society and the convict, *must* be entrusted to men who have the aptitude and ability for that peculiar trust, who are conscientiously alive to the moral and religious responsibilities of their position, who are to be chosen without reference to their political opinions, and who are to be placed on the firm basis of an assured permanence, above the mutations of party.

Another matter of vital importance, in the judgment of your Committee, and to which they would respectfully invite the attention of the Legislature is the limited powers of the Inspectors. As now appointed, and as their duties are now construed, they are little more than mere clerks invested with some responsibility, but without the corresponding power to meet that responsibility. Over the heavy expenditure necessary for the proper maintenance of so large an institution, they have almost no control. In many other prisons and almshouses in New York, Pennsylvania, and elsewhere, the disbursements of money for provisions, coal and other supplies are under the direct control of the Board of Inspectors. We believe that the awarding of the various contracts necessary for the maintenance of the Prison to the lowest bidder, in fair competition, upon previous public notice by the Board, would remove a fruitful source of complaint, would insure a better performance at less pecuniary cost to the State, and would also enable the Keeper to devote his time and attention more thoroughly and systematically to that close, daily, vigilant oversight and care of the institution which is his peculiar sphere and duty, and upon whose faithful discharge its successful operation so greatly depends. Under the present system the Inspectors' power and duties begin and end in the merely clerical office of seeing that the bills, incurred without their knowledge or assent, are properly receipted and correctly added up.

Your Committee would also call attention to the crowded condition of the Prison. The want of proper cell accommodations and the enforced and inevitable herding of the convicts incident to that condition, must and will prove destructive to proper reform and discipline. Men harden and grow worse by evil companionship, and young offenders, undergoing the penalty of a comparatively slight offense, become, by the very means intended for their reformation and restoration, the pupils and victims of men grown gray in every crime of the decalogue.

The necessity for prompt action is urgent, and your Committee would specially commend the consideration of increased accommodations, either by a new Prison or by enlargement of the present institution, to the serious and early attention of this Legislature.

Your Committee are aware, that to insure that complete isolation and divorce from politics, which is absolutely essential in their judgment, to any practical scheme of reform, the cordial and thorough co-operation of both parties is demanded and must be accorded. The Constitution determines the mode and form of the appointment of Keeper and Inspectors. They are to be nominated and voted for by the Legislature, in joint meeting assembled. If that nomination be made by the Legislature, it can hardly be hoped or expected that there can be a freedom from partizan bias, or that the usual caucus influences will fail, as they never yet have done, to exert a powerful control, and to lay their imperative obligations upon members. If, by common consent, the selection of the Keeper and five Inspectors was entrusted to the Supreme Court, with the distinct understanding that ability, aptitude for the task, and moral qualifications alone should be the governing requisites, to the total exclusion of political partizanship as an element of consideration, who can doubt we should have made most essential progress in that reformation of our present system, which can alone make it subserve the true ends of a wise and Christian penal administration.

Such a selection would in no wise clash with the provisions and letter of the Constitution. The choice of the Supreme Court would supersede that of the caucus, and the Keeper and Inspectors so selected and nominated could then be voted for by joint ballot as at present.

If it were also understood, that while in compliance with the requirements of the Constitution, the election of those officers must be annually made, as in the case of a sheriff, yet, except in the event of death, resignation, removal, neglect, incapacity or malfeasance, their term of office should be permanent, and last through good behavior or for a specified term of years, then, in the opinion of your Committee, the second and almost equally indispensable requisite in the successful management of the State Prison has been secured.

That a reformation of our present system, somewhat in the manner indicated, will commend itself to every intelligent mind, we cannot

permit ourselves to doubt; nor does there exist any insuperable obstacle to its accomplishment.

All that is needed is the earnest co-operation of the good men and true, of both parties, who prefer that the penal system of our noble State shall take its stand upon the true basis of an advanced and enlightened Christian sentiment, rather than that the penicious and demoralizing effect of mere political partizanship shall longer be permitted to mar and dwarf its fair proportions, and make that a reproach and a failure which should be among the proudest monuments of our age and civilization.

Should legislation be needed to give a legal and permanent embodiment to these or other suggestions of a kindred nature, we would respectfully ask that a proper committee of both Houses be appointed to draft such a bill as may most efficaciously carry out the desired end.

Your Committee would ask to be discharged from any further duty under the resolution creating it.

JOHN H. ANDERSON,
EDWARD BETTLE,
Committee of Senate.

JOHN H. WHELAN,
BALTES PICKEL,
JAMES PECK,
Committee of House of Assembly.