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**A CASE STUDY IN THE FAILURE OF NINETEENTH CENTURY PENAL
REFORM: JOHN MORRIS AND THE INVESTIGATION OF 1875**

By

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ABSTRACT

A CASE STUDY IN THE FAILURE OF NINETEENTH CENTURY PENAL REFORM: JOHN MORRIS AND THE INVESTIGATION OF 1875

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American prisons, initially constructed to punish criminals, were affected by the ideals of the Enlightenment. Observers concluded that criminals lacked virtues such as the appreciation of hard work, religious teachings and a conscience. Hence, during the nineteenth century prisons evolved into institutions where an offender would be "fitted" with the facets of a normal law-abiding citizen.

Through the use of original reports and observations by nineteenth century prison administrators and reformers, the path of prison reform in both Michigan and portions of the United States is traced. These sources illustrate a wholehearted attempt to change the purpose and the image of the prison in America.

Despite efforts to enhance American penal institutions, reformers seldom found success. Disinterested state administrators, decaying economic conditions, and public disinterest with the welfare of prisoners meant hopes outdistanced reality throughout the first three-quarters of the century. The result was prisons were overcrowded, unsanitary and settings for abuse.

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INTRODUCTION: PRISONS AND REFORM

From the time societies established rules of behavior, they have also mandated that when those rules are ignored, the perpetrator should be adversely affected. This is called punishment.

A number of philosophers have commented upon mankind's historical use of punishment. Significant attention has been centered upon the intent behind that use. One prominent observer, Cesare Beccaria, wrote in his An Essay on Crimes and Punishments that punishment is used to prevent the criminal from doing further injury to society, and to dissuade others from committing like offenses.¹ The offender is both punished and made an example of in an effort to discourage future misdeeds by other citizens.

However, the use of punishment is more complex than Beccaria's commentary indicates. Punishment is a means to many ends. There are some who believe that in order for punishment to be effective, the victim should experience some type of deprivation or suffering. In this scenario the cost of committing a crime outweighs the benefits of the act.² There are others that suppose the malefactor's punishment should provide law-abiders with a sense of fairness. In other words, those who choose to carry the burden of compliance should feel that their efforts are differentiated from those who choose to do otherwise. In this case it is more practical to punish the wrong doer than reward the "law-abiding" citizen.³ Then, there are those who view punishment as a method of extracting revenge upon individuals that violate the sanctity of property and life. Crime victims gain satisfaction through retribution that is applied to offenders of that sanctity.⁴

There is another belief that punishment can be a method to make bad men better. This idea has become the bastion of prison reform and it has made the history of punishment a dynamic one.

The phenomenon of prison reform, like that of punishment, has meant different things to varying people. At one level, reform introduced the use of the prison as an alternative to corporal punishment. This reform maintained the notion that punishment could, and should, be humane. It likewise increased the flexibility of punishment: varying offences could be treated with varying punishments and the inflexibility of certain punishments, such as death, could be replaced by the open-endedness of time.

Prison reformers quickly discovered that the act of erecting prisons, itself, did not enhance the humanity of the punishment process. As one observer has written:

An individual who had been intrusted with punishment at the close of the Middle Ages would not have felt strangely out of place had he returned and taken up duties as a prison deputy in the United States in the middle of the nineteenth century.⁵

This notion prompted reformers to take their crusade in through the prison gates, to the heart of the institutions of which they had undying faith. As a result, the definition of reform grew. It was not enough that prisons were being used. Reform could only be realized if prisons were used properly. The institution, rather than just being a place of punishment, was to be an environment where an offender's moral and educational quality would be restructured and improved.

What follows is a story about the difficulties and complexities of applying reform via the prison. It is a story about a reformer named John Morris who was the Agent⁶ of the state prison of Jackson, Michigan, from March of 1871 until October of 1875. Like the history of prison use in the nineteenth century, Morris' tale begins with hope and optimism and collapses into failure and disgrace. The experiences of Morris are both a comment upon his personal shortcomings and the failure of the system in which he operated. It is also an illustration of how different individuals can apply varying definitions to the term "reform". This inability of reformers to agree upon what their

expectations and hopes should be, denigrated their movement to the point where their efforts became more of a problem than a solution regarding the processing of criminals.

This story begins with an overview of prison history in Europe, the United States, and in Michigan. This has been done to establish a context for John Morris and his tenure at the prison. An understanding of prison history will also illustrate the fact that Morris' dilemmas were not unique to his location nor his generation. Consequently, if one were to compare the era of John Morris to the present, it is apparent that penologists are still asking the same unanswered questions.⁷

It is this writer's hope that the following work will inform and, possibly, entertain the reader. No assumption has been made that this story will enlighten, though it should remind us that cost of crime affects much more than the criminal and the victim.

I. The Birth of the Prison System, Abroad and in the United States.

When John Morris became agent of the Michigan state prison, in 1871, the American method of using prisons was less than 100 years old. Thus, while the idea of incarceration itself had existed for quite some time, nineteenth century penologists were implementing policies that can best be described as experimental in nature. As a result, there persisted a continued failure on the part of penologists to derive a consensus about what rights and expectations should be applied to individuals placed into confinement.

The first use of imprisonment cannot be traced to an exact time. It has been suggested that pre-civilization cannibals became mankind's first jailers when they captured and detained individuals against their will, to be fattened and later eaten. ¹

As man's dietary and social habits changed, so did the use of prisons. Initially, prisons were used in two general ways. One application was for the confinement of people who rebelled against the political and religious status quo, as in the Bastille or the Tower of London.

The second use of prisons concerned common criminals. They, generally, were not afforded prison stays but instead subjected to corporal punishment for their misdeeds. The typical punishments meted out to these offenders tended to be harsh and, in many cases, lethal. Punishment was severe because it was believed it would deter would-be-perpetrators. Mutilation, branding, flogging, public detention and mockery, and dunking into water were common types of retributions for crime.² In a number of cases the death penalty was administered, even for small infractions such as petty theft.³ Through the

aforementioned scenario, jails were used for the short-term detention of convicted criminals awaiting corporal punishment.

Imprisonment as a punishment did exist, however. Beginning in the thirteenth century laws stipulating prison sentences for certain crimes could be found. For example, Great Britain's Statute of Westminster (1275) stipulated that rapists were to be incarcerated for two years.⁴ The primitive, harsh prison conditions of the day hardly made imprisonment a favorable option.

By the fifteenth and sixteenth centuries a number of major European cities contained some type of prison accommodations. Two of the better known were Amsterdam's House of Correction and the Brideswell Prison of London. Officials of both institutions believed that besides punishing criminals prisons could also be used to correct deviant behavior. Unskilled inmates were expected to work and were disciplined if they refused. The convicts were paid for their labors, with part of their earnings directed toward the funding of their detention. At Brideswell, inmates were taught a vocation (something a number of convicts did not have) as a way of reform. The success of the London prison led to a mirroring of its policies in other prisons across England.⁵ Despite the success of the Brideswell prison its existence was not guaranteed. By the end of the century enthusiasm for reform and, more importantly, for funding, dried up. The philosophy of reform gave way to the traditional ideas of punishment and detention.

The Enlightenment of the eighteenth century significantly effected western European philosophies toward punishment. Enlightenment theorists such as Montesquieu, Voltaire, Rousseau, Paine and Beccaria, introduced notions of human liberty and humane punishment. These philosophers challenged religiously based notions that man was both inherently bad and the possessor of an unwavering morality.

The most prominent of these men was Cesare Beccaria who believed that punishment should fit the crime and humane treatment should be applied to the criminal. In his book, Essay on Crime and Punishment, Beccaria wrote that the purpose of punishment was to

first protect society, and then secondly to fairly punish the criminal.⁶ Therefore, if death is applied to a rapist it should not also be the penalty for being a pickpocket.⁷ For Beccaria the prison was the perfect method of punishment because the more severe the crime, the longer the criminal could be incarcerated.

Following upon the heels of Beccaria's work came the observations and publications of Englishman John Howard. Howard, who ran a jail in England, was shocked at the way inmates were incarcerated in Britain's prisons. His life's passion became the inspection and critiquing of jails, workhouses and prisons throughout his homeland and the continent. The Englishman's work awakened the public to the deplorable way in which European convicts were treated.

The work of the Enlightenment theorists initially instigated a positive change in the way that convicted criminals were imprisoned. However, the history of the development of prisons throughout the western world, including Michigan, will show that what began as hope evolved into frustration. Men who initially sought to preserve human dignity and freedom introduced methods by which these attributes were actually deprived. One observer has called this the irony of the Enlightenment period.⁸

As the traditional use of prisons for short-term detention gave way to the use of prisons as a method of punishment, attention turned to the next important question: What should be done with the individual once he has been admitted to such an institution? For the most part, out of sight, out of mind was the basis of prison policy. Little concern was given to criminals from the time they entered a prison until the time they were paroled. This left the door open for abuse and maltreatment of the convict by prison officials. Likewise, criminals were afforded an opportunity to breed their craft among fellow lawbreakers.

There were a few exceptions to this policy. As early as the thirteenth century, the king of Castille, Alfonso X, wrote "The prisons shall serve to keep in safe custody those incarcerated in them, but shall in no way expose them a spiritual suffering or cause them

any harm."^(3 p. 4) Unfortunately, there is scant evidence to suggest that Alfonso X's laws, or any others along that vein, were followed very closely. The notion of "civilization" that had infected western Europe failed to integrate inside prison gates and walls.

It was the development of penology in the northeastern American colonies, that produced the ancestors of the modern prisons. The changes in penology that took place in America were fueled by European ideas, and these changes gained acclaim as the premier method of handling imprisoned criminals. Penal development in North America, much like that of the growth of government, diverged from the European experience due to a higher degree of autonomy that allowed for experimentation in both cases. Autonomy allowed colonial leaders to apply previously untried policies, without fear of running afoul of the central authority. The relative success of these policies led to a revolution in ideology and, consequently, a change in the status quo.

Early in the New England and Atlantic Coast colonial era, jails maintained the same purpose they had in Europe. Unless a criminal was being detained for punishment at a later time, there was little use for incarcerating them. Likewise, as was the case in Europe, the treatment of the social malefactor was severe. The death penalty could be applied to the murderer, the arsonist, as well as, in the case of the Massachusetts Puritans, the disrespectful child.¹⁰

Since there were no prisons to be used for punishment, there were also no state sponsored institutions designed for criminal reform. Instead, Northeastern colonial society relied upon traditional elements such as the family, church and the community to teach and remind citizens of their social obligations.¹¹ This method of moral persuasion was made possible by the familiarity members of a community had with each other. A system of checks and balances existed within small colonial communities. Everyone was expected to attend specific functions, perform assumed tasks and follow basic rules. Citizens were pressured to comply with community expectations or they were punished

by their neighbors. Those individuals that could not satisfy the requirements of the community due to their age, poor health or lack of finances were taken care of by the community, as a whole, to insure these people did not have to resort to crime for survival.¹²

In this early colonial system of control travelers and outsiders, whose reputations were unknown by the community, were scrutinized closely and in many cases they were barred from entering the town or village.¹³ Communities legislated their feelings by passing vagrancy laws that outlawed unemployment. Vagrants were sent to a workhouse which was established to detain individuals and busy them with hard labor. It was hoped such laws would entice outsiders to think twice before moving into an area.¹⁴

Some towns and villages resorted to a quarantine process whereby they prohibited entry or settlement to anyone that was poor, or potentially troublesome. These "settlement laws" were designed to prevent situations from arising in which communities would have to take punitive action.¹⁵

As previously stated, early New England and Atlantic Coast colonial jails were built to house prisoners awaiting trial or punishment. Fines (for those that could afford them), floggings, and the stocks were the preferred methods of punishment. Because a number of early colonists were Calvinists, who felt human reform was an impossibility, the idea of affecting an individual's reform was not considered. At the same time it was believed that there was little practicality in reforming an individual. If initial punishments did not deter future misbehavior, two, more drastic, options were available: banishment from the community or the use of the death penalty.¹⁶

While the American colonies grew in population and physical size, their crime rates also increased making it apparent that corporal punishment did not deter crime. And, of course, the growth of towns and the ease of mobility made the old system of community control unworkable. A new penal paradigm was necessary.

The Quakers of Pennsylvania and western New Jersey provided the initiative for a new movement that led to the rise of American prisons. The harsh Calvinist notions of social control were unacceptable to the pacifistic Society of Friends. In order to make the problem of crime control palatable with their beliefs the Quakers initiated the first significant use of prisons.¹⁷ In 1682, the Pennsylvania Quakers passed what became known as the "Great Law". This legislation limited the number of crimes to which capital punishment could be applied and stipulated that most of the crimes committed within that colony would be punished by imprisonment. The law also borrowed from the policies of the old English workhouses by dictating that prisoners would occupy themselves at hard labor. The Quakers claimed that a prisoner's character would regress as long as they were allowed to be idle.¹⁸

The Quaker movement to use prisons as a form of punishment and rudimentary reform gained impetus in the late eighteenth and early nineteenth centuries, in part, because Philadelphia had become the cultural and governmental center of the United States. The numerous foreign visitors to that city exposed its citizens to progressive ideas concerning social change.¹⁹ A number of these ideas originated in France. Philadelphia's number one citizen, Benjamin Franklin, who spent a number of years in Paris during the Revolution, carried home many of these new concepts. At the same time, while Montesquieu's writings had a significant effect upon the constitutional convention his perceptions concerning penal reform also became ingrained upon his admirers.²⁰ Combine these influences with the Quaker penal heritage and the end result was that Philadelphia became the center of revolutionary prison policies.²¹

The first Pennsylvania prisons were far from successful, for they became centers of corruption and violence. Criminals, congregated together, naturally despised attempts to convert them into good citizens. Prostitution, intimidation of jailers and fellow inmates and alcohol abuse were a few of the problems experienced in these early prisons. There

were incidents where, to gain money for liquor, inmates stripped and sold the clothing off from new detainees.²² It was clear more thought was needed regarding prison use.

Philadelphians responded, in 1787, when a group of Quakers founded the Philadelphia Society for Alleviating the Miseries of Public Prisons. This organization was the first in the modern world to focus totally upon the development of a proper, reformatory penal system.²³ One of its members, the eminent physician Dr. Benjamin Rush, suggested dividing the inmates into individual, solitary cells. By 1790, Rush's suggestion was put into effect at Philadelphia's Walnut Street Jail.²⁴

At the Walnut Street Jail, prisoners were prohibited from having liquor and were placed into individual cells, away from the other convicts. They were also required to busy themselves at hard labor. It was believed the culmination of these experiences would aid in the reform of the incarcerated individual. Isolation of the prisoner would allow them time to reflect upon past misdeeds. This both reformed and punished the criminal as "remorse will come to assail him," and prompt an understanding of the wrongful act.²⁵ Labor, meanwhile, would teach the discipline and the virtues of work, attributes that would be useful after the prisoner's sentence was completed.

The opening of the Walnut Street Jail symbolized the beginning of the early American prison system era. Historians date this period as beginning in 1790 and extending through 1830.²⁶ During this time the United States' population increased, most significantly in the cities. The growth of urban citizenship had a congruent effect on the rate of crime in the cities. Meanwhile, the nation experienced a philosophical change as the precepts of the Enlightenment came into conflict with notions of traditional Calvinism. As David Rothman writes, it was a time when "the prospect of boundless improvement confronted a grim determinism."²⁷ This conflict of philosophies was played out in the increasingly significant arena of criminal justice.²⁸

After the Walnut Street Jail opened, crime in Philadelphia initially decreased. But this seeming success was short lived. The jail's population eventually increased beyond the

institution's intended capabilities. Thus, solitary confinement could only be used upon the most serious offenders. All other convicts were housed together in large rooms. Eventually overcrowding effected these congregated areas, leading to problems for jailers, who, in order to maintain control, resorted to severe punishment. Of course, harsh treatment of criminals is what the prisons were established to replace. The overcrowding problem persisted to such an extent that some of the dilemmas of Pennsylvania's first prisons resurfaced. Riots, escapes and chaos became commonplace.²⁹

By 1817, the conditions of the Philadelphia prison had become intolerable. A new course of action was needed. The Philadelphia Society asked the Pennsylvania state legislature to construct new prisons in which each prisoner, regardless of their crime, would have their own separate cell. The legislature's response became known as the Pennsylvania prison system.

II. THE PENNSYLVANIA SYSTEM, THE AUBURN SYSTEM AND THE RISE OF THE AMERICAN PRISON

The Pennsylvania legislature's response to the prison reformers culminated in the construction of the Cherry Hill Prison just outside of Philadelphia. Cherry Hill, also known as the Eastern State Penitentiary, used a system of total solitary confinement for its prisoners. Inmates were not allowed any contact with other humans save for guards, chaplains or prison administrators. They were also required to remain in their cells for the duration of their sentence, should they live that long.

After a short period of time Cherry Hill liberalized its rules. Complete isolation had caused a number of inmates to succumb to varying degrees of insanity. To help alleviate this problem changes were made in the architecture of the cells. These improvements incorporated better lighting and ventilation, more room in each cell, and the construction of an individual outdoor annex to each cell where the prisoner could exercise. To keep the prisoners occupied they were allowed to keep a garden or employed at the construction of small items which were sold by the prison. Both activities took place in their individual cells or exercise area.¹

The news of the "separate system" spread throughout America's east coast prompting several states to duplicate the efforts of the Pennsylvanians. In New York, construction on a new prison had begun in 1816 near the city of Auburn, in response to overcrowded conditions within the New York penitentiary system.² Officials at the Auburn prison initially used the Pennsylvania system but experienced failure due to the extremely poor conditions of the prison's solitary cells which were small, dark, damp and packed together. Death or disease, both physical and mental in nature, effected a large portion of the initial eighty prisoners that were incarcerated at Auburn in 1821.³

After word of the situation reached the state governor he arranged a visit to the prison. Upon witnessing the deplorable conditions of the Auburn solitary system the governor

pardoned the prisoners that had spent a year or more in solitary. The welfare of the prisoners was endangered unless changes were made.⁴

Auburn officials sought to create a system that took advantage of what they saw as the best attributes of the Pennsylvania system. Three men, Auburn's warden, Gersham Powers, his successor, Captain Elam Lynds, and his deputy John D. Cray responded by developing what became known as the "Auburn" or "silent" system.⁵ Their program worked as follows: Groups of prisoners were employed, in small shops or out-of-doors during the daytime. At night, each prisoner was locked into their own individual cell. Whether the inmates were in their cells or out, they were to obey the rule of complete silence, at all times.

The developers of the Auburn system felt it was an improvement upon the Pennsylvania system because it gave inmates time outside the confines of their cells. Meanwhile, the silent system maintained a solitary system of punishment by prohibiting all communication between the inmates.⁶

To insure the success of the silent system prison administrators relied upon complete regimentation of the inmates' day and the liberal use of corporal punishment. When moving from one area of the prison to another prisoners were required to march in a lockstep formation.⁷ When inmates were outside of their cells they were subjected to constant surveillance to insure their total silence. In the Auburn system, the basis of administrative power was communication. Administrators and prison personnel had access to it while inmates did not.⁸

As both the Auburn and Pennsylvania systems became known debate grew over which of the two was the most effective in punishing and reforming prisoners. Advocates of the separate system pointed to the fact that their method offered a better opportunity for convicts to reform themselves by removing outside distractions. Prisoners were exposed to an environment of sensory deprivation that promoted self-analysis. Likewise, the need

for prison personnel was minimized because convicts were never moved from their cells nor allowed to see or talk with each other.

Yet there were detractors of the separate system. They claimed the Pennsylvania system was bad because it did not promote socialization, caused insanity (or death in some cases), and was not economical due to the need to construct more elaborate cells for each individual convict. Also, it became apparent that communication between inmates could not be totally prohibited as the convicts developed systems of talking to each other via heat ducts and pipes.⁹

Two European critics of the Pennsylvania system were Charles Dickens and the Marquis de Lafayette, visitors to the Cherry Hill prison. Both men felt that the separate system was cruel and inhumane. They believed that physical torture had merely been replaced by a mental type, and the potential destruction of the individual was more easily achieved in the Pennsylvania system.¹⁰

Proponents of the Auburn system offered the argument of economy because fewer construction costs required. Since cells were occupied for a shorter period of time they could be smaller and less functional. At the same time it was believed that the Auburn system taught convicts how to resist temptation. Inmates were allowed to congregate but not allowed to communicate with each other. This promoted "habits of obedience" which could be applied by the convicts upon their release from prison.¹¹ The Auburn system was also noted for its practicality. Inmates were taught to behave. Little concern was applied to changing their souls, their morales or their inner-being.

Prison discipline was another of the issues debated between advocates of the Pennsylvania and Auburn systems. Each group claimed their system required less severe measures to keep inmates within the confines of the rules. However, in both systems incidents proved otherwise.

When Pennsylvania initiated its system of prison discipline, no corporal punishment was allowed, the guards were unarmed and prisoners could not be chained to objects or

put into irons. In fact it was believed that since prisoners were totally separated from each other, no discipline at all would be needed.¹² Yet, infractions of communication prohibitions were discovered and discipline was used. A number of incidents that took place in Massachusetts prompted that state to become one of the first to change the policy of leniency. Guards were allowed to carry guns and swords and prisoners could be fitted with leg or neck irons for misbehaving.¹³

At Cherry Hill, an investigation took place five years after the prison became fully operational. The proceedings illustrated that discipline was necessary, and its use could be abused. Warden Samuel Wood and his prison officers were charged with, among other things, cruel and unusual punishment. One case involved the treatment of an inmate who, in the dead of winter, was tied to his cell, and had buckets of cold water poured over him. The water froze over parts of his head and body causing the victim to become incurably insane. In another case a prisoner had an iron bridle forcibly fastened into his mouth. The pressure from the device caused blood to collect around his mouth and brain and the inmate died.¹⁴ The warden was also accused of subjecting the Cherry Hill inmates to various other tortures. Included was the use of the "mad" or "tranquilizing" chair which had been developed, ironically, by Dr. Benjamin Rush. In this device a man was strapped into a box-like structure that resembled a chair. Once painfully secured the victim could not move any part of his body. Warden Wood was accused of beating some of the prisoners while they were in the chair.¹⁵

The investigation of Wood and his subordinates dispelled the belief that the separate system did not require disciplinary procedures. The investigation concluded with the issuance of mild reprimands by the investigating committee.

Tales of cruel punishment likewise emerged from the prison at Auburn, New York. Warden Elam Lynds believed in the use of the whip to insure adherence to his policy of complete silence. During his tenures at Auburn, and latter at New York's Sing Sing prison, Lynds' reputation became notorious for his brutal use of flogging and other

methods of punishment. When Lynds and his deputy keeper, John Cray came under fire for the severe methods of discipline, Cray resigned in protest.¹⁶ Lynds was not deterred, however, and continued his practices until he was later permanently forced out of his job.¹⁷

The development of the Auburn and Pennsylvania systems represented the end of the early American prison era, which is dated from 1790 through 1830.¹⁸ During the first forty years of American prisons attention was concentrated upon the structures and systems themselves. Congregated living areas gave way to separate cells in an effort to isolate criminals from other criminals. The primary focus of reformers was on keeping the criminal from getting worse, rather than upon their getting better. New methods were introduced to solve old problems but these methods in turn brought about new dilemmas, such as how to insure an inmate's compliance with the rules.

Beginning in 1830, and extending through 1870, a new period in prison history, that of the penitentiary, took place.¹⁹ During this era there was an increase in the number of state prisons and penal professionals. These men and women, who observed, studied, critiqued and administered American prisons attempted to improve upon a system that would guarantee a humane and effective way to deal with criminals. They hoped to build upon the original notions of prison reform by taking advantage of religious zealotry and scientific breakthroughs. Yet as prison reformers debated over which system, the Auburn or Pennsylvania, was better able to handle the nation's criminals, new, unforeseen problems arose. These new dilemmas were to show Americans that the roots of many of their penal problems were not to be found within the criminal, but buried within the larger society, and the way in which it ran its institutions.

III. AMERICAN PRISONS DURING THE ERA OF THE PENITENTIARY, 1830-1870

By 1830, the prison had become an accepted method of extracting retribution from, and affecting reformation upon, the criminal; a euphoria and optimism for the potential of these institutions had materialized. These feelings of hope about the institutions fueled both a growth in the number of American prisons, and the expectations of what could be done within their walls. Yet, as prison administrators and analysts spent the majority of the nineteenth century attempting to harness the perceived potential of the penitentiary, predictions fell short of reality. The prison did not diminish inhumanity but, in some cases, perpetuated it.

Between 1830 and 1870, twenty-five state prisons were built in the United States in response to the aforementioned hope of policymakers.¹ They were convinced that prisons could be made bigger or more numerous in response to the rise of criminals, without losing their effectiveness. Circumstances dictated otherwise. While the institutions took on all comers many convicts finished their stay "unreformed". The prisoners' incarceration merely became a situation in which they were put to work in order to make money for the institutions.² This meant that many convicts returned to prison after their release. Coupled with a rise in the number of first-time offenders, prison facilities suffered a significant strain. Over the course of the century Americans responded to this phenomenon by becoming more concerned with the practical and tangible idea of punishment and less so with esoteric hopes of reform. Consequently, state governments sanctioned the construction of new cells to accommodate the influx of prisoners, which tested the wills of legislators and the patience of tax payers. Therefore, as long as prison bills were paid and prisoners did not escape, wardens were allowed to operate as they would. As a result, initial reforms failed: prison conditions deteriorated

and wardens became autonomous from the agencies they were hired to represent. Prisons were transformed into societies within a society.³

In his book, The Discovery of the Asylum⁴, David Rothman discusses the hope nineteenth century Americans had for their prisons. Early in the century, surveys were conducted to determine what factors led to deviant behavior among Americans. The most prominent of these studies was conducted at the Auburn prison and was based upon interviews with inmates. Through these interviews surveyors determined that deviancy began with the family.⁵ Similar studies concluded that the fast and ever-changing social environment perpetuated sin. Traditional notions of church and family had given way to gambling, drinking, prostitution, promiscuity, and the cut-throat competition of the free market system. The attainment of the "virtuous" life was becoming a thing of the past.⁶

Rothman explains that Jacksonian Americans interpreted the prison as a panacea to the shortcomings of the social system and its participants. The institutions, or asylums, became a way of insuring "the cohesion of the community in new and changing circumstances."⁷ The asylum was to rehabilitate that part of the population that was considered deviant by setting an example of correct behavior. The prison would, according to Rothman, serve as an example for Americans both inside and outside the asylums' walls.⁸ Those individuals inside the asylum would be placed into a controlled situation and would be taught lessons and given a traditional moral context they had previously failed to learn. At the same time, the inmate would be shielded from vice and corruption. Rothman writes that the prison was to become "A model and small scale society [that] could solve the immediate problem [of social deviancy] and point the way to broader reforms."⁹

It was hoped that the use of the prison would provide new answers for old questions. However, what prison use did was introduce new questions that old answers could not satisfy. Criminals entered prisons having committed crimes of varying severity. Differing in age, some were hardened repeat offenders while others had been brought to

justice for the first time. To add to the complexity, a criminal's intent (premeditation versus desperation) also had to be taken into consideration as did the convict's level of sanity.¹⁰ Hence, the complexity of reform grew. While it would be more practical to apply the same reform techniques upon all of the subjects, it certainly would not be successful. Another unforeseen problem involved the will or ability of the prisoners to participate in the reform process. Many were either illiterate or unconcerned about rejoining society, as envisioned by the Jacksonians. As the population of prisons grew, so did the number of incorrigible inmates. Compounding these dilemmas was the lack of a tangible trade off for convicts to behave while in prison. Most states lacked an early release program so participating in the system did not necessarily benefit the prisoner.¹¹ The end result of the aforementioned scenarios were overpopulated prisons packed with numerous convicts who were unconcerned with the Jacksonian belief in reform. Therefore, as was the case with late eighteenth century Philadelphia, the model prison was yet to be attained. More work was to be done.

Despite the enormous nature of the task at hand, antebellum prison administrators attempted to fulfill the hope of the Jacksonian policy makers. This led to a growth in the notion of reform and in the number of professional reformers, or penologists. These reformers, men such as the Reverend Louis Dwight, lobbied various state authorities into instituting a liberalization of traditional prison routines and methods. The use of solitary confinement was reassessed as was the practice of housing insane prisoners with sane ones. Educational opportunities were expanded with the opening of prison libraries and the institution of academic and vocational classes. A number of prisons took a cue from the Irish reformer William Crofton and began a system whereby a prisoner could earn early parole from their sentence by good behavior. Some states even began worrying about the situation of the convicts once they had earned their release from prison.

To insure that reform policies remained on the agenda of state penal systems, organizations that critiqued and helped formulate methods of reform increased. Examples

include the aforementioned Philadelphia Society for Alleviating the Miseries of Public Prisons along with the Boston Prison Discipline Society (1825) and the New York Prison Association (1845). There was a like increase in the amount of written material, authored by people associated with and independent from these organizations. Through the work of these individuals a clear understanding of nineteenth century prison conditions is attainable.¹²

Among the most prominent of these observers were two Frenchmen, Gustave de Beaumont and Alexis de Tocqueville. They toured the United States in 1831 and 1832, inspecting American prisons to develop a model for a French penal system. Two important literary works grew out of the Frenchmen's American tour: On the Penitentiary System in the United States and its Application in France, and the better known Democracy in America. A second noteworthy publication was produced a decade later after American Dorothea Dix completed a four year tour of New England and mid-Atlantic state prisons. Her observations were recorded in the 1845 publication of Remarks on Prisons and Prison Discipline in the United States. A third commentary regarding American prisons was researched and published in the 1860s by Enoch C. Wines and Theodore Dwight. Their Report on the Prisons and Reformatories of the United States and Canada, was a compilation of the prisons throughout English speaking North America. All three works documented the strengths and weaknesses of the prison as a method of punishment and reform. Unfortunately the strengths uncovered were based upon the promise of the prisons while the weaknesses were illustrated by commentary regarding results.

One of the major weaknesses that plagued prisons throughout the penitentiary period was the quality of prison inspectors, administrators and their staffs. It was Dorothea Dix's belief that the quality of administrators was directly correlated to the success of a penal system. Dix wrote, "The good system, ignorantly or viciously administered, becomes as great an evil to the prisoner and to society, as the very worst system ever

devised or tolerated."¹³ To Dix, the administrator of a prison best helped reform a criminal through "counsel and example," so his character and qualifications were important.¹⁴ Wines and Dwight shared Dix's emphasis upon the importance of a prison administrator, writing that the warden "is the centre and soul of the administration."¹⁵

As Dix and Wines and Dwight trumpeted the importance of a prison's warden they recognized that most American prison superintendents were highly unqualified. Wardens were usually the beneficiaries of the political spoils system, and their employees were often unskilled, and uneducated individuals who could not find employment elsewhere.¹⁶ The high turnover rate of state administrations likewise prevented wardens from maintaining their appointments for very long. The end result, as mentioned by Dix, Wines and Dwight was a system that invited unqualified personnel to administer the complex business of incarceration. Any chance that these people might have had to obtain on the job training relied upon the political resilience of their benefactors.

It was not until after the Civil War that efforts were made to centralize and depoliticize the control of reformatory institutions. Several states, led by New York, established boards of control that were made up of inspectors who lacked ties to the local political machine. A similar system was established in Ohio, where inspectors were appointed to six year terms. It was their job to hire prison employees, establish rules and arrange contracts.¹⁷ These inspectors were also required to watch over the day-to-day routines of the prisons. Finances, sanitation conditions, and treatment of the prisoners were to be the main concerns of these groups.

The use of prison inspection teams was developed as a method to alleviate the shortcomings of prison wardens. Yet over time, inspectors, like the people they were to watch over, became participants in the spoils system. The result was an old problem: unconcerned and unqualified people were appointed to important jobs.

Because prisons are inherently more capable of spending money than earning it, finance was a major concern among states that had reformatory institutions. The

congregate costs of administrators, guards, cooks, doctors, clothing, food, weapons, tools, sanitation (where it was deemed important), general upkeep, and construction to accommodate growing inmate populations became quite significant. This situation perpetuated a system where inspectors gave administrators, who were able to solve their institution's fiscal problems, carte blanche to dictate the other functions of the prison in an autonomous fashion.¹⁸ Wardens who balanced checkbooks, not ones that reformed criminals, were held in high esteem. In cases where prison wardens were challenged about the treatment of the prisoners, inspectors generally sided with their fiscally able cohorts.¹⁹

Keeping prison finances on the positive side of the ledger was a trying task, and most wardens were ill-equipped for the challenge. At a number of prisons, wardens resorted to a cutback of services and sanitation. New cells were made smaller, less lighted and sanitary, clothing was scarce, heated food and water were anomalies. This erosion of prison conditions effected the mood of an idle inmate population, thus decreasing the safety of the institution. A case in point was Connecticut's Wethersfield prison which was run by the noted General Moses Pillsbury. Beaumont and Tocqueville had visited and praised the institution on all aspects of its administration. However, soon after the Frenchmen's visit it was revealed that economic success had come at the expense of the basic food and clothing needs of the prisoners. Hence, even Pillsbury, who was viewed by his peers as an astute and capable prison warden had compromised reform due to money constraints.²⁰

The prison at Auburn, New York developed an answer to these fiscal problems. In 1821, shortly after its opening the idea of prison labor was introduced. Inmates had worked producing items for sale in the early Pennsylvania prisons but since they were each housed in their own solitary cell, there were limits to what they could produce. At Auburn, prisoners could work outside their cells in groups with machines, therefore enlarging their options. Auburn officials let out the labor of their convicts to outside

contractors who directed the construction of shops within the prison. Both parties benefitted as contractors got cheap labor and the prison was compensated for the use of its prisoners. During the first twenty years of Auburn's contract labor system, \$70,000 was earned.²¹

Tocqueville and Beaumont noted that aside from being a manner in which prisons could make money, prison labor also contributed to the control, and possibly the reform of the inmate. The two Frenchmen believed, like many of their contemporaries, that idleness was a root of crime. "With employment he [the criminal] will learn how to live honestly."²² Prisoner idleness had been a prime concern of wardens and their staffs. This was especially true with the Auburn system that prohibited prisoners from communicating.²³ Therefore, it seemed like the use of a prisoner contract labor system was a panacea to a number of ills: it paid bills, thus lightening the tax burden of the citizenry; it gave prisoners an opportunity to learn a trade; and it decreased idle time in which prisoners could scheme or break rules.²⁴ Wardens such as Amos Pillsbury, the son of Moses Pillsbury and superintendent of the Connecticut state prison, said contract labor aided in the financial security of prisons which perpetuated the longevity of a warden's tenure. The longer a warden was allowed to remain at his position, the more apt the chance for a successful prison.

The use of contract labor was not without its detractors and criticism emerged from two fronts. Free laborers complained about the unfair competition offered by prison labor due to reduced labor costs to contractors. Prisoners, the workers argued, were given jobs that should be made available to them. Reformers, such as E.C. Wines, added that a prison's concern should not be financial but reformatory. They believed that by focusing upon making money, administrators were losing sight of the main intent of prisons: punishment and, more importantly, returning the convicted criminal back to society.²⁵

Tocqueville and Beaumont discussed another problem with the contract system. During their inspections of American prisons they noticed an adverse effect upon prison

discipline. Since most prison employees were unskilled at the production of contract items, the presence of contractors to instruct the inmates and insure the quality of the products was required. Prisoners were therefore put under the auspices of people whose allegiance was to their business and not the state penal system. These outsiders were more willing to compromise prison rules and discipline.²⁶ On the other hand, there were situations where discipline was stiffened due to the presence of contractors. In the interest of turning higher profits, wardens became more watchful and demanding of prisoners' efforts, enticing higher output through the use of terror.²⁷

In 1865, the New York Prison Association, in its annual report, echoed Tocqueville's and Beaumont's criticism of contract labor. The Association stated that the system "interferes with prison discipline impedes reformation, and is an effectual barrier to any good results anticipated from our prison system."²⁸ The Association was especially adamant about the adverse effect contract labor had upon discipline. It noted that inmates were placed in the hands of men...

...with no official responsibility; independent to a great extent of the prison authority; of unknown character, and not at all interested either in the moral, intellectual, or physical well being of the convicts.²⁹

And, the Association pointed out that work loads were not evenly distributed making the system unfair. Some inmates were "worked to death", while others completed their tasks in a matter of hours leaving time for idleness.³⁰

Tocqueville and Beaumont noticed that contractors could effect prison discipline in an adverse fashion. Had their observations taken place ten years later they may have also noticed another dilemma regarding prison discipline, that of overcrowding.³¹ When both the Pennsylvania and Auburn systems of prison management were introduced they were successful because prison accommodations exceeded the needs of the prisoners. However, the rate of crimes and convictions increased faster than states could build new

prisons or add to existing facilities. The major reason for this slow growth in prisons was funding and it led to some precarious situations.

By the latter half of the penitentiary period, the Auburn system was used by most state prisons.³² One can imagine the difficulty of enforcing a policy of silence when men poured into prisons like water into a clogged sink. Space became scarce, and since there was not enough prison personnel to oversee all the prisoners at the same time, administrators relied upon the fear of punishment to keep prisoners from talking. As was mentioned earlier, the power of the prison officials was based upon their ability to communicate and the prohibition of inmates from exercising that right. Overcrowding compromised the system. In order to retain their power, prison wardens and their employees reverted to extraordinary means.

An argument is made by Michel Foucault that prison punishment became a science of the body and its control. He calls this idea the "political technology of the body."³³ Affecting punishment, which could be described as torture in many cases, was a method used to convince prisoners to follow rules. A warden that did not understand this political technology risked anarchy within his institution.

For most observers of the Auburn system, the use of punishment within prisons was justifiable. Tocqueville and Beaumont wrote "...how is it possible to maintain absolute silence among criminals if they are not continually overawed by the fear of a prompt and rigorous chastisement."³⁴ During their United States tour, the two Europeans visited prisons that used harsh punishment freely (e.g., Sing Sing and Auburn) along with prisons where short-term solitary confinement was used in place of flogging (e.g., Wethersfield prison in Connecticut). After weighing what they had seen, both men seemed to agree that administering the Auburn system was difficult and the benefit of the doubt should most likely go with the warden and his subordinates.³⁵

Dorothea Dix, voiced displeasure over the use of excessive corporal punishments within American prisons, but likewise admitted to its necessity, now and then. Dix

disliked the Auburn system because of the impracticality of keeping inmates completely silent: men had to be forced to refrain from doing what comes naturally. She noted that in English prisons that used the silent system in 1838, 54,825 incidents of corporal punishments were administered to a population of 109,405 inmates.³⁶ Dix also cited that during a three month period of time (April 1 through July 1, 1844) at Sing Sing, 314 floggings took place out of a population of 868 criminals.³⁷

Dix felt that if an alternative to the Auburn system would, or could, not be used, then harsh discipline was needed. Leniency toward the convicts was the worst thing a warden could practice. To emphasize her point, Dix discussed the activities of Massachusetts state prison officials who had relaxed their discipline and were quite happy over the supposed success of their policy. After observing the prison for four years, Dix wrote that these men were setting themselves up for failure and the inevitable need for even harsher discipline than would have originally been required to insure order. According to Dix:

Steady, firm, and kind government of prisoners is the truest humanity, and the best exercise of duty. It is with convicts as with children; unseasonable indulgence indiscreetly granted, leads to mischiefs which we may deplore but cannot repair.³⁸

The optimum type of punishment for Dix was use of the shower bath.³⁹ However, Dix felt that the lash, while it "hardens a hard nature, and degrades a degraded one," was, at times, a necessary evil of the Auburn system.⁴⁰ Yet, Dix also predicted that a compromise would need to be made by prison officials on behalf of the inmates to allow the use of speech.⁴¹

By the 1860s, the observations of Wines and Dwight proved Dix to be a prophet. They noted that four states had relaxed the orthodox rules of the silent system. Included in this list was the Auburn prison itself.⁴² A number of other prisons maintained the silent system with varying degrees of strictness, from that of "ancient discipline" to half-

hearted toleration.⁴³ As of 1867 Wines and Dwight were moved to declare the Auburn system a failure:

Communication, then, we must believe, takes place among convicts continually, and, in most prisons, to a very great extent. The workshop, mess-room, chapel, hospital, water closet, yard, corridors, marchings, and even the cells themselves afford ample means for it. One officer declared that, if a keeper were placed over every five men, communication could not be prevented. Another said that the result of an election was known all over the prison almost as speedily as it was outside. A third affirmed that any interesting item of news, introduced by a newcomer, circulated with amazing rapidity among the prison population. A fourth told us that a certain keeper learned the news of the assassination of President Lincoln from the men belonging to the company of which he had the charge.⁴⁴

Wines and Dwight, like their predecessors Tocqueville, Beaumont and Dix, had sanctioned, in certain cases, the use of severe punishment by Auburn system wardens. During their tour, however the two ironically found that harsh punishment was not used, presumably because of a relaxation in the Auburn system of silence. The duo asked wardens, "How far is kindness employed in your prison as a means of discipline; in what ways, and with what effect?" Most wardens claimed they used a liberal approach to discipline, with few admitting to a reliance upon alternative methods.⁴⁵

Though a number of the wardens questioned by Wines and Dwight claimed they favored kindness when administering discipline, one did not need to look far to find incidences of prisoner abuse up through the Progressive era. Investigations of improper prison punishment occurred in New York, Kansas and Michigan.⁴⁶

One could argue the way prisoners were treated merely reflected the general way in which subordinates were handled by their wards during the nineteenth century. Not only was corporal punishment used in prisons, floggings were also prevalent in the military, in schools and in the home.⁴⁷ According to Orlando Lewis, this harsh treatment was tolerated within prisons more so because it helped turn the prison into symbols of "dread and horror." The criminal, because of his misdeeds, was seen as an "outcast" from the

general law abiding society.⁴⁸ Rothman adds that this harsh treatment was compounded by the high percentage of foreign born individuals within the prison population. He states that Americans saw prisons as "the special preserve of the foreign-born and poor," and therefore, due to xenophobia, came to accept the substandard conditions and harsh treatment the inmates received.⁴⁹

By the end of the penitentiary period, America's prisons were not the solutions their developers had envisioned. Problems with financing, overcrowding, discipline, poor administration, contract labor, and with using a method of total silence among the prisoners relegated the initial purpose of the prison, a convict's humane treatment and reform, to the bottom of the priority list.

It was within this context that the state of Michigan developed its state prison system. Not unlike the prisons throughout the United States, the state prison at Jackson was to be a proving ground for the failure of nineteenth century penal reform.

IV. DEVELOPMENT AND GROWTH OF THE MICHIGAN STATE PRISON AT JACKSON, 1839-1871

The development of the Southern Michigan Prison at Jackson was not unlike that of other prisons across the United States. The prison was built as a way to solve the growing crime rate through punishing and then reforming the criminal. Despite the founding father's good intentions, the Michigan prison experienced the same failures of its cohort institutions. The compounding problems of financial insecurity, administrative incompetence, poor conditions, overcrowding and prisoner abuse were norms rather than exceptions of Michigan's penal experience. By the end of the first half-century of Michigan's existence state leaders were forced to reanalyze their expectations of the state prison in Jackson.

Michigan passed from territory to statehood in 1837 under the stipulations of the Northwest Ordinance of 1787. Prior to 1837, the region's criminal codes were based on the Ordinance, which was itself derived from old eastern state laws. This method of social control, as discussed earlier, was harsh and in the Michigan territory the administration of the laws by military personnel made it more so. Debtors were imprisoned, settlement laws were enforced and public floggings and executions were reported up to 1830.¹ Jails, especially in the central and western parts of the territory, were harsh and scarce due to a lack of sufficient funds for their construction.

During the 1830s, Michigan was governed by Stevens T. Mason, who subscribed to the social and political reform of the Jacksonian era. As a consequence he initiated plans for a state prison institution. Mason believed that criminals needed to be reformed and a state institution was a proper vehicle for such activity to take place. His idea of a prison was along the lines of the Pennsylvania system. In a speech given on February 1, 1836, Mason stated that the isolation of a person...

alone [will] awaken the expiring spark of morality and virtue; and the meditations of solitude communing with a guilty and upbraiding conscience, might ultimately overcome the dominance of vice.²

In 1837 Mason created a commission to find a suitable location, create a blueprint, and establish a set of administrative guidelines for a state prison. This commission consisted of three men, all who were originally from New York state. The powerful eastern influence was not unreasonable considering that approximately two-thirds of Michigan's population of the time was from New York or New England. This fact certainly led to influences upon the state's construction of social institutions.³

When news of the territorial (soon to be state) government's intention to build a prison was released a number of villages and small towns bid for the opportunity to become the site for the complex. The committee narrowed their choices down to Jackson, Napoleon and Marshall, three villages located in the south-central portion of the state.⁴ All were favored because they sat on or near the intended route of a railway that was to be constructed from Detroit to the state's west coast.

Initially, Jackson was not the first choice of the three. The area needed a new dam, a mill and landscape grading. Also, the Jackson's proximity to a tamarack swamp fostered the fear of disease.⁵ Yet, Jackson did offer some advantages the other two sites did not. While the location of water was a hinderance, it also was an advantage because it was plentiful and would easily take care of the prison population's needs. There was also an abundance of sandstone which would serve two purposes: it could be used for building the prison and it could be cut and sold by the prisoners without competing with any of the local free labor. Jackson's location, in relation to Detroit, also favored it because planners believed most of the prisoners would come from the eastern half of the state.

Advantages and disadvantages notwithstanding, it was the willingness of five Jackson citizens to donate sixty acres of land to the state for the prison property that convinced the committee to select the village as the home of Michigan's state prison.⁶

On January 12, 1839, Jackson accepted its first official prisoner, John McIntyre. He, and ten other convicts that accompanied him, came from Wayne County. During the

initial year of its existence the state prison received thirty-five convicts.⁷ Upon their arrival the prisoners were fitted to a fifty pound ball and chain to prevent their escape. They were housed in a one and one-half story house that had a kitchen and one large room that served as both a dining hall and a congregate barracks.

Despite Governor Mason's favoritism for the Philadelphia system the prison committee selected the Auburn system as the method of incarceration. The fact that the committee's membership had its roots in the Empire state was probably no small reason for the selection of the silent system. Publicly, the committee argued for the practicality of the system. They believed that by allowing the prisoners to labor during the day as a group the prison would come closer to realizing its maximum industrial efficiency, therefore reducing the prison's operating costs.⁸

The state prison committee's concern with prison finance began with its selection of the Auburn system and this concern continued throughout the nineteenth century. The fact that the committee argued for the system on its fiscal rather than reformatory merits is an indication of the state's priority in maintaining a prison. Up through the agency of John Morris all needs of the prison, its staff and its wards were subservient to the production of a positive financial ledger. In this matter, Michigan's nineteenth century penal history is quite similar to that of the United States.

The desire for the Jackson prison to be self-supporting initiated its participation in the contract labor system by April of 1841. The agent hired out sixteen inmates for one year to perform the services of shoemaker, cooper and blacksmith.⁹ By 1847, one company had assured itself of the prison's inmate resources when it came to terms with the state on a five year contract. The company paid out thirty-five cents per day, per man, to construct wagons.¹⁰ By 1870, the Michigan's state prison had become the "major industrial manufacturing site in the city." Of 645 inmates, 538 were involved with a contractor, making small agricultural tools, wagons, furniture, footwear, cigars, leather products, horse collars and sundry items.¹¹

The system of contract labor used at the Jackson prison required manufacturers to provide materials and technological training, and they were to pay, at a deflated rate, for the inmate's labor. In return the state provided the labor (the contractors often were able to pick and choose from the prisoner population which workers they preferred, based upon age and health) and they paid for the construction and maintenance of the manufacturing facilities and for the power required to run the lights, heating and machines. The contractors retained all finished goods for disposal at their discretion.

Securing contract labor was the responsibility of the prison agent. As the state's decision regarding the manner in which the prison would be financed was a precursor to future problems, the method in which the prison's top administrators were chosen also became a portend of failure. In 1839, the state legislature passed guidelines for the administration of the state prison. According to these enactments the governor was to appoint a "commissioner" who had the dual role of overseeing the construction of the prison and maintaining the convict population. When the prison was completed, the commissioner would remain in the position of agent for one year. Combining these roles was to be the first of many mistakes the state would make regarding the selection of a prison warden. The responsibilities of construction supervisor and prison warden were, and are, not complimentary. However, from the start, finding a trained, competent warden was never a priority for the state. For this, Michigan's state prison would suffer.¹²

The first agent at the Jackson prison was Benjamin Porter. In one sense he was a logical choice due to his previous experience as a building contractor. His major flaw was his complete lack of any experience in penal or criminal manners.¹³

In 1839 the state legislature had given the power of appointing the agent to the inspectors, but in 1840, the shortcomings of its agent selection process were compounded when the lawmakers returned the choice of the agent's position to the governor, who tended to appoint his political supporters to the position.¹⁴ Consequently, as was the case

across the country, Michigan's method of selecting an agent became an offshoot of the "spoils system". Inherent in the system was the fact that the men who became agents did so for only a short period of time which deprived the institution the advantage of using an individual, who at least had been trained on the job.

During the first ten years of the prison's existence, five men filled the position of agent, all in the tradition of Porter: inept and unqualified. Alonzo Ferris, the prison's second agent was a farmer and ran a hotel prior to moving to the Jackson prison. Between the prison's opening in 1839 and the arrival of John Morris in 1871, ten men, an average of one every 3.2 years, were prison agents. This failure to obtain competent leadership came at a time when financing was tight, the inmate population was increasing, and the state prison was in search of a reform minded philosophical and administrative leader.¹⁵

Agent William Pease (1851-1852) is a prime example of the tradition of failure Michigan had with its prison wardens. Pease was appointed for his political inclinations and not his penal capabilities. Upon taking control of the prison he was faced with a growing prison population and a static amount of cell space. The overcrowding led to poor conditions and shortages of various items that all added up to inmate unrest. A well thought out plan was needed. Pease responded by requesting more cell space but even an affirmation of the request would take time. In an effort to address the immediate problem of inmate disgruntlement he opted for a hard line by taking away various inmate privileges such as secular and religious reading material, and he placed a moratorium on all pardons.

Pease's stay in Jackson was short and his successor, Peter Dox, inherited a literal tinder box of problems. Dox, who was agent from 1852-1855, was a former Birmingham hotel keeper unfamiliar with the intricate business of running a prison. He was unable to quell the prisoner's disposition which prompted a reaction on their part. On September 30, 1852, just after Dox had taken reign of the prison, the inmates set fire to the contract

labor shops on the west side of the prison. Not only did this mean a loss of income for the prison, but it also meant a number of prisoners would be idle during the day. In such cases wardens had little recourse but to lock the prisoners up, both night and day.¹⁶

The tenure of agent William Hammond (1855-1859) will also illustrate the consequences of an administrator failing to comprehend a situation. Throughout the antebellum period, in Michigan and in the United States, prison conditions were poor and treatment afforded to the inmates was harsh and brutal. Hammond was a man of his time, liberally making use of the whip and like methods of punishment. When prisoners were treated harshly they tended to act in kind and across the country insurrections took place.¹⁷ In 1857, Hammond sensed trouble among the Jackson inmates and ordered a shakedown search. Guards uncovered a large number of lethal weapons that were either smuggled in or constructed by the prisoners within the prison shops.¹⁸ Hammond's institution, not his ability to control an inmate population spared him from a major catastrophe.

A third example of administrative failure concerns Morris' predecessor, H.H. Bingham, who was agent from 1866-1871.¹⁹ When news reached the Jackson area that Bingham's agency was being evaluated by Governor Baldwin, a number of area citizens lobbied for a replacement due to the agent's inadequacies. One petition, signed by seventy-eight people, charged agent Bingham with: allowing the escape of prisoners in return for money; falsification of the numbers of prisoners who had escaped; "...[punishing] convicts unnecessarily, unjustly and with terrible severity"; allowing the female section of the prison to degenerate to the point where it had "received the appellation of the State Brothel"; denying the proper moral and religious welfare of the prisoners; and lacking the proper disposition required of a prison administrator.²⁰ The Jackson citizens requested that the charges be investigated before the governor considered reappointing Bingham.

Another petition reached Governor Baldwin's desk at the same time. It stated "That the reputation of Mr. Bingham in this county for dishonesty and corruption in the management of the prison is very general and we...believe, well founded." The petitioners added he was negligent in attending to "the moral and religious interests of prisoners", "he is extremely harsh, unfeeling and inhumane...", and with discipline "...he is...unreasonable and cruel."²¹

Bingham resigned before an investigation could prove him guilty or exonerate him from the charges. However, while American jurisprudence reminds us that a man is innocent until proven otherwise, the number of charges showed, at the very least, the low level of confidence in Bingham's ability to be a satisfactory prison agent. This, alone, verified the need for his removal.

Because Michigan was a new state at the time its prison was constructed, financing the institution was a major problem. The fixed costs of the prison made it a financial "black hole" causing the institution's history to be one where appropriations were always one step behind needs. During the first year that the prison was open, seven prisoners escaped. The following year eight to ten convicts escaped but were recaptured. Because prisoners indicated a need to free themselves before they were legally eligible, it was determined that a wall and more secure cells should be built into the complex.

The wall was begun by agent Porter without any money. Meanwhile, thirty-four cells were built, but they lacked a roof, making them useless. Without adequate means to house the prisoners in individual cells, prison officials were left to work with their original wooden building under congregate conditions.²² As stated earlier, contract labor was used to alleviate some of the prison's financial concerns but, unfortunately, these concerns did not disappear. Prison security remained a constant perplexity in large part because the prison wall and proper cells were still not built to satisfaction by the early 1870s.²³

Along with prison security, prisoner welfare suffered because of money shortages. An interesting case is that which took place during the agency of William Seaton (1859-1864). Seaton's economic problems were brought on by an ironic twist. Prisons usually experience financial problems most when a tight economy forces legislatures to tighten their purse strings. As stated earlier, to help troubleshoot this dependence on budget directors, Jackson employed contract labor. However, one important factor in the system is the presence of a sufficient number of able workers. During the Civil War, Seaton's problem was not too many prisoners, but not enough. Governor Austin Blair pardoned a number of prisoners who agreed to enlist in the army and many other "potential criminals" were lured into respectability by the army's pay or by the availability of jobs to make war weapons and material. At the same time, the Detroit House of Corrections opened its doors to sixteen through twenty-one year old convicts in 1862. All of the aforementioned factors served to decrease the prison's population²⁴ and its revenue potential (fewer workers equated to less output) while failing to cause a drop in costs.²⁵

In response to this drop in revenue during the war, Agent Seaton instituted a policy of "strict, uncompromising, conscientious economy...."²⁶ Seaton believed that the prison would have to make sacrifices just like everyone else did during the war. The result was a disintegration of the physical structures, and the quality of sanitation and security of the prison. By 1864, the situation was deplorable.

Then the prison fell victim to the situation brought on by peace between the states. The end of the war meant a jump in the amount of employable men along with a converse drop in the number of available jobs. Crime jumped as did the populations of American prisons. For the Jackson prison, this occurrence spelled trouble. As the number of inmates doubled from 1865-1869, the poor war time conditions remained the same. A post-war economic recession compounded the situation.²⁷ John Morris was forced to confront the legacy of these problems when he took over the prison in 1871.

Agent Seaton's problems were initiated by a lack of an adequate number of prisoners but his situation was an anomaly. Inmate overpopulation was clearly a more common and serious concern. A warden of the prison summed up Jackson's relation with prisoner numbers when he wrote:

...the entire history of Michigan's prisons seems to indicate a perpetual problem of a lack of sufficient room which may possibly be accounted for in that the state's population increased by leaps and bounds, while the prisons [themselves] expanded slowly.²⁸

The jump in the number of individuals incarcerated at the Jackson prison was certainly significant enough to paralyze administrators' abilities to carry out their job adequately. Population figures for the prison will help illustrate this: In 1846 and 1847 the average number of prisoners was 120. By 1857 the number grew to 378.8 and a year later it was 443.6. By 1860, there was an average daily prison population of 597.5. After the aforementioned wartime slump, the population grew to 609.7 in 1868 and by 1871 the population stood at 642.7 men.²⁹

In Michigan, as was the case across the country, the agent was expected to run an institution that could produce a profit despite internal population figures and external economic conditions. Many of these administrators, in order to please their benefactors, were forced to make choices of economy similar to those made by Seaton. And decisions of economy and resource allocation were usually intertwined with the implementation of prison discipline.

At the Jackson prison, administrators used various methods of discipline to keep deviant inmates from repeating their infractions and to deter other inmates from choosing a similar course of behavior.³⁰ The Michigan prison, not unlike other institutions in nineteenth century America, used corporal punishment as a means to this end. The most common types of punishments used were the whip, the shower bath and solitary confinement. The latter of these was used quite regularly for a period after 1847, when

Michigan became the first state to completely prohibit the use of capital punishment on felons. The resultant mental and physical breakdown of long-term solitary prisoners forced a reconsideration of this policy in 1849.³¹

There were men such as William Hammond (agent from 1855-1859) who, when he first became head of the prison, believed that a reliance upon the whip would not be needed to insure the convict's adherence to the rules. It wasn't long before Hammond's idealism proved fleeting. In his first year ninety-three men were introduced to his lash. In 1856 and 1857, sixty-eight and 109 inmates were whipped.³² Thus, by the time Hammond had become accustomed to his position, he changed his attitude, believing that physical force was the most effective method of gaining a prisoner's compliance. He reasoned that since many of the inmates were repeat offenders, and many were at an age when change came hard, rationalization was an ineffective way of keeping order. According to Hammond:

The same course of reasoning which condemns flogging in any and all cases, when carried out, will condemn any and all kinds of physical punishment, leave nothing but moral suasion, and end in the total relaxation of all discipline.³³

Most agents did not experience Hammond's on the job conversion regarding harsh discipline. On the contrary, they elected to begin their tenure with the whip firmly in hand.

The culmination of problems experienced by the prison at Jackson is best epitomized by the agency of Henry Bingham. When he came to Jackson, in 1866, twenty-seven years of mismanagement, financial miscalculation and legislative disregard had produced a prison environment that was arguably reminiscent of pre-penitentiary jail conditions. The situation in Jackson is best described by E.C. Wines and Theodore Dwight, who visited the prison during their national tour. In their book, Prisons and Reformatories of the United States and Canada, they gave an objective description of the prison save for

one short paragraph in which they let the reader know their interpretations of what they saw. They wrote:

The whole aspect of the prison struck us unfavorably. Everything wore a slovenly air; the discipline appeared feeble; and, generally, the administration lacking in vigor and efficiency.³⁴

The two visitors also commented on the disciplinary methods at Jackson. They reported that the "lash, dark cell with bread and water, and ball and chain" were used, along with the crucifix and shower-bath, the latter two being seen as extremely inhumane.³⁵

Bingham, by securing a number of labor contracts, was able to rectify some of the financial concerns of the prison. However, he was unable or unwilling to address other problems. The prison continued to lack adequate room for the convicts, a chapel, bathrooms or a wash area, storage space, a hospital, and a humane system of discipline. By 1869, Bingham's ignorance of the situation led, as previously mentioned, to a demand for his removal.

While Bingham was not immediately removed, the Michigan state legislature took action by commissioning an investigation. Three men were appointed to a committee that inspected the state's reformatory system and then compared it to similar institutions in five other states: Ohio, Illinois, New York, Massachusetts and Rhode Island. Their findings were published in 1871.³⁶ To the certain chagrin of reformers, there were a number of common criticisms shared by the authors of the Michigan report and the earlier critiques on prisons done by Tocqueville and Beaumont and Dix, and the contemporary commentaries of Wines and Dwight.

The contents of the commission's report, like that of their predecessors, reemphasized the failure to integrate the philosophy of reform into the day-to-day administration of the prison. The inspectors pointed out the aforementioned lack of a chapel or a room where the prisoners could be comfortably gathered. The prison was likewise deficient of a

school room and bathing facilities, and its hospital was "insufficient". The cells were wanting for ventilation and the retaining wall surrounding the compound was either too low or insecure.³⁷

The inspectors recognized that many of the institution's problems were legacies of previous administrations and not the result of the Bingham regime. Yet they did mention problems that were traced to his methods of operation. The inspectors derided the prison's lack of "order, neatness, and taste." They noted that the prison yard and its surroundings had...

a careless, shabby look, almost indescribable without going into great detail, and yet which is felt by all those who have a higher ideal before them of what grounds should be. Some of the wooden buildings within the enclosure are in a dilapidated, ruinous condition, and should be either torn down or repaired.³⁸

The inspectors were especially concerned about the failure of administrators to incorporate reform into their discipline methods. They complained that prison officials were bent upon maintaining the traditional attitude that criminals, while being punished for their crimes, were to serve the interests of the state through their labors. To maximize their output, the inspectors wrote, the convicts were cared for and, if necessary disciplined in order to insure order and output. The commission believed this system, while seemingly practical in the eyes of prison wardens, did not consider the welfare and eventual reformation of the prisoner. The members of the commission called for the application of a new philosophy.³⁹

The inspectors preferred that the state assume "the relation of a parent to a sinning child." Punishment was not to be an ends, but a means of reforming the criminal to a state of social compliance.⁴⁰ This attitude, according to the authors, was becoming a trend among prison administrators "and intelligent, thoughtful Christian philanthropists." This "new" method of reform employed "the use of industrial, educational, moral, and religious agencies" to transform convicts into "good citizens."⁴¹

The inspectors added that while firm discipline was necessary, it was not to be misused. The commission questioned the recent use of flogging as a manner in which confessions were derived from prisoners. They discussed two incidents in which prisoners, who were supposedly involved in separate escape attempts, were caught and punished with the strap until they admitted they were indeed involved in the escape. They men were not whipped for their acts, but for hiding their motives. The inspectors made plain that this practice by prison officials can produce false information by those being tortured: if the truth did not absolve the pain, it would be abandoned.⁴²

In further condemning flogging, the inspectors wrote:

The general concurrence of those who have considered the subject seems to be, that flogging tends to degrade the victim, and brutalize both those who inflict and those who witness it; and if resorted to at all, it should only be in extreme cases. From the very nature of the mode of punishment, it is very apt to be inflicted in the heat of passion rather than with judicial calmness.⁴³

Finally, the inspectors, like Dix, Wines and Dwight, decried the process by which prison officers were chosen. As previously stated, Michigan prison officials were selected because of a political favor they had performed. The inspectors called for the formation of a central authority to watch over the entire prison system. One of that organization's main tasks would be the selection and appraisal of prison administrators. The ultimate goal of the inspectors was to establish a process where prison appointments would be non-partisan, long lasting and awarded to the best qualified applicants.⁴⁴

The three man Michigan investigation team offered little in the way of a satisfactory prison report. They uncovered a number of problems with the state's prison that were not unlike those various other individuals had discovered upon their inspections of American prisons. In many of these institutions reform had been introduced as an idea, and remained just that. The process of rehabilitating the convict was not prevalent physically nor philosophically. It was on the heels of the 1871 Michigan prison investigation that

John Morris reported to Jackson to become the prison's eleventh agent. His personal mission was to bring reform to the Michigan state prison.

V. THE AGENCY OF JOHN MORRIS, 1871-1875

In 1869, Republican Henry P. Baldwin assumed the governorship of the Wolverine state. According to Michigan historian George Fuller, Baldwin's tenure represented a period of progress and reform for the state's penitentiary system.¹ In his first "State of the State" address, Baldwin announced some of his expectations regarding the state prison. He commented upon the need to refocus the institution's discipline codes, redirecting priorities from the urge to punish to the goal of reformation. According to Baldwin:

...the whole subject of prison discipline is one requiring thoughtful consideration, and perhaps might be materially changed, not only to the well-being of the unfortunate class who become inmates of our prisons, but to society at large. It should be such as would tend, not merely to the punishment, but to the reformation of the offender.²

Though the governor's remarks did not introduce any new notions of liberal reform, they did illustrate that Michigan's penal and reformatory system had wandered from the tenets of early nineteenth century prison reform. Baldwin was lobbying for a return to the reforms of the past and an enhancement in the existing situation of Michigan's convict population.

However, Baldwin acknowledged that bureaucratic restraints regarding changes in the prison system's status quo existed. While expressing compassion for the convict, the state's reform-minded chief executive, not unlike other nineteenth century publicly elected reformers, did not let the issue of financing escape his attention. Baldwin noted that the prison had "for some years...been a heavy tax upon the Treasury of the state."³ The governor expected this trend to reverse itself by adding:

It is confidently hoped that the time has arrived when the State Prison will be self-sustaining, and no longer require aid from the State Treasury, except for additional buildings, and other necessary and permanent improvements.⁴

Baldwin was certainly a man of his era. He understood that the failure of prison reform at Michigan's state prison was an important issue. The governor was also able to comprehend that the prison had other problems, mainly financial. Yet he failed to believe that prison reform and prison financing were two issues that could not be satisfied simultaneously. The comprehension of this principle became a lesson Michigan government and prison officials would discover first-hand.

Baldwin had mandated his expectations of the prison. By the end of 1870, the state penal inspectors, a three man body that visited the institution once a month,⁵ indicated in their yearly report that they were satisfied with the disciplinary and financial conditions of the complex. They stated that between 1869 and 1870 the prison had earned a \$20,000 surplus after expenses. Could Baldwin's expectations be attainable?

Unfortunately, this monetary surplus was a mirage due to the urgent needs of the prison. In the same report the inspectors called for the appropriation of \$141,000 for improvements to the prison. On their "wish list" were more cells (enough to house 890 convicts), more bed space for the hospital, increased lighting and ventilation of existing cells, and a "large, well lighted, cheerful chapel, neatly and tastefully arranged, with a pleasant lookout upon the surrounding country, and a capacity for comfortably seating eight-hundred persons."⁶ In his report to the state, Agent Bingham added that there was a need for a new kitchen system, new roofs, along with improvements upon the hospital and a new chapel.⁷

Ironically, the inspectors expressed content that there had been little need in "[inflicting] on convicts...harsh and cruel punishment."⁸ This observation came despite the charges of prisoner brutality that had been recently levelled against Agent Bingham. Bingham's penchant for balancing the prison's financial ledgers may have earned him

sanctuary from official criticism, although the inspectors did offer a method of monitoring prison discipline by suggesting that the prison agent report all cases where severe punishments were meted out. This record would be published in the agent's annual report.⁹

Agent Bingham, charges notwithstanding, also expounded his understanding of liberal reform. In his annual report for 1870, he addressed the issue of discipline. He boasted that the need for "severe corporal punishment was not evident under the present state of discipline", and he added "convicts should consider those having charge over them to be their friends, ever ready by their kindness and counsel to give them encouragement and hope for the future."¹⁰ Again, based upon the letters and petitions forwarded to Lansing by a number of Jackson's citizens, Bingham's comments are rather ironic.¹¹

By the beginning of 1871, Governor Baldwin, though certainly aware of the severe charges against the state's prison agent, chose to report to the state legislature that under Bingham's leadership the state prison made more money than it spent over the previous two years. At the same time Baldwin noted the institution had experienced an improvement in "appearance, order and discipline."¹² Seeking to maintain the momentum of reform Baldwin acted upon the advice of his prison inspectors by requesting \$141,000 worth of improvements to "make the prison more nearly what the enlightened spirit of the age demanded, at the same time increasing its capacity."¹³

Overall, Governor Baldwin and the prison inspectors seemed quite satisfied with the ability of Michigan's state prison agent to secure a sound financial standing and, supposedly, avoid the use of inhumane discipline. There were even some Jacksonians that supported the agent. In 1869, Bingham received support from Henry Gilbert, part owner of the Jackson furniture company Gilbert, Ransom & Knapp, a business that had a contract with the prison. Gilbert, while requesting Bingham's reappointment, complimented the agent on the "high standard of discipline..." that made the efforts of the contractors financially productive for the state.¹⁴

As noted in chapter IV, a number of nineteenth century prison observers, Dix, Wines and Dwight among them, had noticed that wardens which emphasized finance above other issues, and were successful at it, were often given the benefit of the doubt regarding the responsibilities of being a reform-minded administrator. Bingham's tenure was a legacy of this phenomenon. It was not until Jackson's citizens applied pressure upon the "reform minded" governor that a change in the prison's leadership was initiated. Sadly, this pressure may have touched Baldwin's political instincts more than anything else, as evidenced by a message from a resident of the nearby village of Brooklyn. He reminded the governor of the political ramifications of keeping Bingham in Jackson. The citizen stated that "...no greater calamity could befall us as a party in this county..." than Bingham's reappointment, because of the large amount of complaining evident over his administration.¹⁵

Regardless of why Bingham was replaced, it should be noted that this act of "reform" was not initiated by the governor but instead came about at the behest of his constituents. Their actions were not paralyzed by the need to balance state budgets nor constrained by the tentacles of a state bureaucracy.

By 1870, Baldwin was accepting letters of recommendation for the agent's position at the state prison. Letters were received on behalf of Abraham Alderman, who was an Ionia county sheriff and for John Baker who held the same position in Kalamazoo county.¹⁶ The majority of recommendations were in favor of a Charlotte resident named John Morris.

John Morris was a forty-seven year old employee of the United States Internal Revenue Service who, prior to his tax collector position, was employed as a druggist. Morris, originally from New York state, was married and had three children. His penal experience consisted, merely, of a two year term as prison inspector, from 1862-1864.¹⁷ The consensus among Morris' supporters was that the tax collector was the best qualified and least offensive man available for the job. Eaton county citizens called Morris "...a

man of great firmness and tenacity of purpose, honest, able and experienced."¹⁸ A tax collector's familiarity with accounting procedures certainly added to Morris' attractiveness for the warden's position.

Jackson residents, adamant about their dissatisfaction with Agent Bingham, were quick to recommend Morris. Alonzo Bennett, president of the First National Bank of Jackson and a former prison inspector with Morris, told Governor Baldwin that though he did not know Morris very well, he believed the Charlotte citizen would be a good choice.¹⁹ C.W. Perry stated to Baldwin, "I should think his [Morris'] appointment would be satisfactory to all parties and advantageous to the State. Your patient search for the right man will be, I trust, amply rewarded in him."²⁰ W.S. Seaton wrote, "I...think he [Morris] has more of the needed qualifications for that position than any person whom I have heard spoken of in connection with the Agency."²¹ Furthermore, G.T. Gridley, an Internal Revenue Assessor in Jackson spoke highly of Morris.²²

Two other highly placed Internal Revenue employees also gave Morris a favorable review. One of the men, E.W. Barber, was supervisor of the Internal Revenue for Wisconsin and Michigan. He wrote that he supported Morris' appointment based upon Morris' past experience as a prison inspector and an employee of the revenue service where "his thoroughness and efficiency have gained for him a State reputation,...without giving offense to tax-payers."²³

The most superfluous recommendation came from the state prison chaplain, Royal Crawford, who believed Morris to be a panacea to the prison's woes.²⁴ Crawford, who knew Morris "by reputation, but not personally" told Baldwin of a conversation he had with two other Jackson residents regarding the agent's position. During the exchange Crawford was asked what he thought of Morris as a candidate. Crawford wrote Baldwin:

I told them if he [Morris] could be had, that I should think we had got the right man, in the right place but that I had no hopes of getting him, and you may judge of my surprise when they told me that he could be had, and that his name was now in your hands. My dear Governor, when that

announcement was made, I felt so relieved that I almost cried out Eureka, I felt as though your wish so often expressed, yesterday afternoon had really been granted. That the great Governor of the universe had heard your prayer, and brought out the man.²⁵

Based upon the recommendations he received, and perhaps because of a tax collector's presume accounting skills, Governor Baldwin selected Morris to the prison agency, expecting that his choice would perform an admirable task.

The tenure of John Morris as Michigan's state prison agent represented a period of transformation in more ways than one. As Morris attempted to initiate changes he found, much like his predecessor, that it was difficult to fulfill bureaucratic as well as personal expectations. Thus, as is the case in most eras of change, new ideas backed into the embankments of old methods, creating an environment of discontinuity, discontent and, at times, chaos. The sum of this experience was ultimately failure.

Upon taking control of the prison in March of 1871, Morris, aware of the charges that had been brought against his predecessor, quickly worked to establish his own personal stamp upon the institution. The new agent had become an avid reader of material concerning prison administration and reform. One might guess he came across titles penned by the zealous reformers Wines and Dwight, and the Detroit House of Correction's Zebulon Brockway. Speculation could also be made that Morris was influenced by the 1871 Report of the Special Commissioners to Examine the Penal, Reformatory, and Charitable Institutions that was made prior to his appointment. Thus armed, Morris eagerly grasped the mantle of reform in an effort to return a sense of purpose and an air of respectability to Michigan's state prison.

In his first annual report to the state, Morris spelled out his philosophy regarding crime and criminals.²⁶ His statements indicate a firm belief in the explanations of social deviancy that grew out of the Jacksonian era. Morris wrote that he believed many convicts were in prison because they had slipped into the bad influences of liquor or they had lived in an environment that lacked positive role models. To help his wards, Morris

heralded the potential his institution had in giving inmates an opportunity to rehabilitate themselves. He felt it was his obligation to perpetuate the inmates' reform by cultivating notions of manhood and self-respect through example and by simple offerings of culture.²⁷ Morris, like a number of other nineteenth century penologists also believed in the power of religion to perpetuate reform. As Michigan's newest agent he looked forward to "the completion of a new chapel, when...efforts to elevate and reform shall be greatly facilitated."²⁸

By the end of his first year at the prison, Morris had instituted several changes that he perceived to be in the best interests of the inmates. He began by making simple improvements such as the addition of in-season vegetables to the normal dining fare. Morris then directed attention to the physical needs of the complex. He ordered repairs be made to the prison cells, replacing rotted wooden floors with new wood and cement, along with cleaning and white-washing the walls. In an effort to upgrade the facility's quality of sanitation Morris had "rude troughs" installed into an old washhouse so the men could clean themselves.²⁹

Morris then eased some of the old restrictions that had been placed upon the inmates due to the tenets of the Auburn system. The agent recommended that magazines be allowed into the prison, though he prohibited newspapers because they reported on "proceedings of courts, and [made] frequent allusions to criminals still at large."³⁰ Meanwhile, Morris relaxed the rule that stipulated the time when prisoners could write and mail letters, from once every three months to once every month. Inmates were also allowed to receive censored letters every week.³¹

By June of his first year Morris began issuing cards of good conduct to promote proper behavior among the inmates. Prisoners that did not initiate any infractions of the prison rules were eligible for such a card. The contents of the card were as follows:

This certifies, that I have examined the Records of the conduct of _____, and find that during the month of _____

there is no infraction of the rules of discipline against him, and that he is hereby entitled to the favorable consideration of the Agent and Board of Inspectors.

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Though the cards had no tangible value, Morris was convinced of their role in gaining the convicts' cooperation. He opined:

Not a man in the Prison but is proud to receive one [of the cards] at the end of each month, and is in great disquiet if by chance he is overlooked. They are preserved with most scrupulous care, or are forwarded to their friends in their first letters, as evidence of their good behavior here.³³

In what David Rothman might describe as a overt act of Jacksonian reform, Morris sought to outlaw the use of tobacco at the prison. Of the weed Morris wrote, "It [tobacco] embraces remedial...as well as punitive characteristics...."³⁴ In July, Morris prohibited the issuance of tobacco to all newly arriving inmates. By the end of the year, the agent estimated that less than 450 men were drawing a tobacco ration. His ultimate hope was to eliminate all tobacco use as a way of better employing the prospects of reform.³⁵

Despite the changes Morris had instituted during his first year, the new agent recognized that more work needed to be done before Michigan's state prison could be recognized as a reformatory, in any sense of the word. One of the agent's prominent concerns was the physical condition of the complex. Morris criticized the compound and his employers by observing:

The whole institution is characterized by a forlorn and dilapidated appearance, as if the State had become insolvent soon after it commenced to build the Prison, and had utterly failed to abide by any original plan whatever, and had left it, years ago, an example of premature decay, and it had thus remained long after the people had ceased to look or hope for any improvement.³⁶

Morris added that he found little at the prison that was in "good repair or completeness."³⁷ The institution even lacked a place where all of the inmates could meet

as a group, save for the dining room which was described as "a strange and depressing place...."³⁸

In his first year as state prison agent, Morris had established himself as a reform minded administrator. He quickly realized that much had to be done before an inmate's positive transformation could be realized at Michigan's penitentiary. In order to hasten this transformation Morris mandated that reforms, which had emerged during the Jacksonian period, be applied to Michigan's penitentiary.

Upon the conclusion of his second year, agent Morris was able to boast that,

...our inmates have been well warmed, well fed, well clothed, and kept scrupulously clean, with plenty of 'hard labor,' plenty of rest, and an occasional meal of intellectual food.³⁹

Morris likewise continued his tobacco experiment. In December of 1871, he offered a deal to all of the inmates who were not effected by his initial policy. Morris purposed to reward any man with less than a year of time left on their sentence, a one year magazine subscription if he would quit his tobacco. One-hundred and seventy five men agreed to the terms, leaving, according to Morris only 100 men receiving tobacco rations at the prison.⁴⁰

The agent, through his report, made known the improvements he had effected upon the inmates' moral and intellectual well being. Morris announced that one hour every Sunday morning was devoted to the subjects of reading, writing and mathematics. All of the inmates were allowed to have Bibles, with slates furnished to those individuals requesting them. Along with educational improvements Morris boasted of how religion and its reformatory attributes were integrated into the prisoners' weekly routine. He wrote:

We consider the influence of sacred songs, and any other sacred music upon these fallen men highly beneficial...it elevates their moral tone, and thus cooperates in making them happier by making them better.⁴¹

Morris continued the trend of relaxing the restrictions of the Auburn system by allowing his wards time off during holidays. Thanksgiving, New Years Day and Independence Day were considered days of celebration and work ceased at noon, "with something unusual, substantial, and agreeable to the palate, provided for dinner."⁴²

Morris further displayed his penchant for liberalizing prison policies by discussing the importance of establishing a system that would aid newly released convicts. The warden began explaining his plan by reversing one of his earlier mandates that disallowed daily newspapers into the hands of the inmates. He believed that because most of the convicts would be released, sooner or later, they ought not be shielded from "all light, knowledge, and progress of the exterior world..."⁴³ Morris then suggested that convicts should be allowed some payment for their work within the contract system. This plan would deprive the state of needed income but it would give the parolee a stipend to work with until they had reestablished themselves in society.⁴⁴ Morris continued by suggesting that the traditional day convicts were released be changed from Sunday to Saturday. His reasoning was that when an individual was paroled on Sunday they could not get home as easily because businesses and transportation services were shut down. Morris noted that many newly released individuals were either housed by prison officers or left to fend for themselves outdoors until the start of the new week.⁴⁵

It was not until Morris submitted his second report to the state that he discussed prison discipline. In the report he described the standard types of punishment meted out to the men. The most common type of punishment on the list was the use of the bare cell with reduced rations. Those convicts that did not bend to this punishment were chained to their cell door, while in extreme cases "...the lash is still held in reserve..."⁴⁶ In an attempt to calm any fears about the misuse of discipline Morris added that no severe castigations had taken place without his knowledge and approval, "when he [was] present." If convicts had a complaint against the officers or their treatment, the agent let it be known that they could come to him and make their thoughts known.⁴⁷

As he had done in his first report, Morris condemned the physical condition of the prison complex. He chastised the cooking and food preparation arrangements for being antiquated and inefficient. He also directed similar criticism toward the washing, drying, bathing and restroom facilities, noting "All of our out-buildings (I cannot call them even sheds), are old and disgraceful in appearance, besides being unfit for the purposes for which they are needed."⁴⁸

Morris took time to complain about the female prison, which was located within the male prison. Morris quipped, the prison is "a poor, smoky (sic), rickety, tumble-down concern, good for nothing except a few second-hand brick, and a little old iron"; and its location, in the middle of the yard, was deplorable, because of "the eyes of six-hundred male convicts peering at it from all points of the compass."⁴⁹ Comments were also directed toward the inappropriate state of the insane asylum. Morris complained that it was too small, and lacked proper heat and ventilation. Since there was no wall around the structure, the inmates were cruelly locked in their cells, day and night.⁵⁰

The report submitted by Morris after his third year details the height of the reformer during his tenure. As he had done in his previous reports, Morris described new improvements that had been introduced to the prison. The administrator talked proudly about the installation of a new boiler house, wash-room, laundry-room, cooking area, and steam pipe heating, along with the upgrading of the dining rooms, sewage piping and some additional roofing.⁵¹ Morris, just as proudly, pontificated upon his tobacco project, which he perceived to be a success. Along with reforming criminals, Morris was sure to point out that the tobacco prohibition saved the prison money.⁵²

In a continued effort to make the convict's reform experience a more tolerable one, Morris explained his continuing program to ease the monotony of the prison routine. According to the agent, the prisoners were read to once or twice a week, usually after a meal, given time off for holidays, given access to an expanded library, allowed to have plants or vines in their workshop windows and install houses for birds, "who never cease

their chatter despite prison rules."⁵³ Meanwhile, in what may have been considered a novel idea, to foster the "human traits of care, benevolence, and affection for something," Morris introduced pairs of greyhounds, deer, wild geese, turkeys, rabbits, chickens, ducks and doves into the prison yard.⁵⁴

As Morris zealously implemented the liberal reform philosophy into Michigan's state prison, the old problems of outdated, inadequate facilities and half-hearted financial support from state officials remained. It was becoming apparent to Morris that only he ranked the well-being of the prisoners above all other priorities at his institution.

Morris' 1873 report, while being a document that illustrated the triumph of his reforms was, at the same time, an indicator that success came at a price. Morris, perhaps convinced of the righteousness of his programs, became defensive about outside criticism by noting that when it came to running a prison, it was the institution's officers who knew the true story of what took place.

Though the inspectors, the governor and various committees may investigate, their opportunities for judging fairly and honestly, are few and far between, and they are deceived and misled everytime they come to the prison.⁵⁵

The agent continued by stating that it was the officers who saw the prisoners for what they were, good and bad.⁵⁶ Morris' comments were the result of pressures he faced, being an idealistic reformer in the midst of less sanguine employers. It was becoming obvious that the warden's plans cost money the state was not prepared to give.

Evidence of Morris' discomfort continued to be found in his prison report for 1874. In 1871 Morris had promoted the importance of providing an environment within the prison that would perpetuate reform. By 1874, he gave no indication that a totally adequate environment had been procured. In his annual report Morris stated:

The prevention of crime and the reformation of the criminal, in importance, stand next to the protection of society in the primary objects

of penal discipline, and any system which does not secure these to some degree, has no economy in it, and is costly at any price.⁵⁷

The agent then observed that the atmosphere of the prison made it difficult to affect positive changes upon his subjects. The overall lack of space meant hardened criminals were housed with youthful first-time offenders, making Morris' job of saving misdirected souls all the more difficult.⁵⁸ In an attempt to instigate various facets of support for needed changes within the prison, Morris, who one year earlier had dismissed the effectiveness of visits by outside officials, invited judges and prosecutors to tour the prison so they could understand his dilemmas.⁵⁹

Despite his growing pessimism, Morris was able to discuss several alterations that had been made to the prison in 1874. He pointed out continued advancements in the cooking and eating facilities, and his perseverance in offering educational and morally uplifting lectures to the inmates. Morris also mentioned the way the prison pets had aided in reforming some inmates. The animals "...remain as proof of a fairer side to many of these murky lives."⁶⁰

Hoping to obtain better control over the inmates' behavior, Morris championed the benefits of "good-time" laws and pardons. These programs would give inmates a tangible benefit in return for their good behavior.⁶¹

For the most part John Morris' early prison reports and his programs contain an optimism about the power of reform within penal institutions. However, this optimism faded as his tenure continued. While Agent Bingham had used prison financing to his advantage, the issue of money was the main barrier to Morris' optimism. From the start, much of the agent's attention was spent calculating and explaining the prison's balance sheet. In his 1871 report Morris immediately and exhaustively explained why profits from his first year were down \$15,000 from the previous year's surplus.⁶²

By the end of 1873, Morris' lack of satisfaction concerning progress in improving the prison's physical conditions was quite evident. In his report to the state Morris described

how he was embarrassed when he gave tours of the prison to interested parties. The visitors became witness to the run-down conditions of the institution.⁶³ The head administrator then explained that when he attempted to replace or repair equipment or fix sections of the prison he was confronted with questions regarding the importance of keeping costs down so the prison could pay for itself.⁶⁴ In a fit of protest, Morris wondered aloud if policemen, teachers, public librarians and soldiers were asked if their organizations payed money back to the tax payers.⁶⁵

As mentioned earlier, when a prison did not meet the state government's financial expectations, the fault was often placed upon the warden, whether in Michigan or in any other state. This occurred even though some of these problems were not directly attributable to the prison administrators. In Morris' case, several events arose that placed a demand upon the state coffers. This, in turn, increased outside pressure upon him to keep the main goal of the Jackson penitentiary the accumulation of a profit.

In October of 1871, eastern Wisconsin, Chicago and western Michigan were, according to Governor Baldwin, "visited by fires, unparalleled in the annals of history."⁶⁶ As a consequence, over \$460,000 worth of cash and \$250,000 worth of clothing and supplies were donated to victims of the fire by private citizens and government agencies. Meanwhile, the state was required to spend money repairing roads and bridges destroyed by the blazes.⁶⁷ This calamity placed strains upon the state budget as well as upon the attentions of state leaders. It is probable that the state prison was expected to pull its own weight during this time because treasury resources were needed elsewhere.

Further financial pressure upon Michigan's public institutions were brought about by the fact Michigan was beginning construction on a new Capitol building, requiring a minimum outlay of \$1,100,000.⁶⁸ Also, by 1878, over one million dollars of state bonds were due. In such a scenario, Morris continued to find it difficult to procure prison improvement funding.

Compounding this competition for state money was the condition of the national

economy. In 1873, just as Morris had apparently reached new heights of satisfaction with the progress of his reforms, the brokerage firm of Jay Cooke & Company went bankrupt, precipitating a five year economic depression in the United States. This created a number of problems for Morris and his prison. Prior to 1873, the population of the state prison dropped to 591 inmates. This phenomenon effected Morris' administration in the same manner that it had Agent William Seaton's. Fewer inmates meant less productivity and, consequently, less money. Then the panic of 1873 struck. The difficult economic conditions forced several of the prison's contractor's to shut down because of a lack of sales. When Morris attempted to gain new contracts, there were no takers.⁶⁹ Then, as happens when the economy declines, the crime rate escalated.⁷⁰ This fact spelled trouble for Morris. Already saddled with a shrinking income and little opportunity to increase it, Morris was confronted with a rapidly expanding inmate population which had reached 835 by 1875.⁷¹ By that time the number of convicts exceeded the number of cells, forcing many of the prisoners to sleep out in the halls at night.⁷²

Aside from creating financial hardships, the poor economy created discipline problems for Agent Morris. The Auburn system used in Michigan relied upon labor during the day to earn money and to reform the convicts by teaching them a skill. It also served a practical purpose in that it kept the inmates busy and, as was believed by penalogists, less likely to find trouble.⁷³ Of course, as contracts expired or were cancelled, inmates became unemployed. Then as the population of the prison increased, the number of idle men grew. When a situation like this arose, it was normal procedure to lock the convicts in their cells both day and night, until new contracts could be found. However, in Morris' case, not only could no new contracts be had, there was also not enough cells to house the prisoners individually. Either Morris would have to compromise the Auburn system or he would have to increase the firmness of the prison's discipline and surveillance.⁷⁴

While Morris was forced to deal with the whims of the economy, he was also confronted by comments from outside observers. To be sure, the agent received his share

of positive remarks. In 1871, the state inspectors praised Morris for his efforts to gain acceptance on the part of the prisoners. Morris was described as employing kindness rather than cruelty to achieve his goal.⁷⁵ One year later the inspectors continued to voice their approval of Morris' handling of the prisoners. They noted that the number of rules infractions had decreased as had the necessity for, and use of, severe discipline. Morris' policies were given direct credit for this phenomenon.⁷⁶ The prison chaplain congratulated the agent for his vigor in maintaining and improving the religious activities of the inmates.⁷⁷

In 1873, Governor Baldwin favorably commented upon Morris' method of prison discipline. It was Baldwin's impression that the discipline system...

though decidedly modified, has been uniformly good; severe and degrading punishments have been almost wholly abolished...and the constant aim of the Agent and Inspectors has been to remember that the inmates, though convicts, are human beings, and not entirely lost to the better impulses of the human heart.⁷⁸

The prison inspectors also noted that "no very severe or unjust punishments" had been administered during the previous year at the prison.⁷⁹ The inspectors added that severe punishment was easier to use, but it prevented the convicts potential reform. To insure this reform the inspectors strongly urged that close observation be maintained over the prison to insure that abuses did not occur.⁸⁰

In 1873, Morris' administration even received national attention. At the National Prison Reform Congress, held in Baltimore, Michigan representative C.I. Walker made a presentation to American's foremost penologists describing the state of affairs in Jackson.⁸¹ Walker, who based his report on the observations of the state prison inspectors, was boastful of Morris. He pointed out the inmates' opportunity to decorate their cells, to take educational classes once a week, along with Morris' habit of reading to the inmates after supper twice a week and his handling of the contract labor process.

Regarding prison discipline Walker stated that Morris had effected an improvement concerning the application of prisoner punishment. Walker did admit, however, that the lash, while held as a last resort, was used on occasion when the agent saw fit.⁸² Walker's review was favorable and the fact that it was given in front of the nation's penal experts indicates there was satisfaction, if not whole-hearted approval with the agent at Michigan's state prison.

Morris received more national attention one year later, in St. Louis, at the Third National Prison Reform Congress. A description of the prison at Jackson was given by the renowned E.C. Wines. Wines' analysis of the prison was highly complimentary and certainly presented Morris as one of the nation's premier prison wardens. Of Morris, Wines wrote:

Mr. Morris, the warden, has a large heart, full of expansive sympathies which, like those of Him who came to 'seek and to save the lost,' embrace, within their broad sweep, the fallen, the outcast, the convict.⁸³

Wines painted a picture of Michigan's state prison being a Garden of Eden. The well-known prison observer wrote, "The atmosphere [is] bracing and healthful. Birds sing, flowers bloom, and human affections breathe around us."⁸⁴ Morris was also given kudos for emphasizing the importance of rest for the convicts (e.g., daily breaks and holiday respites), and for introducing objects of care, such as pets. Morris' prohibition of tobacco was likewise applauded by Wines.

It was Wines' understanding that harsh discipline was not used by Morris, therefore displaying a commitment to humanity on the part of Michigan's warden. As Wines and others believed, it was far easier to use severe punishment than not.⁸⁵

Despite Morris' ability to capture the attentions and commendations of men as prominent as E.C. Wines, the Michigan agent's administration was not oblivious to critique. It began, curiously, in 1871, when the state inspectors noted that Morris came to

his job unqualified, though they applauded the new agent for his vigor in acquainting himself with the position.⁸⁶ When one considers the general lack of qualifications Morris' predecessors had, Morris' level of competency was part of a legacy and not an anomaly.

A second criticism levelled by the inspectors, while not directly aimed at Morris, certainly applied pressure upon him for the future. According to the inspectors the prison, in 1871, had yielded a financial surplus of \$3,858.67, well below the surplus of 1870. The inspectors noted several reasons for this outcome, including the shortened fiscal year (which was mentioned by Morris in his 1871 report), a pay raise for prison employees, better food, the embezzlement of funds by the prison's clerk, and a loss of visitor receipts because the state fair was not held in Jackson the previous year.⁸⁷ As mentioned earlier, while none of these reasons can be attributed to Morris, the fact that a drop in profits captured much of the inspectors' attention meant that more favorable fiscal reports were expected in the future.

In January of 1873, outgoing Governor Baldwin, in his state of the state address made note of the prison's inability to reach financial expectations, even though the institution remained self-sustaining.⁸⁸ The governor believed that this shortage of funds combined with appraisals by contractors "...largely in excess of the architect's estimates of cost..." stymied the application of improvements upon the prison.⁸⁹ This lack of money meant the lack of a chapel (leaving Jackson as "the only prison in America without one,"), an inappropriate hospital, poor bathing accommodations, bad heating and cooking systems and a roof that prevented little else but sunlight from entering the cells.⁹⁰ Baldwin felt obligated to request a tax for the years 1873 and 1874 to help fund these needed improvements. One might speculate that Morris, being a former employee of the Internal Revenue service, winced when Baldwin announced his funding plans. The agent certainly understood the poor reception a tax hike would have among the state's population. Morris in all likelihood knew that he would be the scapegoat for protestors of

the move.

By February of 1873, Baldwin had vacated the governor's office for Michigan's newest head administrator, John J. Bagley. In one of his first public speeches Bagley directed criticism toward the state prison facility. The new governor apparently sided with Morris by stressing the need for reconstruction of the prison compound, lamenting that the facility was in the midst of perpetual decay. Bagley's perception of the prison was:

It is not necessary to detail its wants, for, excepting the wall and the shops [which had just recently been attended to], it is all wants.

If there is a dreary spot upon the face of the earth it is inside the walls of the Jackson prison.⁹¹

Then Bagley blamed the contract system for working against the reformatory needs of the convicts. Yet at the same time he admitted that the prison's thirst for money and the convict's need for activity made the prohibition of contract labor impractical.⁹² Bagley displayed the strait-jacketing effect the state bureaucracy had by chastising the facility then flaying the only "honorable" method available to Morris to finance improvements. The governor offered no form of recourse in which Morris might instigate improvements.

Bagley then turned his attention to the treatment of prisoners within the Jackson penitentiary. He began by criticizing the manner in which new, first-time prisoners were housed with, and treated like, recalcitrant and aged offenders. Bagley boomed "We should not treat the cattle on our farms in this manner."⁹³ Again, Bagley targeted criticism toward old problems but purposed no new ideas.

Morris was also a subject of Bagley's disenchanted as evidenced by the governor's comments regarding the agent's liberal discipline methods. Bagley pontificated:

While I believe that kindness should be the rule of treatment with convicts, and that the reformation should take the place of that of punishment I have no sympathy with, or belief in, the sentiment that a loose discipline in

prison is kindness. As the surgeon applies the caustic and the knife, when other remedies fail, so I believe that restraint, firmness, and control are an absolute necessity to the cure of crime."⁹⁴

Bagley, similar to Dorothea Dix, who had earlier reflected upon the overly liberal programs of the Massachusetts state prison during the 1840s, was certain there were limits to the understanding a prison agent should have toward his wards.

Bagley's criticisms attacked Morris for going too far with some reforms while the governor's opinion of the prison's conditions showed dissatisfaction, despite Morris' efforts to enhance the facility during his first two years. As he criticized, Bagley offered little in the form of tangible suggestions to aid Morris in improving his situation. One might speculate a personal animosity between Bagley and Morris. Morris was adamantly against the use of tobacco because he equated it with delinquency. Bagley, in his private life, owned a tobacco manufacturing company in Detroit, directing it into "the largest of the kind in the West."⁹⁵ Morris' deriding of Bagley's source of fortune may have bode ill with the governor.

At times, Morris even received criticism, albeit minor, from the usually complimentary prison inspectors. In their 1873 report they, like Governor Bagley, applauded reform, but not wholeheartedly. They remarked that though prisoners should be "well housed, well fed" and have all the proper wants, the whole process should be accomplished in an economic manner. Reform was welcomed as long as it was not too costly.⁹⁶ The inspectors then voiced disappointment in the small amount of surplus money made by the prison in 1873. Of the \$2,000 profit, the inspectors wrote, "We had anticipated a larger amount of surplus over expenses in the earnings of the Prison than the figures show."⁹⁷

Only the prison chaplain, George Hickox, seemed to side with Morris by voicing concern over the fact that requests to improve the religious and educational atmosphere had not been attended to. He pleaded that financial concerns not be a breach to the continued improvement of the prison's facilities and tools.⁹⁸

The luck and situation of John Morris did not improve in 1874. Unable to procure an

acceptable contract Morris was forced to except cooper work for his men and few had any experience in that trade. Thus, the men had to be trained for free. Then, the cigar factory fell down throwing 100 prisoners out of work for twenty days. The prison, amazingly enough, was able to make a profit for the year, but it was, again, a small one.⁹⁹

Finally, in his 1875 state of the state proclamation, Governor Bagley discussed his agent's request for the reinstatement of "good-time" laws for the prisoners. The chief executive noted that parole was a better device for maintaining prisoner control in comparison to corporal punishment. Yet Bagley was hesitant to make a commitment. He stated:

There must be, however, a limit to its operations. Where it should be placed is a question that derives earnest consideration in the interest of community, both inside and outside the prison walls.¹⁰⁰

Once more, though Bagley supported reform he, like many of his peers, refused to become a full-fledged advocate of the movement.

Despite the improvements John Morris brought to the prison, there was bonafide dissatisfaction with his agency. An expectation placed upon nineteenth century wardens was the ability to make money, and in hindsight the injustice of this expectation is evident. Nevertheless, Morris' superiors believed their agent was negligent in this task and the statistics, when compared to the efforts of Morris' predecessor Bingham, proved them correct.

Morris' administration may also have been censured because his fervor for reform far exceeded that of his employers. This zealotry came at the literal expense of attending to fiscal expectations and a more mainstream concern about punishment, retribution and containment of the prison's tenants. Morris was able to win the praises of E.C. Wines, but Wines was not burdened, literally or philosophically, with pleasing governors or taxpayers. The financial situation and the social philosophy of the 1870s made

practicality a prime concern and necessity. As Morris discovered, reform was often fiscally impractical and, therefore, less of a concern in the minds of state political leaders.

When the tenure of agent John Morris is compared to that of typical American wardens described by Tocqueville and Beaumont, Dix, and Wines and Dwight, Morris appears to be the anomaly. He was indeed inexperienced and a probable beneficiary of political spoils. But Morris, unlike numerous other American wardens, was not blind to the purpose of the prison as stipulated by liberal reformers. Immediately after taking over the prison Morris initiated a new set of policies that were designed to change the atmosphere of the prison from one that contained "severe and degrading punishments" to an institution that upheld "the better impulses of the human heart."

What Morris was ignorant of was the necessity to satisfy needs of those other than his prisoners. His predecessor, Henry Bingham, was accused of various improprieties that eventually contributed to his removal. However, Bingham maintained the ability to receive favorable reviews from the governor because he could produce a profit. Morris' tenure at Jackson brought profits, but on a much smaller scale. This reality cost Morris the autonomy he needed to actually produce a "model" prison.

As Morris' agency continued he received less support from state officials. The consequent lack of prison improvements may have tarnished the agent's belief in the power of Jacksonian reform. In 1875, an Adrian newspaper printed a story that was to shock state officials. John Morris, it turned out, was not the enlightened reform agent he appeared to be.

VI. THE 1875 INVESTIGATION OF THE SOUTHERN MICHIGAN STATE PRISON

When John Morris assumed the agency of the Michigan state prison in 1871, he brought with him strong convictions regarding liberal prison reform. Yet, it was not long before he was awakened to the difficulties inherent in implementing these ideas. State officials were much more concerned about the prison's fiscal situation. For them, reform was acceptable only if profits from contract labor were exceedingly large. This situation forced Morris to continually plead for improvements upon the prison complex in order that his reforms would be more effective.

Morris also quickly discovered that government bureaucrats were not the only impediments to his reforms. To his chagrin the agent was confronted with the reality that his wards, the individuals his reforms were designed to help, were also non-supportive. Morris grew baffled and frustrated because the prisoners would not assume that his programs should be wholeheartedly complied with. The inmate's "failure" to understand the intentions of the agent led him to question liberal methods of inmate control. The answers Morris arrived at, regarding these questions, led to his demise.

On March 29th, 1875, approximately four years after John Morris assumed the agent's position at the prison in Jackson, a resolution came before the chambers of the state Senate. The contents of the resolution were as follows:

Whereas, The Daily Press, a newspaper printed and published in the city of Adrian,...charges in its daily edition of the 27th and 29th instant that John Morris and his subordinates in charge of the State Prison at Jackson have practiced extreme cruelty upon the convicts in said prison; "that about nine months since a convict therein received 100 lashes upon the bare back;" "that another convict was strung up by the thumbs for 24 hours, and in consequence thereof is now a cripple for life;" "that another convict was taken out into the yard and plunged into cold water, and died

before they got him out;" "that on Friday, the 19th instant, a convict over the age of sixty years was stripped and strung up to a post and received 25 lashes upon his bare back, from which he is now in the hospital of said prison;...¹

It was then resolved that members of the state House and Senate prison committees investigate the charges brought against the administration of Morris. The resolution was voted on and passed in both Houses; a preliminary investigation was begun.

The initial investigation of Morris began on March 30, as soon as the last state inspector arrived in Jackson.² The following information concerning these hearings is derived from newspapers that eagerly covered the shocking story. The state did not publish a record of the questioning and subsequent replies that took place.

Immediately after the story of Morris' supposed inhumanities broke, the Detroit Free Press expressed doubt concerning the allegations printed by the Adrian Press. According to the Free Press, "The general expression is that the story is incorrect, for it has always been claimed...that the agent was much too lenient."³ The Adrian Daily Times, the Daily Press' local competitor likewise denounced the claims of its rival paper. A Times' spokesperson wrote that claims of whippings with a "knotted wire lash", and other severe punishments were unsubstantiated. The Times challenged the Daily Press to produce its evidence or retract its story.⁴

The news of the start of investigation on March 30th, reached the general public the next day. The Daily Times reported that the proceedings began with a reading of the charges, followed by a series of witnesses who were brought forward and questioned. The first group of individuals, which included Morris, did little to substantiate the Adrian newspaper's story. Dr. J.B. Tuttle, who had been the prison physician during the previous three years, claimed that he had no knowledge of any of the charges. He added that if the wounds were as severe as purported, he certainly would have been made aware of them.⁵

Tuttle was followed by Morris, prison chaplain George Hickox, and O.B. Crooker, the keeper of the hospital. All three men denied the legitimacy of the charges brought against Morris.⁶

Morris' innocence was challenged when William McDonald took the stand. An inmate at the prison serving his second term, McDonald was portrayed by the Daily Times as having "very light eyes...[and]...a restless, shifty look, anything but promising for the truthfulness of the owner."⁷

McDonald testified that on July 6, 1871 he was fastened to a cross, so only the balls of his feet were touching the ground, from eight or nine in the morning until six o'clock that evening. The victim told the committee that prior to the third of July he had been bedridden with dysentery. Before he was fully recovered from his sickness, he was sent to work and then accused of not performing up to expectations. The convict claimed that as a consequence he was placed upon the cross a total of three times over three days. After being punished the third time, McDonald described going to the hospital to have his left arm examined; he was told nothing could be done for it. The prisoner admitted that his left arm had been badly injured before he arrived at the prison, but when he was fastened to the cross the third time, a double strap was placed around his left wrist, cutting off circulation. McDonald then revealed the arm to the committee, exhibiting "a shriveled member...The fingers were drawn up, the arm was shrunken, and spotted with ulcerous looking sores."⁸

McDonald's testimony suggested that prisoner abuse occurred within Morris' administration. In an effort to substantiate the charges the committee called three more individuals to the stand. The first was John Martin, a former prison guard. He claimed that McDonald was not punished on the cross the second of the three days the prisoner claimed and Martin added that McDonald, who had always been troublesome, was punished for refusing to work.⁹

Then Napoleon LaMountain, an inmate at the prison, was examined by the committee.

LaMountain revealed that he was in the hospital with McDonald and was told by the injured convict that he was applying potash to his left arm to make sores on it. LaMountain admitted that he curiously tried potash on his own arm and sores appeared. According to LaMountain, McDonald confided that he was keeping his arm damaged so he could sue the state when he was released. McDonald told LaMountain of a man in Wisconsin who had lost the use of his arm due to punishment and was awarded \$50,000. LaMountain soon stopped using the potash but was able to show the panel four scars on his right arm.¹⁰

LaMountain was preceded by William Holt, another convict. Holt told the committee that he worked in the hospital and was aware of McDonald's injury. Holt added that when he offered advice on how to heal the arm, McDonald refused it.¹¹

Afterwards, McDonald was recalled to the stand. He was asked about the use of potash and the prisoner admitted to using it, once. The Daily Times reported that McDonald then began changing his story which called into question the validity of his initial charges.¹²

The investigating committee's next order of business was to determine the validity of the Adrian Daily Press' sources. Willard Stearns, the author of the article that broke the story was questioned about his informants. Stearns, who was a lawyer, stated that he received his information from Captain Henry King, who was occasionally around the prison on business. Stearns told the investigating panel that King had told him he did not want his name associated with the information because of business he had with the prison. However, Captain King offered the idea that James Donough could corroborate the story by supplying names and dates.¹³ Donough, who was called up next by the investigators denied promising King any names or dates regarding the contents of the Daily Press article.

The committee then shifted its attention back to the issue of McDonald's damaged arm. They called John Clark, a prison employee that had supplied McDonald with lye.

Clark stated that he had known of McDonald's "diseased" arm since 1871, when it was only "sore and the fingers cramped."¹⁴ Clark accused McDonald of treating his arm with lye since 1871 in hope of destroying it.

The case of excessive punishment used upon an inmate named Thurston was discussed. The panel questioned a former prison foreman named Elisha Van Sandt who described what he knew about the incident. His testimony added credence to the charges of brutality brought against Morris. According to Van Sandt, Thurston reported to Van Sandt's work gang one day and told him that he could not work because he was in such pain. Thurston proceeded to show Van Sandt his wounds which consisted of some twenty-five to thirty gashes across his bowels, as well as other parts of his body. Van Sandt described some of what he saw as being, "...what I would call a gore, a kind of bloody water was oozing from some of the places." Van Sandt revealed that one of Thurston's testicles was cut and swollen, too.¹⁵ The prison employee admitted that Thurston was a "stout" individual, but after he was punished he could barely even sit down during his work detail for two to three days. Also, four or five weeks after the punishment, there were still sores where Thurston had been whipped.¹⁶

When asked whether or not he had seen other incidents of severe punishments Van Sandt claimed to have seen several severe showerings.¹⁷ In one instance a man was taken from his work crew and showered in November or December. When the inmate came back he could not hold a brush because he was shaking so bad. His hands turned blue and he soon fell ill for several days.¹⁸

Van Sandt added that he saw agent Morris kick a man three times because the convict had not responded to an order. Another time the employee saw Morris search a man for tobacco and then make the suspect eat some of the leaf when it was found on his person.¹⁹

According to a reporter from the Daily Times, testimony taken on March 31st was generally unbiased and supportive of Morris, excepting that given by Van Sandt.

According to the reporter a number of prison contractors, who had nothing to fear by testifying against Morris, gave a favorable review of the agent. The paper failed to understand that these contractors did have an interest in Morris because as long as he was the warden of the prison those contractors would receive priority when it came time to renegotiate expired agreements.

Less than favorable testimony concerning Morris was revealed with the questioning of George Cook, a prison officer had been fired in 1874 after an inmate had escaped. Cook offered a substantial list of incidents that illustrated Morris to be a less than enlightened reformer. Cook began by stating that he had seen men showered until they fainted or pretended to faint. Cook then noted that he saw Morris strike a man with the "butt end of a whip" near the eye after the victim had been flogged. Cook's testimony continued with a story about "Silver Jack" Driscoll who was shot between the shoulders without warning, while trying to escape. The captured inmate was then flogged the next day as punishment. Cook hinted that Driscoll had previously been rumored to have been an organizer of "some insubordination or insurrection."²⁰ Cook proceeded by relating another case that involved "Fifteen Year Wilson" who was ordered to strip for a showering. When it appeared that the prisoner would attack the agent, Morris knocked the man down with a cane. Then Deputy Winans broke a hickory cane over the convict's head. Cook also accused Morris of showering two inmates for refusing to answer the questions of a Detroit police officer.²¹

Cook, like McDonald, had his testimony challenged. Charles Simmons, the convict that was supposedly struck across the face with the butt of a whip, denied it. Then W.S. Wilcox, a prison inspector, testified that when he had previously met with Cook there was no discussion about prison brutality. Cook's main concern during their meeting had focused upon securing a pay raise.²²

The Detroit Free Press began giving significant coverage of the proceedings on April 2. It noted that up to that time McDonald and Van Sandt had given damaging testimony

regarding Morris. A Free Press reporter found McDonald in the prison and was shown the convict's hand. The reporter wrote: "The hand is reduced nearly a third in size, the fingers are contracted and stiff, and upon the arm are several scabs and one or two running sores."²³

McDonald told the reporter that he had witnesses and conversation transcripts that would corroborate his story. The inmate boasted that he, being a master of the Pitman system, had recorded the conversations by using his skill as a stenographer.

Upon every occasion when I could, I have written the conversations upon the sides and uppers of my tools, pieces of boards and upon everything that would take pencil marks. These conversations I would commit to memory on being locked in my cell, and I have them at my tongue's end.²⁴

The hearings ended with a significant amount of information that implicated Morris with using questionable, if not severe, punishment upon the Jackson inmates. However, some of the testimony was called into doubt through cross examinations and the attestations of other witnesses. In response to the accusations Morris' lawyer served a summons upon the initial story's author, Willard Stearns, for "libel and slander."²⁵ The legislative investigators were not convinced that all of what they had heard was libel and, therefore, resolved that:

...the charges against the management of the State Prison at Jackson be enlarged so as to embrace the general administration of the prison during the time Mr. Morris has been acting as agent of the prison.²⁶

On April 7, Michigan's first substantial investigation of its state prison began.

The investigation of Morris took place in both Lansing and Jackson where the investigators met eight times. And, as was the case during the preliminary inquiry, severe charges were leveled against Morris. The defendant responded by attempting to prove those charges suspect, if not totally wrong. By the end of the investigation the conception of what occurred at Jackson prison from 1871 through 1875 became one that was in stark

contrast to that given by Morris, his subordinates and the inspectors in their annual prison reports. It is the story of man that attempted to standardize liberal treatment upon Michigan's state prison population but failed to gain the much needed support of his superiors and cohorts, who did not expect him to improve the prison as much as keep order and make money. One might argue that Morris, under these circumstances, was forced to employ means of stringent, and in some cases abusive, discipline. After all many previous prison administrators, those observed by Tocqueville, Beaumont, Dix, Wines and Dwight for instance, practiced similar methods of inmate control.

The first witness summoned by the legislators was William Wilcox, one of the state's three inspectors of prisons. In what proved to be a lengthy questioning session, Wilcox discussed the duties of the inspectors which included determining "good time to be taken from the prisoners" based upon inmate infractions. The inspectors were also required to make themselves available to inmates so they could know of any mistreatment the wards received from prison officials.²⁷

Wilcox then described some of the routines of the prison. He noted that the inspectors were concerned that no overly severe punishment was used in the prison and they were satisfied that under Morris, no such abuse had taken place. Wilcox added that the inspectors were so confident in Morris that they gave him leeway in his handling of discipline problems, believing "that it was safe to leave this matter largely in his [Morris'] hands...."²⁸ Wilcox informed the inspectors that the use of the lash had been banned twenty months prior and replaced with a "strap".²⁹ While there were no written rules that prohibited the lash, the inspectors had made it clear they did not want "the skin of any man broken."³⁰

Wilcox was asked to describe the process in which an inmate could report his mistreatment. The inspector responded by explaining that prisoners were to give notice to their "keeper" that he wished to speak with the inspectors. If the keeper did not pass the word, it was grounds for their dismissal. Wilcox assured the investigators that the

prisoners were made aware of their rights by a sign that hung in each cell within the prison.³¹

Concerning the issue of punishment records, Wilcox indicated that each punishment was to be documented, though he was unaware if the rule was actually followed. The inspector added, "If we ain't we ought to have one--it is the law, the statute law."³² The process of recording these punishments began with the deputy who reported infractions and punishments to the agent who then wrote them in a log book. Any and all punishments were to be described in detail, such as how many lashes were given. The agent read the book to the inspectors each month during their prison tour.³³

Wilcox was asked to describe how prisoners and contractors communicated under the constraints of the Auburn system. Wilcox believed that any verbal exchange between the two groups was to be done via prison officials, except when specific work instructions were given.³⁴

The next witness was Willard Stearns. Stearns, as he had done in the preliminary investigation, confessed that the information for his article came from Henry King of Adrian. According to Stearns, King had told him of a prisoner who had received 100 lashes and "...his body was so cut up that there was no spot upon his back where you could lay your finger without laying it on a scar."³⁵ Stearns admitted to his inquisitors that he did not check out the truth of King's information prior to writing the story.

Stearns was followed as a witness by King who claimed that Stearns misunderstood him; King said he told Stearns that his story was based upon prisoner rumors.³⁶ King did explain that one day he was working at the prison when he heard a man's screams, resulting from punishment. He then saw the man walking to the hospital but the victim was at a distance so King could not see the effects of the punishment.³⁷

The third major witness of the first day was the former hall keeper, George Cook, who claimed to have witnessed Morris' use of severe punishment. Cook began by relating two instances where he had seen the inmate named Thurston flogged with a horse whip in

June of 1873. The first time the victim was tied up and whipped all over his body, front and back. Cook believed that Thurston received seventy-four lashes. Then about one week later, Thurston was again strung up and whipped over ninety times. Thurston left the second punishment covered with blood.³⁸

When questioned as to why Thurston was punished Cook explained that Thurston refused to work in the wagon shop. He was consequently ordered into a room to strip for a shower bath. According to Cook, Thurston went into the room and began looking "for some way to escape, or some weapon to defend himself with." As a result Morris struck him, knocking the convict down. Then Captain Winans hit the prisoner while he was down on the floor and crying that he would comply with the warden's wishes. Cook added that the prison report regarding the event only mentioned that Thurston was locked in his cell for several months and was constantly vomiting. Cook believed the vomiting was really the spitting of blood from the punishment.³⁹

Cook also told the committee about other severe punishments he was aware of. He spoke about the showering of a sixty-year old man, named McEvoy, who had been caught smoking in his cell and then denied it. He was showered for twenty to thirty minutes until McEvoy admitted to his offense, which McEvoy latter stated he lied about so he could stop the punishment.⁴⁰ Another incident involved Morris pulling an inmate out of a group of some thirty people and cuffing his ears for "looking towards Mr. Morris and grinning..." Cook believed the victim was "half-crazy...anyway" as he had spent two years at an asylum.⁴¹ Finally, Cook alluded to the time that Morris shot the inmate Driscoll while he tried to escape. Cook told the legislators that "Mr. Morris said the prisoner said 'My God! What did you shoot me for without speaking?'" Cook added that Morris told him that the he was fifteen to twenty feet away from the escapee when he fired the gun.⁴²

As he testified, Cook questioned the method in which punishment records were kept and the way proof for inmate infractions was obtained. Of the first matter Cook believed

that there were instances where the prison records did not "state the facts truly in regard to the punishment and offense." As an example Cook discussed the time he had recorded the punishment of two boys who were showered while the deputy was not present. The recording was not in the official prison record when Cook later looked.⁴³

Concerning the second point, Cook told the panel that proof of an infraction came via the word of the guards, the keepers of the shops and occasionally from other convicts. "Sometimes there was further inquiry, and sometimes they [the convicts] were punished until they would admit the charge."⁴⁴

Cook's last set of questions for the day concerned his assessment of Morris. Cook responded by stating that the agent could be both quite kind and very harsh. He believed that Morris often applied punishment in a state of anger and the administrator often denied prisoners the opportunity to explain their actions. "I have seen him, when they were endeavoring to make some explanation, strike them with his hand in the face and tell them to shut up..."⁴⁵

The second day of the hearings began with Ransom Thorne, a former guard, keeper, and foreman at the prison who spoke of Morris' temper and inconsistencies when punishing inmates for the same offense.⁴⁶

Thorne was followed by A.A. Bliss, the third prison inspector. Bliss discussed the never ending difficulty of enforcing the Auburn system in prison workshops where freemen and convicts worked together. He also alluded to the ironic situation of having men work in a cigar shop while being prohibited from using it. The inspector felt the tobacco ban hurt more than it helped!⁴⁷

Bliss, when asked about types of punishment used in the Jackson prison, told the panel of "wire caps" which were wire mesh fittings that were placed over the head, and looked like a cage without a top. The mesh was about one-half inch apart and, according to Bliss, only presented a physical problem to the inmate when he tried to eat.⁴⁸

George Winans, the deputy keeper accused of striking the inmate named Thurston with a cane after he had been knocked down by Morris, was questioned next. Winans discussed several topics with the investigators. One regarded that of punishment and recording procedures. Winans noted that the agent's discretion shaped the process of punishment. When it came time to record the punishment in a log Winans told the panel he usually wrote down what happened soon after the event. However, the keeper admitted that sometimes he was not present at a punishment so he based his entries on second hand information. Sometimes his source was Morris, whose descriptions often neglected to detail the number of blows administered to a victim.⁴⁹

As Winans discussed methods of punishment, he mentioned the wooden horse which was a four by four elevated board with square corners that the men were forced to sit upon for a period of time. Another punishment described was the showering. Winans related of a time when an inmate named Spaulding was sprayed so hard it caused parts of his skin to turn black and blue.⁵⁰

When Winans was asked to give his view concerning past testimony he responded that Thurston was struck only sixty-two times, though the prisoner's skin was broken during the punishment. Also, Winans corroborated previous information the panel had received about Morris' caning of an inmate named Wilson, because the agent believed the prisoner was going for a weapon.⁵¹

Elisha Van Sandt was called by the investigators to describe what he had seen in the Thurston case. He retold his story being sure to add that Thurston's left testicle had about a one-inch gash, seemingly caused by a whip.⁵²

Van Sandt continued by recalling testimony that he had given to the preliminary investigators. When he was asked about the man who was forced to eat tobacco after it was found in his possession, Van Sandt described the tobacco as being "four inches long and about the size of [a] finger."⁵³ Then the witness mentioned that he once saw two

men put on a wooden horse on a cold November day. The victims were forced to sit on the short side of a two and one-half by eight inch board for five hours.⁵⁴

When the Detroit Free Press reported the proceedings of April 8, they noted that Cook's testimony was especially damaging to Morris. The newspaper was also able to shed more light upon Thorne's claim that Morris used punishment inconsistently. The tabloid told its readers of the inmate named Thomas who was found stealing cigars. He was showered until he admitted that he had given 150 cigars to another convict named Kingen. Kingen, when confronted, told Morris of receiving forty-five cigars, but was not punished.⁵⁵

The Free Press correspondent at the hearings described Morris as displaying unevenness of temper while cross-examining witnesses. This may have, in the mind of the reporter, substantiated some of the charges against the warden. The writer continued:

There is a proverb that the lawyer who pleads his own case is a fool for the client. The proverb would apply well enough to Mr. Morris, for he was certainly injured in the estimation of the committee in his attempts to examine the witnesses.⁵⁶

The Detroit newspaper's earlier doubt of Morris' lack of innocence in the affair began to wane. It was becoming evident that wrongdoing had occurred.

April 9, a Friday, was the third session of the investigation. Of the witnesses called, only two, Edmund Leavenworth and David Stroud, both former guards and gate keepers, gave favorable testimony regarding John Morris. These two men admitted they had never seen overly severe punishments take place during Morris' tenure.⁵⁷ The remaining witnesses either corroborated previous testimony or offered new evidence of Morris' brutality.

A.A. Allen, a former guard and keeper described a punishment that occurred in which a colored man named Smith was struck with a braided whip so badly that he could not work for several days. Allen, then gave what he perceived to be an example of unfair

treatment by telling the committee of a time when a negro and a white man got into a fight which led to both men being punished. However, the white man maintained that he should not have been blamed for the incident, but no investigation was made prior to the punishment.⁵⁸

Allen also believed that Morris showed favoritism toward some of the prisoners. He recalled a time when a prisoner named Raymer was feigning sickness and would not work. A prisoner named Smith was left to do Raymer's work as well as his own. Smith did the tasks incorrectly and Allen believed Smith's failure was accidental. The foreman, however, was angered by the poor work and wanted Smith punished. Allen, who was aware of the situation at the time believed Raymer was to blame for the problems and reported this to Morris. The agent responded by not punishing either man. Allen claimed that Morris did not punish men that were of "[an] intelligent, refined, and gentlemanly appearance."⁵⁹

Allen's testimony was substantiated by A.E. Hawley, a past foreman of the trip-hammer shop, and Jesse Parmenter, a former keeper. Hawley talked of Morris' uneven distribution of punishment stating that Morris would punish some men for "light offenses, when others for large offenses would get nothing done to them."⁶⁰ Parmenter felt that the warden was harsher toward the poor, uneducated convicts and more lenient toward inmates "that had held positions of trust, and had betrayed that trust..."⁶¹ Parmenter added that he believed Morris had initially been too lax with the prisoners which was detrimental to the operation of the prison.

While Parmenter was in front of the investigating committee he was asked, to the dismay of Morris and his counsel, if the prison officials were receiving sex from the female acquaintances of the inmates in return for certain favors. Morris' attorneys immediately challenged the validity of the question and the board of inquiry debated over whether it should be answered. Those who opposed the question stated it concerned events that took place outside the prison walls, therefore moving it beyond the jurisdiction

of the panel. Those in favor of the question claimed it effected what happened inside the prison and was legitimate. It was latter decided that the question should be revoked.⁶²

The Detroit Free Press, aside from describing the hearings for April 9, added that it had come across an incident where Morris used a ten-foot hot iron upon a colored prisoner who had hidden a meat cleaver in his cell. The man's hand and head were burned by the iron. The cleaver was then recovered from the inmate's cell.⁶³

The recollections of a former keeper named John Bedford began the proceedings of April 10. Bedford substantiated previous testimony that Morris used severe punishment on occasion. The past employee told how he had seen an inmate named Bedlong who was showered for a considerable length of time because he had torn blankets in his cell. The punishment continued, even after the convict had promised to reform his ways.⁶⁴

Regarding his knowledge of Morris using a whip to punish inmates, Bedford observed that the warden had initially done away with a number of severe punishments that were employed by his predecessor. Morris believed in the effectiveness of inducements such as writing and reading privileges. This, according to Bedford, was very popular early on but it was not persuasive with all of the inmates and, as Bedford put it, "...it became a little ticklish to [work] there."⁶⁵

A second witness also pointed out Morris' lack of consistently applying discipline. Junius Ayers, a former guard was the keeper of a shop and he testified that over one-half of the prisoner infractions that he reported to deputy Martin were not forwarded to the agent. Ayers did not report this until some five to six months after he discovered what was happening, at which point shop discipline was virtually gone. As a consequence, deputy Martin was fired shortly afterward.⁶⁶

The main witness of the day was a former Jackson inmate, a lawyer named James Perkins. Perkins was questioned about prison rules and punishments. He stated that there were no printed rules for the prisoners to refer to for about a year after he was incarcerated. He had no knowledge of what punishments were given for what offenses.

Perkins then pointed out what he perceived to be the existence of favoritism toward certain prisoners. He then proceeded to give specific examples beginning with his witnessing

... quite a number [of prisoners] stepping around, pretty well dressed up, with their starched bosoms and collars on, with their calf boots or slippers; they did not seem to have anything to do.⁶⁷

Perkins then admitted that while he worked at the asylum he was allowed to converse freely with his keeper and coworkers despite the policy of silence. Perkins added that a number of men would retire to the carpentry shops or the yards and talk, many times in plain view of the keepers.⁶⁸ In addition, Perkins noted that some inmates were not required to work very hard while others did not have to work at all. Men who worked in the yard, the state shops, and hospital, including Perkins himself, had easy duty.⁶⁹

Regarding tobacco use, Perkins told of how new prisoners, though officially prohibited from using the item, openly used and trafficked in it without being punished. Perkins boasted that he fell into this category of tobacco users and even had his keeper buy tobacco for him when the employee went to a local shop.⁷⁰

Perkins was questioned about and responded to the issue of the showering of inmates. He described the process to the panel stating that the victim was tied to a grate, sometimes with his head strapped in place so it could not be turned. In several instances prisoners screamed for Morris to stop and the agent responded by telling them to shut up! When they did not quiet the agent directed the stream upon the inmates' mouths "until they would be almost completely drowned down, so that they could not make a noise."⁷¹

When asked about John Morris' temperament Perkins responded that Morris would often keep applying punishment until he got what he thought was a satisfactory answer. Perkins claimed that Morris was so intense during interrogations that several inmates later admitted that they had initially told Morris the truth but they were not believed so they told lies "to get out of the fire."⁷²

Perkins went on to tell the investigators that he believed the opportunity for inmates to report mistreatments by prison employees was limited. It was generally felt that any "statement of the keeper was conclusive against the prisoner...." Few of the inmates were confident that they would not face redress for reporting a prison official.⁷³

By the end of the fourth day of the investigation the Detroit Free Press, which had initially doubted the charges brought against Morris, began to believe that "...the administration of the prison is fatally defective in some very important particulars."⁷⁴ The paper cited Morris' failure to read the prison rules to the inmates as a body and his inability to take such action until after it had been presented to him during the investigation showed a "very imperfect conception of his duties and a very feeble appreciation of the trust reposed in him."⁷⁵

The paper did not serve notice to the agent alone. It criticized the prison inspectors for giving Morris a free hand at running the prison, merely relying upon his word as a method of observation. The preliminary prison investigation was also chastised for not being more thorough in responding to charges against Morris' administration. The preliminary investigators, which included the state prison inspectors, had been too willing to take Morris at his word.⁷⁶

The Free Press lamented that Michigan's reputation of "freedom from cruelty and brutality in the treatment of convicts" would suffer if news of lashings, extended shower baths for gaining confessions, the punishment of insane convicts, and the use of hot iron pokers were proven true. The information that was emerging from the proceedings certainly contradicted the flowery observations E.C. Wines had made just two years earlier.⁷⁷

The Detroit paper conceded that directing the state prison was a difficult task, but it also believed that certain obligations were to be expected of the agent. These included the liberal, humane treatment of the prisoners, in all cases. According to the tabloid,

while the shower bath or lash may be required, they should be so only in the most extreme cases.⁷⁸

The Free Press, through its observations, illustrated its advocacy of prison reforms by displaying no hesitancy in critiquing an agent it had earlier supported. The process of maintaining a civilized method of incarcerating convicted felons was paramount to the paper's writers and editors. The Free Press was clearly emphasizing that the state government, as well as John Morris, had fallen short in their obligations to the reformatory process.

After adjourning for two days, the investigating committee reconvened on Tuesday, April 13. The majority of the witnesses discussed the agent favorably. George Hickox, the prison chaplain, Socrates H. Wood, a hall master, William Webster, general manager the prison's wagon contract, and Ulysses Foster, foreman of the woodshop and overseer of machinery, stated their satisfaction. Hickox claimed the agent's only fault was being too lenient.⁷⁹

However, April the thirteenth did not turn out to be a day in which Morris was vindicated. The agent, in an attempt to show investigators what he perceived to be a favorable state of affairs, took them on a tour of the prison. The touring party consisted of Morris, his deputy, John Hinckley, his lawyer, John Conely, reporters from the Detroit and Jackson papers, and the investigators. Little went right for the warden.

During the tour Morris brought the party through the western section of the complex. There he pointed out a spot where all of the whippings had been done. Morris stated, "...we never allow any of the other convicts to remain in sight when the whipping is done." Morris then turned to a nearby inmate and asked if he had ever seen a prisoner being whipped during his incarceration. The inmate replied that he had, while standing at the end of the corridor at the opposite end of the wing. The Free Press reporter quipped, "The inquiries were not pushed any further."⁸⁰

Things got no better for Morris. The Detroit correspondent reported that the contingent came across John Clark, an inmate who was locked up in his cell. Morris was questioned by one of the party as to why the man was locked up, so the agent directed the question to Clark. The prisoner responded:

Well, now I'll tell you. I had something I wanted to tell the Board and so I wrote a statement to show them and showed it to another convict in the yard. I suppose I violated the rules, sir, but I think I am being punished too much for it, sir. And, gentlemen, I've got something to tell you, and I hope I may be allowed to come before the Board.⁸¹

Morris assured the man his wish would be granted and his confiscated written statement would be shown to the Board.

Throughout the tour a number of men, most selected by Morris, were questioned about their treatment. The general reply was that they were handled fairly if they behaved, but misbehavior resulted in severe repercussions. It was noted, however, that Morris was more humane than Agent Bingham had been.

When a prisoner named Ballagh was questioned he told the party he had never seen severe punishments but had heard the screams of men being whipped and seen their bloody backs. Another man, whose name was not given by the Free Press reporter, claimed he had been showered until he "was completely numbed and chilled through." This man told his audience he would rather be pounded with a club than showered again.⁸²

In his prison report for 1873, Morris had written that official visitors were "deceived and misled everytime they [came] to the prison."⁸³ The agent would certainly have a hard time convincing his visitors that they had been misinformed during the investigative tour. The sojourn merely refortified prior testimony that painted Morris as a harsh and unpredictable prison administrator.

The sixth day of testimony occurred on the fourteenth of April, and little was said that could reverse the fortunes of Morris' faltering reputation. The prison physician, Dr. J.B.

Tuttle, who had earlier testified on Morris' behalf, took the stand for the investigating committee. He told the committee that it was his opinion that the men were not supplied with adequate clothing during the winter months. The biggest problem was that winter clothing and bedding often did not reach the men until late into the fall season.⁸⁴

Tuttle related a run-in he had with the warden concerning the issue of clothing. The doctor stated that according to prison policy he could only recommend an increase in an inmate's clothing allowance, and that occurred if an inmate was ill. Many inmates had complained to him that they were not receiving sufficient amounts of clothing. Tuttle stated that he had spoken about the problem with the hall master, who was the only man with the authority to distribute clothing.⁸⁵ As a consequence, the hall master accused the doctor of meddling. The physician was soon after summoned to Morris' office to discuss the incident in a manner that was "...out of humor."⁸⁶ During the meeting Morris accused Tuttle of communicating with the prisoners regarding the insufficient amount of clothing. Tuttle, seeking to correct Morris' misconception ended up arguing with the agent.⁸⁷

The issue of punishment did not escape the attention of the day's proceedings. Tuttle, who had earlier denied to the preliminary investigators that he was aware of the agent's excessive punishments, told the panel of a fifty to sixty year old inmate named Rushing who, in November of 1874, came to the hospital "with his hip, and leg, and side somewhat bruised." The doctor said that the prisoner confided to him that the injuries were received from Morris who struck him with a cane. Rushing was laid up in the infirmary for ten days. When the committee asked Tuttle if he knew why Rushing was punished he stated that the inmate had exposed himself to a female passerby. When the prison record of the event was consulted, Rushing's punishment was described as being a shower. There was no reference found of the inmate being beaten with a cane.⁸⁸

The committee also heard testimony from Patrick O'Neil, a Detroit police officer. O'Neil stated that he came to the prison to interrogate two prisoners. They were

uncooperative so Morris intervened by showering the two men until they confessed to O'Neil what he needed to know. The officer told the court Morris was returning a favor that had previously been done for him.⁸⁹

Reverend Royal Crawford, a former prison chaplain who had been one of Morris' strongest supporters for the agency in 1871, likewise discussed the warden's disciplinary methods. Crawford stated that he was generally satisfied with Morris except he thought the agent was too liberal. Crawford, prophetically believed, before he left the prison in 1872, that leniency would most likely lead to a "necessity of drawing a tighter rein at some future time."⁹⁰ Again, Dorothea Dix had discussed the same topic regarding the Massachusetts state prison during the late 1830s.⁹¹

Significant attention was focused upon punishment records. The committee produced Officer Winans' memorandum book for the dates June, 1873 through January, 1874. Excerpts of Winans' record of punishments were read. The committee criticized the records for being too general with their descriptions. Captain James Hinkley was questioned about the recording of punishments and he noted that at times omissions occurred. The discretion of the agent and the keeper determined which punishments were recorded and which were left out. This discretion followed no set of established rules.⁹²

The Detroit Free Press commented upon the Morris' use of the punishment book. The paper, like the committee, complained that some of the entries were too general and inconsistent in their content. It was noted an unusually high number of entries were for tobacco use. The Free Press added:

The record is confined to bare facts, but sometimes considerable pretension is made in style to the vividness of narrating facts and incidents, and not infrequently is an attempt made to the humorous in writing them up.⁹³

The paper printed two entries from 1873 to illustrate its point.

April 19--Anthony Sweeney, general and continual insolence: has been sullen and defiant and frequently reported for general meanness, balanced up a lovely running account by watering him through from head to foot.

May 10--Benjamin F. Coe was reported for making noise like a crow in his cell this morning before he was unlocked. Cold water improves his dialect and he caws no more.⁹⁴

On April 15, the hearings began with Morris' counsel calling a number of witnesses on the agent's behalf. Most of these men testified that Morris' discipline tended to be too lenient rather than too harsh. Several of the witnesses were asked to describe what they knew about specific individual cases of punishment. James Hinkley recounted Rushing's punishment with the cane, saying Morris struck the man three times because of his unwillingness to comply with the agent's commands.⁹⁵ Clark Cole, keeper of the gate and a shop, told the investigators that when Morris whipped Thurston, he gave the convict only forty to fifty blows with two intermissions from beginning to end.

Regarding the practice of showering, Hinkley interjected that no showering ever lasted over ten minutes while he was present. Another witness, Alexander Smith, a prison engineer whose responsibility was to prepare the hoses and nozzles for showerings, told the panel he never saw any long-term, ill-effects of the punishment. He added that most men that were showered could go to the boiler room to warm up prior to returning to work or their cells. Smith also noted that showering hoses were either three-sixteenths or one-quarter inch in size. The pressure of the hoses was only ten pounds per square inch.⁹⁶

The inmate William McDonald took the majority of time upon the witness stand.⁹⁷ He was asked to recount his testimony given at the preliminary hearings. McDonald told the panel that he had been sick and unable to work and, therefore, was punished by being placed upon the cross. He added that while he was fastened to the device Morris brought in a freeman to see the inmate. "He [Morris] pointed to me and showed him, as if it was a

child pointing to a toy-something he felt tickled over, showing the visitor me on the cross."⁹⁸ McDonald then proceeded to substantiate that his arm had been severely damaged by his time on the cross. When he reported to the hospital on July 8th, the doctor told him there was nothing that could be done for the arm. The hand began to smell severely and no one would eat or talk with him. McDonald could only treat the injured appendage with carbolic wash.⁹⁹ The inmate told the committee that he was soon in the hospital for twenty-two days and his weight went from 145 to 102 pounds.

When the committee reminded McDonald of the testimony given by LaMountain who claimed McDonald himself and not the punishment had destroyed the arm, the witness retorted that the date that his arm was hurt and infected and the dates of LaMountain's testimony did not correspond. McDonald then told the committee that LaMountain was often caught lying to get other men in trouble. "...Mr. Morris has come around and apologized to them [those effected by LaMountain's testimony] for punishing them upon his word."¹⁰⁰

When McDonald was asked why he did not report this incident to the prison inspectors, he responded that he feared retribution; there was news of men who were locked up for reporting mistreatment to the inspectors.¹⁰¹

Two other investigation items of interest were printed by the Free Press. The correspondent reported that a visit was made to the insane asylum where William Underwood, a sane convict was found. He was in prison for murder and had been placed in the asylum by order of Morris. While in the asylum Underwood was forced to remain completely idle. No one knew why the inmate was under such a prohibition.¹⁰²

The paper then followed up on an earlier story about John Clark who was found in a cell by the committee when they toured the prison on the thirteenth. On the fifteenth Morris produced the paper Clark claimed to have written to the inspectors. The agent would not allow reporters to see the paper because he felt it was "not right to publish the

idle talk of a convict, who might tell anything, whether it was true or untrue, prejudiced to the agent." 103

When the investigation hearing adjourned for the fifteenth, it did not reconvene until the following Tuesday, the last day of the proceedings. Morris and his lawyers showed their concern for the damaging effects of McDonald's testimony by using a large portion of their time debating the truth of the inmate's story. Several witnesses were called by Morris' counsel to comment upon McDonald's trustfulness. The consensus was that his story was probably fabricated. Charles Kirschegegessner, the man who arrested McDonald told the committee, "I knew of him--knew his reputation--and he was a terror to the whole community." 104 Philip Ladeau, a former sheriff of Monroe county added that McDonald "bore a bad name for truth and veracity." 105

Prison employees John Martin and David Lane stated that McDonald was not punished for as long as he claimed he was and that he was allowed to stand flatly upon his feet which would have removed severe pressure from his arms. 106

Morris' counsel then summoned four physicians to describe McDonald's condition. Doctor George Ramney told the panel that McDonald's paralysis in his left arm was not the result of his punishment. Instead the physician ventured that the disaffection of the arm was possibly due to a lesion in the inmate's brain--the affects being a precursor to mental insanity. 107

Doctor Joseph Tunncliffe was summoned next. After consulting his record book Tunncliffe told the investigators that McDonald was given "alterative treatment, either iodide of potassium or alterative powders, consisting of pulverized chalk with calomel or some other mercurial preparation...." These elixirs, the doctor added, were used in treating "all syphilitic affections and troubles of that character...." When the panel asked the physician why no record was made of McDonald's condition, he responded that cases of syphilis were never recorded because of the way news spread throughout the prison. 108

Tunncliffe continued his testimony by noting that he had deduced what was wrong with McDonald by June 27, prior to the inmate's time on the cross. The doctor then referred to a medical entry from 1870 that disclosed McDonald had been having problems with his "water works."¹⁰⁹

Tunncliffe explained to the panel that paralysis was a symptom, not a disease; it was a response to a problem in the brain. In the doctor's opinion, hanging from a cross as described by McDonald could not result in paralysis.¹¹⁰

Doctors Lewis Wortz and Gordon Chittock followed as witnesses for the defense. Wortz stated he never considered McDonald to have had a normal mental condition, and when he had interviewed the inmate the morning of his testimony, it appeared that his condition had gotten worse. Chittock told the committee that McDonald's arm suffered from atrophy, not paralysis. Dr. Chittock then stated that McDonald had admitted to him that he [McDonald] had been inflicted with venereal disease at an earlier date.¹¹¹

The hearings ended with the testimony of agent John Morris. The agent categorically addressed much of the testimony that charged him with brutality and mismanagement. Morris began by admitting that his interest in the agent's position was instigated after his appointment as a state prison inspector in 1862. However, he offered no other information that enhanced his qualifications for the position.

The defendant then told of how and why he began increasing the privileges of the inmates. He allowed an increase in reading material and correspondence opportunities to help alleviate the need for severe punishments. Previously, "there were no privileges that we could deprive them [the inmates] of..." as punishment.¹¹²

Regarding types of punishment he had used over the past five years, Morris claimed that he originally had hoped to abandon the whip as a method of retribution. Consequently, he tried the hose, the cross, the horse, the iron cap, the clog (a device used to hinder the inmate's movement), the bare cell, and the deprivation of privileges. His goal was to reform punishment. The warden admitted that his abstention from the whip

lasted only four months into his job, but most of the whippings after that time were done with the less painful strap.¹¹³

Morris addressed accusations of being overly lenient by stating that he believed that the use of harsh punishments could be diminished if the agent showed concern toward the convict. Morris explained that his subordinates did not agree with this policy and were slow to comply with his mandates. According to Morris, many of the problems were with John Martin, the deputy warden. Martin operated under the assumption that he could punish a prisoner whenever he thought it justified. Morris explained that Martin had told him that was the policy under previous agents, but Morris disagreed with the rule.¹¹⁴

The inmates became more troublesome because they believed the lash had been done away with permanently and, therefore, were not intimidated. Morris related an experience where several of the inmates attacked former agent Bingham as he was walking through the prison. Eventually, the keeper complained about the overall safety of the institution, prompting Morris to resume the lash "for the want of any better means...."¹¹⁵

Morris then directed his testimony toward his treatment of specific inmates. Regarding McDonald, Morris did not remember ordering his punishment nor did he recall his injury. He was not even familiar with the case until he read of it in the Adrian Daily Press.¹¹⁶ Morris then admitted to "tapping" Rushing with a cane when he made an outcry while being showered. Morris maintained an outcry was a justifiable offense to be punished for. "...An outcry of any kind in the yard always produces quite a sensation with the men in hearing." Men were expected to take their punishment "without saying a word."¹¹⁷ Referring to his shooting of the escapee Driscoll, Morris defended himself by saying that Driscoll had come to the prison with a bad reputation. It had been rumored that the convict would attempt an escape so he (Morris) took precautions to prevent it. When an attempt was made, Morris went after the man himself and shot the runaway to prevent his loss. Morris continued that Driscoll was brought back to the prison and the

next day was questioned about his accomplices. When the inmate refused to talk, Morris used the whip upon him (administering ten lashes) until the victim confessed.¹¹⁸

Morris denied accusations that he ever kicked anyone but did recall slapping a colored boy who was disturbing someone that was praying. Morris told the panel he "tapped" the inmate. "I tapped him...so lightly that I didn't think it worth while to make any record of it."¹¹⁹

The practice of punishing individuals for confessions was the next focus of Morris' rebuttal. He stated this occurred in one of ten cases. Morris felt that its use was justified when other evidence suggested that an inmate was withholding the truth, as was the case with Driscoll.¹²⁰

Morris then explained his practice of omitting from the records several punishments that he had administered. He claimed that at times this was done to preserve a convict's good time. Inspectors determined the issuance of good time based upon their reading of the punishment log. The agent stipulated that when punishment was given for actions that some prison officials considered deviant and others thought believed to be accidental, Morris gave the inmate the benefit of the doubt. In other cases a prisoner was punished and then a keeper would admit the problem had been their fault more so than the inmate's.¹²¹

The only topic in which Morris showed no sign of remorse, or was not moved to explain, was his tobacco program. He proudly proclaimed it was a success despite the problems that were caused. He added that he had been unaware of prohibited tobacco use going unreported by the keepers.¹²²

When Morris finished, the investigation came to end. John Morris and his lawyers appeared to have successfully challenged the testimony of the inmate McDonald but they were unable to satisfactorily address a number of other incidents. The findings of the investigating committee listed the following problems with Morris' administration of Michigan's state prison:

1. Severe punishments were affected that were not recorded, and no proper reason for their omission was given.
2. Morris and his officers administered severe punishments for acts that did not warrant such action.
3. Morris used punishments that were "[wanting] of dignity on the part of the Agent." And, recordings were made in "a light, trifling manner, or with slang expressions which do not comport with a proper sense of the responsibility resting upon one occupying the position of Agent."
4. Morris inflicted punishments in fits of anger.
5. Morris was criticized for barring tobacco use while maintaining a tobacco contract that employed 125 men.
6. The use of the lash and cross was a decision given to Morris. The investigating committee did not feel any one man should have that power.
7. Due to the environment produced by the Morris administration, prisoners were not likely to report infractions against them.
8. Agent Morris neglected to provide sufficient clothing during cold weather, contrary to the advise of the physician.
9. Morris prohibited employees from discussing prison business beyond prison walls. The committee believed they should have that right.
10. The committee chastised prison officials for the poor conditions of the sleeping areas. It was revealed that poor ventilation compromised the air in the mens' cells, adversely affecting the health and ability to perform ample labor.¹²³

Despite the original intentions of John Morris, as of 1875 liberal prison reform was still missing from Michigan's state prison.

VII. A POSTSCRIPT ON JOHN MORRIS, AND COMMENTS UPON THE RELATIONSHIP BETWEEN THE MICHIGAN PENAL EXPERIENCE AND NINETEENTH CENTURY PRISON REFORM IN THE UNITED STATES

In his book, American Prisons: A History of Good Intentions, Blake McKelvey describes nineteenth century prison reform as a mirage. He writes, "If the old 'cons' had not heard of it through speeches and sermons, it is certain that many of them whose term spanned the era, would scarcely have known of the worldwide reform movement."¹ Ironically, testimony given during the Investigation of 1875 revealed that while inmates serving their terms under the agency of Michigan's John Morris may have empathized with McKelvey's comment, Morris was more lenient than his predecessors. Tragically, this illustrates a legacy of ill treatment among Jackson prison convicts throughout the three quarters of a century of the American reform movement.²

Despite Morris' method of handling his wards, the notion of reform was not a dead letter. Certainly, the Agent had accepted his position bursting with an eagerness to apply liberal methods of control upon the convicts while congruently improving the prison's overall physical condition. Better food, more free time, pets, increased opportunities to correspond with friends and relatives outside the prison walls, and improved cooking and cleaning facilities were just some of the changes Morris initiated. If the agent's reports are to be believed, other positive changes would have likewise occurred, save for a lack of support, both fiscal and moral, from the warden's superiors.

As Morris' story of abuse and ineptitude was not unique in Michigan's penal history, neither were his attempts at reform. Michigan indeed had a tradition of progressive penal programs and was considered a leader in the reform of criminal punishment procedures. In 1847, Michigan became the first state in the Union to use a punishment other than death for murder in the first degree.³ Michigan was also the eighth state to institute a

"good-time" law that rewarded prisoners a reduction in their sentences in return for their compliance to prison regulations during their incarceration.⁴ And, perhaps Michigan's most enlightened effort at prison reform was the opening of the Detroit House of Correction in 1861. Under the guidance of Zebulon Brockway, the facility became the first in U.S. history to separate men from women inmates⁵ and the first to distinguish between adult and juvenile felons.⁶

In 1873, E.C. Wines had apparently believed that John Morris was another link in Michigan's chain of penal reform. While the 1875 investigation proved that Wines and others had ultimately been wrong, it did not explain why or how Morris the reformer became Morris the despot. The irony is, Michigan's state leaders should have expected an investigation upon their state prison. John Morris, when compared to the observations of wardens conducted by Tocqueville and Beaumont, Dorothea Dix, and Wines and Dwight, was, like his predecessors, the typical nineteenth century administrator. The inexperienced beneficiary of his politics rather than his penal background, Morris was ill-equipped to handle the volatile temperament of a convict or the fragile accounts of the prison. More significantly, aside from his personal shortcomings Morris worked within a system that, as described by observers, had changed little from the beginning decades of the century. Morris was guided by inspectors that were passive when they should have been assertive, and he was forced to work within a system of silence that was neither fair nor effective. Regarding this latter point, as early as the 1830s, Beaumont and Tocqueville, and ten years later Dix, noted that the Auburn system invited an administrator to use severe rather than humane punishment, especially with the overcrowded conditions. Morris had real little chance of successfully applying liberal punishments.

Compounding Morris' dilemma was the limited support he received from his superiors. Due to a combination of the traditional expectation that a prison be self-supporting, and the poor national and local economic conditions of the 1870s, notions of

reform were superceded by those of cost. An example of the attitudes Morris battled is exemplified in an incident that took place in the Michigan House as the 1875 investigation proceedings were taking place. A bill was introduced that dealt with the salaries of prison officials and employees. Initially, the legislation stipulated that an agent be allowed \$1,500 annually with a \$2,000 cap, while the prison chaplain's pay would have a cap of \$1,000. During the amendment process the limit of pay for the agent was lowered to \$1,500 while the chaplain's fees were decreased to \$500. The clerics' pay was cut because, as one representative noted, the chaplain's "only duties were 'to conduct brief funeral services at the burial of each convict' before their bodies were sent to Ann Arbor [the location of a university medical school]." The comment was received with much laughter.⁷ This legislative conversation illustrated a failure to comprehend and appreciate the work of prison administrators. By limiting the salaries of these individuals the congressmen showed there was little concern for hiring and maintaining highly qualified people into the position.

John Morris was replaced as agent of Michigan's state prison in October, 1875 by William Humphrey. Humphrey remained at the head of the facility until 1883 and under his guidance the prison experienced a resurgence of credibility.⁸ Humphrey's success was aided by a decrease in the number of inmates, which had reached a high of 835 by 1876.⁹ The population decline was credited to an improved national economy and the opening of a reformatory in Ionia for offenders under the age of twenty-five.¹⁰

Humphrey's task was also made easier by new legislation that redefined the agenda of the state penal institution and mandated steps to prevent a misuse of power from occurring again within the prison's walls. According to "An act to revise and consolidate the laws relative to the State Prison and the government and discipline thereof," the governor was to visit the prison "semi-annually, and oftener if he shall deem necessary" to acquaint himself with the facilities processes and problems. The terms of the prison

inspectors were raised from two to six years as was their list of responsibilities, which became more investigative in nature to insure prisoners were treated fairly.¹¹

The new legislation also replaced the title "agent" with that of "warden" to describe the head of the penal institution. The warden's term of service was limited to two years, at which time he would be reviewed and either reappointed or dismissed. The warden was required to keep a daily journal where he would note every infraction of prison rules and regulations by any officer or guard, and record prisoner complaints, rules infractions and punishments. The warden was also directed to read a list of the prison's rules to the convicts at least once each month. At the same time the rules were to be posted in each cell in a language that the inmate could understand.¹²

To ease the administration of the prison, the warden was given the services of a full-time, live in physician and a business manager that was responsible for the buying and selling of supplies and manufactured goods. This new position was called the "agent."

Finally, the use of the cold shower and the lash was prohibited. The bare cell was to be the most extreme punishment allowed. In all cases where punishment was meted out, a record was to be made no later than the following day.¹³ To alleviate the need for physical punishment, liberalized "good-time" laws were established in an attempt to offer prisoners a more tangible reward for their proper behavior.¹⁴

By the end of 1876, the state prison, aside from benefiting from the new legislation, experienced an improvement in its physical condition. The complex was finally given a chapel, along with a larger hospital facility, a new barn, and additional guard rooms and offices.¹⁵

All of these improvements weighed favorably in the eyes of E.C. Wines, who visited the prison in 1878. The observer reported that Humphrey was "able and vigorous" and he was complimented by a "willing and zealous" staff. According to Wines, the prison did not report a profit from its earnings, but this did not pose a major concern among himself nor the subjects of his study or their superiors. (Contrary to the experiences of Morris!)

Wines complimented the satisfactory state of the prison environment: "A good library is provided....Much and wise attention is paid to sanitary matters, no less than fifty bath-tubs are provided, all in separate rooms." Wines included a comment on the use of a commutation law, which "relieves from the necessity of much punishment...."¹⁶

It appeared to Wines that reform was still alive in Michigan and had actually begun to satisfy the demands of nineteenth century reform philosophies. Wines' observation was made despite the bureaucratic and financial constraints that had plagued previous attempts to improve the prison. That Morris' inhumane treatment was not allowed to continue, despite his reformatory ideas, adds credence to this observation. This phenomenon leads one to ask, how does the experience in Michigan compare to that of the nation? What was the state of penal reform in America's other prisons during the 1870s? The answer is not a simple one.

As of 1872, there were thirty-seven states and thirty-nine state prisons. Two states, Florida and Delaware, did not have state prisons while New York had three and Pennsylvania and Indiana each contained two institutions. The overall United States prison population was approximately 16,000 inmates and it was growing. Half of the prisoner population could be found in the states of New York, Illinois, Ohio, Pennsylvania, Massachusetts, California and Missouri.¹⁷

Upon initial observation, the existence of penal reform within these institutions was not clear. For example, in Indiana's Jeffersonville prison, a warden that had done away with the use of the cat-o-nines was replaced by a man that was "a strict disciplinarian who used the lash freely."¹⁸ E.C. Wines observed during the 1870s that despite the supposed abolition of severe punishments in numerous American prisons, such as Michigan, flogging, the shower-bath, the iron yoke and the wire cap were still practiced.¹⁹ Wines gives a poor overall report of the use of discipline in United States prisons. He wrote:

In many [prisons], little is sought beyond the security of the prisoner and the convenience of the prison-keeper; in many others, the discipline is

intended mainly to be deterrent, but through laxity or severity becomes a stimulus to crime; in some it is really deterrent without being reformatory in aim or result; in a great many, the nominal aim is reformation, but the reasonable means there to are neglected....²⁰

Wines did not confine himself to critiquing prison discipline. He chastised the poor quality of prison administrators,²¹ inadequate prison conditions,²² the inappropriateness of using the contract labor system,²³ and the failure of the United States government to establish central control of the American penal system.²⁴ The prison dilemmas of Michigan were not unique.

As the nineteenth century progressed, prison problems extended beyond those noted by Wines and his contemporaries. David Rothman writes that after the Civil War, society's expectations for prisons changed. He states that the issues of overcrowding and the consequent use of overly harsh or lenient discipline changed the focus of the "asylum" to the role of custody rather than reform. The notion of active reform gave way to the idea that to put an individual into a prison was an adequate enough method of reforming them.²⁵ Rothman continues to note that American society instigated and approved of this change in attitude because of the threat criminals posed to social order. Penitentiaries became a place to deposit these deviants and then forget about them. As the population of the nation, and especially its cities, escalated during the latter nineteenth century, a demand for social control grew and the penitentiary became a convenient place to put criminals.²⁶

Prison reformers that attempted to stem this disinterest in their work were faced with several problems that hampered their efforts. As mentioned earlier, overcrowding caused numerous problems. Added to this dilemma was an increasingly hostile protest by labor organizations against the unfair competition represented by convict labor. These labor organizations began to pressure politicians into changing prison policies on this matter. Prison administrators were not always given proper alternatives to keep their wards busy.²⁷

Prison reform also suffered because of the failure of proponents to understand the characteristics of their subjects. The reformers saw the inmate as "the good boy gone bad, the amateur in the trade", a man who could read the Bible and have a conscience; an individual that could be changed. It turned out many of the inmates were illiterate (at least in the English language) which made them hard to educate. The convicts were also dangerous which increased the difficulty in supervising them.²⁸ These two phenomena were certainly evident in Michigan during John Morris' tenure. In 1871, of the 206 convicts that were received, seventy-seven were foreign born (37%) and of these about one-half came from non-English speaking nations.²⁹ Morris was also forced to deal with serious criminals during his administration.³⁰ In 1871, 153 of 222 new inmates were serious offenders.³¹ In 1872, 219 of 287, and in 1873, 150 of 245 new convicts were considered serious.³² By 1874, out of 703 prisoners, over 400 could have been considered serious criminals.³³ Had Morris understood the complexity of his job, he may not have made the decisions that he did.

The agent of Jackson prison was not alone in his shortcomings. Rothman writes that reformers, like Morris...

...to a fault, were enthusiasts, so certain of their ability to achieve success that they were unwilling to qualify or to moderate their programs, to protect the objects of their wisdom from the coercion of their wisdom.³⁴

Morris' tobacco policy was a case in point. He was so certain of the righteousness of the program, and he was so sure the inmates would understand that wisdom, that he maintained it throughout his administration, despite the numerous problems that were created in attempting to enforce a prohibition upon its use.

Morris, as mentioned in Chapter VI, was the epitome of a Jacksonian reformer. Rothman argues that by the 1870s and 1880s, these Jacksonians were hampered by their interpretation of history. They remembered the pre-prison days of severe punishment and

believed that the use of the jail was a step away from barbarism. No matter what took place behind the walls of those jails, things were better than they had been before those walls were built.³⁵

During the late-nineteenth century the march of reform slowed throughout American society. John Sproat, in his book Best Men: Liberal Reformers in the Gilded Age, wrote that most reformers of that era were arrogant and uncompromising, too engulfed in themselves to take other points of view into consideration. They believed that the alternative to their programs was social anarchy.³⁶ The unstable economic and political conditions of the period caused numerous reformers to grasp the mantle of conservatism; foregoing progressive reform in an effort to make sense of their times. A xenophobia developed toward the lower social classes which consisted of a number of foreign born immigrants. The "traditional values of Protestant morality" became the basis of reform.³⁷ Those Americans that had problems, economic or legal, deserved them because of their lack of faith in their leaders, the American way, or God. It was believed that trouble came to one because he deserved it. It was the period of Social Darwinism and the prisons became the catch-all for those individuals that could not compete in the system.³⁸

By the Progressive Era, prisons had become an institution of "convenience" rather than "conscience."³⁹ The notion of creating a facility that would be a model for society gave way to a making a facility that was like society. The pace of progressive, enlightened prison reform slowed drastically. In one instance, even the preeminent reformer Zebulon Brockway was investigated for using the lash too liberally while he was warden at the Elmira prison of New York. Though he was exonerated of the charges, it was apparent that Brockway, himself, had rethought some of his earlier beliefs.⁴⁰

Aside from the failed expectations of nineteenth century prison reform, there was a congruent atrophy of the role of religion within the American penal movement. Religion, of course, played an important role in the formation and administration of early prisons. In fact, as historians Alice Felt Tyler and Henry May discuss, the importance of

religion was evident in virtually every facet of the American experience, past and present.

Tyler quotes Frances Grund, who wrote:

The Americans look upon religion as a promoter of civil and political liberty; and have, therefore, transferred to it a large portion of the affection which they cherish for the constitutions of their country.⁴¹

In tracing the use of religion within the context of prison reform, one finds a similar zealousness to combine religion and penal reform. However, there was a failure to fulfill promises due to a desire to practice convenience and cut costs.

Liberal Protestantism became the cornerstone of American penal reform with its promotion of humanitarianism and moralism. Men like Louis Dwight, of the early nineteenth century, and E.C. Wines, of the latter half of the period, were ordained ministers that participated in reformatory societies. These individuals and organizations hoped to convert lost souls within the penitentiary while at the same time seeking to insure a prisoner's incarceration did not become a hell on earth.

However, religion, as a method of reform, experienced failure. Blake McKelvey argues that men like Brockway, Dwight and Wines based their reform efforts upon their religious convictions more so than on a protracted understanding of the inmates' problems.⁴² They overestimated the power that memorization of Bible verses and an understanding of the scriptures would have in producing a reformed criminal. They failed to give sufficient regard to the prisoners' environment inside the penitentiary, and beyond.

The failure of religion to have a positive effect upon prison reform was likewise fueled a lack of commitment by prison and state administrators. These individuals believed that concerns of finance and order were more important to the success of the prison than the inmate's religious instruction. Many prisons only allowed religious services to take place for an hour on Sunday mornings, with the more liberal institutions budgeting time for the

singing of hymns after meals several times a week. Committing any more time would cut into the prisoners' work time, therefore decreasing the profits of the institution. The concern for profits also meant that facilities for religious instruction would be ignored. Michigan, it is remembered, did not gain a chapel until 1875.

Meanwhile, the constraints of silence, stipulated by the Auburn system, prohibited inmates from sharing their religious experiences with their fellow wards, hampering the congregational experience. Compounding this situation was an observation made by the New York Prison Association in 1865. The Association made it known that the Auburn prison used religious services as a reward for convicts that followed the prison's rules. This meant that those wayward individuals that may have benefitted the most from religious instruction, were denied the opportunity.⁴³ This practice occurred in other prisons as well.

The decade of the 1870s, a time period of which John Morris was an active participant, can be described as a period of transformation regarding American penal history. Reform ideas and reform activities were still very much alive. The first national congress on penitentiary reform and discipline took place in Cincinnati in 1870. Two years later, a number of American reformers traveled to London for the first international meeting of penologists. Men like Brockway and Wines, Alfred Love, Augustus Alexander, Richard Vaux and James Clarke gave papers promoting enlightened, humane, liberal reform for the criminal.⁴⁴ Their audiences received them with thunderous applause and their ideas became the tenets of America's effort to extinguish its prison problems. However, after leaving these meetings, reformers and their audiences were slapped with the realities of a system enslaved by government bureaucracies that lacked enthusiasm, money and knowledge. Thus prison life in many cases retarded instead of improved. The reformers' optimism declined from a flame to a flicker. By the mid-1870s, even Zebulon Brockway was admitting that five to ten percent of a prison's inmate population was beyond help, serving only to pollute the potential reformation of the other prisoners.⁴⁵

At one level, the story of John Morris is a perfect illustration of an idealistic reformer confronted with, and bowing to, the harsh realities of dealing with society's misdirected population. On the other hand, it is a tale of how the power and weight of bureaucratic systems can restrain good ideas and actually turn them into bad ones. And, Morris' experiences should warn us about the dangers of reform. It is a phenomenon that does not naturally intermingle with human nature. Despite its intended use, reform can blind those who apply it and alienate those who are subjected to it.

By failing to understand the limitations of penal institutions and reform, along with their potential, Americans have mired themselves into a situation in which a quick escape is not available. To this day politicians, as well as their constituents, build new prisons, but are unsure why. As each new institution opens its doors, there is a hope that it will be the last ever needed. But new prisons soon follow. It has been well over a century since John Morris was the agent of Michigan's state prison and a number of problems that faced him still plague us today. Ironically, a number of contemporary prison critics point to the era of John Morris in search of answers to today's problems.

Perhaps prisons and prison reformation, like the problems of racism and poverty, are destined to be part of the baggage humankind will carry with it throughout its existence. It is a sobering, as well as expensive thought.

NOTES

Chapter I.

¹Cesare Beccaria-Bonesana, An Essay on Crimes and Punishments (Stanford: Academic Reprints, 1953), p. 47.

²Ernest van den Haag, Punishing Criminals: Concerning a Very Old and Painful Question (New York: Basic Books, 1975), pp. 8, 68.

³C.L. Ten, Crime, Guilt, and Punishment (Oxford: Clarendon Press, 1987), p. 53.

⁴*Ibid.*, p. 51. Also see H.B. Acton, ed, The Philosophy of Punishment (London: Macmillan, 1969), pp. 107-8. Acton discusses the retributive and utilitarian philosophies regarding punishment.

⁵Harry Elmer Barnes, The Story of Punishment; A Record of Man's Inhumanity to Man (Boston: Stratford, Co., 1930), p. 154.

⁶The term "agent" was used in Michigan instead of the more common title "warden" until 1875.

⁷According to a recent study entitled "Americans Behind Bars: A Comparison of International Rates of Incarceration", the United States recently became the number one nation of per capita prisoners in the world. See James Ricci, "Boy, can we dance that jailhouse rock." Detroit Free Press January 8, 1991, p. B-1. The United States also appears to be escalating its use of capital punishment as a way of dealing with a growth in its crime rate and prison population. see "Death penalty use may be on the rise." Detroit Free Press September 14, 1990, p. 1.

Chapter II.

¹Harry E. Barnes, The Story of Punishment: A Record of Man's Inhumanity to Man p. 114.

²For an illustration of what types of punishments were used see William Andrews' Old Time Punishments. Reprint. (Detroit: Singing Tree Press, 1970). The work was originally published in 1890.

³The extensive use of the death penalty, in fourteenth century Europe, prompted authorities to develop newer and more ghastly ways of making convicts die. While a minor criminal would simply be put to death, a murderer would experience a slower and more painful end. The only limit to the cruelty used upon the criminal was the imagination of the punishers. Methods of exposure, burning, drowning, suffocation,

poisoning, impalement, fracture, drawing and quartering and live burial were all used. In some cases the application of swarms of wasps, ants and flies was practiced. For each case the main goal was to punish the criminal with a slow, agonizing death that would both entertain and intimidate a public audience. See Andrews and Torsten Eriksson, The Reformers: An Historical Survey of Pioneer Experiments in the Treatment of Criminals (New York: Elsevier, 1976), p. 2.

⁴Ibid., p. 5.

⁵Ibid., p. 9.

⁶Ibid., p. 38.

⁷Roger T. Pray. "How Did Our Prisons Get That Way?" American Heritage 38, no. 5 (1987):93.

⁸Michel Foucault, Discipline and Punish: The Birth of the Prison, trans. Alan Sheridan (New York: Pantheon Books, 1977), p. 222.

⁹Torsten, p. 4.

¹⁰David J. Rothman, The Discovery of the Asylum (Boston: Little, Brown and Co., 1971), p. 15.

¹¹Ibid., p. 16.

¹²Ibid., p. 18.

¹³Ibid., p. 19.

¹⁴Ibid., p. 25.

¹⁵Ibid., p. 46.

¹⁶Ibid., pp. 51, 53.

¹⁷The Quakers were also influenced by their experiences of imprisonment in Great Britain. William Penn spent a significant amount of time in English jails.

¹⁸Barnes, p. 115.

¹⁹For a general overview of the intellectual and enlightenment culture of Philadelphia during the post-Revolutionary period see Henry F. May, The Enlightenment in America (New York: Oxford University Press, 1976), pp. 197-222.

²⁰Barnes, p. 122.

²¹Ibid. Philadelphia was also the birthplace of the American hospital system, which shared several characteristics with prisons regarding administration and the handling of "patients". See Charles E. Rosenberg, The Care of Strangers, The Rise of America's Hospital System (New York: Basic Books, 1987), pp. 109-110.

²²Thomas L. Dumm, Democracy and Punishment: Disciplinary Origins of the United States (Madison: University of Wisconsin Press, 1987), p. 100.

²³Blake McKelvey, American Prisons: A History of Good Intentions (Montclair, N.J.: Patterson Smith, 1977), p. 7.

²⁴Pray, p. 39.

²⁵Gustave de Beaumont and Alexis de Tocqueville, On the Penitentiary System in the United States and its Application in France (Carbondale: Southern Illinois Press, 1964), p. 55.

²⁶Michael A. Kroll, "The Prison Experiment: A Circular History," Southern Exposure 6, no. 4 (1978):7.

²⁷Rothman, p. 57.

²⁸Despite the original hope that contemporaries applied to the prison, historians have used more somber terms when describing the advent of the prison. An example is Michel Foucault who states that the prison merely shifted the object of punishment from the body to the soul. This did not necessarily make punishment more humane. (Foucault, pp. 16-17.)

Thomas Dumm, in his book Democracy and Punishment, applies Foucault's theory to the American experience. According to Dumm, the soul of the American criminal was not an object of torture but a target of change. Dumm argues that when Benjamin Rush and his fellow Pennsylvanians initiated a prison system it was based upon containment of the individual. Dumm writes that Rush believed in the necessity of "republican machines" that could operate as workable cogs in the democratic process. In other words, the doctor desired a system to correct the behavior of individuals whose activities were counterproductive to the new American governmental system. Certain Americans, such as Rush, believed in the notion of self rule as long as there was a system of checks and balances available to insure that individual choices were in accordance to that of the majority. In Rush's society, there was ample room for individualism as long as it corresponded with the will of the group. (Dumm, pp. 88, 90.)

Dumm explains America's penal system as an attempt to keep citizens within the confines of an established set of rules by correcting those Americans who chose to act contrary to those rules. However, Dumm assumes that penal institutions across the country had a set and unified agenda regarding prison reform. This, as will be shown, was not the case. While state prisons did use similar systems, the precise application of these systems in each state varied widely. American penitentiaries shared no central authority and, consequently, seldom maintained a unity of purpose.

²⁹Alice Tyler discusses the experiences of Stephen Burroughs, an inmate at various American prisons from the 1780s through the early 1800s. Burroughs' stays in these prisons were recorded in his letters which were published originally in 1811 and reprinted in 1925 under the title The Memoirs of the Notorious Stephen Burroughs of New Hampshire. According to Tyler, the book illustrates the deplorable conditions and treatment of criminals in east coast American jails and prisons. Tyler Freedom's Ferment: Phases of American Social History to 1860 (Minneapolis: University of Minnesota Press, 1944), pp. 272-3.

CHAPTER III.

¹Negley K. Teeters and John D. Shearer, The Prison at Philadelphia: Cherry Hill (New York: Columbia University Press, 1957), pp. 78-83. Also see: LeRoy DePuy, "The Triumph of the 'Pennsylvania System' at the State's Penitentiaries," Pennsylvania History 21 (1954):pp. 128-44. DePuy's discussion overemphasizes the influence of the Pennsylvania system.

²The development of the penitentiary system in New York state is traced by W. David Lewis, From Newgate to Dannemora: The Rise of the Penitentiary in New York, 1796-1848 (Ithaca: Cornell University Press, 1965). The New York system, like Pennsylvania's, was under Quaker influence, most specifically that of Thomas Eddy. New York's first penitentiary was the Newgate prison of Greenwich Village, in 1796.

³Dumm, Democracy and Punishment, p. 116.

⁴McKelvey, American Prison, p. 14.

⁵Lewis, pp. 81-110 gives a description of the birth of the Auburn system.

⁶Eriksson, The Reformers, p. 50.

⁷Prisoners moved as a group, single file with a hand upon the shoulder of the prisoner that preceded them, eyes facing down at all times.

⁸Dumm, p. 118.

⁹Pray, "How did Our Prisons Get that Way?" p. 95.

¹⁰Eriksson, pp. 70-1.

¹¹Dumm, p. 117.

¹²Beaumont and Tocqueville, On the Penitentiary System in the United States, pp. 72-3. This observation was made by the authors during their American tour in 1831. They felt that if an individual was locked in a cell there was little need for rules and if there were no rules, there could be no infractions.

¹³Kroll, "The Prison Experiment: A Circular History." p. 7.

¹⁴Teeters, p. 98.

¹⁵Ibid., p. 101.

¹⁶Pressure on prison officials to humanize their treatment of convicts came from politicians, religious groups and individuals, and prison reform societies. This pressure was directed toward keepers of both mens and womens penitentiaries and jails.

¹⁷McKelvey, pp. 39-40. Lynds was forced out of the Auburn prison for his overzealous use of discipline in 1824. He then proceeded to Sing Sing where he applied his harsh discipline until 1838, at which time he was transferred back to Auburn, where he remained until 1843 when he again went back to Sing. A year later, again because of his harsh disciplinary tactics, Lynds was sent back to Auburn, and was forced out of there, in 1844, permanently.

¹⁸Kroll, p. 7

¹⁹Ibid.

CHAPTER IV.

¹Kroll, "The Prison Experiment: A Circular History." p. 9.

²Ibid.

³Ibid.

⁴Rothman, The Discovery of the Asylum, p. 66.

⁵Ibid.

⁶Ibid., p. xviii.

⁷Ibid., pp. xix, 71.

⁸Ibid., p. 71. While the focus of this paper is upon prison systems, the growth of the asylum, as described by Rothman, also effected hospitals, reformatories, schools and insane asylums. Despite the variance in specific tasks each of these institutions was intended to perform, all shared a general philosophy regarding the reformation and stewardship of its cliental. In his history of American hospitals (The Care of Strangers, The Rise of America's Hospital System, pp. 103-4, 117), Charles Rosenberg cites that most of the early patients were from lower economic levels which, it was believed, contributed to their poor health. Consequently, hospital administrators and staff took it upon themselves to instill "middle and upper class attributes" onto the patients. One specific manner in which this was accomplished was by the institution of strict rules. Prohibitions were placed upon profanity, immoral conversations, tobacco or liquor use, various reading materials, and the receiving of packages or visitors. Meanwhile, attendance at religious services and work details within the hospital, for those that were healthy enough, were mandated. Rosenberg writes that the nineteenth century American concern for morals, health, self-control, and environment initiated hospitals as institutions for repair.

⁹Foucault, Discipline and Punish, p. 19.

¹⁰Pray, "How Did Our Prisons Get That Way?" p. 96.

¹¹Clifford Griffin, Their Brother's Keepers (Ann Arbor: University Microfilms, 1967), pp. 61-4. Griffin discusses the phenomenon of stewardship oriented organizations in the first half of nineteenth century America. While the author does not discuss prison associations, there were similarities between those groups and the temperance, suffrage, moralistic, and abolitionist groups studied by Griffin. All maintained strong ties with the Protestant Church, and all were rather zealous in their efforts to instigate reform. A discussion of stewardship with regard to the prison movement is found in Orlando Lewis, The Development of American Prisons, 1776-1845 (Albany: Prison Association of New York, 1922). Chapter XXIII chronicles the efforts of Louis Dwight and the Boston Prison Discipline Society.

¹²Annual Report of the Inspectors of the State Prison of the State of Michigan, for the Year 1870. (Lansing: W.S. George and Co., 1871), p.7.

¹³Ibid., p. 9.

¹⁴E.C. Wines and Theodore W. Dwight, Report on the Prisons and Reformatories of the United States and Canada, Made to the Legislature of New York, January 1867 (Albany: Van Benthuysen & Sons, 1867), p. 79.

¹⁵Barnes, The Story of Punishment, pp. 181-2.

¹⁶McKelvey, American Prison, pp. 72-3.

¹⁷Ibid., p. 55.

¹⁸David Rothman, Conscience and Convenience: The Asylum and its Alternatives in Progressive America (Boston: Little Brown & Co., 1980), pp. 25-6.

¹⁹Tyler, Freedom's Ferment, p. 288.

²⁰Lewis, The Development of American Prisons, p. 332.

²¹Beaumont and Tocqueville, On the Penitentiary System, p. 56.

²²An early response, used by a resourceful New York warden was the construction of a work treadmill. Prisoners were required to turn the cogs of the machine until they exhausted themselves, leaving little time or energy for trouble. Rothman, The Discovery of the Asylum, p. 93.

²³Ibid., pp. 104-5.

²⁴McKelvey, pp. 110-1.

²⁵Beaumont and Tocqueville, pp. 69-70, and McKelvey, pp. 56-7. As the penitentiary era proceeded the traditional rules of the Auburn system were changed in all but two states. Eventually, two states completely relaxed the prohibition upon communication as prisoners worked, while a number of other prisons allowed communication under certain circumstances.

²⁶Foucault, pp. 164, 167. Foucault discusses the idea of using discipline as a tool to help an institution run efficiently. He views the institutions as a machine and the inmates are components. Prisons that experienced pressure to make money through the use of the contract system seemed to be susceptible to this philosophy. Discipline served to help control time, activity, space, movement and aptitudes.

²⁷Twentieth Annual Report of the Executive Committee of the Prison Association of New York, 1864 (Albany: Charles van Benthuysen, 1865), p. 40.

²⁸Ibid., p. 41.

²⁹Ibid., p. 42.

³⁰Beaumont and Tocqueville, pp. 74-5. The Frenchmen did notice that the more populated a prison was, the more likely oppressive discipline would be used. However, their observations were in regard to institutions that were designed to hold more prisoners, not ones that were overcrowded.

³¹E.C. Wines, Report on the International Penitentiary Congress of London, held July 3-13, 1872 (Washington: Government Printing Office, 1873), p. 24. Wines noted that by 1872, ninety-seven percent of American prisons were of the Auburn model.

³²Foucault, p. 26.

³³Beaumont and Tocqueville, p. 75.

³⁴*Ibid.*, p. 76. The two observers even approved of the relaxation of a New York regulation that required the presence of a prison's warden during all corporal punishments. They felt this was impractical.

³⁵Dorothea Dix, Remarks on Prisons and Prison Discipline in the United States (Montclair, New Jersey: Patterson Smith, 1967), p. 79.

³⁶*Ibid.*, p. 14.

³⁷*Ibid.*, p. 22.

³⁸The shower bath was a method in which a prisoner was secured to a wall and splashed with cold water from buckets or from a hose.

³⁹Dix, p. 25.

⁴⁰*Ibid.*, p. 78.

⁴¹*Ibid.*, p. iv. According to Dix, the demise of the silent system in New York state began in 1842 when a report was presented to the legislature stating silence did not positively affect reform.

⁴²Wines and Dwight, p. 175.

⁴³*Ibid.*, p. 177.

⁴⁴*Ibid.*, p. 144. Wines and Dwight relied upon the respondent's honesty in this matter and one could expect prison wardens to reply in a manner that would lead to a favorable report of their institution. Therefore, the trend of kind discipline may or may not be an illusion. A case in point is a quote given by Michigan state prison warden William Seaton who responded, "With most convicts, kindness is by far the best discipline." (p. 168) Seaton's record as a prison agent certainly indicated his actions did not mirror his words.

⁴⁵An investigation took place in 1865 at the Detroit House of Correction which was under the auspices of Zebulon Brockway, recognized as one of the foremost advocates of nineteenth century prison reform. Brockway was charged with using overly severe methods of discipline but was cleared of these charges. Almost twenty years later, Brockway, while head of the Elmira prison in New York faced similar charges and again was cleared. (Zebulon Brockway, Fifty Years of Prison Service (New York: Charities Publication Committee, 1912). In 1909, an investigation of the Lansing prison in Kansas revealed the use of a "water-crib" which was a coffin-like structure filled with water while a prisoner lay face down inside. Rothman, Conscience and Convenience, p. 20.

⁴⁶George Fuller, ed. Messages of the Governors of Michigan Vol. III (Lansing: Michigan Historical Commission, 1927), p. 328.

⁴⁷Lewis, The Development of American Prisons, p. 329.

⁴⁸Rothman, Conscience and Convenience, p. 23.

CHAPTER V.

¹Michigan's "last" execution took place, in Detroit, on September 24, 1830 when Stephen G. Simmons was hanged for murdering his wife. It was quite a spectacle as seats were erected and a military band entertained a large crowd. Louis Burbey, "History of execution in What is now the State of Michigan," Michigan History Magazine 22 (1938):450-1. A more recent execution took place in Michigan on July 8, 1938 when Anthony Chebatoris was hanged by the Federal government for killing a bystander during a robbery attempt at a Midland bank. Albert Post, "Michigan Abolishes Capital Punishment," Michigan History Magazine 29 (1945):50.

²Harold Helfman, "A History of Penal Correctional and Reformatory Institutions in Michigan, 1839-1889," Vol I (Ph.D. diss., University of Michigan, 1947), p. 83. Quoted from Fuller, Governors' Messages, pp. 173-4.

³Helfman, pp. 81, 84. Much of the information from this section was obtained from Helfman's unpublished dissertation. His work represents the bulk of information available on the history of Michigan's penal system during the nineteenth century. The fact that the dissertation was completed in 1947 signifies a need for more research on this topic.

⁴The village of Marshall was also in the running for the state capital, in 1847. It again lost out, this time to Lansing.

⁵Richard Sauter, "A Historical Geography of Jackson, Michigan: A Study on the Changing Character of an American City" (Ph.D. diss., Michigan State University, 1970), p. 99.

⁶Sauter, p. 100, Helfman, p. 89.

⁷Harry Jackson, The Michigan State Prison, Jackson, 1837-1928, p. 13.

⁸Helfman, p. 88. Other states of the old Northwest Territory also selected the Auburn system. Ohio, Indiana and Illinois, like Michigan, initiated their penal programs in the 1830s and, through time, they experienced a number of the same problems. McKelvey, American Prisons, pp. 44-5.

⁹Helfman, p. 107.

¹⁰Contract between Joseph Beebe and state prison agent John Titus, 1847, Joseph E. Beebe Papers, Bentley Historical Library, University of Michigan, Ann Arbor.

¹¹Sauter, pp. 105-6, quoted from Report of the Inspectors, 1870, p. 31.

¹²Helfman, pp. 92-3. Helfman refers to Acts of the Legislature of the State of Michigan, 1837 and 1838, Bill no. 92, pp. 164-5. The following year, the Michigan state

legislature passed a bill that stipulated the prison inspectors, who were appointed by the governor, would select the agent. The majority of this bill became the basis upon which the prison and its employees operated. Acts of the Legislature of the State of Michigan, 1839. (Detroit: John S. Bagg, 1839), Bill no. 77, pp. 133-144.

¹³Helfman, p. 93. Helfman writes: "Porter was merely a master builder who had no penal experience or administrative knowledge upon which to draw for managerial guidance and the formulation of a supervisory discipline, a planned economy and a moral program for the state prison. By not selecting a trained administrator as the first agent of the state prison, Michigan had failed in its initial legislation and provision for penal institutional management."

¹⁴Ibid., p. 146.

¹⁵Ibid., p. 18.

¹⁶Ibid., p. 153.

¹⁷Two prominent prison uprisings occurred in New York and Massachusetts.

¹⁸Harold Helfman, "Good-Time Laws Come to the Michigan State Prison, 1857-61," Michigan History Magazine 35 (1951):441.

¹⁹Bingham was originally from New York state and first became employed at the prison in 1852 as an assistant keeper. In 1855, he was promoted to prison clerk. From there he was elevated to the position of agent. Bingham's background of prison service, while still lacking by modern standards, was unusually rich when compared to contemporaries. Portraiture and Biographical Album of Jackson County, Michigan (Chicago: Chapman, 1890), pp. 814-5.

²⁰Petition dated January 12, 1869, from citizens of Jackson regarding agent Bingham, letters 29-32. Records of the Executive Office, 1810-1910, Box #50, State Archives of Michigan, Lansing, Michigan.

²¹Ibid., petition dated January 13, 1869, letters 27-8.

²²Jackson, pp. 15-17.

²³Report of the Inspectors for the Year 1871, pp. 11, 22. The inadequacies of the wall and the cells required the attention of John Morris as illustrated in his first prison report.

²⁴Ibid., p. 44. The population went from an average number of 597.5 in 1860 to 280.2 in 1865.

²⁵Helfman, p. 194. Helfman states that operating costs are almost as high when the prison is partially full as when it is completely full.

²⁶Ibid., p. 199.

²⁷Ibid., p. 200.

²⁸Jackson, pp. 43, 45.

²⁹Report of the Inspectors, 1871, p. 44.

³⁰The punishment practiced in prisons could be categorized as "Utilitarian" in nature. Utilitarians believe punishment is used upon a law or rules breaker in order to deter his, or others, future deviant activity. This is contrasted with the "Retributive" notion of punishment which is merely concerned with punishing the particular lawbreaker; a "payback" for their misdeeds. Again, see: H.B. Acton, ed. The Philosophy of Punishment pp. 107-8, and C.L. Ten, Crime, Guilt, and Punishment pp. 7-8.

³¹Helfman, p. 133. On April 2, 1849, the state legislature passed a bill that allowed solitary prisoners to be transferred to other accommodations as soon as they were made available.

³²Jackson, pp. 29,31, and Helfman, "Good-Time Laws," p. 439.

³³Helfman, p. 169, quoted from Report of the Inspectors, 1856, pp. 16-17.

³⁴Wines and Dwight, Report on the Prisons and Reformatories of the United States and Canada, p. 92.

³⁵*Ibid.*, pp. 165-6. The shower bath was described in an earlier section. The crucifix involved hanging a man tightly by his outstretched arms, from a wooden structure in the shape of a cross. The victim was usually positioned so that by extending his feet downward, he could support himself on his toes and the balls of his feet. After several hours, it was said this punishment was quite painful.

³⁶Report of the Special Commissioners to Examine the Penal, Reformatory, and Charitable Institutions of the State of Michigan (Lansing: W.S. George & Co., 1871). The inspectors were S.S. Cutter, C.I. Walker and F.H. Rankin.

³⁷*Ibid.*, pp. 21, 24.

³⁸*Ibid.*, p. 21.

³⁹*Ibid.*, pp. 22-3.

⁴⁰*Ibid.*

⁴¹*Ibid.*

⁴²*Ibid.*, p. 26.

⁴³*Ibid.*

⁴⁴*Ibid.*, pp. 99-105.

Chapter VI.

¹George Fuller, ed. Messages of the Governors of Michigan, vol III, p. 18.

²*Ibid.*, p. 32.

³*Ibid.*, p. 31.

⁴Ibid., pp. 31-2.

⁵In Michigan, as in other states, the inspectors of the state prison were selected for a two year term by the governor. His choices were often based upon the needs of friends rather than their qualifications. The inspectors' duties included touring the prison, checking up on the prison's finances, and satisfying themselves that the prisoners were being treated humanely.

⁶Annual Report of the Inspectors of the State Prison of the State of Michigan, for the year 1870, pp. 7,9.

⁷Ibid., pp. 34-6.

⁸Ibid., p. 7.

⁹Ibid., pp. 7-8. This rule was not mandated until after Morris' agency.

¹⁰Ibid., p. 39.

¹¹See chapter V of this report, pp. 48-50.

¹²Fuller, p. 76.

¹³Ibid., p. 77.

¹⁴Letter from Henry Gilbert to Henry Baldwin, dated January 7, 1869, Records of the Executive Office 1810-1910, Letter 34-7. State Archives of Michigan, Lansing, Michigan.

¹⁵Ibid., letter from Richard Crego to Henry Baldwin, dated January 18, 1869.

¹⁶Ibid., letters 1-6.

¹⁷Morris had recommended Henry Bingham for the agent's position in 1865. See Ibid., letter from John Morris, David Loomis and Al Bennett to Governor H.H. Crapo, dated March 20, 1865. Morris' biographical information was derived from the 1860 and 1870 censuses. See Population Schedules of the Eighth Census of the United States in 1860, Michigan and Population Schedules of the Ninth Census of the United States in 1870, Michigan, both located at the Michigan State Archives in Michigan. While these documents were helpful, they are limited in their detail. This author was unable to uncover more than a few personal papers written by, or about, Morris. Several fires that occurred at the prison and the state archives over the past century may have contributed to this shortage of documents.

¹⁸Records of the Executive Office, petition from the citizens of Eaton County, February 8, 1871, item 8.

¹⁹Ibid., letter from Bennett to Baldwin, February 10, 1871, item 2.

²⁰Ibid., letter from Perry to Baldwin, February 10, 1871, item 10.

²¹Ibid., letter from Seaton to Baldwin, February 14, 1871, item 11.

²²Ibid., letter from Gridley to Baldwin, February 11, 1871, items 5-7.

²³*Ibid.*, letter from Barber to Baldwin, February 7, 1871, item 1.

²⁴Pastor Royal Crawford, who was prison chaplain from 1869-1872, entertained notions of liberal reform. He believed that no man was permanently marked by the imprint of crime. He was a strong advocate of the use of the Bible to instigate reform and thought it was important that each inmate had access to his own personal copy. Annual Report of the Inspectors, for the Year 1871, pp. 77-8.

²⁵Records of the Executive Office, letter from Crawford to Baldwin, February 8, 1871.

²⁶Annual reports were released at the end of each year. In nineteenth century Michigan, virtually all of the state institutions were required to file a report. Prison reports consisted of comments by the inspectors, agent, chaplain, physician and the matron of the female prison. Michigan state annual reports were published both as separate documents and jointly in State of Michigan Joint Documents.

²⁷Annual Report of the Inspectors, 1871, pp. 24-5.

²⁸*Ibid.*, p. 28.

²⁹*Ibid.*, pp. 22-3.

³⁰*Ibid.*, p. 25.

³¹*Ibid.*, p. 26.

³²*Ibid.*

³³*Ibid.*

³⁴*Ibid.*, p. 23.

³⁵*Ibid.*, p. 24.

³⁶*Ibid.*, p. 29.

³⁷*Ibid.*

³⁸*Ibid.*, p. 28. The state inspectors also complained of construction problems noting, for example, that the prison wall, which was paramount on the list of items that needed to be completed, was still not finished. See p. 11.

³⁹Annual Report of the Inspectors, for the Year 1872, p. 13.

⁴⁰*Ibid.*, p. 30.

⁴¹*ibid.*, p. 31.

⁴²*Ibid.*, p. 34.

⁴³*Ibid.*, p. 32.

⁴⁴*Ibid.*, p. 21.

⁴⁵Ibid. The state prison inspectors went as far as to suggest that a prisoner not be paroled during the winter months because it was a bad time to find employment, and without work it was tempting for the parolee to resort to crime.

⁴⁶Ibid., p. 29.

⁴⁷Ibid.

⁴⁸Ibid., p. 27.

⁴⁹Ibid., p. 24. In Michigan, as across the nation, serious female offenders were detained, with men, at the state prison. First time or minor offenders were kept in county jails or sent to the Detroit House of Correction which had a female wing in its facility, a novelty during the nineteenth century. During the latter part of the century Michigan established a female reformatory in Adrian under the guidance of Emma Hall. See Ruth Bordin, "Emma Hall and the Reformatory Principle," Michigan History Magazine 48 (1964):315-32. For a broader national view of the treatment of female convicts see Estelle Freedman, Their Sisters' Keepers: Women's Prison Reform in America, 1830-1930 (Ann Arbor: University of Michigan Press, 1981). According to Freedman, female penitentiaries did not emerge in the United States until after 1870. Prior to that time the treatment of female prisoners could be described as worse than that of their male counterparts.

⁵⁰Annual Report of the Inspectors, 1872, p. 25. The state inspectors noted that due to a lack of space in the asylum, a number of potential tenants were kept in the prison itself and treated the same as the sane inmates. This naturally caused problems for the administration. Also see Annual Report of the Inspectors, 1873, p. 9.

⁵¹Annual Report of the Inspectors, 1873, pp. 16-8.

⁵²Ibid., p. 21.

⁵³Ibid., p. 20.

⁵⁴Ibid., pp. 20-1.

⁵⁵Ibid., p. 23.

⁵⁶Ibid.

⁵⁷Annual Report of the Inspectors for the Year 1874, p. 10.

⁵⁸Ibid., p. 11.

⁵⁹Ibid., p. 12.

⁶⁰Ibid., p. 15.

⁶¹Ibid., p. 20. For an explanation of the "good-time" law, see Harold Helfman, "Good Time Laws Come to the Michigan State Prison, 1857-1861," Michigan History Magazine 35 (1951):437-446.

⁶²Annual Report of the Inspectors, 1871, pp. 20-1. Morris explains that his first fiscal year lasted only ten months which meant less time to accumulate a profit. Several other reasons are mentioned below.

⁶³These tours were often given to citizens who would pay a small fee for the opportunity to walk through the prison.

⁶⁴Annual Report of the Inspectors, 1873, p. 14.

⁶⁵Ibid.

⁶⁶Fuller, Messages of the Governors, p. 112. These fires were caused by a severe drought that plagued the Great Lakes region. The Chicago fire was supposedly started by the infamous cow of Mrs. O'leary. Chicago and northeastern Wisconsin suffered more severely than did western Michigan. See Arthur Schlesinger, Jr. The Almanac of American History (New York: G.P. Putnam's Sons, 1983), pp. 319-20.

⁶⁷Fuller, pp. 112-3.

⁶⁸Ibid., pp. 108-9. Baldwin hoped to keep costs below one-million dollars but the lowest bid received by the state exceeded that sum.

⁶⁹Annual Report of the Inspectors, 1873, pp. 18-9 and Annual Report of the Inspectors, 1874, p. 6. Morris describes his attempts to procure contracts in the latter document. Bagley recognized the effect of the panic on the prison, but not until his 1875 "State of the State" speech. At that time the governor admitted that the prison was affected as seriously as any other state institution. See Fuller, p. 214.

⁷⁰In their report for 1873 the state inspectors noted that many of the new inmates were young men who could not keep or find employment and, therefore, "...have fallen into bad company...." See Annual Report of the Inspectors, 1873, p. 6.

⁷¹Helfman, "A History of Penal, Correctional and Reformatory Institutions in Michigan, 1839-1889," p. 225.

⁷²Annual Report of the Inspectors, 1874, p. 6.

⁷³Annual Report of the Inspectors, 1873, pp. 6-7. The state inspectors wrote at the end of 1873 that "Idleness is the most fruitful source of crime. "...Diligent and skillful laborers..." rarely commit crimes.

⁷⁴Morris discusses these problems in both his 1873 and 1874 reports to the state. See Annual Report of the Inspectors, 1873, pp. 18-19, and Annual Report of the Inspectors, 1874, pp. 6-7. Helfman also describes Morris' dilemma. Helfman, pp. 226-9.

⁷⁵Annual Report of the Inspectors, 1871, pp. 7-8.

⁷⁶Annual Report of the Inspectors, 1872, p. 7.

⁷⁷Ibid., p. 101. The chaplain's reports tended to be favorable in their analysis of the prison agent because he was hired and maintained by the agent.

⁷⁸Fuller, p. 132.

⁷⁹Annual Report of the Inspectors, 1873, p. 10.

⁸⁰Ibid.

⁸¹Walker was the chairman of the board of commissioners for the general supervision of penal, pauper, charitable, and reformatory institutions for Michigan.

⁸²E.C. Wines, Transactions of the National Reform Congress of Baltimore, January 21-24, 1873 (Washington: Government Printing Office, 1873), p. 416.

⁸³E.C. Wines, Transactions of the Third National Prison Reform Congress, Held at St. Louis, Missouri, May 13-16, 1874 (New York: Office of the Association: 320 Broadway, 1874), p. 332.

⁸⁴Ibid.

⁸⁵Ibid., pp. 334-5.

⁸⁶Annual Report of the Inspectors, 1871, p. 7.

⁸⁷Ibid., pp. 6-9.

⁸⁸Fuller, p. 132.

⁸⁹Ibid., p. 133.

⁹⁰Ibid.

⁹¹Ibid., pp. 171-2.

⁹²Ibid., p. 172.

⁹³Ibid., p. 170.

⁹⁴Ibid., p. 174.

⁹⁵Portrait and Biographical Album of Jackson County, p. 157.

⁹⁶Annual Report of the Inspectors, 1873, pp. 7-8.

⁹⁷Ibid., p. 8. The inspectors suggested that a lack of contract labor for the short-time men and the physically "weak" caused the prison's financial shortfall. They requested that the State employ these men to aid the penitentiary in realizing a bigger profit.

⁹⁸Annual Report of the Inspectors, 1873, pp. 66-67.

⁹⁹Annual Report of the Inspectors, 1874, p. 6.

¹⁰⁰Fuller, p. 215.

Chapter VII.

¹Michigan Legislature, Testimony taken in an Investigation before a Joint Committee of the Michigan Legislature of 1875, Touching the Administration of the Affairs of the State Prison at Jackson (Lansing: W.S. George & Co., 1875), p. 3.

²The Adrian Daily Times, 29 March 1875, p. 1.

³Detroit Free Press, 28 March 1875, p. 5.

⁴Daily Times, 30 March 1875, p. 1.

⁵Ibid., 31 March 1875, p. 1.

⁶Ibid.

⁷Ibid.

⁸Ibid.

⁹Ibid.

¹⁰Ibid.

¹¹Ibid.

¹²Ibid.

¹³Daily Times, 1 April 1875, pp. 1, 4.

¹⁴Ibid.

¹⁵Ibid., p. 4

¹⁶Ibid.

¹⁷Showerings, or the "shower bath" were punishments where the victim was secured and exposed to cold water thrown from buckets or streaming from a hose. The punishment grew more severe as the water became colder or the pressure of the water from the hose was increased. This punishment was commonly used at a number of American prisons.

¹⁸Daily Times, 1 April, p. 4.

¹⁹Ibid.

²⁰Daily Times, 2 April 1875, p. 1.

²¹Ibid., p. 4.

²²Ibid.

²³Detroit Free Press, 2 April 1875, p. 3.

²⁴Ibid.

²⁵Ibid.

²⁶Testimony Taken in an Investigation, p. 3. The Senate members of the joint committee were Charles Nelson, John Jones, John Mellen, William Webber, Moses Bartow (Chair), Charles Morse, and James Eggleston.

²⁷Ibid., p. 4.

²⁸Ibid., p. 5. Wilcox later admitted that Morris had been allowed his own judgement just six months after assuming the agent's position at the prison. "...We came to feel that he did not like to punish." See p. 7.

²⁹Ibid., p. 6. A lash was a term used to identify a whip. To use Wilcox's words, "...it was a piece of wood braided together--what we could call a sort of stallion whip. It was covered with leather, and on the end of it was a lash--a good fair whip to handle a team with." See p. 9. Meanwhile a strap was a leather strip some two feet long, and about one and one-half inches in width, connected to a short wooden handle. The strap was preferred because it did not easily draw blood from the victim.

³⁰Ibid., p. 7.

³¹Ibid., p. 9. It was revealed during the investigation that a number of prisoners were illiterate, thus making the signs useless.

³²Ibid., p. 10.

³³Ibid., p. 11.

³⁴Ibid., pp. 13-4. After Wilcox concluded his testimony the investigators called L.W. Lovell, another prison inspector, to the stand. He concurred with Wilcox on the policies and routines of the prisons. See pp. 19-24.

³⁵Ibid., p. 25.

³⁶Ibid., p. 27.

³⁷Ibid., p. 29.

³⁸Ibid., p. 31.

³⁹Ibid., p. 39.

⁴⁰Ibid., p. 32.

⁴¹Ibid., p. 34.

⁴²Ibid., p. 40.

⁴³Ibid., p. 33.

⁴⁴Ibid., p. 35.

⁴⁵Ibid., p. 33.

⁴⁶*Ibid.*, p. 55.

⁴⁷*Ibid.*, pp. 59-60.

⁴⁸*Ibid.*, p. 64.

⁴⁹*Ibid.*, pp. 69-74.

⁵⁰*Ibid.*, pp. 70, 86-7.

⁵¹*Ibid.*, pp. 75, 77.

⁵²*Ibid.*, p. 88.

⁵³*Ibid.*, p. 90.

⁵⁴*Ibid.*, pp. 89-90.

⁵⁵Detroit Free Press, 9 April 1875, p. 1.

⁵⁶*Ibid.* Morris had two lawyers representing him during the hearings: J.D. Conely of Jackson and S.F. Seager of Lansing.

⁵⁷Testimony taken in an Investigation, pp. 97, 132-3.

⁵⁸*Ibid.*, p. 102.

⁵⁹*Ibid.*, p. 134.

⁶⁰*Ibid.*, p. 109.

⁶¹*Ibid.*, p. 124. Rothman's discussion of this phenomenon, which was not uncommon, is covered at the end of chapter IV of this work. It would be safe to generalize that a number of American immigrants fit the label of being poor and uneducated. In Michigan's case, a sample of the new prisoners for the year 1871 shows that 123 of 367 were foreign born. See Annual Report of the State Inspectors, 1871, pp. 92-93.

⁶²Testimony Taken in an Investigation, pp. 118-124.

⁶³Free Press, 10 April 1875, p. 1.

⁶⁴Testimony Taken in an Investigation, p. 142.

⁶⁵*Ibid.*, p. 143. The failure of these inducements may have been due to inmate illiteracy. Testimony indicates Morris was somewhat ignorant of this problem.

⁶⁶*Ibid.*, pp. 179-180.

⁶⁷*Ibid.*, p. 157. The prison inmates were issued standard uniforms of alternating white and black stripes. They were later changed to solid grey.

⁶⁸*Ibid.*, p. 172.

⁶⁹*Ibid.*, pp. 158-9.

⁷⁰Ibid., pp. 163-4.

⁷¹Ibid., pp. 155, 160.

⁷²Ibid., p. 160.

⁷³Ibid., pp. 186-7.

⁷⁴Free Press, 11 April 1875, p. 2.

⁷⁵Ibid.

⁷⁶Ibid.

⁷⁷Ibid.

⁷⁸Ibid.

⁷⁹Testimony Taken in an Investigation, pp. 195-219. Prison inspector Wilcox was also recalled to the stand on Morris' behalf and told the investigators that the agent had been given the authority to determine and administer punishment for its experimental value. The committee claimed that there was no law that gave Morris that right. See pp. 227-8.

⁸⁰Free Press, 14 April 1875, p. 6.

⁸¹Ibid.

⁸²Ibid.

⁸³Annual Report of the Inspectors, 1873, p. 23.

⁸⁴Testimony Taken in an Investigation, pp. 236-7.

⁸⁵The hall master at the time was Socrates Wood. When he was questioned by the committee he claimed that Morris was liberal about his clothing allotments. Wood added that the one time that clothing was late in getting to the men was in the fall of 1874. At that time a shipment of material had arrived at the facility but it was of such poor quality the agent ordered it returned for better products. The delay lasted six weeks. See Ibid., pp. 256-7.

⁸⁶Ibid., p. 243.

⁸⁷Ibid., p. 246.

⁸⁸Ibid., p. 241.

⁸⁹Ibid., pp. 248-254. John Conely, Morris' counsel read a statement after O'Neil's testimony declaring that while there was no legal justification for the punishment of the two boys, they were not treated severely. Conely claimed Morris was merely returning a favor that he had received from the Detroit police force.

⁹⁰Ibid., p. 273.

⁹¹See chapter IV.

⁹²Testimony Taken in an Investigation, pp. 267-72.

⁹³Free Press, 15 April 1875, supplement, p. 3.

⁹⁴Ibid.

⁹⁵Testimony Taken in an Investigation, pp. 293-4.

⁹⁶Ibid., pp. 285-7.

⁹⁷McDonald's charges against Morris were severe and the legislators sought to establish their validity. During their questioning they inquired into McDonald's past history. His response made for interesting listening. He was originally from Ireland, coming to the United States at a young age. He grew up in Massachusetts and learned to sail, latter drifting to the Midwest where he worked the Great Lakes and the region's rivers. Later, McDonald spent time in Columbus and Cincinnati jails for burglary. He also ran Confederate soldiers across Lake Erie during the War. For this he was arrested by the British in Canada but was released after promising to join the United States Army. McDonald soon deserted, then rejoined (for the pay) and deserted again in Illinois. Then he joined a Vermont regiment and participated in the occupation of Mobile. He stayed with the army until the end of the War. Afterwards, in 1866, he worked for a Cleveland firm that smuggled contraband goods from Canada. He was soon caught and sentenced to Jackson for two years. Upon being released he went into the butcher business, but was caught stealing three cows. In 1868, he was sent to Jackson for the second time. See Ibid., pp. 316-20.

⁹⁸Ibid., p. 306.

⁹⁹Ibid., pp. 308-9.

¹⁰⁰Ibid., pp. 310-11.

¹⁰¹Ibid., pp. 330, 333.

¹⁰²Free Press, 16 April 1875, supplement, p. 1.

¹⁰³Ibid.

¹⁰⁴Testimony Taken in an Investigation, p. 335.

¹⁰⁵Ibid.

¹⁰⁶Ibid., pp. 337, 340, 362-3.

¹⁰⁷Ibid., p. 345.

¹⁰⁸Ibid., p. 347.

¹⁰⁹Ibid., pp. 348-9

¹¹⁰Ibid., pp. 355-6. Dr. Ranney, when asked by the investigators, agreed with his colleague.

¹¹¹Ibid., pp. 354-55, 366.

¹¹²Ibid., p. 370.

¹¹³Ibid., p. 374.

¹¹⁴Ibid., p. 372.

¹¹⁵Ibid., p. 371.

¹¹⁶Ibid., pp. 372-3.

¹¹⁷Ibid., p. 381.

¹¹⁸Ibid., p. 376.

¹¹⁹Ibid., p. 382.

¹²⁰Ibid., pp. 380-1.

¹²¹Ibid., p. 379.

¹²²Ibid., p. 384. Also, Free Press, 25 April 1875, p. 1.

¹²³Testimony Taken in an Investigation, pp. 393-95.

Chapter VIII.

¹McKelvey, American Prisons: A History of Good Intentions, p. 107.

²Upon the conclusion of the investigation, a Detroit Free Press writer believed that the prison system in Michigan was in need of repair. He added that the present agent was no worse than his predecessors but he should not be excused for his actions. Detroit Free Press, 2 May 1875, p. 2

³The Michigan legislature approved a prohibition on capital punishment for humanitarian reasons. It was also believed that outlawing capital punishment would ease the court's ability to obtain a first degree murder conviction. See, Post, "Michigan Abolishes Capital Punishment," p. 49. While juries became more willing to convict a murder suspect because the mandatory punishment became less harsh, Harold Helfman notes that many observers questioned the humanity of death's alternative, solitary confinement. The use of solitary confinement was construed as a reform. In practice, its effects were much more severe than death to a convict. Michigan's first solitary structure contained twenty-four, seven and one-half foot by fifteen foot cells that had minimal light and ventilation. See, Jackson, The Michigan State Prison, Jackson, 1837-1828, pp. 24-5. Michigan's experiment with solitary confinement lasted only four years. It was quickly discovered that many of the men were losing their physical and mental capacities. In 1861, the solitary building was closed to use for the incarceration of murder convicts. It was converted into an insane asylum. Sadly, several of the asylum's first tenants were murder convicts who had gone insane. See, Harold Helfman, "A Forgotten Aftermath to Michigan's Abolition of Capital Punishment," Michigan History Magazine 40 (1956):213.

⁴Good-time laws were heralded by contemporary reformers as an effective alternative to severe punishments. In Michigan, beginning in 1857, prisoners were given a one-day reduction in their sentence for every month of proper behavior during the first year that they qualified. During their second year, two days per month were removed from their sentence, and during their third year four days were taken off. By 1861, prison inspectors were allowed to commute up to five days per month from a prisoner's term. Michigans first attempt at a "good-time" system ended in 1862 when it was determined that it did not eliminate the need for corporal punishment. Also, it was determined to be unconstitutional because the power of sentencing was removed from the courts and given to the prison inspectors. Helfman, "Good-Time Laws Come to the Michigan State Prison, 1857-1861."

⁵Harold Helfman, "The Detroit House of Correction, 1861-1874," Michigan History Magazine 34 (1950):500.

⁶Brockway, Fifty Years of Prison Service, p. 68. Brockway, originally from New York, was a prison reformer in the truest sense. He believed in the effectiveness of religious and educational programs and applied them to his prison agenda. He paid for overwork done by the inmates and he established a grading system to measure the level of reform his prisoners had achieved. To insure that his reform had a chance to take hold upon the convict, Brockway pushed for a "three-years law" which allowed him to keep inmates under his care until he was satisfied that they were reformed. Brockway left his job at the Detroit House of Correction in 1873 and later became the warden at the Elmira State Penitentiary in New York. For more information on Brockway see, Helfman, "The Detroit House of Correction."

⁷Detroit Free Press, 13 April 1875, p. 1.

⁸Humphrey, a New York native, came with his family to Hillsdale county in 1837. He later attended Spring Arbor College and was a veteran of the Civil War, experiencing combat in a number of major engagements. He achieved the rank of colonel in 1864. In 1866, Humphrey was named Auditor-General of Michigan, a position he held until he became head of the state prison. The Heritage Collection History and Biography From Unigraphic, History of Jackson County, Michigan (Chicago: Inter-State Publishing, 1881), pp. 652-3. The Jackson Citizen Patriot noted that Humphrey, as Auditor-General "...had developed business abilities of high order...", but said nothing of his lack of experience in running a prison. This shortcoming continued to be of little concern to those in charge of appointing prison administrators. They were obviously much more concerned with Humphrey's ledger management abilities Jackson Citizen Patriot, 6 October 1875, p. 4.

⁹Annual Report of the Inspectors for the Year 1876, p. 6.

¹⁰Helfman, "A History of Penal, Correctional and Reformatory Institutions in Michigan," pp. 245-7.

¹¹Public Acts and Joint and Concurrent Resolutions of the Legislature of the State of Michigan, 1875 (Lansing: W.S. George & Co., 1875), pp. 240-1.

¹²*Ibid.*, pp. 240-4.

¹³*Ibid.*, p. 249.

¹⁴Ibid., p. 250.

¹⁵Annual Report of the Inspectors for the Year 1875, p. 7.

¹⁶E.C. Wines, The State of Prisons and of Child-Saving Institutions in the Civilized World (Cambridge: University Press, 1880), p. 161.

¹⁷Wines, Report on the International Penitentiary Congress of London, p. 24.

¹⁸McKelvey, p. 109.

¹⁹Wines, p. 46.

²⁰Ibid., p. 45.

²¹Ibid., p. 93. Wines continued to complain of a lack of qualifications required of prison officials, the shortcomings of the spoils system and the absence of a method of training prison personnel.

²²Ibid., p. 85. According to Wines, the ventilation and drainage of prison cells was intolerable in about one-half of America's prisons. He did add that the resultant death rate of two-percent of the prison population, due to poor conditions, was an acceptable statistic.

²³Wines believed contract labor took away from the focus of reform. He felt that the contract system "introduces moral and financial corruption, injures discipline, and demoralizes the convicts...."

²⁴Wines, p. 34.

²⁵Rothman, The Discovery of the Asylum, pp. 238, 242-3.

²⁶Ibid., p. 240.

²⁷McKelvey, p. 77.

²⁸Rothman, p. 247.

²⁹Annual Report of the Inspectors for the Year 1871, pp. 57-8.

³⁰In labeling a criminal to have committed a "serious" crime, this author considered anyone to have been committed to a state penitentiary as having done something "serious". To give the term more validity, white collar crimes, such as forgery or fraud were excluded. So were acts of petty theft or larceny. Murder, assault, rape, breaking and entering, and grand theft were considered "serious".

³¹Annual Report of the Inspectors for the Year 1872, pp. 54-5.

³²Annual Report of the Inspectors for the Year 1873, pp. 46-8, and Annual Report of the Inspectors, 1874, p. 37.

³³Annual Report, 1874, p. 42.

³⁴Rothman, Conscience and Convenience: The Asylum and its Alternative in Progressive America, p. 8.

³⁵Ibid., p. 29.

³⁶John Sproat, "Best Men," Liberal Reformers in the Gilded Age (New York: Oxford University Press, 1968), p. 280.

³⁷Ibid., p. 215.

³⁸Ibid., pp. 53, 68-9.

³⁹Rothman, p. 10.

⁴⁰Ibid., p. 36. Brockway's investigation occurred in 1894.

⁴¹Tyler, Freedom's Ferment: Phases of American Social History to 1860, p. 267. Also see Henry May, Protestant Churches and Industrial America (New York: Harper & Bros., 1949), pp. 5-6.

⁴²McKelvey, p. 75.

⁴³Twentieth Annual Report of the Executive Committee of the Prison Association of New York, p. 35.

⁴⁴Wines attended, recorded and organized a vast amount of material from these conferences, and then published them. Brockway was a common speaker at these meetings, promoting many of the reforms he had instituted at the Detroit House of Correction. James Clarke promoted the idea of developing a graduated set of prisons in which a convict would work his way up through a system of incarceration based upon his good behavior. See E.C. Wines, Transactions of the Fourth National Prison Congress, Held in New York, June 6-9, 1876 (New York: Office of the Association, 1877), pp. 409-10. Augustus Alexander was a champion of the free labor movement which criticized the use of prisoners to make money for the state. See Wines, Transactions of the Third National Prison Reform Congress, pp. 218-24. Vaux, whose ancestors were instrumental in the development of the Pennsylvania system, believed that the issue of abusive prison discipline could not be addressed until the issue of prison systems was reformulated. He was, naturally, a critic of the Auburn system. Again see Wines, Transactions of the Fourth National Prison Congress, p. 452. Alfred Love proposed that criminals should be treated as patients with a disease rather than bastions of evil. He also believed that time sentences should be abolished. The convict should be released as soon as he displayed attributes of reform. Again see, Wines, Transactions of the Third National Prison Reform Congress, pp. 247-8.

⁴⁵Wines, Transactions of the Fourth National Prison Congress, pp. 418-9.

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