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THE MISSOURI PENITENTIARY.

The Missouri penitentiary situation illustrates well the difficulties which the old fashioned type of prison creates in the administration of the criminal law. For a long number of years the Missouri penitentiary at Jefferson City has been conducted upon the basis of "the contract system," and has been a paying institution, as a rule turning into the state treasury thousands of dollars in earnings every year. As a great factory, utilizing compulsory convict labor, the institution as a whole has been humanely and efficiently managed; still its very success has been an impediment to all progress in penal institutions and in criminal law reform in the state of Missouri. The fact that it is a self-supporting institution has made the taxpayers of Missouri too satisfied with present conditions, and has strengthened the hands of reactionary politicians. All attempts to reform Missouri's penal system radically have thus far failed. The present writer as early as 1900 presented a paper before the National Prison Association, which met that year in Kansas City, on the need of an industrial reformatory in Missouri. Since then a number of attempts have been made to enact a law establishing such an institution; but thus far all have failed, owing to the opposition of the penitentiary warden and board of inspectors and a few reactionary politicians. All attempts even to secure radical investigation of the institution and its needs have failed in recent years, owing to the feeling that giving full publicity to such facts would be unfair and even disloyal to the state.

Thus Missouri, like a number of other states, finds itself still burdened with an institution conducted according to ideas which are at least twenty-five years behind the time. It is not to be wondered at that such an institution finds itself out of adjustment with the best thought and ideals of the people of Missouri. Recently, there has been very much discussion in the press of the state of penitentiary conditions, owing to the punishment of several convicts for distributing "dope" (opium) to their fellow prisoners. The punishment in such cases has consisted in handcuffing prisoners to rings in the wall, forcing them to stand for many hours with their hands above their heads. In the case of one prisoner, who was especially judged guilty of such practices by the prison authorities, the punishment was greatly prolonged until a confession was secured from him. The excuse offered for this by the prison authorities was that they might put down the traffic in drugs and whiskey which goes on within the prison walls.

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It may be added that the practice of using "dope" among the prisoners in the Missouri penitentiary is very extensive, as it is in many prisons of the older type. A former chaplain of the Missouri penitentiary told the writer several years ago that he estimated that as high as seventy per cent of all the long term prisoners in the institution used opium in some of its forms while in confinement as a substitute for alcohol. He added that it was impossible to suppress the traffic as long as "the contract system" prevailed, because with over a hundred contractors' employees within the walls of the penitentiary it was impossible to stop the smuggling of opium into the institution. The presence of the contractors' agents was, in other words, the demoralizing element in the situation. The system, and not individuals, was what was at fault. It would seem that under such circumstances any attempt to suppress the traffic in drugs and alcohol by punishing individual prisoners, no matter how severely, would be futile; and that the thing to do would be for all friends of prison reform in Missouri to pull together for the abolition of the contract system in the penitentiary and the simultaneous establishment of an industrial reformatory for first offenders between the ages of sixteen and thirty years.

The only successful impetus in recent years in this direction has come from the laboring men of the state who have been a unit in demanding the abolition of the convict labor system in the penitentiary. Several years ago a law was passed formally abolishing the contract system in the penitentiary to satisfy the demand of the labor vote. Thus far, however, the law has not been put into effect. At the meeting of the last Missouri Legislature, the cry was raised that if contract labor were abolished within the penitentiary nothing could be found for the prisoners to do and practically all of them would have to be supported in idleness at great expense to the state. The legislature thereupon passed a bill authorizing the penitentiary authorities to renew contracts for the labor of the prisoners at seventy-five cents a day for each prisoner. The same legislature failed to pass a bill establishing a state industrial reformatory for Missouri. Thus the present system seems fastened on the state for several years to come, at the least.

The existence of contract labor in the Missouri penitentiary is not, however, the most serious fault of the institution, though the contract system seems more or less bound up with all of its other faults. In the Missouri prison, first offenders and hardened criminals still freely intermingle. No school exists within the institution, and punishment, not reformation, is its dominant note. Several of the cell houses are old and antiquated in their arrangements. One cell house allows no less

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than four prisoners in the cell, and there is no attempt at the separation of the prisoners by night except as such separation is used as a punishment. Herein lies the explanation of the use of "dope" and other stimulants among the prisoners. One penitentiary physician once remarked to the writer, "You may be surprised to know it, but as much dissipation goes on within as outside these walls." Of course, under the conditions it is impossible for officials to put an end to these dissipations. The system is wrong, rather than individuals. Yet the result is that the whole aim of the criminal law is defeated in Missouri by the existence of such an institution. Years ago a warden was bold enough to say that he never knew any man to be benefited from his confinement in the Missouri penitentiary. The general knowledge of this fact on the part of the public, even though conditions are not as bad now perhaps as they used to be, has led many juries and judges in Missouri to show undue leniency toward accused and convicted persons, to a wrong use of our probation and parole laws, and to acquittals where there should have been convictions.

We said that the system, not individuals, was to blame. This, however, needs to be modified to the extent of saying that the Missouri penitentiary authorities for the last dozen years, instead of leading in the work of prison reform, as they might reasonably be expected to do, have been content to defend their institution. They have, indeed, considered every attack upon the institution to be an attack upon themselves. This situation contrasts unfavorably with the situation in Kansas, where likewise an antiquated institution exists, but where the warden and his coadjutors are now leading in a reform movement to entirely abolish their old penitentiary.

CHARLES A. ELLWOOD.

EXECUTIVE NULLIFICATION OF JUDICIAL DECREES.

A particularly brutal murder occurred in the bar of the Briggs House, Chicago, March 22, 1911, in the shooting of Vincent Altman. For some time the police seemed unable to apprehend the murderer, although at the time the crime was committed there were many people in the room. A shift was made in the governing police officer of the "loop" district, and soon thereafter one Maurice Enright was charged with the murder, arrested, brought to trial and on October 28, 1911, convicted and sentenced to life imprisonment. Enright was business agent for Local 520 of the United Association of Steamfitters, an organization at war with the International Association of Steamfitters. The murder was one incident in several months of fighting between these