

**REPORT OF W.C. HENDRICKS
TO THE PENOLOGICAL
COMMISSION OF
CALIFORNIA**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649353644

Report of W.C. Hendricks to the Penological Commission of California by W. C. Hendricks

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Edited by Trieste Publishing Pty Ltd.
Cover @ 2017

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SACRAMENTO:
STATE OFFICE : : : P. L. SHOAF, SUPT. STATE PRINTING.
1887.

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LANE 1

I 998
H 49
1887

REPORT.

DECEMBER 10, 1886.

To GEORGE STONEMAN, *Governor of California*:

By permission of the Penological Commission, I have the honor of making to you direct, the following report (heretofore made to it), as a supplemental or minority report of said commission:

FEBRUARY 1, 1886.

To the Penological Commission:

GENTLEMEN: By your authority, in November and December of last year, and January of this, I visited more or less of the prominent prisons and reformatories in Massachusetts, Connecticut, New York, Pennsylvania, Ohio, Indiana, Illinois, Michigan, and the military prison in Kansas.

Realizing that public sentiment must precede legislation, and that we required changes in our penal laws, and knowing that the public was slow to read reports, and how reluctant the general public at best was to think and inform itself on a subject surrounded by such unpleasant associations as the prison subject, I was much exercised about how best to programme my trip, and frame my report, so as to produce the best practical results.

After thought and consultation, I determined to deal with general principles rather than with practical details, and, as a rule, to visit noted rather than great numbers of prisons; and, also, to formulate questions covering, as it occurred to me, the bedrock of the subject, and to submit such questions to persons informed and distinguished on the subject, for their written answers; thus gaining and presenting information in the most condensed and practical manner.

Although young, comparatively, in experience, I had, from a purely practical standpoint, formed opinions which were well along to crystallized convictions. Still, knowing that I was not up in the literature of penology, I had a vague fear that my convictions might be obsolete truisms, or tested and exploded theories, and, therefore, approached with hesitancy and trepidation, the noted prison authorities of the East—those who had devoted much time and thought to the investigation of the subject. Results, however, are satisfactory; my questions have generally been answered without unfavorable criticism.

To those whose names follow in answer to my questions, I wish here to return my grateful thanks for the same, also for personal courtesies extended me. Besides those who did answer, I wish to mention the names of Professor Francis Wayland, Dean of law school at Yale; Eugene Smith, of the New York Prison Association; ex-Governor Porter, of Indiana; and many others, who, while they did

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not, for some cause, answer, yet gave me, in conversation, the benefit of their thought and experience on the subject.

I also had the almost sacred privilege of listening, from his own lips, to the views of ex-Governor Seymour, of New York. He had made the prison subject rather a specialty for a great many years, and was simply eloquent in plainly expressing his opinions. His views had great weight in fixing and determining my own. His death, shortly after my visit to Utica, doubtless prevented the answers which he voluntarily promised to give, and occasions a loss deeply to be regretted.

Two sets of questions were formulated; one set of a general character, and the other intended more especially for practical prison officers.

Before proceeding to give the answers obtained to the above mentioned inquiries, I will briefly express some of my own convictions.

The entire subject of crime and its treatment seems to be naturally divisible in its consideration, under three general heads:

First—Preventive—saving from criminal life.

Second—Incarceration—during confinement.

Third—After stage—caring for ex-convicts.

We are devoting ourselves exclusively to the incarceration branch, entirely neglecting others of perhaps greater importance.

PREVENTION.

If prevention is better than cure, and an ounce of the former worth more than a pound of the latter, then we are wrong in our practice, even though our system cured the morally sick. Is it right in the State to look quietly on while the circumstances of birth and environments are drawing young victims into the vortex of crime and then punish them for being there?

In connection with this branch of the subject, and on general principles, I refer here (Appendix A) to an article on boys written by J. D. Scouller, Superintendent State Reform School, Pontiac, Illinois.

Public sentiment invariably says "No!" where it has the opportunity and the occasion of expression; witness the spread and growth of child-saving institutions.

No reform movement was ever received with more public favor, or spread with more rapidity through the world than "child saving" in its now varied forms. Commencing in 1781 with the Sunday school, intended originally for the vagrant and the vicious, it grew and spread until now no church is without its improved Sunday school, and no city of any prominence in the civilized world is without its "child saving" offshoot of the original Sunday school. These schools, or homes, or aids, are generally private; and the objection might be urged that they are dependent for pecuniary success on precarious private charity. The natural home is nature's cradle; the provided home is next best. All child homes purpose only to care for the child until it is provided a family home, in place of its lacking or unsuitable natural one. What shall be done with the child between leaving the natural and entering the provided home? It must either be cared for in a home kept up by private charity, or one supported by the State. All States have their dependent children, either uncared for found in county poorhouses or elsewhere. Of all institutions for the care of dependent children, that of the Michigan State School is

the most desirable, in my judgment, to model after. Here all the dependent children of the State are cared for. They are kept but about eleven months on the average, costing only \$140 per annum per capita, and in the aggregate only about \$35,000 per annum. Two ideas are prominently carried out here—one avoiding the tainting of character, and the other cultivating self-reliance in the children.

Next in order, and led up to from the child period, is the school-day age, in which youths of both sexes are, or should be, prepared for filling some well defined position in the future. This common school period averages about twelve of the most important years of life, in which the foundations for all time are laid, and the future destiny, whether for weal or woe, is largely determined.

On this school-day plane, the industrial educator and the penologist are meeting from different directions on common ground; the former advocating technology in schools as a correct principle of education, and the latter advocating the same as a preventive to crime. The former notices youths graduating from school, with heads full of books, and pockets full of diplomas, without practical ability for worldly success, and who with all their cultivation are powerless to compete with others, who, perhaps, less cultured and refined, are homemade and practical; being educated, perhaps, self-educated in the world, for the world. The prison thinker, impressed with the numbers he finds in prison who lack the knowledge of how to do anything of an industrial nature, has his attention turned to the common schools, and what might be done to render them peculiarly crime preventive institutions.

The first step in any reform is to see and make clear present evils and wrongs.

The industrial educator, and the prison reformer, see alike the lack, whether or not they can point the remedy.

The word "education" is commonly used in too narrow a sense; broadly it means the cultivation of all the faculties, both physical and mental. Webster, in one of his definitions, says "to prepare for any calling or business, or for activity and usefulness in life."

Some one has well said that "to educate simply to make money, is not sufficient for exalted manhood; but how to earn a livelihood, is the solemn question at every honest man's heart."

True education might be defined as knowing how to support yourself, and those dependent on you; it means, learning how to be honest and happy, and how to help others to be so; to learn how to obey the law, be a good citizen and keep out of prison.

There is no doubt but that our system tends to build up false ideas of life, produces discontent "with the day of small things," and leads to crime. It creates a false ambition, and rather induces youths to try to live by their wits, and eat bread by the sweat of faces other than their own; while true education broadens and deepens, leads to prosperity, contentment, and happiness, and is the great preventive to criminal life. A person may be learned in books, and not be educated, others may be thoroughly educated in some branches, and know nothing of books.

A farmer, educated through observation and experience, may whistle, sing, and be happy over good crops, and be entirely ignorant of the chemistry of soils and fertilizers. He sees results. The "ignorant" miner is equally happy over the results of his blast. Educated as was the farmer, he mentally calculates the center of gravity of a

bowlder and its resistance, and the amount of explosive to overcome it; the bowlder is shattered to pieces, without his necessarily knowing anything about printed mathematical calculations. Will not the farmer and the miner probably be morally better, more useful citizens, and less likely to become a charge to the State, than the chemist and the mathematician, pale and haggard, perhaps, over their studies; full of theory and books, and restless discontent, are useless to themselves and others.

Intellectual culture must not be underrated; but that alone, without some definite object, a trade or a profession, is at least without good results. I would rather in this utilitarian age have the ignorant practical, who can make something, do something, than the wise in books without that ability. The two together, however, are much better than either single.

The most unsatisfactory object in life is a mind stuffed full to overflowing with the appropriated literary wisdom of others, without the power to impart or use; and is not our common school practice encouraging this wrong and leading to this result?

Industry is an imperative law of nature, from both a mental and a physical standpoint, and must not be forgotten in an education. The head and the hand, the mind and the muscle, should all be educated, and at the same time as a relief and to strengthen each other; so that when the common school-day course is ended, youths see a business and a prospect ahead to work up to; and the one who proposes to follow peculiarly mental pursuits is in the line and strengthened physically to follow, and those who from choice or circumstance are to pursue industrial callings are fitted both mentally and physically to enter such field.

Does our common school education fill this requirement in fitting its pupils for the practical affairs of life? Results prove to the contrary. Boys never incline to a trade, and are not specially fitted for anything. Neither do the misses take kindly to, and are entirely unfitted for, entering a kitchen and practicing that important calling of how to keep house. As with the boys, the girls are unqualified for any department of self-support (if it be necessary) or practical usefulness, unless to become a schoolma'm, and teach others the same false education and ideas of life that she is the victim of herself.

The mental stuffing that youths are subjected to is injurious both to mind and body. While the moral and intellectual faculties are slow in developing their influence, yet the brain, altogether, in size and activity, matures more rapidly than any other portion of the human organism; and while its better and less active qualities should be influenced, and may be stimulated, the brain as a whole should be checked in natural activity rather than pressed.

Many brains and bodies both are injured, if not destroyed, by over-taxing the former. Dr. Hammond, in "Popular Science Monthly," says:

A child twelve years old with her mother called on me professionally. In the course of my examination I emptied her satchel of the books it contained—her studies that morning and the evening before—and found: 1, An English grammar; 2, a scholar's companion; 3, an arithmetic; 4, a geography; 5, a history of the United States; 6, an elementary guide to astronomy; 7, a temperance physiology and hygiene (whatever that may be); 8, a method of learning French; 9, a French reading book. Nine different subjects which that poor child was required to study (outside of school hours, when she ought to have been resting, playing, and relieving the brain), between three in the afternoon and nine in the morning. A very simple investigation satisfied me that she was living on her brain capital, instead of her brain income. Her expenditures were greater than her receipts, and brain bankruptcy was staring her in the face.

But these objections to the common school system, and the advantages of some, at least, of the proposed reforms, are too apparent and too generally indorsed to justify argument, although the problem is difficult of solution.

Technical schools are being established, and many minds are working on this industrial education subject; but no positive steps have yet been taken in any of the States to make it a permanent part of the common schools.

Industrial schools are in the right direction; but the tools, instead of being used as they now are, for pleasure and recreation, should be the tools of an actual apprentice at a permanent trade, for a life business. Give the youth a chance to practice and choose an occupation, and instinct will likely make no mistake in selecting, thus promoting contented industry, prosperous happiness, and preventing crime.

Mental and industrial education should progress together. In Germany, from fourteen to seventeen (three years), while the youth is apprenticed to a trade, a night school is provided which he must attend.

The practice at the Elmira, New York, State Reformatory seems also in the right direction. There the education of the mind and the muscles go hand in hand. One is a help and health to the other, and both do better together than either would do singly. Under the Elmira plan, the natural qualities of the prisoner are developed, and he is released ready to follow up his studies for either a profession, or in the line of the arts and sciences, or as a tradesman, or a laborer, according as his natural qualities and his inclinations point.

With a legal school population in the United States of over sixteen millions, employing about three hundred thousand teachers, and at a yearly cost of perhaps \$200,000,000, what a power our common school system has become, and if properly directed, what a preventive to crime it might be made.

In concluding this chapter, it can at least do no harm to suggest (for those who are much more competent than the writer to think about, and who may chance to read) a common kindergarten school for all children up to a certain age, after which a system of State schools representing the different classes of business, trades, industries, and professions, to be under the direct management of the department to which it pertains.

The primary department would develop the bent of the child, indicating the particular branch of business or occupation that nature intended it for; and where its trade, business, or profession, and the course of study specially pertaining to it would be taught, and all go on together. While each department would be managed by the association to which it belonged, yet the State should appropriate so much per capita, and exercise a supervisory control; and all would be done probably at less cost than under the present system. Much of the labor performed in the industrial departments would be productive and remunerative.

May I be pardoned the presumption of the above suggestion.

It is not that I love common schools less but more, that prompts the preceding.

May I call special attention to answers to questions under preventive head.

INCARCERATION.

The incarceration period, while perhaps less important in results than other branches of the penal prison subject, is more difficult to understand, and more complicated and varied in the manner of administration.

While I found among penologists in the East a very great unanimity of sentiment on the important questions underlying the entire subject, yet I found the systems of carrying out, as varied almost as there are prisons in number; nearly all advocating the same result, while traveling different roads to reach it.

When I commenced the study of the subject, my first impression was punishment with incidental reformation; and my first ambition was to account for crime. Now, the opposite, with regard to the former, is my firm belief - reformation, where possible (and isolation where impossible), and all punishment incidental. Just such punishment as a physical patient suffers in taking bitter medicine, or having a deformed limb pressed into shape. The same kind of punishment for breaking human laws that follows breaking natural laws. Nature's laws are not established for the punishment of those who disobey them. Fire is not made antagonistic to flesh to punish paws for pulling out chestnuts.

No! We should realize that the old Mosaic doctrine, of "an eye for an eye, and a tooth for a tooth," although still entertained by many, has passed away with the advent of Him who said: "Let him who is without sin, cast the first stone," and to the woman, herself: "Go! sin no more;" and who reformed and pardoned the thief on the cross.

As to crime cause, I soon ran it out beyond my depth, leaving it swamped with original sin on the coast of mystery. For some cause, only to be guessed at, sin and crime are made attractive to the human family. "We are prone to sin as the sparks are to fly upward." We are created free agents, with good and evil both placed before us; one appeals to our passions, and attracts; while the other appeals to our better moral natures, and pays. As we deserve credit only for that which we resist, perhaps nature may have simply arranged an opportunity of exercising the purifying virtue of self-denial. While we all by nature incline to do wrong, yet the same nature has given us a conscience, ever active, approving right and reproving wrong. Under its influence the many repent of offenses. Repentance is reformation, and they are saved to good citizenship, without the world having the knowledge on which to base uncharitable cruelty, or the law getting hold of, to confirm in crime. The blanket of secrecy has saved many, that public knowledge and the law, under the operation of detection, would have confirmed in crime.

Nature, in the moral, as in the physical, inclines to heal. Both at times are liable to such severe accidents or derangements as to require help. In physical trouble, if the physician called in understands his profession and acts in harmony with nature, benefit may be anticipated; if not, harm may result, and the patient left in a worse condition than if no physician had been called. So in the moral. Do prison results show good diagnosis and treatment? Or do results indicate quackery? We should study moral as well as physical hygiene.

The fact that crime is increasing all along the line means something. Ought we not to cut loose from superstitions, pet theories, and