

CHAPTER FOUR

Little Man in the Big House

AUBURN

ONE of the early white settlers of New York's rolling western frontier was Captain Daniel Shays, the leader of the unsuccessful rebellion. Another Revolutionary War veteran, Captain John L. Hardenburgh, arrived about the same time at nearby Aurelius, bringing with him his young daughter and two Negro slaves, Harry and Kate Freeman, who cleared the land and built a cabin on a site that came to be known as Auburn. Situated at the head of Owasco Lake, on the rutted wagon road used by westward-moving migrants, Auburn had become a county town in 1805, and it was incorporated as a village ten years later.¹

In 1816, after the second triumph over Great Britain, the reins of New York's state government passed into Democratic hands, due in some measure to the party's victory in Auburn's own Cayuga County. At the time, sympathy toward criminals was so low that the state prison inspectors supported establishing a federal penal colony in the Pacific Northwest; if that was not feasible, they wanted to create a new prison in western New York. Auburn's local politicians capitalized on their newfound clout in the state legislature, where their own John H. Beach headed the assembly's prison committee, and a prison plan was adopted. Coincidentally, Beach was among the three local citizens authorized to build the new state prison at Auburn; the site they selected, of which Beach and his son, Ebenezer, were part owners, was located on the swift-running Owasco's outlet, at a point where a dam could generate valuable water power.² (As it would turn out, the soon-to-be-started Erie Canal would pass seven miles from the site.)³ Besides getting approval for the prison, Beach and others secured from the

legislature a coveted charter for a new Auburn bank.⁴ A prison literally meant money in the bank; it would hold the convicts, and the bank would hold the fruits of convict labor. The bank would help to create the power structure and the prison would help to protect it.

Architectural plans, imitating the New-York state prison at Greenwich Village, were hastily drafted and approved.⁵ Beach hired his longtime business associate, William Brittin, as general contractor, and he put as many local builders and workmen on the prison payroll as he could. A carpenter who knew nothing of masonry, Brittin was aided by Isaac Little, an experienced stonemason from New York City who already had erected several major public buildings; Little brought Ralph DeCamp with him as foreman.⁶

On June 16, 1816, a crowd huddled for the laying of the southeast cornerstone of the structure that was to be the Auburn prison wall. Unbeknownst to the proud politicians and clergymen who had come to break ground for the project, DeCamp had slipped in a bottle of whiskey and was murmuring a prayer for the prison's future occupants as thunder boomed from the heavens.⁷ Subsequent excavations unearthed a Cayuga graveyard, and workers turned up piles of Indian bones, bits of ancient pottery, and utensils.⁸

By year's end, the foundations of the main building and the south wing were finished and the south wall had reached a height of four feet. Auburn prison faced north toward the village and stood only eighty feet from the main road.⁹ In early 1817, the south wing was ready to receive its first convicts. Wagons arrived with manacled prisoners who had been brought from nearby county jails, and they too were put to work building the prison and the Prison Hotel across the street.¹⁰

Thomas Eddy had been instrumental in getting the legislature to appropriate funds for this new state prison, as well as for an asylum for the insane. During the next legislative session, in 1817, he helped to gain passage of legislation for the gradual emancipation of New York's slaves.¹¹ It provided that "every negro, mulatto, or mustee within this state, born before the 4th day of July, 1799, shall, from and after the 4th day of July, 1827, be free."¹² Once again, the waning of racial slavery and the waxing of the prison system were inextricably linked.

Captain Elam Lynds, a former military man, was hired as principal keeper at Auburn. Standing ramrod straight at six feet, one inch tall, with a slender waist and powerful shoulders, Lynds was an imposing figure who kept his wavy hair swept back from a large forehead and often wore a high beaver hat and a dark coat with knee-length tails that made him look even taller. He kept his face clean shaven, showing off a bulldog jaw and a jagged

red scar that ran from his left eye to the corner of his mouth. His small dark eyes seemed to penetrate any gaze.¹³ Born in Connecticut in 1784, Lynds had seen action at Lundy's Lane, been promoted to major and permanent captain in the Eighth New York, and finished the war as a battalion commander in the Eighth Division, regular army.¹⁴ Upon leaving the military, he had returned to Troy to look for work and through his political connections there had landed a job at the emerging Auburn prison. He also practiced the hatting trade with Nathaniel Garrow, a prominent local politician.¹⁵

Lynds's arrival signalled harsher new methods at the prison, and Auburn's inmates did not accept their worsening fate without a struggle. In June 1818 many of them revolted and threatened to destroy the institution. Military force was summoned to quell the disturbance. Once order was restored, one hundred ringleaders were placed in solitary confinement on restricted status, but the uproar later resumed to such an extent that sentinels patrolling the walls were ordered to fire their muskets among the transgressors. This finally crushed the rebellion.¹⁶

In April 1819 stricter legislation was enacted that marked a drastic departure from Thomas Eddy's humane penal code. It empowered prison officials to put offenders on bread and water in solitary confinement, use irons or stocks, and whip up to thirty-nine lashes any male convict who violated prison rules. They could also employ convicts on public roads throughout the county.¹⁷ As the new agent and keeper, the inspectors chose the contractor William Brittin, who had served as *de facto* warden since the project's inception.¹⁸ John D. Cray, a young local architect who had recently lost all his possessions and was desperate for employment, was hired to oversee the prison's discipline and police; Lynds was put in charge of the prison's finances, setting him into immediate conflict with Cray.¹⁹ Rumors arose that Cray had deserted his post during the war, and factions developed within the guard force.

One Saturday afternoon in October 1820, the roof of the unfinished north wing suddenly caught fire and flames threatened to engulf the main building. An inmate escaped during the confusion and others were caught apparently planning their flight. As nightfall approached, and a bucket brigade of local women continued to pass water to the embattled fire fighters, Brittin ordered the convicts back to their cells; they refused to go, so Brittin had them herded into their cages at bayonet point. After the blaze was extinguished, twenty-two prisoners were indicted for arson or attempted escape.²⁰ The incident prompted the formation of a New York State Prison Guard, armed and equipped to put down riots and other disturbances.²¹ Soon afterward, Brittin fell ill, leaving Cray and Lynds to vie for control of

Auburn. Cray ended up resigning "with feelings of unkindness and mortification," and early in 1821 Elam Lynds was named agent and keeper at the handsome annual salary of \$1,800.²²

At the same time, the legislature authorized an experiment to determine how the prison regime should be organized. Auburn's inmates were divided into three classes: the most hardened offenders would be placed in constant solitary confinement as soon as the north wing could accommodate them; a less dangerous group would be kept in solitary except when permitted to work in groups; and the "least guilty and depraved" would be allowed to work together in the daytime and be separated at night. Work was started on a small south wing, containing tiny cells that measured only 7 feet long by 3½ feet wide by 7 feet high. Each was designed to hold a single prisoner.²³

Lynds tightened discipline, insisting on total obedience from convicts and staff alike. He issued each assistant keeper a "cat," the handles of which were made of common cowhide, about eighteen inches long, wound with leather, with six or nine strands about twelve or fifteen inches long, knotted at the end to keep them from unravelling. Lynds himself carried a long bullwhip that he kept looped and ready for use.²⁴

His tough methods were quickly challenged. In one incident that spring, Lynds ordered three convicts to be whipped, but three keepers in succession refused to obey his command. Each keeper was summarily fired on the spot; finally, Jonathan Thompson, a blacksmith who was working nearby, entered the fray and flogged the prisoners. That evening when Thompson left the prison he was greeted by a crowd of townspeople who'd heard about what had happened inside. The vigilantes ripped off Thompson's clothes, covered him with hot tar from head to toe, and carried him around the prison on a rail. The ringleader, Lewis Warren, skipped alongside Thompson with a shrieking hen under his arm, plucking feathers and sticking them onto the hot tar. When the convicts caught wind of this commotion, some of them revolted and began setting fire to the workshops, but they were quickly restrained. Warren and three others were subsequently arrested, tried, and convicted of riot. Warren went free after paying a fine of \$80; the others were held in jail for two months. As a result of the episode, Lynds's authority was bolstered.²⁵

When a sufficient number of solitary cells were complete, on Christmas Day, 1821, eighty "hardened" convicts were put inside. Held in complete isolation, monitored day and night to keep them from communicating with anyone except the chaplain, they remained idle and alone in their dark cells and were even prevented from lying down in daytime, presumably to prevent muscular atrophy. The legislature also authorized Auburn's agent

to furnish them with Bibles.²⁶ By January 1, 1823, at least five had died from "consumption" and forty-one were seriously ill. According to the prison physician, their "sedentary life in the prison, as it calls into aid the debilitating passions of melancholy, grief, etc., rapidly hastens the progress of pulmonary disease." Several had apparently gone insane. When one convict's door was opened, he sprang out and leaped from the fourth-floor gallery onto the stone pavement. Another was discovered to have bashed his head against the cell wall until he had destroyed one of his eyes. Another had slashed his veins with a piece of tin and bled to death.²⁷ Governor Joseph C. Yates personally visited the prison and was so horrified by what he saw that he pardoned some survivors on the spot.

Nevertheless, a number of government officials continued to believe in the need for strict security. News had recently arrived about the burning of a prison in Virginia, and authorities in New York City had narrowly quashed an insurrection attempt there. Some prison keepers argued that Eddy's old congregate housing arrangement had made them more vulnerable to the deadly contagions of riot and disease, and they called again for solitary cells.²⁸

So, New York State instituted a radical new program. All convicts would remain housed in solitary cells at night, be prevented from communicating with each other, and subjected to strict military discipline. During the day they would have to labor at various industries within the prison, which was reorganized as an industrial center. A whole routine was developed to impose the regularity, discipline, and frugality of factory work. Although it was already commonplace in some British mills to lock the factory gates and impose absolute discipline over everybody inside, the fortress factory of Auburn prison would take such features to radical new extremes. "Industry, obedience, silence" were the guiding principles of the system.

Each arriving convict was admitted according to a carefully developed ritual. First his irons were taken off and he was stripped naked by other convicts (usually Negro men) under the watchful eyes of a keeper. Then he was subjected to a thorough cleansing process known as the "ceremony of ablution." Dunked into a huge wooden tub of hot soapy water, he was scrubbed and scoured of the filth and vermin he had brought from the county jail. His face was shaved and his hair was cropped. After being clad in a coarse, clean prison uniform, he was brought to the clerk's office, where a detailed description of him was taken and entered in the prison register. Each admission was assigned a number, his new identity. Then convict number such-and-such was brought to the agent's ornate office for a face-to-face meeting with his new master. Lynds surveyed him closely,

then proceeded to interrogate him sternly about his actions, habits, and character. All the while, the agent made sharp remarks that were calculated to impress upon the new arrival his guilt and degraded status, the justness of his punishment, and the importance of his using his seclusion as a means of improving himself and showing deep repentance. Lynds instructed his subject in the prison rules and told him some of what would happen if he failed to obey. Convict dismissed!

An assistant keeper then assigned the convict to a trade and a cell. Each prisoner was packed into his own tiny room, which separated him from others like a cavity in a honeycomb. Convicts were forbidden to receive or send any letters or other intelligence. No relatives or friends were allowed to speak to a convict except in some extraordinary case, and then only in the company of the agent or a deputy keeper.

Auburn carried asceticism and frugality—other hallmarks of factory organization in the outside world—as far as possible, short of death. Its institutional regimen was made totally formal and impersonal, symbolic of the new industrial relationship. Persons were identified by numbers, uniformed, and treated to the extent possible as the gray, faceless cogs of a machine. Daily schedules and workplans became highly refined and were regarded as almost sacrosanct. Clocks, bells, whistles, and horns marked the time relentlessly. The common factory ban against talking during working hours was extended to all hours, and fiercely enforced. Keepers and foremen who did not abide by and uphold the rules faced immediate dismissal. Written regulations admonished keepers to "refrain from singing, whistling, scuffling, loud immoderate laughter, provoking witticisms or severe sarcasms" and forbade turnkeys to curse at each other when convicts were present.²⁹ Any inmate who failed to submit to the prison's rigid rules or who committed any other violation faced severe punishment. Auburn's discipline, one official explained, "takes measures for convincing the felon that he is no longer his own master; no longer in a condition to practise deceptions in idleness; that he must learn and practise diligently some useful trade, whereby, when he is let out of the prison to obtain an honest living."³⁰

In January of 1825, a prestigious three-member inspection committee reported that, compared to free workmen, convicts

have no cares, incumbrances, or extra labor, or burdens of any kind . . . no families to provide for . . . , no interruptions of any kind; and all possible means are provided to enable them to work to the best advantage: such as excellent shops and implements, and the utmost personal accommodation, with the exact

and regular supply of every article wanted. If, then, the prisoner who is master of a trade, does not accomplish as much work as an out-door workman, it is merely because he will not. The question then, between such a prisoner and the public, is simply, whether he shall be compelled to do it, or be supported by the community in comparative idleness.³¹

Prison officials took extraordinary measures to try to ensure nonintercourse and industry among the convicts. At night this involved holding them in separate cells under close guard. The challenge was greater during the day, when the prisoners were congregated at work. But the need was all the more practical, since unsupervised convicts were known to try to commit sabotage by spoiling their work. Tight supervision was economically unfeasible, since it would require almost as many keepers as convicts. One way such control was attempted at Auburn was by constructing secret “inspection avenues,” which, according to one account, consisted of “narrow passages along the back part of the shops, and separated from them by only a thin board partition, through which are cut, at short distances, along the whole length of the shops, numerous small apertures, for the purpose of looking through from the avenues upon the convicts in the shops.” These avenues were built to admit only a little light and had stationed within them several officers, wearing moccasins, who constantly crept from one end of the prison to the other, spying on the shops, without being seen or heard by any of the convicts or keepers. Noting that the secret corridors had proven “a most effectual guard against forbidden intercourse among the convicts,” the legislative committee added: “[N]o convict knows, at any time, but that the invisible eye of a keeper is fastened directly on him. Thus the apertures of the partition between the avenue and the shop, are like so many eyes constantly fixed on the convicts; and the effect is, to make them feel, at all times, that any violation of the rules of the institution, whether under the eye of their shopkeeper or not, must be at the risk of incurring a severe penalty.”³²

Public visitors were also allowed to tour approved sectors of the prison, provided they paid a twenty-five-cent visiting fee. This charge was imposed, not only to generate revenue, but to keep away a “certain class” who “overthronged the prison”—the class from which most of the convicts and their families had come; in France the class that had stormed the Bastille.³³ The practice also extended surveillance to include the citizens at large, many of whom now delighted in pecking at the hapless convicts through secret watchposts.

Every convict movement, from work to cell and back again, or from

work to dining hall and back, had to be performed in a regimented manner. Prison authorities invented a method of marching known as the lockstep, which called upon the convicts to become interlocked into a human chain that kept them in strict formation to prevent any communication between them. One prison official said the lockstep was designed “to give the spectator somewhat similar feelings to those excited by a military funeral; and to the convicts, impressions not entirely dissimilar to those of culprits when marching to the gallows.”³⁴ In time the word “lockstep” became a household expression for a method or procedure that was mindlessly adhered to or that minimized individuality.

Many visitors were astonished by what they saw. A British tourist who observed Auburn’s dining hall later wrote that he would have supposed it “morally impossible” for so many people—635 at the time of his visit, 22 of them women—to be congregated in one spot with so little noise and confusion.³⁵ And a Boston clergyman who visited Auburn in 1826 found it a shining example of what could be accomplished by proper discipline and design. “The whole establishment, from the gate to the sewer, is a specimen of neatness,” he wrote. “The unremitted industry, the entire subordination and subdued feelings of the convicts, have probably no parallel among an equal number of criminals.” Reverend Louis Dwight and his associates in prison reform said that after “wading through the fraud, and material, and moral filth” of other prisons, they felt pleasure in contemplating such a “noble institution” and added: “We regard it as a model worthy of the world’s imitation.”³⁶

A HINT OF SCANDAL

BUT Auburn was not perfect. This became plain shortly after Lynds had left town to supervise the building of a new state prison (Mount Pleasant, or Sing Sing) in Westchester County. The scandal involved a female convict, Rachel Welch, who had died in the prison on January 12, 1826, only a few days after giving birth to a child who had apparently been conceived while she was being held in solitary confinement. Upon autopsy Welch’s body showed signs that she had been whipped, even though state law specifically forbade the flogging of women convicts.

Newspaper reports prompted investigations by the local district attorney and the state senate. They established that Welch, an Irish immigrant, had been sentenced at Rochester shortly after arriving in the country, and she had entered Auburn prison on January 5, 1825. Because her sentence also included a requirement of three months’ solitary confinement, she had

to be isolated even from the other female convicts, who, unlike the men, were generally congregated in an upstairs attic and not subjected to strict rules of silence, separation, and industry. As it turned out, the only suitable single room for her was a second-floor storeroom—Number 15—located above the keeper's hall and heated by pipes leading from the keeper's stove below.³⁷

The senate inquiry found that Welch had been impregnated in early March, about two months after she had entered No. 15. Any sexual access to her, by anyone, during that period was an abuse and a violation of her sentence of solitary imprisonment. So, one question was, who was the father?

Some prison employees testified that John White, a convict cook, usually was assigned to bring Rachel her meals. The normal procedure called for a keeper to stand at the foot of the stairs and watch White as he ascended with her food and exchanged the dishes and tubs. However, the committee added, "There is some testimony leading to a suspicion that this duty was not always observed with perfect vigilance."³⁸ At least one guard claimed that Welch and White were later discovered to have carried on a personal relationship, with romantic overtones. Yet, years later, a local minister alleged in print what others had only whispered: that Lynds himself was the father.³⁹ The senate committee did not go that far, but it did not exonerate him, either. "We are perfectly aware, and justice requires us to mention," they wrote, "that Mr. Lynds was to our knowledge absent a considerable part of the session, in the spring, on public business; and towards the latter part of the session, in the spring, and during the examinations regarding the new state prison, and the preparations for the work, we ourselves engaged a good deal of his attention, and kept him from his charge." They added, "Still, neither he nor ourselves could understand that he was the less obligated to have the prison kept with all due vigilance; and we are bound therefore to say, that the exposed condition of Rachel Welch's room, or at the least the exposure from the keeper's hall, amounted to an abuse, for which Mr. Lynds stands responsible."⁴⁰

But pregnancy was only part of the scandal. Rachel Welch had also been beaten, in violation of the law of 1819 that expressly forbade the whipping of any female convict.⁴¹ In her case the treatment was more outrageous because she had been whipped when pregnant.

Upon completing her term of solitary, Welch had been moved to the south wing, second story, No. 7, with the other women convicts. The whole department was under the control of Ebenezer Cobb, an assistant keeper who had lost an arm defending his country at the Battle of Lake Champlain. Cobb acknowledged that Welch had complained she was

pregnant. Therefore, he had referred her to the prison physician, Dr. Erasmus D. Tuttle. Cobb said Dr. Tuttle had responded that she was a "troublesome, outrageous hussey" and had prescribed a whipping as treatment. Welch had also used lewd, profane, and abusive language toward her keepers and thrown bowls of mush and other objects from her cell, according to Cobb. Finally, he said, on July 27, he went to her cell with a cowskin whip. He swore he had struck her only a few strokes on her bare shoulders and a few more over her knees as she sat on her bed. Cobb claimed he had brought with him two Negro convicts, to help defend himself, but under questioning he acknowledged that, as convicts, they could not legally be considered as competent witnesses.

Dr. Tuttle testified that Welch had later told him she had been held down by the two Negroes while Cobb whipped her very severely. He also described having found injuries that were much worse than those Cobb had admitted inflicting. During this examination conducted after her flogging, Dr. Tuttle said he had discovered that she was five months' pregnant and that she was suffering from high fever, uterine hemorrhage, labor pains, inflammation and swelling of the back, shoulder, thighs, and loins, and other problems. Dr. Tuttle said he and another local physician, Dr. Leander B. Bigelow, had commenced treatment immediately and bled her several times.

In September, Welch had become sicker and threatened to miscarry, but she ultimately went to term and delivered a baby in prison on December 5. A month later, after showing signs of being angry and despondent and walking bare-footed on the cold stone floor, she had contracted pneumonia. She died on January 12, 1826.⁴²

Within a few days, Cobb was convicted of assault and battery and fined \$25, but allowed to stay on the job.⁴³ More investigations followed, but they were hampered because convicts could not present evidence. Testimony conflicted over whether the whipping or other abuses had contributed to Welch's death. Nothing was said on the record about the fate of her baby.

A grand jury found that Auburn's keepers had been permitted to flog inmates without a higher official being present, a violation of state law. Yet neither Lynds nor any other prison authority was prosecuted; as a result, the use and intensity of flogging drastically increased.⁴⁴

Reforms of New York's imprisonment of women were slow in coming. Proposals for a separate penitentiary for women were rejected by the legislature on the grounds that Auburn prison relied on female inmates to do its washing, ironing, and mending.⁴⁵ Auburn did not hire a matron for the women convicts until eight years after Welch's death.⁴⁶ Meanwhile, state

inspectors continued to describe the women's quarters as "a specimen of the most disgusting and appalling features of the old system of prison management at the worst period of its history."⁴⁷ (New York's first separate prison building for women would not open until 1839, and the first separate women's prison was not erected until 1893.)⁴⁸

In the wake of the Welch scandal, a writer in Auburn's *Cayuga Patriot* commented: "It is impossible that the people of this country should feel wholly indifferent to an institution officered by our own citizens and located amongst us. If abuses exist, shall we not sound the tocsin of alarms?"⁴⁹

ILLUSTRIOUS VISITORS TO SING SING

MANY Americans of the day took pride in what apparently had been merely one of innumerable "internal improvements" then occupying the country. For its part, New York led the way in developing vast plans for turnpikes, canals, railroads, bridges, schools, houses of refuge, and other institutions. The fact that some convicts did not always appreciate their new abodes did not tarnish the allure they held for many of their free countrymen. On the contrary, whatever prisoners appeared to loathe the most often held the greatest popular appeal.

Inspection of American prisons by the public had become, like zoo visiting, a popular form of recreation, and many convicts resented being put on display.⁵⁰ But being subjected to stares was not the only public humiliation that convicts in Massachusetts endured. In 1815 the directors of the Charlestown prison had declared that discipline "should be as severe as the laws of humanity by any means tolerate." One of the things they came up with was to dress inmates in parti-colored uniforms—one arm was red, the other blue, one leg was green, the other gray—that were designed to increase mortification and the chances of recapture if its wearer ever escaped. Convicts were also permanently tattooed with the words "Mass. State Prison."⁵¹ Other states followed suit.

Maine went to extremes to keep its convicts out of sight and out of mind. Its state prison, at Thomaston, had been founded by Dr. Daniel Rose, a physician who insisted that prisons should be as dark and comfortless as possible. He designed underground cells that could be entered when a rope ladder was lowered through a two-foot-square hole. Convicts were planted inside like so many potatoes.⁵²

Most early-nineteenth-century penal institutions were anything but

"model" places. Boston's Reverend Louis Dwight, who had been so impressed with Auburn's "perfect order," visited the District of Columbia jail as a roving agent for the American Bible Society and was particularly aroused by a sight he came upon in a small room containing three women and four children. Two white females were wrapped only in blankets, "like Indian women," and when he looked in they tried to hide. The children—three mulatto brothers and their sister, ranging from four to twelve years old—had been imprisoned without a parent to keep them from falling into the hands of slavetraders. Their father, a white man, was dead, and his slave—their mother—was unable to protect them. Although their father's last will had given them their freedom, his executor had sought to sell them to clear his debts, and the local marshal had committed the children to prison to save them from bondage. There they languished in darkness and filth, unable to wash themselves. Dwight reported that the little girl was ill and sprawled on the floor without any bedding, surrounded by her brothers. The minister said he regretted he could do nothing to help them. "I have seen so many in similar circumstances," he wrote, "that I am constrained to go on my way with an assurance, that when I shall bring before the church of Christ a statement of what my eyes have seen, there will be a united and powerful effort in the United States to alleviate the miseries of prisons."⁵³ True to his word, he founded the influential Boston Prison Discipline Society in 1826.⁵⁴ Published reports by Dwight's group and other organizations were widely distributed, drawing more important visitors from abroad.

On May 11, 1831, two French magistrates arrived in Manhattan to begin a tour of American prison systems on behalf of the French government. Alexis de Tocqueville, twenty-six, was generally interested in observing America's political system during this period of profound economic and political change. Even though he would eventually use the observations made on this trip as the basis for his two-volume work, *Democracy in America* (1835, 1840), at the time of the journey he privately confided: "Intellectually, I have an inclination for democratic institutions, but I am an aristocrat by instinct—that is to say, I despise and fear the mass. . . . I have a passionate love for liberty, law, and respect for rights—but not for democracy."⁵⁵ Tocqueville's maternal grandfather and an aunt had been imprisoned and guillotined during the French Revolution. Both his parents had also been imprisoned.

His friend and travelling companion, Gustave de Beaumont (three years his elder), was also a writer; like Tocqueville, he had prosecuted some criminal cases and visited some French prisons before coming to America.

Prison was not his primary concern, either, for Beaumont was most interested in slavery, which he would later explore in a novel, *Marie, ou l'esclavage aux États-Unis: Tableau des mœurs Américaines* (1835).⁵⁶

While they were in New York City, Beaumont and Tocqueville visited the House of Refuge, the Bridewell, and Blackwell's Island penitentiary. (Thomas Eddy's state prison was no more, having been transferred to the custody of the city in 1828 and later closed.) Wherever the two Frenchmen went, they dined and socialized with members of the local elite, gathering anecdotes, books, and other materials.

On May 29, they set off on a tour of New York State, starting up the Hudson River to Sing Sing, where the biggest prison in the United States—Mount Pleasant prison—had been erected by convicts under Elam Lynds's direction. Sing Sing was becoming famous for its strict discipline and sound management, and lately its appeal seemed to be entering another dimension—the prison actually appeared to be making a profit for the state.⁵⁷

Mount Pleasant was nestled in idyllic surroundings along the east bank of the Hudson, thirty-three miles north of New York City and ten feet above the high-water mark, at one of the most picturesque spots that Tocqueville and Beaumont would ever encounter in America. The prison's nearness to the water, however, also allowed the institution to drain its foul discharges directly into the river, prompting one sarcastic ex-convict to remark, "Hence, it appears that that place is well selected for the purposes for which it is intended."⁵⁸ The area was the site of extensive marble beds and former silver- and copper-ore deposits. Local legends figured in many Washington Irving stories. The prison could be approached by vessels drawing twelve feet of water, which made it ideally situated for stonecutting. In fact, extensive excavation was going on there. Explosives were used to break open the ground, and convicts lugging heavy sledgehammers pounded and pounded and pounded the rocks, leaving large marble chunks to be transported from the quarries to the prison yards. To accomplish this, four to six convicts were yoked to a cart, and a heavy block of stone was fastened to it; they were forced to haul the load away by brute strength—a practice that many visitors found repulsive.⁵⁹ When the marble had been finished in the yard for market, convicts loaded it onto ships for transport to New York, Albany, and other ports. In time, Sing Sing marble would adorn many churches, city halls, banks, and other respectable buildings.

Mount Pleasant prison covered 130 hilly acres. At its southeast corner, the keeper's large house—a three-story marble mansion—commanded a good view of the river, the prison, and its quarries. Running north and

south along the river was the famous cellblock, five stories high, 480 feet long, and only 44 feet wide, containing 1,000 separate cells.⁶⁰

As they spied the colossus and its workshops, Tocqueville and Beaumont were shocked not to see any outside walls. (They had not yet been added.) Although convicts were laboring in an open courtyard and nearby quarries without balls or chains, and were under a remarkably light guard, the Frenchmen were immediately struck by the prisoners' absolute silence and extraordinary discipline.⁶¹ Likewise, an Englishman who had toured the site a few years earlier had been amazed to find only two armed sentinels pacing along a hilltop that overlooked two hundred "hardened ruffians" at work in complete order and subordination. "There was something extremely imposing in the profound silence with which every part of the work of these people was performed," he had written. "During several hours that we continued amongst them, we did not hear even a whisper, nor could we detect in a single instance an exchange of looks amongst the convicts, or what was still more curious, a sidelong glance at the strangers."⁶²

Beaumont later wrote to his mother that "the guardians well appreciate their numerical weakness, and as they are 30 against 900, they must at each instant fear to see a revolt break out." But he added, "It's that which generally makes them just in the punishments they inflict; they understand that every oppression of theirs might bring on a rebellion." Beaumont went on to ask: "But if they are materially the stronger, have they the same moral force as the small number of individuals charged with watching them? No, because they are isolated, one from the other. All strength is born of association; and 30 individuals united through perpetual communication, by ideas, by plans in common, by concerted schemes, have more real power than 900 whose isolation makes them weak."⁶³

The main prison was as long and slender as a ship, its numbered stone cells stacked in rows. Five hundred faced east and five hundred faced west, with a hall in between. The cells were even smaller than Auburn's, measuring only 6' 7" high, 7' long, and 3' 3" wide—hardly big enough to allow an occupant to pace two or three steps, provided he shuffled sideways to avoid the elevated plank that served as a bunk. The tiny rooms were dirty and damp. Their heavy iron doors were made to swing outward, allowing scant light and air to come in through the small openings on top. Newcomers complained about the smells. Other than blankets, and the convict with the clothes on his back, the only other contents were a Bible, a gill cup, a pint cup, a spoon, and sometimes a comb. It was in that cell that all sleeping, eating, and other bodily functions took their course. The convicts were normally marched one-by-one to the kitchen to get their little tub of food (a keeper with a cudgel stood by to rap anyone who tried to snatch

extra rations) from a conveyer belt that was cranked by hand from the kitchen. Eventually one convict invented a new lever-lock system with elaborate bolts and pulleys connected to an iron bar. Stretching 250 feet long, it enabled a single keeper to lock or unlock fifty cell doors in the time it previously took to operate one, thus reducing the load on staff resources and reducing convict movement time.⁶⁴

Almost since its inception, Sing Sing had received the services of a full-time chaplain, whose salary was paid by private donations. The chapel could accommodate nine hundred persons. After holding divine service there, the Reverend Gerrish Barrett spent several hours speaking to the men in their cells. "I have found no one yet, who showed any disrespect, or unwillingness to hear what was said," he reported. "It is surprising to see, sometimes, how a few minutes' conversation, concerning the soul, will make the muscles of a hardy-looking face relax, and his eyes fill with tears." Every evening at 7 P.M., Barrett stood near the center of the ground floor of the hushed cellblock and shouted the Scriptures in a booming voice that echoed through the hall. This was usually followed by a brief sermon.

Sing Sing's chaplain also taught selected convicts to "read" the Bible by having them do rote memorization of selected verses. He calculated that his pupils, during one 18-month period, had recited 770 chapters containing 19,328 verses. One convict had successfully committed 1,296 verses to memory; another, 1,605. At the time of Tocqueville's visit, only 60 to 80 of the 900 convicts were admitted to the prison Sunday school. But, Tocqueville noted, "A poor Negro, who had learned to read in the prison, recited by heart in front of us two pages of the Bible, which he had studied in his leisure hours of the week, and he did not make the slightest mistake in memory."⁶⁵

Tocqueville jotted in his diary that the current chaplain, Mr. Prince, "likened the warden [Robert Wiltse] of the establishment to a man who has tamed a tiger that may one day devour him."⁶⁶ Although the Frenchmen spent nine fascinating days at Sing Sing, trying to understand it, Wiltse did not allow them to interview any convicts and they did not record any abuses.⁶⁷

Had they spoken with convicts or ex-convicts, they might have gained a different impression. Colonel Levi S. Burr had served three years in Mount Pleasant for perjury and had later written a book about his experience, claiming he was innocent and detailing all kinds of brutal and inhumane treatment. Burr argued that Americans had a general sense of what justice was being administered in the courts, because trials were open to public view, but citizens could never know what really went on inside Sing Sing, because it was closed to scrutiny. Unlike Auburn, there were no inspection

avenues. Burr claimed that not even the prison inspectors fully knew what happened in the prison; they only knew what the agent told them. Consequently, people could only learn from the "pen of some unfortunate sufferer who has tenanted that horrid place." As far as he was concerned, if the public learned what went on there, Sing Sing would fall like the Bastille.

Burr called Sing Sing's government a "Cat-ocracy and Cudgel-ocracy." The frequency and intensity of the floggings varied according to the will and temper of the keeper at that moment. Burr estimated the usual dose at from 20 to 50, 70, 80, 90, or more lashes. He wrote: "On one occasion I counted 133; and while the afflicted subject was begging upon his knees, and crying and writhing under the laceration, that tore his skin in pieces from his back, the deputy keeper approached and gave him a blow across the mouth with his cane, that caused the blood to flow profusely; and then, as if conscious of my feelings at beholding so barbarous a spectacle, turned and faced me with an agitated stare."

Burr also described the lockstep from the convict's vantage point: "The keeper, with his cane or cudgel in his hand, raises this proud ensign of authority, and orders, Step! Go on! If the novice happen to step off left foot first, with the rest of the company, and do not break his step (imitating, or rather mocking, a military drill), he passes very well. But if the *novice* either by ignorance, or want of use, once mistakes his step, the company is then halted, and he is reprimanded in the harshest terms."⁶⁸

The publication of Burr's exposé in 1833 unleashed a torrent of horror stories about Sing Sing's alleged abuses. Some convicts were said to have received over four hundred lashes with the cat-o'-nine-tails. Keepers admitted sticking hot pokers into prisoners' cells; beating convicts for making slight noises in their cells or for talking or smiling or refusing to work; and slopping salt and vinegar or beef brine onto wounds. An insane prisoner ate his own excrement until he died. A convict was flogged for asking for clean trousers. Public reports described the flogging post as consisting of two iron rings fastened into a prison wall, next to piles of cats and raw-hide gags. Some keepers fashioned their own cats using strands of wire so as to better lacerate convict skin, but most preferred cudgels.⁶⁹

Next to beating, hunger was the worst suffering endured by Sing Sing prisoners, particularly since they worked so hard at manual labor. Meat rations were seldom larger than a hen's egg. Survivors told of eating roots, weeds, grass, or clay.⁷⁰ Such complaints continued for years. One former convict, James R. Brice, depicted the year 1837 as "a general time of starvation throughout the whole prison" and recounted how convicts who asked for more food were flogged.⁷¹

Horace Lane had spent five years as a convict in Sing Sing and was there when Tocqueville and Beaumont visited. He later recalled being repeatedly awakened at night by the sound of a hammer nailing up coffins: "it was a dismal sound in their cells, and to hear them rapping on their iron doors, (you know how they rap with their spoons on the door, when they want a keeper), and groaning when they were taken, how awful a sound!"⁷²

Official statistics confirmed a high rate of mortality at Sing Sing compared to most other American prisons. Some attributed the high incidence of deaths to cruelty by particular keepers. But most observers simply suggested that the prison's spartan living conditions, severe discipline, and slave-labor practices, which contributed to the death rate, were the result of an unchecked desire to make a profit. Many more convicts left the prison alive, but broken in health and spirit.

Under the labor arrangement then in effect at Sing Sing, the state owned only the bare walls of the prison workshop, with the prison contractors functioning as "the owners of the slaves and stock" and "owners of the prisoners." The contractors purchased from the state the labor of a certain number of prisoners per month, pledging their property in the shops as security in the event that they defaulted on their monthly payments. Besides operating a marble shop, contractors employed convicts at shoe-making, hatmaking, and carpentry, and they maintained a blacksmith shop, a brass foundry or saddler's stirrup shop, and other industries, depending upon what businessmen contracted with the state. James Brice went so far as to say that Sing Sing was not really a state prison, but "a monstrous individual speculating, money-making prison, where these very contractors are pocketing the hard earnings of the convicts, except the trifling monthly payment they make to [Warden] Robert Wiltse." Levi Burr likened the prisoners' treatment to that of slaves at Tripoli, except that Sing Sing's slaves were treated more cruelly.

Bit by bit, through these accounts the prison took on the appearance of a slave plantation. The prison "overseers" were paid about the same amount as their Southern counterparts. Some resorted just as much to the whip, and they were expected to record their floggings in punishment logs like those that were kept down South. Keepers and clerks dutifully recorded data about each and every convict as he or she was acquired, substituting in their neat ledgers "sentence" columns for "price." Prison authorities increasingly began using slavekeepers' devices, such as iron masks and other restraints, that could be ordered through the agricultural journals.

Militant labor leaders in the Northeast already were complaining that

New England mill hands and other workingmen were in worse economic condition than European laborers or Southern slaves. Groups of mechanics throughout New York State alleged that convict labor was being used to undercut law-abiding workers. Some demanded that convicts should not be permitted to learn any new trades while in prison, since that would give them an unfair advantage over honest journeymen and apprentices. Many assailed the philosophy of reformation of prisoners, saying that it provided rewards and incentives for lawbreaking. These critics also charged that there was rampant corruption and fraud in the awarding of prison contracts.⁷³

In June 1835 the stonecutters of New York City banded together to protest the use of Sing Sing convicts to build a university and several private houses there. Tempers flared and troops were finally called out at Five Points to disperse the malcontents. The soldiers remained encamped at Washington Square for four days and four nights.⁷⁴ In such an atmosphere, an English visitor predicted that Sing Sing might remain profitable for many years to come, provided that New York's developing labor organizations did not overturn it as unfair competition. Certainly, lawbreaking in New York City would continue to supply Sing Sing with inmates, he said, so that "crime and luxury will thus feed each other, and the marble that now lies peaceably under Mount Pleasant, will be torn from its bosom by the outcasts of that city it is destined to enrich and embellish."⁷⁵

AN INTERVIEW WITH ELAM LYNDS

BEAUMONT and Tocqueville had heard many colorful stories about Elam Lynds. According to one tale, a convict was overheard to swear he would kill him at the first opportunity. When Lynds learned of the threat, he sent for the prisoner, ordered him to come into his bedroom, gave him a straight razor, exposed his own throat, and demanded to be shaved. The convict obeyed. When he had finished the job, Lynds looked him in the eye and said: "I know you intended to kill me, but I despise you too much to believe that you would ever be bold enough to execute your design. Single and unarmed, I am always stronger than you are."⁷⁶

The two Frenchmen were so intrigued that they wanted to meet him. At the time, he was politically out of power and not affiliated with any prison. However, his harsh prison methods still attracted intense public interest at home and abroad, and Beaumont and Tocqueville considered him a major figure in American prisons. Lynds was an archetypal autocrat, who in many ways resembled and modeled himself after the two "great

men" of his age, Napoleon Bonaparte and Andrew Jackson. Like them, he was a military man, rigid and erect; he was extremely disciplined and he required discipline from everyone below him. He also demanded absolute authority to do what he deemed correct and fiercely resisted sharing any power whatsoever. He prided himself on being a self-made man, a man of determination and iron will, strength, and courage, and he was totally convinced of the moral rightness of his cause.

When they finally met him, they were disappointed. "He was dressed like a salesman and performed the duties of one," Tocqueville noted.⁷⁷ At first Lynds could not be interviewed because he had no one to watch his hardware store. But he later joined them at the inn where they were staying, and they had a fascinating conversation that Tocqueville recorded as close to verbatim as possible.⁷⁸

Lynds said he had spent the last ten years of his life involved in prison administration. "I have been for a long time a witness of the abuses which predominated in the old system," he told them; "they were very great." He explained that "[p]risons then caused great expenses, and the prisoners lost all the morality which they yet had left."

Based upon his experience, he said the director of a prison must be invested with an "absolute and certain power"—a state of affairs that, he conceded, was often at odds with the spirit of a democratic republic. "My principle has always been, that in order to reform a prison, it is well to concentrate within the same individual, all power and all responsibility. When the inspectors wished to oblige me to act according to their views, I told them: you are at liberty to send me away; I am dependent upon you; but as long as you retain me, I shall follow my plan; it is for you to choose."

One of his guests asked, "What is then the secret of this discipline so powerful, which you have established in Sing Sing, and of which we have admired the effects?"

"It would be pretty difficult to explain it entirely," he responded. "The point is, to maintain uninterrupted silence and uninterrupted labour; to obtain this, it is equally necessary to watch incessantly the keepers, as well as the prisoners; to be at once inflexible and just."

"Do you believe that bodily chastisement might be dispensed with?"

Lynds shook his head. "I am convinced of the contrary. I consider the chastisement by the whip, the most efficient, and, at the same time, the most humane which exists; it never injures health, and obliges the prisoners to lead a life essentially healthy. Solitary confinement, on the contrary, is often insufficient, and always dangerous. . . . I consider it impossible to govern a large prison without a whip. Those who know human nature from books only, may say the contrary."

"Don't you believe it imprudent at Sing Sing, for the prisoners to work in an open field?"

"For my part, I should always prefer to direct a prison in which such a state of things existed. . . . [I]f you have once completely curbed the prisoner under the yoke of discipline, you may, without danger, employ him in the labour which you think best."

"Do you really believe in the reform of a great number of prisoners?"

Lynds chose his words with care. "We must understand each other; I do not believe in a complete reform, except with young delinquents. Nothing, in my opinion, is rarer to see [than] a convict of mature age become a religious and virtuous man. I do not put great faith in the sanctity of those who leave the prison. . . . But my opinion is, that a great number of old convicts do not commit new crimes, and that they even become useful citizens, having learned in prison a useful art, and contracted habits of constant labour. This is the only reform which I have ever expected to produce, and I believe it is the only one which society has a right to expect."

"What do you believe proves the conduct of the prisoner in the prison, as to his future reformation?"

"Nothing. If it were necessary to mention a prognostic, I would even say that the prisoner who conducts himself well, will probably return to his former habits, when set free. I have always observed, that the worst subjects make excellent prisoners. They have generally more skill and intelligence than the others; they perceive much more quickly, and much more thoroughly, that the only way to render their situation less oppressive, is to avoid painful and repeated punishments, which would be the infallible consequence of insubordination; they therefore behave well, without being the better for it. . . . [Prisons] are filled with coarse beings, who have had no education, and who perceive with difficulty ideas, and often even sensations. . . ."

"Which is, in your opinion, the quality most desirable in a person destined to be the director of prisons?"

"The practical art of conducting men," Lynds replied. "Above all, he must be thoroughly convinced, as I have always been, that a dishonest man is ever a coward. This conviction, which the prisoners will soon perceive, gives him an irresistible ascendancy, and will make a number of things very easy, which, at first glance, may appear hazardous."

Beaumont and Tocqueville later expounded Lynds's views in their book about American prison systems, *On the Penitentiary System in the United States and Its Application in France* (Philadelphia, 1833), writing that "[w]hile society in the United States gives the example of the most

extended liberty, the prisons of the same country offer the spectacle of the most complete despotism."⁷⁹ Their report included statistics indicating that Negroes were disproportionately overrepresented in American prisons. In states where whites outnumbered blacks by thirty to one, the prisons nevertheless contained one Negro for every four white persons. These statistics led them to several conclusions. First, they assumed a connection between race and crime, claiming that the "states which have many Negroes must therefore produce more crimes." (Yet, that reason alone could not validly explain the phenomenon at work in America. After all, a majority of Negroes were being held in the South in slavery, where most of their offenses were privately punished by masters rather than by government.) Beaumont and Tocqueville also contended that "we should deceive ourselves greatly were we to believe that the crimes of the Negroes are avoided by giving them liberty; experience proves, on the contrary, that in the South the number of criminals increases with that of manumitted persons; thus, for the very reason that slavery seems to draw nearer to its ruin, the number of freed persons will increase for a long time in the South, and with it the number of criminals." In other words, rather than finding slavery to be a criminogenic factor, capable of producing rather than restraining crime, Beaumont and Tocqueville actually cited manumission as a special cause of crime; moreover, they thought that *emancipation* increased the number of persons subject to imprisonment. "The slaves, as we have seen before, are not subject to the Penal Code of the whites; they are hardly ever sent to prison," they explained. "To manumit a slave, therefore, actually amounts to introducing into society a new element of crime."⁸⁰

When it came to examining the background and lot of New York's convicts, Beaumont and Tocqueville's accounts were woefully incomplete. Institutional logs containing information about the convicts who were imprisoned in Auburn at the time of their visit actually are more revealing. Some typical entries read:

No. 421—D.B.—(Mulatto girl.) True name is D.J. Age 21; born in Schoharie County; her mother was a slave; knows nothing of a father; ran away from her master when she was 14, and has been in trouble ever since; in Ballston jail 30 days for petit larceny; has had a child which died in three months; became a common prostitute; no education. Convicted of petit larceny, 2d offence, in Rensselaer county, June 1, 1827, and sentenced 3 years. Discharged by expiration of sentence.

No. 467, a black man from Greene County who was a slave until Emancipation Day, jailed for stealing an umbrella. . . .

No. 471, a Mulatto who refused to reveal his real name. . . .

No. 488, a 35-year-old Negro male, has been a slave; brought up in perfect ignorance, and disregard of everything serious. . . .

Prison records such as these offer some telling insights into prevailing American values. A bigamist, for example, was released after serving a sentence of four years. This was more than the time served by a father of seven who had raped a ten-year-old girl, but not nearly as much as the forty-two-year sentence handed out to a Jewish forger. The convicts' personal histories cataloged a different side of the American experience than was ever presented in newspaper accounts or history books.

Many already had been imprisoned numerous times in their lives. By 1831, No. 409—a fifty-eight-year-old convict from Massachusetts—had been in New York prison five times for an aggregate of twenty-six years' confinement. No. 431, whose father was in the Ohio State Prison, had been discharged as an eighteen-year-old after serving three years for petit larceny, second offense, but within a few weeks he was back in prison again. Likewise,

No. 404—E.J.—Aged 40; born in New-Jersey; lost his parents when an infant; brought up by his grandfather, at blacksmithing; no early education; has learnt to read a little late years, and can write his name after a fashion; has had a great deal of trouble in his day; in 1818 was convicted of jail breaking and assaulting the jailer, in Genesee county, and sentenced 8 years; pardoned in about 5; was 2 years in solitary; soon after his discharge, was in this county jail 30 days, for stealing blacksmiths' tools; in 1825 was convicted, in this county, of stealing three or four young cattle, which he "was driving along without intending any thing wrong," and sentenced 5 years. Says he was never addicted to any very bad habits. Discharged by expiration of sentence, March 11, 1830. This man has lately been overtaken "driving along" some cows, and is on his way back to prison for the third time.

By the end of their sentence, some prisoners showed signs of derangement, either real or feigned, though it was unclear how many may have gotten that way because of their imprisonment. Some appeared to have

improved during their confinement, such as those who were listed as having learnt to read, write, and cipher in the prison's Sabbath school. Others were discharged as bad or worse than when they entered, such as an inmate who claimed to have been unjustly convicted and was described by the prison authorities as "a bad convict" who "goes out full of revenge," or another prisoner about whom it was simply said: "He has been a hard convict." Convict No. 411 had been attacked by another inmate, but he had taken away the assailant's knife and stabbed him with it several times, for which he was sentenced to spend three years of his term in solitary.

Sing Sing's principal keeper told a legislative committee that his convicts "must be made to know, that *here* they must submit to every regulation and obey every command of their keepers." This often prompted testing by the prisoners. Keepers had to respond immediately and with as much force as they could muster. Any attack on a keeper by an armed convict, in the presence of other inmates, was considered an assault against the discipline of the prison, for it jeopardized not only the life of the individual keeper but the government of the entire institution. That was why it could never be allowed to succeed. In all such cases, it was necessary both to subdue the offender and to make an example of him. Otherwise, there could be no discipline and no order.⁸¹

John Howard
PENITENTIARY

UNLIKE Auburn and Sing Sing, Pennsylvania's Eastern Penitentiary was intended to keep convicts apart even as they worked. It was meant to be the culmination of John Howard's ideas for a pure penal institution that would totally separate offenders from all forms of earthly corruption, contamination, or infection and enable them to repent and be reformed. Thus the term "penitentiary."

Eastern's planners had wanted its exterior to "exhibit as much as possible great strength and convey to the mind a cheerless blank indicative of the misery which awaits the unhappy being who enters within its walls."⁸² The whole design and construction sought to impart a severe and awful character to its face, producing an effect on the imagination of every approaching spectator that was "peculiarly impressive, solemn, and instructive," and conveying a picture like that of some magnificent medieval castle. The architect John Haviland won the contract over his rival, William Strickland, in 1821, and his creation was finally "opened" for its first convicts in October 1829.⁸³ So successful was the design that a distinguished architectural critic, writing in the *Metropolitan Museum of Art Bulletin* in

1955, declared that "this prison comes nearer to being a work of art than any other building of its kind."⁸⁴

Eastern Penitentiary was perched on the site of a former orchard called Cherry Hill, on the outskirts of Philadelphia.⁸⁵ Surrounded by a gigantic wall, thirty feet high, twelve feet thick at its base and two and one-half feet wide at its top, with crenellated towers, a façade composed of large blocks of hewn, squared granite, and a massive iron gate, Haviland's entrance was said to be "the most imposing in the United States." The wall alone had cost over \$200,000—an extraordinary sum for any American public structure at that time, much less for a prison exterior.

The challenge of its interior was to devise individual cell arrangements wherein prisoners could be kept in absolute solitary confinement without being driven insane or physically broken and debilitated beyond repair, such as had happened at Auburn. It was the largest, most expensive structure in America, full of many remarkable innovations.⁸⁶ Every cell contained taps delivering running water, plus a new invention: the flush toilet. (One champion delicately hailed it as a "novel and ingenious contrivance [that] prevents the possibility of conversation, preserves the purity of the atmosphere of the cells, and dispenses with the otherwise unavoidable necessity of leaving the apartment, except when the regulations permit.")⁸⁷ Flues conducted heated air from large underground cockle stoves to each living area, though in winter the temperature inside the cells rarely rose above sixty degrees.⁸⁸ Individual yards enabled the convicts to exercise one hour per day, and some were allowed to use their yards to grow vegetables or flowers.⁸⁹

A black hood was drawn over the head of every arriving prisoner, blotting out any glimpse of the exterior world or the winding interior route leading to the lonely tomb where he would pass his entire sentence. (The hood would remain in use until 1904.)⁹⁰ Even an awareness of the prison's size or configuration was shrouded, and the newcomer could not tell where he was in it. His world changed. From that point, all identity was left behind and he became a number. His name and other personal information were recorded in a book accessible only to the warden and the prison chaplain. Every convict wore a coarse cotton uniform. Hair was cut short. All contact with family or friends, whether in person or by letter, was eliminated. Any communication with persons other than prison staff was prevented, though some convicts devised tapping codes for transmitting messages via the plumbing or heating pipes or tossed crumpled messages to each other over the exercise area walls. All contact with the outside world effectively ceased. The only official visitors allowed in the penitentiary included the governor, members of the senate and house of represen-

tatives, the secretary of the commonwealth, the judges of the supreme court, the attorney general and his deputies, the president and associate judges of all the state courts, the mayor and selected city officials, and board members of the prison society. Penitentiary officials said the separation was so complete that a convict might remain unaware that a cholera epidemic was spreading panic outside the walls, or never know that his best friend had been incarcerated in the adjoining cell for the last two years.⁹¹

A convict knew only his own cell. Measuring 11' 9" long, 7' 6" wide, and 16' high—about twice the size of Sing Sing's—each room consisted of plastered whitewashed walls and a small, solid door of sturdy oak and grated iron with a specially constructed feeding drawer and peephole. When opened, the drawer allowed food to be passed in and out of the cell; when closed, it folded into a small table. The device was designed in such a way as to prevent the convict from catching even a glimpse of anyone outside, while the tiny aperture enabled a keeper to observe him at will. There, in a silent and isolated tomb, the penitent prisoner ate, slept, defecated, worked, and thought, day and night, week after week, month after month, year after year. According to the prison inspectors, the convict should regard this solitary cell as "the beautiful gate of the Temple leading to a happy life and by a peaceful end, to Heaven." The only source of natural light in that cell was a tiny hole, eight inches in diameter, in the ceiling. If punishment was required, that too could be sealed off.⁹² An occupant was allowed to have a Bible, a slate and pencil (and under certain conditions other books, and pen and ink and paper), as well as a razor, a plate and can, and a basin. During the day his bed was turned up against the wall to allow more room for using a loom, bench, wheel, or other work equipment.

Auburn's inmates were kept separate at night but forced to work together at hard labor during the day. At Eastern, convicts were not prescribed work as punishment; labor was seen as a reward, a privilege, which an inmate fervently requested to relieve himself from complete, maddening inactivity. A prisoner worked by himself, if he was lucky. If he was not lucky, he did not get to work at all. In fact, many convicts complained that Sundays seemed even longer than workdays because they were not allowed to labor on the Sabbath.⁹³

Both the Auburn and Philadelphia systems were predicated upon a belief in the changeability of inmates, and as such both embodied a new flowering of the reformatory ideal in American prisons.⁹⁴ The two systems relied on silence, separation, discipline, regimentation, and industry to

achieve positive human change. Perhaps because they were so much alike, their proponents became engaged in a fierce rivalry, as if they were competing for nothing less than the approbation of the civilized world.

Beaumont and Tocqueville visited Eastern Penitentiary eight times over twelve days in October 1831, two years after it opened. They said it was "incontestable that this perfect isolation secures the prisoner from all fatal contamination."⁹⁵ Eastern's officials were stunned when Tocqueville asked for permission to interview each convict alone in his cell without a keeper present, but they were so convinced of their system's merits that they granted his wish. Not only was he allowed to tour the institution but to his credit he privately conversed with forty-six inmates in their solitary cells, pencilling meticulous notes about what he found.⁹⁶

When Tocqueville asked one veteran convict whether he thought the new penitentiary was superior to the old prison, the man replied, "It is as if you asked me if the sun were more beautiful than the moon."⁹⁷

Venturing deeper into the interior, Tocqueville came upon a light-skinned Negro in excellent health. He had become the penitentiary's first convict nearly two years earlier. Of No. 1, he wrote:

This man works with ardor; he makes ten pair of shoes a week. His mind seems very tranquil; his disposition excellent. He considers his being brought to the Penitentiary as a signal benefit of Providence. His thoughts are in general religious. He read to us in the Gospel the parable of the good shepherd, the meaning of which touched him deeply; one who was born of a degraded and depressed race, and had never experienced any thing but indifference and harshness.⁹⁸

No. 28, a convicted murderer who denied his guilt, said his only companion was a cricket that had entered his cell a few months ago. "If a butterfly, or any other animals, enters my cell," he said, "I never do it any harm."⁹⁹

Deeper inside still, No. 41, a young man who could not stop crying, blurted that he was happy nobody could see him there and sobbed that he could only hope of one day returning to society without being rejected. No. 35, more than eighty years old, kept reading the Bible as the Frenchman entered his cell.¹⁰⁰

A couple of years later, after having operated the penitentiary for about four years, Eastern's inspectors offered some observations about a convict's desired adjustment process.

We mark, generally, that at first the prisoner indulges in morose or vindictive feelings, and is guilty of turbulent and malicious conduct; but after a few weeks he adopts a more subdued tone, becomes reasonable, and his countenance indicates a more amiable state of mind; is disposed to talk of his past life as one of misery and folly; begins to think that the barrier between him and a good reputation is not impossible; and that there are those in the community, whose prejudices against the condemned are not so strong as to induce the withholding a friendly countenance to his attempts at restoration. In many, the retrospect of life becomes a horrible and loathsome subject of reflection—the sense of shame and feelings of remorse drives them to some source of consolation, and the ordinary means of stifling an actively reproving conscience being denied by reason of their solitariness, the comforts of the Bible and the peace of religion are eagerly sought for.¹⁰¹

Nevertheless, some convicts still engaged in forbidden behavior. One of the most common evils was the “secret vice” (masturbation), which Dr. William Darrach, the prison physician, cited as a leading cause of insanity, suicide, chronic pleurisy, and pulmonary tuberculosis.¹⁰² To deter it and other misconduct, Eastern’s staff utilized all sorts of punishments, ranging from starvation diets and denial of work, to the use of straitjackets, “iron gags,” and ducking in the shower bath, to immurement in the dark cell or the “mad chair.”¹⁰³

After the suspicious death of convict No. 102 (Matthew Maccumsey) in 1833, an investigating committee described the iron gag as “a rough iron instrument resembling the stiff bit of a blind bridle, having an iron palet in the center, about an inch square, and chains at each end to pass around the neck and fasten behind.” They explained:

This instrument was placed in the prisoner’s mouth, the iron palet over the tongue, the bit forced back as far as possible, the chains brought round the jaws to the back of the neck; the end of one chain was passed through the ring in the end of the other chain drawn tight to the “fourth link” and fastened with a lock; his hands were then forced into leather gloves in which were iron staples and crossed behind his back; leather straps were passed through the staples, and from thence round the chains of the gag between his neck and the chains; the straps were drawn

tight, the hands forced up toward the head, and the pressure consequently acting on the chains which press on the jaws and jugular vein, producing excruciating pain, and a hazardous suffusion of blood to the head.¹⁰⁴

In Maccumsey’s case the device was “so forcibly fastened that his blood collected and suffused up into his brain and he suddenly died under the treatment.”¹⁰⁵

The “shower bath” was not much better. It consisted of the repeated dumping of cold water from a considerable height onto an exposed convict who was under restraint. According to an official investigation into the case of Seneca Plumley, “In the depth of winter, he was tied up against the wall attached to his cell by the wrists, while buckets of extremely cold water were thrown upon him from a height which partly froze on his head and his person, and he was shortly after discharged as incurably insane.”¹⁰⁶ (Eastern was by no means alone; prisons throughout the United States used the shower bath for decades to come.)

The “mad chair” had been invented by the “father of American psychiatry,” Dr. Benjamin Rush.¹⁰⁷ It was so called because the contraption resembled a large boxlike chair, into which a (usually mentally disturbed) prisoner was strapped and bound in a manner that prevented his body from resting, which caused extreme pain.

Eastern’s most astute observer was a thirty-year-old English novelist, Charles Dickens, who visited the institution on March 8, 1842.¹⁰⁸ Like Beaumont and Tocqueville, he toured the penitentiary’s dreary passages under official escort, sometimes pausing to hear the profound silence that was broken only by the faint, almost imperceptible sound of a lone weaver’s shuttle or the taps of a shoemaker’s hammer. He spent a whole day passing from cell to cell, talking with inmates.¹⁰⁹

The first man he saw was working at a loom. Convict No. 1066 wore spectacles and a paper hat. When addressed, the man paused for a long time and spoke very deliberately. He said he had been there for six years and was due to remain three more. Convicted of receiving stolen goods, second offense. Insisted he wasn’t guilty. Dickens noticed the fellow had painted some figures on the wall, including a female form over the door whom he called “The Lady of the Lake.” Dickens noticed his lip trembled when the subject of his wife was raised, after which the man shook his head, turned aside, and covered his face with his hands. “Time is very long, gentlemen, within these four walls!” he said.

Far into the block, pungent smells drifted from the vicinity of an inmate

who apparently was allowed to keep rabbits in his cell. When he was called into the sunlight, the prisoner appeared haggard and unearthly pale, and he was clutching and stroking a white rabbit at his breast. Dickens thought his manner resembled a rabbit's.

He found others. A tall, strong black man, who had been born a slave and imprisoned for burglary. A just-arrived English villain, who, Dickens felt, gladly would have stabbed him if given the chance. A swarthy mariner who wrote poetry. A "fat old Negro" whose leg had been amputated in the penitentiary, and who was being attended by a fellow inmate who was "an accomplished surgeon." A thirteen-year-old colored boy. Three beautiful young light-skinned black women, all convicted of conspiracy to rob the same man. A mulatto sailor—No. 58—looking helpless and crushed, who had been imprisoned there upward of eleven years; now near the end of his term, he was addicted to peeling the skin from his fingers.

Dickens later wrote that he was impressed by the prison's "perfect order" and accepted as admirable the motives of those who governed. But he believed Pennsylvania's system of rigid, strict, and hopeless solitary confinement was, in its effects, "cruel and wrong." He held

this slow and daily tampering with the mysteries of the brain, to be immeasurably worse than any torture of the body, and because its ghastly signs and tokens are not so palpable to the eye and sense of touch as scars upon the flesh; because its wounds are not upon the surface, and it exhorts few cries that human ears can hear; therefore I the more denounce it, as a secret punishment which slumbering humanity is not roused up to stay.¹¹⁰

INDIAN REMOVAL

DEALING with white transgressors and blacks was one thing, but how to cope with a huge population of American Indians was another matter. When Jefferson had purchased Louisiana, he had been exploring plans to remove free blacks to remote sections of the country west of the Mississippi River. But the scheme was deemed unfeasible, and besides, some advocates of colonization preferred Africa instead.¹¹¹ Numerous proposals were made for sending convicts abroad, but they never bore fruit. Large-scale Indian removal to remote sections of the west,

on the other hand, seemed much more appealing—the Indians occupied land that whites wanted.

The usual process called for the government to make a treaty with a particular tribe and purchase specified parts of its lands. The Indians would then receive some new territory in which they could settle, and occasionally get some assistance in moving. That, at least, was how it was supposed to work.

In 1828, after gold was discovered on Cherokee territory, the State of Georgia quickly nullified all existing treaties and imposed a series of humiliating and restrictive laws on the tribe, who, since Oglethorpe's day, had been considered the friendliest and "most civilized" of the Southern Indians. Like the Georgia slave codes, the new laws barred Indians from testifying against whites and held that no Indian legal claim would be considered valid.¹¹²

A few months later, Andrew Jackson, the tough old Indian fighter whom Seminoles knew as "Sharp Knife," was elected president of the United States, due in large part to Southern support. Jackson concentrated on the five Southern nations—the Seminoles, who inhabited lands that contained mineral deposits and other valuable resources, and the Creek, Choctaw, Chickasaw, and Cherokee. The principal states involved were Georgia, Alabama (created as a state in 1819, mainly from Cherokee and Creek land), and Mississippi (created in 1817, mainly from Choctaw and Chickasaw country).

In his annual message to Congress in 1829, Jackson squarely addressed the Indian question, claiming that former policies had simply caused the Indians to recede westward while retaining their "savage habits." Unless something was done, he warned, the Choctaw, Cherokee, and Creek would quickly succumb to the same fate as the Mohegan, the Narragansett, and the Delaware. Thus, for the sake of humanity and justice, he proposed to remove Southern Indians to ample districts west of the Mississippi, "and without the limit of any State or Territory now formed, to be guaranteed to the Indian tribes as long as they shall occupy it, each tribe having distinct control over the portion designated for its use."¹¹³

Jackson sought and obtained congressional approval to uproot the Indians. Congress passed the Indian Removal Act of 1830, which authorized the president to negotiate with the tribes for their relocation.¹¹⁴ The law took effect that spring.

Under the new federal policy, the Creeks were quickly defrauded. Six months after signing their treaty, the nation's council told the U.S. secretary of war: "Instead of our situation being relieved as was anticipated . . . , we

are surrounded by the whites with their fields and fences, our lives are in jeopardy, we are daily threatened. . . . We have for the last six months lived in fear, yet we have borne it with patience, believing our father, the President, would comply on his part with what he had pledged himself to do."¹¹⁵

Driven to starvation, the Creeks finally revolted; in 1836 their resistance brought down military action. As a result, nearly two thousand of them were taken prisoner. Their eighty-four-year-old leader, Eneah Emathla, was manacled and forced to march away with them, but he never uttered a complaint.¹¹⁶

Some Cherokees refused to leave their reservation in Georgia and took their claims to court. Chief Justice John Marshall ruled that the governments of Georgia and the United States were duty-bound to honor Cherokee land claims, and he affirmed the tribe's legal right to its reservation. But Georgia ignored the ruling and Jackson refused to enforce it, thus encouraging more white traders to enter the area with federal blessing. The Indians had won their case in the U.S. Supreme Court, but the white governments had refused to comply with their own law. Although the Cherokees had violated no federal or state laws, it was they who were treated like criminals.¹¹⁷

Black Hawk, an elderly chief of the Sauk nation, refused to retreat, leading his followers back across the Mississippi in an attempt to reclaim their lands in Illinois, which had been taken from them by squatters the year before. The fighting that ensued became known as Black Hawk's War. But in 1832 the old chief was captured and taken east to prison; put on display, he died in captivity in 1838. The governor of the newly created Iowa Territory exhibited Black Hawk's skeleton in his office.¹¹⁸

Eventually, the remnants of the five Southern tribes were marched under military "escort" from their ancestral lands all the way to what is now Oklahoma. Cholera broke out along the route, creating an infected corridor through which the unknowing Indians were moved. Many died. The removal was supposed to have been gradual, but in 1838 General Winfield Scott's troops rounded up masses of disconsolate Cherokees and herded them into camps. From there the prisoners were pushed west. On the long winter trek, one of every four Cherokees died of cold, disease, or starvation. An estimated twenty-five thousand Indians perished on this journey, which came to be known as the Trail of Tears.¹¹⁹

In the case of the Seminoles, Jackson's policies represented the culmination of more than twenty years of federal conflict with the tribe. In 1818 Jackson had personally led a large expedition against them in the First Seminole War. After Spain had ceded Florida to the United States, and the federal government had begun to pursue its plan of Indian removal, the

Seminoles, under their young chief, Osceola, had refused to emigrate. Federal troops were sent to evict them and a bloody war ensued. After years of fighting, while they were under a sacred flag of truce during a peace conference, Osceola and his supporters were taken prisoner. He died in a military prison three months later. By 1838, it had cost the U.S. government over \$20 million to remove nine hundred Seminoles and three hundred blacks (mostly fugitive slaves) from the contested lands. The remaining Seminoles retreated into the swamps and fought a guerrilla war for five more years. When the last of the Seminoles finally surrendered in 1842, the latest war had cost the United States \$40 million, and the lives of more than two thousand soldiers and an unknown number of Seminoles and their black allies.¹²⁰

By the mid-1840s, virtually all land east of the Mississippi was safely in white hands. Under the doctrine of Manifest Destiny, white Americans were taught to believe that they were fated to inherit the rest of the continent, from the Atlantic to the Pacific.

REFORM

MEANWHILE, in their first annual report, published in 1826, the managers of the Boston Prison Discipline Society had cited the "degraded character of the colored population" as the foremost cause of crime in the United States. The only support they offered for their conclusion were official prison statistics: the population of New York State was only about 1/35th black, but about 1/4th of its 637 convicts were Negroes; in Massachusetts the proportions were 1/74th and 1/6th; in Connecticut they were 1/34th and 1/3rd; New Jersey's were 1/13th and 1/3rd; and Pennsylvania's were 1/34th and 1/3rd. On this questionable basis, it was asserted that "neglecting to raise the character of the colored population" was responsible for increased crime.¹²¹

Tocqueville also had noted that race—"the physical and permanent fact of color"—had become "fatally united" with "the abstract and transient fact of slavery," and vice versa, so that the "tradition of slavery dishonors the race, and the peculiarity of the race perpetuates the tradition of slavery."¹²²

Slavery in the United States had receded, but the prejudice beneath was proving immovable. Some commentators observed that it actually appeared to be worst in areas where slavery had been abolished. As one Scottish visitor to the North put it, "chains of a stronger kind still manacled their limbs, from which no legislative act could free them; a mental and

moral subordination and inferiority, to which tyrant custom has here subjected all the sons and daughters of Africa."¹²³ Notions of black inferiority remained too deeply ingrained to be wiped away.

It was in this context that the British Home Office commissioned William Crawford, forty-three, a London wine merchant and philanthropist who was secretary of the London Prison Society and a prominent antislavery figure, to investigate prisons in the United States. He was "to ascertain the practicality and expediency of applying the respective systems of which they are governed, or any parts thereof, to the prisons of this country."¹²⁴ In his report of 1834 Crawford recounted the usual objections against solitary confinement, including the argument that such an approach was "unequal in its effects, operating with greater severity upon active than upon sluggish minds." Ultimately, however, he favored the Pennsylvania system over the Auburn plan.

Following the lead of the Boston Prison Discipline Society, Beaumont and Tocqueville, and others, Crawford presented voluminous statistical evidence regarding prison systems throughout the United States. His findings showed that at least two-thirds of the states had at least one state prison, but that most of those without one were in the slaveholding South. "It is impossible, upon examining the prisons to which these Tables refer," he wrote, "not to be struck with the great proportion of crime which the coloured bears to the white population." Like the earlier investigators, Crawford concluded that the "causes are too obvious" and was quick to add: "The force of public opinion has in a remarkable degree contributed to retard the education and moral improvement of the coloured race. Hence these oppressed people form . . . the most degraded class of the community. This prejudice appears to me to be, if possible, stronger in the free than in the slave States." He went on to say: "From a feeling which is unknown in Europe, a coloured person, although residing in the most enlightened of the States, is prevented from attaining that position in society to which his natural intelligence, aided by the benefits of education, would inevitably raise him. Under such circumstances the only wonder is, that there should not be more crime among a population so numerous, and so disadvantageously situated."¹²⁵

E. S. Abdy, another Englishman, who toured the United States from April 1833 to October 1834, offered still more penetrating insights into the systems of slavery and prisons.¹²⁶ Using terms that were especially popular with antislavery campaigners, Abdy decried America's "aristocracy of the skin" as an abomination. Prejudice and discrimination against blacks, he wrote, "form a barrier to a more liberal and humane intercourse, which none but the most generous or the most vile among the whites can break

through." One might have expected that the Irish, who had themselves been subjected to persecution, would have shown more sympathy toward blacks and victimized them less, but Abdy found their racism to be more virulent than the norm. Yet racism was not limited to Irish laborers—it pervaded American society. He found it among the trustees of the New-York Manumission Society, who paid higher salaries to white teachers than to black ones, regardless of qualifications or performance. And racism was painfully visible to him in the city's illustrious but racially segregated House of Refuge, which he was shown by Dr. David Hosack, brother-in-law of Thomas Eddy (who had passed away in 1827).¹²⁷

On November 27, 1833, Abdy visited runaway slaves who were being held in the New York City jail. He learned of a recent case in which a runaway Negro with eight or nine children in New York had escaped by boat to that state, only to be reclaimed later and condemned to death in Virginia for stealing the boat. As far as Abdy was concerned, "It was exactly as if a man whose horse had been stolen had gone off with the horse, and had afterwards been executed for stealing the bridle that happened to belong to the thief."

Abdy looked at the so-called greater criminality of blacks in a different light than had most other writers up to that point, noting that some of the racially disproportionate imprisonment in the "free states" may have been due to the difficulty free Negroes had in finding employment there. He pointed out that in Virginia, where work was more easily obtained, there were fewer convictions for crime among that class than in Massachusetts, "where so many departments of honest industry are closed against them." Besides a lack of employment, he added that "ignorance, and the difficulty of finding unprejudiced witnesses and juries, have led too many of this unfortunate race to the prisons and penitentiaries of the country." What kind of society was it, he asked, that exposed blacks to greater temptations and offered fewer rewards for good conduct, then treated honest men like criminals?

He might have also pointed out that, even in the Northern states, blacks were still not allowed as jurors and their standing as witnesses was sharply limited. There were no black governors, legislators, judges, prosecutors, lawyers, police, wardens, principal keepers, chaplains, keepers, or prison contractors. No wonder that Negroes were considered more criminal.¹²⁸

Among those to accompany Abdy when he visited Sing Sing was a famous young Prussian intellectual, Francis Lieber, a veteran of Waterloo, who had twice been imprisoned in Europe for political reasons. He had later emigrated to the United States and become the editor of the *Encyclopedia Americana*.¹²⁹ Already well known for his translation of Beaumont

and Tocqueville, he had also coined the word "penology," which he defined as "that branch of criminal science which occupies itself . . . with the punishment of the criminal, not with the definition of crime, the subject of accountability and the proving of the crime, which belongs to criminal law and the penal process."¹³⁰

Lieber asserted that human progress had been most retarded in the organization and discipline of prisons. But he thought a good beginning was finally being made, saying that "it is a matter of pride to every American, that the new penitentiary system has been first established and successfully practised in this country," and adding that the "American penitentiary system must be regarded as a new victory of mind over matter—the great and constant task of man." Unlike Abdy, who viewed America's penal institutions with disdain, if not disgust, Lieber found penitentiaries to be "monuments of a charitable disposition of the honest members of society toward their fallen and unfortunate brethren." He acknowledged that several new model institutions, including Sing Sing, stood to produce a profit for the state. He cautioned, though, that "society has a right to punish, but not to brutalize, to deprive of liberty, but not to expose to filth and corruption." He also said, "It ought always to be borne in mind, that a convict is neither a brute nor a saint, and to treat him as either, is equally injurious to himself and to society."¹³¹

Lieber was particularly critical of sinful and immoral women, whom he considered more depraved than male criminals, perhaps because he saw women as being less amenable to discipline and order. By failing to be virtuous wives and mothers, such women were a major source of criminality in their men as well as in and of themselves.¹³²

With input from Lieber and other members, the Boston Prison Discipline Society gathered some of the first comprehensive statistics regarding convicts' family status. In one survey of the Salem jail, the society found that 73 prisoners, 26 of whom were debtors, had 39 wives and 144 children. Three were sons of widows, who had 11 other children; 2 were mothers with husbands and 6 children; 6 had living parents as well as brothers and sisters; 15 had no families; and several were under child-bearing age. The 73 prisoners had a total of 176 near relatives. The probable number of relatives of persons committed to prison in the whole United States that year (1834) was computed as follows: the 113,340 persons who were held in prison had 112,043 children, 30,345 wives, 533,626 brothers and sisters, 9,253 fathers, and 38,042 mothers. At Auburn alone, there were 683 convicts who had left behind a total of 901 children, only 223 of whom had been left with any means of support.¹³³

Throughout many of the new American prisons, inmates were forbid-

den to have any contact whatsoever with their families, because familial influence was considered "corrupting." Eventually, however, some institutions relaxed their rules against correspondence and visitation. By the 1840s, Sing Sing was allowing convicts to send one letter every six months, provided it was penned by the chaplain and censored by the warden. Each prisoner was also permitted to have one visit from his relatives during his sentence, provided it was properly supervised. Still, no reading materials of any kind, except a Bible, were allowed inside.¹³⁴

Following Lieber's example, Samuel Gridley Howe emerged as another important figure in American penology. A graduate of Harvard Medical School, he had travelled extensively throughout Europe, become acquainted with Lafayette and Lord Byron, and, like Lieber, fought in the Greek war of independence. Besides being a leading abolitionist, Howe was keenly interested in prisons; in *An Essay on Separate and Congregate Systems of Prison Discipline* he defended the Pennsylvania system.¹³⁵ Howe claimed that the congregated system treated prisoners as masses, whereas the solitary system treated each convict as an individual, which he favored. He also supported the complete separation of convicts, in part because he wanted to keep the races separate. He claimed that a large proportion of the Philadelphia prisoners were mulattoes, "who cannot bear confinement like men of pure Saxon blood," and added that "the colored population whence they are drawn is a very degraded one, and addicted to those sexual excesses which lead particularly to cerebral derangement."¹³⁶

Howe and the Reverend Louis Dwight were part of a growing circle of Massachusetts social reformers interested in prisons. Some others included Dorothea Lynde Dix, Henry David Thoreau, Horace Mann, and Charles Sumner.¹³⁷ Dix became one of Howe's closest associates after taking a Sunday school class in the women's department of the house of correction in East Cambridge. Once a shy young theology student, she had become a fearless crusader, embarking on a two-year investigation of the state's jails and almshouses, which she later continued outside Massachusetts. Between 1844 and 1854 she travelled over thirty thousand miles. A convict in the Missouri State Penitentiary, who was serving time for attempting to aid slaves in gaining their liberty, found her to be "bold, affable, and sympathizing." An opponent of operating prisons for profit, Dix sought an end to visitors' fees and advocated allowing convicts to earn wages by working overtime. She also pushed for separating women, juveniles, first offenders, and the insane from regular male convicts. Hardly a total radical, though, she was fond of saying: "It is with convicts as it is with children."¹³⁸

Some other prominent women prison reformers of the day included

What
Lieber
reborn

Sarah Doremus, Mary Wister, and Elizabeth Farnham. Appointed matron of Mount Pleasant prison in 1844, Farnham allowed the female inmates to decorate their cells with curtains and other domestic touches; she even brought in a piano to accompany their singing. Farnham also instituted a program of prisoner education, which prompted the authorities to dismiss her after only two years.¹³⁹

SOLITARY OR COMMUNAL?

THE early nineteenth century was an age of social experiments and utopian dreams. The rivalry between the prison models of Auburn and Philadelphia was but one example of such thinking. The competition between solitary and communal living arrangements received enormous attention in America, not just in penology but as a major religious, social, and political issue.

When Beaumont and Tocqueville, Crawford, Abdy, Dickens, and other foreign visitors selected American sights to observe, Shaker settlements invariably were among them.¹⁴⁰ Shakerism and imprisonment also had other connections. Like the Pilgrims, the Puritans, the Quakers, and other religious sects, the Shakers had come to America seeking asylum from persecution and imprisonment in England. Accordingly, the history of American Shakerism and American penology intersected and intermingled.

Ann Lee had joined a Shaker sect in Manchester, England, when she was eighteen years old. She had continued to practice her faith despite constant persecution for “profaning the Sabbath” and other alleged crimes. In 1770, while jailed at Manchester, she underwent a deeper conversion, as a result of which she was repeatedly imprisoned and mistreated, sometimes until she was close to death. Finally, in the summer of 1774, Lee and eight of her flock fled to America, eventually settling near Albany, New York. For a decade, Mother Ann made converts throughout the Northeast. After her passing in 1784, she was succeeded by a disciple, James Whitaker, who molded the Shakers into a significant social force. The sect became famous for well-ordered settlements that blended solitary and congregate features into a unique, utilitarian lifestyle, sacralizing every aspect of daily life, down to each distinctive tool and piece of furniture.¹⁴¹ By the Jacksonian era the Shakers had become one of the largest and most influential religious communistic movements in the United States. Shaker customs—of separation from the world, celibacy, uniform dress, simplicity, silence, industry, and duty—already were being widely (though not always consciously) copied. Many of the sect’s virtues became cardinal characteristics

of American penitentiaries. Shakers and convicts were under constant watch to ensure the preachings were practiced. Shaker settlements, like prisons, were renowned for their iron discipline. Members of both communities lived a spartan, usually sexually separate existence; they ate in silence and labored incessantly. Even the “lockstep” that became such a hallmark of American prisons may have borne some similarity to the Shakers’ “sacred dance,” if engravings from the period are any indication. Despite their pursuit of humility, the Shakers were proud of their system, much as American prison reformers glorified their “model” (but terrible) prisons.

Another major nineteenth-century U.S. religious movement—Mormonism—also had prison connections in much of its early history. Unlike most other religious faiths, Mormonism was originally American. Its founder, Joseph Smith, Jr., had been born in 1805 and spent part of his childhood in Palmyra in western New York, not far from the planned site of Auburn prison. The Smiths were poor squatters who dressed in tattered rags and struggled to make ends meet. Some neighbors later described young Joe as “shiftless,” “indolent,” “prevaricating,” and “cunning.” But the “burnt-over district” in which they lived was swept by the fire of religious revival and they were part of it. Young Smith said he communed with higher powers, claiming to have discovered golden tablets from God that had been hidden under a rock. He and his father hunted for more treasure with a divining rod. In 1826, after he was caught using a “seer stone” to supposedly help locate some buried treasure, young Smith was arrested and convicted in nearby Bainbridge as a disorderly person and imposter.¹⁴²

Despite these inauspicious beginnings, Joseph Smith quickly rose to become a self-styled prophet. In March 1830, when he was only twenty-five years old, *The Book of Mormon*, revealed by God and “translated” by Joseph Smith, Jr., appeared in New York bookstalls. This extraordinary work became the scripture of the new Mormon Church, and within a few weeks at least forty persons acknowledged the charismatic young Smith as “Seer, a Translator, a Prophet, an Apostle of Jesus Christ, and Elder of the Church through the will of God the Father, and the grace of your Lord Jesus Christ.”¹⁴³ Intent on founding the New Jerusalem, Smith and his followers moved to Ohio in 1831. By 1835 he had set up an elaborate hierarchy in the church, with himself as president. His flock already numbered in the thousands.

When some of them moved into Missouri, many local residents felt threatened. Mormons had, after all, vowed to gain control of the whole state; moreover, they had showed tolerant attitudes toward Negroes and Indians, which alarmed many whites. Fighting broke out and the Mormons

had to retreat. (The sect also engendered intense conflict in Ohio, particularly for their doctrine and practice of polygamy.) During the fall of 1838, Smith's forces engaged in guerrilla warfare against the militia; he was arrested again, and his followers were driven back across the Mississippi. But he managed to escape from custody and rejoin his flock in Illinois. There, aged thirty-four, revered as a prophet, he thrived and gathered more followers.

In 1844 his power seemed so great that he decided to run for president of the United States. He drew up a platform full of panaceas, saying he would eliminate unnecessary government, cut congressmen's pay, free the slaves and pay off their owners, release prisoners from the penitentiaries, and work other miracles.¹⁴⁴ The controversy surrounding Smith finally came to a head in southern Illinois when he was jailed on polygamy charges. A lynch mob attacked the Carthage jail and shot to death Joseph Smith and his brother Hyrum.¹⁴⁵ The martyred leader of the Mormons, founder of the Church of Jesus Christ of Latter-Day Saints, was succeeded by Brigham Young, and in the decades that followed many Mormon men were imprisoned for polygamy.¹⁴⁶

Religious zealots and prison reformers were not the only advocates and practitioners of the solitary life, but they were the most noteworthy exemplars, at least until Henry David Thoreau came on the scene.¹⁴⁷ Thoreau began his famous experiment in solitary living at Walden Pond in 1845. During his hermitage (which would last for two years) in protest against the federal government's policies on Mexico and the expansion of slavery, Thoreau refused to pay his poll tax and was arrested. As a result, in July 1846 he was brought to the Concord jail. It was there that he gained the inspiration for his classic essay of protest, "On the Duty of Civil Disobedience."¹⁴⁸

Like many New England intellectuals, Thoreau hated slavery and was ashamed of his government's support of it. And like Tom Paine, he was a philosophical anarchist. "[W]hen a sixth of the population of a nation which has undertaken to be the refuge of liberty are slaves, and a whole country is unjustly overrun and conquered by a foreign army, and subjected to military law, I think that it is not too soon for honest men to rebel and revolutionize," he wrote.

In Thoreau's eyes, "Under a government which imprisons any unjustly, the true place for a just man is also a prison." That was the only place which Massachusetts had provided for people of conscience. "It is there that the fugitive slave, and the Mexican prisoner on parole, and the Indian come to plead the wrongs of his race, should find them; on that separate,

but more free and honorable ground, where the State places those who are not *with* her but *against* her,—the only house in a slave-state in which a free man can abide with honor."¹⁴⁹

Thoreau spent one night in Concord's jail. What he later described in his essay was not wholly unpleasant. The prisoners seemed reasonably contented and well treated. The jailer pleasantly introduced Thoreau to his roommate and locked their door as if to respect their privacy. The room, freshly whitewashed and simply furnished, was "probably the neatest apartment in the town." His roommate showed him how to get along.

Within a few hours, Thoreau had "read all the tracts that were left there, and examined where former prisoners had broken out, and where a grate had been sawed off, and heard the history of the various occupants of that room; for I found that even here there was a history and a gossip which never circulated beyond the walls of the jail." He later described his experience as "like travelling into a far country, such as I had never expected to behold, to lie there for one night. It seemed to me that I had never heard the town-clock strike before, nor the evening sounds of the village. . . . I had never seen its institutions before. This is one of its peculiar institutions. . . . I began to comprehend what its inhabitants were about."

The next day, to Thoreau's surprise, he was released. It seems that someone had interfered and paid his delinquent tax.

During his brief incarceration, no great changes had taken place on the village common, such as might have happened if he had gone in as a youth and come out an old man. And yet he viewed the town, and state, and country, differently. "I saw yet more distinctly the State in which I lived," he wrote. "This may be to judge my neighbors harshly; for I believe that many of them are not aware that they have such an institution as the jail in their village." By a former custom of the village, a poor debtor coming out of jail might expect to be greeted with a little salute by which his acquaintances would peek at him through their fingers, which they would cross like a barred window. Transformed by his experience, Thoreau felt he was regarded as if he had been on a long journey. History would record that he had.¹⁵⁰

SLAVOCRACY

AS Thoreau had complained, while Northern states were competing to perfect industrial factories, prisons, and penitentiaries, the whole South remained a massive rural prison farm, holding millions of black slaves who were serving life terms and giving birth to children who inher-

ited and passed on their prisoner status in perpetuity. In fact, more than a generation after the American Revolution, slavery had not only survived—it was growing again.

Since the abolition of the international slave trade in 1808, its domestic counterpart had burgeoned. So had the emphasis upon slave breeding. Slave traders and slave catchers enjoyed a bonanza. Instead of withering away, the “slave power” resurged to become a “slavocracy.” Existing prohibitions on the interstate slave trade were lifted, except for criminals, in North Carolina (about 1818), Virginia (1819), Alabama (1832), Louisiana (1834), Mississippi (1846), South Carolina (1848), Maryland (1850), and Georgia (1855–56). Missouri and Arkansas never had barred slaves, except vicious criminals, and the new states of Florida and Texas now permitted interstate slave trading except where it involved criminals. Kentucky prohibited its residents from buying or importing slaves for their own use (1833), but this was widely disregarded. As a result, interstate slave traders did a thriving business.¹⁵¹

Coffles of shackled slaves in transit had become a common sight throughout the South. In 1839 James S. Buckingham passed a procession of slaves on the road near Fredericksburg, Virginia, and observed “the men chained together in pairs, and the women carrying the children and bundles [on] their march to the South. The gang was under several white drivers, who rode near them on horseback, with large whips, while the slaves marched on foot beside them; and there was one driver behind, to bring up the rear.”¹⁵² On another highway, near Columbia, South Carolina, Charles Ball passed a gang of chained and handcuffed slaves being marched off to market; along the route a local stranger asked, “Are any of your niggers for sale?” After one white man in particular pressed the slave traders to sell him a pair of good “breeding wenches,” he was shown two pregnant black women, aged twenty-two and nineteen, who were said to have already delivered seven and four children respectively. The man bought them for \$1,000 and shared a liquor toast with the blacksmith who removed their irons. The two women bid a sorrowful farewell to their companions as they were led away.¹⁵³

The hypocrisy of such trafficking within a “free and democratic” nation was glaring to many foreign visitors. In September 1834 an English traveller, G. W. Featherstonhaugh, passed a coffle of three hundred slaves being moved along a southern highway. Farther down the road, at a tavern beyond Knoxville, he came upon none other than President Andrew Jackson sitting at a table, smoking his pipe. Old Hickory was wearing a white hat bound with black crape. A few minutes after Jackson left, another

patron appeared, accompanied by his slave. This stranger too was dressed in mourning clothes. Featherstonhaugh described him as a “queer, tall animal about forty years old, with dark black hair, cut round as if he were a Methodist preacher, immense black whiskers, a physiognomy not without one or two tolerable features, but singularly sharp and not a little piratical and repulsive.” It was John Armfield, a slave trader from Alexandria, and he proceeded to get drunk at the tavern and boisterously express his admiration for General Jackson, George Washington, and that other beloved champion of liberty, democracy, and equality, the recently deceased Marquis de Lafayette, whose death he was mourning. Featherstonhaugh could barely contain his disgust.¹⁵⁴

Enlightened Northerners were embarrassed by what they saw down South. While travelling in 1846, Auburn’s own William H. Seward, the former New York governor and state senator, witnessed a slave cargo being shipped from Richmond to Norfolk. As seventy-five glum Negroes were trudging aboard the vessel, a Southern gentleman leaned alongside Seward and remarked, “You see the curse that our forefathers bequeathed to us. . . . Oh, they don’t mind it; they are cheerful; they enjoy this transportation and travel as much as you do.” The ship’s captain added, “Oh, sir, do not be concerned about them; they are the happiest people in the world!” The words “happiest people in the world!” rang in Seward’s ears as he gazed down at the long and miserable human chain as it wound into the ship. Years later, Seward could not help but recall that “[t]he sable procession was followed by a woman, a white woman, dressed in silk and furs and feathers. She seemed the captain’s wife. She carried in her hand a Bible!”¹⁵⁵

Even though it was no longer international, the slave trade remained big business in the South—as big as it had been before the American Revolution. As textile factories in the North consumed more and more Southern cotton, plantation owners scrambled to field a sufficient labor force, and some slaveholders headed west in search of fertile soil. According to one slave trader who fell into conversation with a white business partner on the Potomac in the 1830s, slave prices fluctuated wildly. “Children from one year to 18 months old are now worth about \$100,” the trader said. Pointing to a black boy of about seven or eight years old, he said, “That little fellow there, I gave \$400 for.” Noting a lad of about eighteen, he remarked, “That fellow, I gave \$750 for last night, after dark.” The trader added, “I offered the other day \$1,200 for two girls, and their owner got \$1,300, a day or two after. A first-rate fieldhand is well worth \$900, and would bring it, if the owner did not know it. A good mechanic is worth \$1,200. Mine are nearly

all fieldhands; but I shall not take a cent under \$1,000 [each] for the men, when I get to Carolina."¹⁵⁶ Within a few months, he expected to make 25 to 30 percent on his investment.

Prisons still played a key role in the slave trade, just as they did in upholding slavery. The South was filled with private jails as well as public ones, the primary or exclusive purpose of which was to hold slaves. Most of the extensive slave trading in Washington, D.C., occurred in and around taverns and inns, such as the Lafayette Tavern, at F Street between 13th and 14th NW, and Lloyd's Tavern. Many reputable hotels maintained small jails for their customers' use, just as they offered safes for precious jewels and cash.¹⁵⁷

On a stifling day in 1833, E. S. Abdy visited Robey's Tavern (on the east side of 7th Street between B Street SW and Maryland Avenue) and spied a wretched slave pen. Inside were several blacks peeking out from between crevices in the palisade trying to breathe some fresh air.¹⁵⁸ Two years later a visitor to John Armfield's slave pen, located between the Capitol and Mount Vernon, described being met in the parlor by "a man of fine personal appearance and of engaging and graceful manners"; he provided his caller with a pungent, frosty julep and summoned a cicerone with the keys. The assistant opened the bolts and padlocks on the grated iron door, and the visitor entered a yard to a high, whitewashed wall surrounding the pen for male slaves. That day there were about sixty men and boys inside, ranging upwards in age from about ten years old. Nearby, the visitor saw a similar pen containing about forty Negro women and girls, some of whom were weeping. Armfield's jail complex included a tailor shop for making slave clothes, a large kitchen, and several tents, wagons, and other equipment used in transporting slaves to and from the market. There was also a small hospital and a long, two-story private jail with grated windows in which the slaves were kept chained at night.¹⁵⁹

Fredrika Bremer, who visited several private slave pens in 1851, saw in one of them a well-built but forlorn-looking Negro who had reportedly cut off the fingers of his own right hand as a means of hurting his master. Somebody said he was being separated from his wife and children and sold South. At another site Bremer witnessed slaves being tied down and paddled by a keeper. The man explained that his cowhide could "cause as much torture as any other instrument, and even more, because one can give as many blows with this strip of hide without its leaving any outward sign; it does not cut into the flesh." Another jail specialized in "fancy girls," who were sold for sexual purposes.¹⁶⁰

It was in jails and prisons that many slave sales were conducted, since they enabled dealers to operate with comfort, privacy, security, even

secrecy. The squeamish public was spared being exposed to sights that many people plainly preferred not to see. This detachment from the public view enabled traders to more easily engage in practices that were illegal, and it helped to conceal evidence of kidnapping and other crimes that had been committed against free blacks.¹⁶¹ Solomon Northrup, for example, had been born free in upstate New York and resided in Saratoga with his wife and children, all of whom were also free. But in 1841 two circus managers lured him to the District of Columbia, where he was drugged and kidnapped. The trader James H. Birch imprisoned Northrup in a private jail—Williams' Slave Pen—that was tucked away on a street that was literally within the shadow of the Capitol. From there Northrup was taken to Richmond to be sold into slavery on Theophilus Freeman's Louisiana plantation near the Red River.¹⁶²

Public jails were also made available to slave traders. In most slaveholding cities, a gentleman could send his rebellious slave to jail for whipping or other correction. Between 1824 and 1828, for example, the District of Columbia jail boarded at least 452 slaves.¹⁶³

Moses Roper was a slave of mixed Negro, white, and Indian blood who was sold from his mother in North Carolina when he was six because he bore an embarrassing physical resemblance to his master. As an adolescent he ran away, half-naked, into the woods, was quickly apprehended, and thrown in jail. Roper later explained, "When they put slaves in gaol, they advertise for their masters to own them; but if the master does not claim his slave in 6 months from the time of imprisonment the slave is sold for gaol fees." His master came and claimed him, whipped him severely, and put him to work in the fields with a twenty-five-pound weight attached around his neck. When he misbehaved again, his master responded with another instrument that was several feet high, with cross pieces that were two, four, and six feet in length, strung with iron bells. Roper still refused to capitulate, however, and eventually he escaped to freedom.¹⁶⁴

Most were not so lucky. At Baltimore in 1837, 149 blacks were jailed as runaways and 148 more were held for not having proper papers. Twenty years later, the combined number had risen to 483.¹⁶⁵

Public prisons also were used to hold slaves who were accused of insurrection. Of the 79 persons convicted in connection with Denmark Vesey's Charleston slave revolt in 1822, 35 were condemned to death and 44 were ordered transported out of the state via the prisons.¹⁶⁶

In August 1831 the bloodiest slave uprising in American history occurred in Southampton, Virginia. It was led by Nat Turner, a mystical slave who claimed he had heard voices urging revolt. Turner's followers slaughtered sixty-one whites in an effort to liberate slaves from bondage,

but the rebellion was crushed and Turner himself was captured and imprisoned. Chained and helpless, he was awaiting his fate in the Jerusalem jail when an elderly white lawyer, Thomas R. Gray, entered the cell with paper and pens to take down Turner's "confession." Upon conviction, Turner was valued at \$375, the amount that the state was required to reimburse the Putnam Moore estate for destroying its "property." A noose was tied around Turner's neck and he was hoisted up. When sufficient time had passed, the corpse was cut down and given to the surgeons for dissection. Later they skinned it and made grease of the flesh. Officially, he was one of seventeen slaves and three free Negroes who were hanged, with twelve others being transported for their part in the rebellion; unofficially, dozens of blacks throughout the region were butchered by mobs.¹⁶⁷

Ironically, Virginia's system of transportation beyond the limits of the United States was modeled after the British practice that had been one of the abuses cited in the Declaration of Independence and one of the causes of the Revolution. Between 1800 and 1850, Virginia alone transported more than six hundred slave criminals. Slaves were supposed to be held at the penitentiary only until they could be executed or sold out of the country. But administering the law proved difficult. Reimbursement costs posed excessive expense to the state, and it became harder to find foreign buyers. (In 1820 Virginia paid \$512.25 apiece for twenty-five Negroes; ten years later the cost was \$369.78 per head.)¹⁶⁸ State law allowed the governor to commute a death sentence to imprisonment and then release the slave from the penitentiary on the condition that he or she be deported. In practice there were few legal niceties involved. For example, Governor Henry A. Wise reported in 1857: "I examined the record of the case of Dolly, a slave, the property of B. S. Crouch, who was condemned to be hung by the county court of Henrico, for burning a dwelling house; and because of the insufficiency of the testimony against her, and of the recommendation to mercy by the justices of the peace who composed the court, I commuted the capital punishment, and ordered the prisoner to sale and transportation beyond the limits of the United States."¹⁶⁹

To carry out this transportation, the state formed business relationships with slave dealers. Once these slave traders took custody of a prisoner, the state washed its hands and looked the other way. A Maryland law of 1818 provided that any slave convicted of a crime, who the court found should not be hanged, might be transported and sold. An 1846 statute provided that any slave who had finished a term in the state penitentiary should be sold at auction and transported. Such laws were particularly aimed at controlling free blacks. In 1848 Governor William Smith of Virginia complained that free blacks were committing ten times more crime in propor-

tion to their numbers as whites, and he said that this adversely affected "the value of our slaves." He lamented that freedom "awakens in the slave new appetites and wants, teaches the road to crime, makes him restless and dissatisfied, and increases the spirit of insubordination."¹⁷⁰

ABOLITION AND THE UNDERGROUND RAILROAD

THE antislavery crusade began in earnest in the late 1820s and early 1830s, after gradual emancipation had largely been achieved in the North and when other nations, especially Great Britain, were abolishing slavery altogether.

Since the Revolution, the systems of slavery and imprisonment had developed together. At virtually each stage of New York's gradual emancipation process, the state had also gradually created and added to its prison system. Thus, the American anti-slavery movement coincided with the pro-penitentiary movement; efforts to curtail chattel slavery were going on at the same time that reformers were also trying to perfect penal slavery in the North. Both movements were characterized by religious fervor, a sense of moral urgency, and utopianism. Some of each generation's leaders in one movement were also instrumental in the other—men like Thomas Eddy, Benjamin Rush, Caleb Lowmes, Francis Lieber, Samuel Gridley Howe, and Franklin B. Sanborn.¹⁷¹ Sanborn was another leading abolitionist and penal reformer. The anti-slavery and pro-penitentiary movements were partly driven by similar visions of human perfection and human depravity, racial inequality, and class differences. The involvement of Quakers in both movements was strong, and the connections could be complex. Some Friends of conscience even refused to perform jury duty because it might result in someone being imprisoned. Others, like Laura Haviland—a prim Quaker in northern Michigan—took great physical risks in smuggling black fugitive slaves (criminals) to freedom.¹⁷²

Isaac T. Hopper was a prominent Philadelphia Quaker who had started smuggling slaves to freedom in 1787, when he was only sixteen years old. Because he would not renounce the use of violence to combat slavery, however, he was disowned by the Society of Friends. Hopper was also a top penal reformer, who sought to improve imprisonment and help convicts find work and lead honest lives after release. His daughter, Abby Hopper Gibbons, followed in his footsteps by leading the Female Department of the Prison Association of New York as well as a predominantly black antislavery society. She, too, left the Society of Friends due to a dispute over abolitionism.¹⁷³ Some other prominent women who were active

in both reforming prisons and opposing slavery included Catherine Sedgewick, Caroline Kirkland, Sarah Doremus, Margaret Fuller, Elizabeth Comstock, Elizabeth Buffum Chace, Mary Pierce Poor, and Harriet Beecher Stowe.

America's leading white abolitionist, William Lloyd Garrison, like many champions of social change in his era, spent some time behind bars for his political activities. Wherever he was jailed, he left antislavery graffiti on the walls; he also published poems and essays about his own imprisonment. Garrison began putting out a weekly abolitionist newspaper, *The Liberator*, in Boston in 1831, the same time that Beaumont and Tocqueville were visiting the United States and Nat Turner was leading his bloody insurrection. Garrison insisted that slavery must be overthrown, regardless of the obstacles, no matter if it took a bloody civil or servants' revolt.¹⁷⁴

Those working against slavery disagreed among themselves on the extent to which they should assist fugitive slaves in reaching Canada or help to defend imprisoned abolitionists. Garrison and some of his more radical colleagues considered such activities too peripheral. They favored direct action and would settle for nothing less than total and immediate abolition.¹⁷⁵ Reverend Theodore Dwight Weld, an evangelist from New York's "burned-over district," wrote that enslaving men and reducing them to things was immoral and against God's commandments.¹⁷⁶ Weld and his sister-in-law, Sarah Grimké, spent six months scouring Southern newspapers for factual items about slavery, many of them involving jailers and prisoners; they included them in Weld's documentary exposé, *Slavery as It Is: The Testimony of a Thousand Witnesses* (New York, 1839). It sold 100,000 copies in its first year alone and set the stage for Harriet Beecher Stowe's monumental novel, *Uncle Tom's Cabin*.¹⁷⁷

Even in the free states, reaction against abolitionists sometimes turned violent. David Walker, the black author of the militant *Appeal to the Coloured Citizens of the World* (Boston, 1829), was found dead in Boston under mysterious circumstances.¹⁷⁸ In November 1837 Garrison barely escaped being killed by a mob there. Elijah P. Lovejoy, a Presbyterian minister and newspaper editor who had advocated gradual emancipation, was murdered by a proslavery mob in Alton, Illinois.¹⁷⁹

Slaves who tried to escape faced extraordinary obstacles. One choice was to flee south—to the Dismal Swamp, Florida's Everglades, or Mexico. For those few who survived the trek, there remained enormous physical challenges, as well as an uncertain fate at the hands of potential Indian or Mexican captors. Sometimes the Indians proved sympathetic, just as Shinnecocks had helped transport runaway slaves from Long Island's north shore to freedom in Massachusetts, Connecticut, and Rhode Island,

and Ottawas under Chief Kinjeino had sheltered fugitive slaves in western Ohio.¹⁸⁰ After the War of 1812, some slaves fleeing into Florida had ended up living among the Seminoles, whose chief, Osceola, had married a black woman and welcomed fugitives. Although a few of these escapees were enslaved by the Indians, others were accepted, even embraced.¹⁸¹ Indeed, the First Seminole War had started when U.S. troops had invaded eastern Florida in an effort to eliminate this sanctuary for fugitive slaves. The Second Seminole War extended from 1835 to 1843, beginning after the United States Army tried to drive out Indians and blacks to make way for white settlers. In that conflict, Chief Wild Cat escaped with seventeen others from an army prison at Fort Marion and led the Seminoles and runaway slaves until he was recaptured.¹⁸²

Instead of ending slavery, the Constitution protected it. Article IV, Section 2, stated that any "person held to service or labor in one state" who escaped to another "shall be delivered up on claim of the party to whom such service or labor may be due." But it did not stipulate how this would be accomplished. The federal Fugitive Slave Act of 1793 had provided for enforcement by authorizing slaveowners to cross state lines to recapture their property and bring it before any local magistrate or federal court to prove ownership. The act denied fugitives any protection of habeas corpus, right to a jury trial, or right to testify in their own behalf.¹⁸³

Like England's spirits from two centuries earlier, or press-gangs from the days before the Revolution, American slavecatchers were not finicky about who they grabbed or how. Any black person was fair game. Many saw no need to go to a local magistrate or federal court as the law required. Legal attempts to prevent such abuses were attacked through the courts. Pennsylvania's antikidnapping statute of 1826, for instance, was challenged by slavecatchers all the way to the Supreme Court; in 1842 that tribunal overturned the state law and upheld the right of slaveowners to regain their property as provided by the Fugitive Slave Act of 1793.¹⁸⁴

By the early 1830s, the volume of black fugitives fleeing the South, and the number of free blacks and white persons of conscience willing to assist them, was so great that an organized smuggling network began to develop. Legend has it that so many slaves seemed to disappear near the home of Levi Coffin, in Richmond, Indiana, that somebody said an "Under Ground Rail Road" must be running to it.¹⁸⁵ Within a few years, journalists were writing about these clandestine activities as if they were part of a full-fledged rail line. The conductors and stationmasters of the Underground Railroad devised passwords, hiding compartments, secret signals, codes, and counterintelligence networks. For security reasons, the stationmaster

of an underground depot might know only the names and locations of those colleagues immediately above and below him in the chain. Nobody knew how extensive the whole network really was, or how many runaway slaves it handled. Travel routes and schedules were closely guarded. Those trying to aid escaping slaves faced serious injury to themselves, their friends, and their families if they were detected. The dangers were most acute in the South, but a few courageous whites and blacks actually ventured there to do what they could to help slaves to freedom. Some were killed as a result, white accessories were imprisoned, and blacks were put back in chains.¹⁸⁶

Leonard A. Grimes of Virginia was caught transporting fugitives and sentenced to two years in the state penitentiary. In 1838 Reverend Charles Torrey left his quiet New England congregation to aid escaping slaves down South. Caught and convicted, he eventually died in prison.¹⁸⁷ Jonathan Walker, a Massachusetts shipwright, was imprisoned at Pensacola in 1844 for trying to carry seven slaves on a sailboat from Florida to the Bahamas; a federal court ordered him branded with "SS"—for "slave stealer"—on his right hand.¹⁸⁸ Lewis W. Paine, a white Northern factory worker caught trying to help slaves escape from Georgia, spent six years behind bars.¹⁸⁹ A free Negro, Sam Green, was sentenced to ten years in the Maryland penitentiary simply for possessing *Uncle Tom's Cabin*.¹⁹⁰

Having drawn a five-year sentence in Missouri for attempting to aid some slaves in gaining their liberty, the abolitionist George Thompson arrived in prison to find one of the wardens "so drunk, he could scarcely sit up, and he did most of the talking." Thompson and his two accomplices were questioned about their abolitionist doctrines. Who were their contacts on the Underground Railroad? How many slaves had they helped to get away? Their captors made it clear that they considered "slavestealers" to be worse than common murderers or chicken thieves, and they treated them accordingly. After his release, Thompson said his imprisonment had only made him feel more solidarity with the slaves he sought to help free. "We know how the chain feels," he wrote.

We know what it is to be at the will of another; to do as others say; receive what they see fit to give; eat and drink what their will supplies, and await their pleasure. . . . We understand what it is to be forcibly separated from wife, children, parents and friends, and denied the sweetness of their society. . . . To live in uncertainty—not knowing what they will do with us tomorrow. . . . To be looked upon with scorn, reproach, and contempt, by men, women, and little children.¹⁹¹

P. A. Thomas

Thompson and his associates spread their gospel in the Palmyra jail and the state penitentiary at Jefferson City.

A slave named Henry Brown had himself packed into a 3 × 2½ × 2 foot crate and shipped from Richmond to Philadelphia. Living on a few biscuits and a bladder of water, and with very little oxygen, he was delivered twenty-six hours later and found to be alive. His case generated lots of publicity, much of it humorous. But Samuel A. Smith, the white carpenter who had assisted him, was sentenced to state prison for eight years, and several imitators of "Box" Brown suffocated to death in the mails.¹⁹²

Slaveowners constituted only a small minority, even in the Deep South. By 1850 there may have been fewer than 350,000 slaveowners in a total white population of 6 to 8 million in the slave states. Of these, perhaps 7 percent (about 25,000) of the whites owned nearly three-quarters of the slaves; probably 200,000 or so had only 5 slaves or fewer. Yet, the richest among them continued to wield immense power. In 1850 a new federal Fugitive Slave Law went into effect that favored the slaveholders even more strongly. It provided that alleged runaways in custody were presumed guilty and denied any right to defend themselves. The law created a new federal post of commissioner, before whom any claimant could bring an alleged fugitive to verify that the prisoner was a runaway slave. If the slavecatcher had a supporting affidavit from a state court or testimony from two witnesses, he was supposed to be awarded custody.¹⁹³ Critics complained that the law promised a five-dollar fee to a commissioner for ruling against the slavecatcher, but awarded ten dollars if the commissioner ruled in his favor. Federal marshals and deputies were required to assist slaveowners in recapturing their property and were subject to thousand-dollar fines if they refused. The authorities could deputize citizens to assist in slavecatching. Anyone who harbored a fugitive or obstructed the administration of justice was subject to stiff criminal penalties. The act did not carry any statute of limitations, which meant that blacks who had lived in the North for several years could be reenslaved and their free-born children seized as contraband.

Antislavery forces challenged the law in court, but lost. The Supreme Court of the United States upheld the law in 1859.¹⁹⁴ As a result, many blacks throughout the North panicked and sought refuge abroad. During the last three months of 1850 alone, an estimated three thousand of them fled to Canada, many through upstate New York.¹⁹⁵ One legendary fugitive slave, Harriet Tubman, repeatedly risked her life to guide other slaves to freedom north of the border.¹⁹⁶

Frederick Douglass, the black abolitionist, sometimes had as many as eleven fugitives hiding at his Rochester home. He said he felt obliged to

help because he too was an escaped slave and had received assistance from others when he needed it. In his early writings, which were published when slavery still ruled the land, Douglass was reluctant to share many details, primarily because he did not want to incriminate others or close any avenue of escape.¹⁹⁷ But he did tell the story of how, as a youth, he and some companions were suspected as runaways and dragged off to the Easton jail and placed in the sheriff's custody without any rights. He later escaped again and made his way to New York, where he was afraid, homeless, hungry, friendless, and depressed, surviving by his wits on the streets of a foreign city. In time he made a good living for himself and rose to become one of the greatest orators of his era. He never stopped risking his life to help others like himself who had come up the hard way.¹⁹⁸

Other notable men and women who helped runaway slaves included Allan Pinkerton (who managed a depot of the Underground Railroad beneath his cooper's shop near Chicago, and who was later instrumental in establishing the U.S. Secret Service, as well as being the founder of the noted private-detective agency), Isaac T. Hopper, William Still, Susan B. Anthony, John Greenleaf Whittier, Lucretia Coffin Mott, Horace Mann, Harriet Beecher Stowe, Gerrit Smith, Stephen J. May, John Brown, Parker and Amos Pillsbury, Henry Wadsworth Longfellow, James Russell Lowell, and Louisa May Alcott.¹⁹⁹

PURGED WITH BLOOD

FRUSTRATED in their efforts to succeed by legal, or at least peaceful, means, abolitionists increasingly condemned the legal system for upholding slavery and appealed to Americans of conscience to follow a higher law. Boston's Anti-Slavery Society declared that the Fugitive Slave Act "is to be denounced, resisted, disobeyed," and many favored civil disobedience or force.²⁰⁰ When a black waiter in Boston was seized as a runaway slave and hauled off to court, a black mob broke into the courtroom, freed him, and helped him escape to Canada.²⁰¹ A few months later, abolitionists tried to free a seventeen-year-old black youth named Thomas Sims who was being held in Boston's courthouse, but military force was used to thwart their efforts and Sims was shipped back to slavery.²⁰² Other slave rescues occurred throughout the Northeast, much like the attacks on press-gangs of a century before.

In March 1857 the United States Supreme Court handed down its ruling in *Dred Scott v. Sandford*.²⁰³ The case involved a slave named Dred Scott who in 1834 had been taken by his master, Dr. John Emerson, from

St. Louis, Missouri, to Rock Island, Illinois (where slavery had been forbidden by the Northwest Ordinance), and later to Fort Snelling, in the Wisconsin Territory (where slavery was prohibited by the Missouri Compromise). Scott had remained on free soil for four years or so. Slated to be taken back to Missouri, he sued for his liberty, claiming that he had become free by living in a free state and a free territory for a protracted period. The case remained enmeshed in the legal system for ten years until the question finally was taken up by the high court.²⁰⁴ Writing for the seven to two majority, Chief Justice Roger B. Taney ruled that "people of African descent are not and cannot be citizens of the United States" and "the black man has no rights which the white man is bound to respect," and went on to proclaim that "the enslaved African race were not intended to be included in the Declaration of Independence." The Court ruled that Dred Scott had not become free because the Missouri Compromise restriction under which he claimed his freedom was unconstitutional, since Congress had no power to prohibit slavery in federal territories.

The ruling enraged many abolitionists and prompted more opponents of slavery to disdain legalistic approaches in waging their fight. Some abolitionists urged that the North secede from the Union, and a few proslavery elements proclaimed that the defense of their property depended upon the preservation of the Union and federal assistance in law enforcement.

Tensions had been mounting throughout the North. At Sing Sing prison, in November 1855, a keeper was severely beaten by convicts. The next day, a convict wielding a crowbar charged at a guard in the quarries and was shot dead. That night a newspaper reported that "the shaking of eight or nine hundred iron doors, and the unearthly groans of the men would be somewhat frightful, were it not on the right side of the substantial stone walls."²⁰⁵ In early 1858 a convict named Jack Haggerty sprang up in the saw shop and shouted, "Now boys, liberty or death!" When the smoke cleared, two convicts lay mortally wounded by gunfire.²⁰⁶

John Brown personified the abolitionist who was willing to use violence to destroy slavery.²⁰⁷ After fighting many skirmishes against it, he ultimately decided to wage real war, and drew up detailed invasion plans that were designed to trigger a massive slave revolt. His scheme was allegedly backed by the "Secret Six," a group of prominent white abolitionists that included Howe; Sanborn; Reverend Thomas Wentworth Higginson, a leading transcendentalist; Reverend Theodore Parker, the Unitarian leader; the businessman George L. Stearns; and Gerrit Smith, a wealthy New York philanthropist.

Brown headed a twenty-two-man "Army of Liberation" that included two of his own sons, assorted white radicals, and several former slaves.

They raided the federal arsenal at Harpers Ferry, Virginia, expecting to seize weapons and free and arm the slaves. Some hostages, but very few slaves, joined their rebellion. After a shootout, Brown was captured by marines under the command of Colonel Robert E. Lee and Lieutenant J. E. B. Stuart, and taken to the Charlestown jail to await trial.

Over eight hundred people visited him there during a two-day period. One step ahead of a lynch mob, Brown was quickly tried and found guilty. On December 2, 1859, he was taken from his cell and put onto a wagon atop his coffin, hands tied behind his back. En route to the gallows he slipped an attendant a handwritten message: "Charlestown, Va, 2d, December, 1859. I John Brown am now quite *certain* that the crimes of this *guilty, land: will* never be purged *away*; but with Blood. I had as I *now think: vainly* flattered myself that without *very much* bloodshed; it might be done."²⁰⁸

In the North, Brown's supporters pronounced him a martyr to the cause of freedom. Thoreau called him a "crucified hero." Church bells tolled, songs and poems were composed in his honor. Longfellow wrote in his diary: "The date of a new Revolution,—quite as much needed as the old one."²⁰⁹

CHAPTER FIVE

Scandal and Reform

PRISON CAMPS

THE intensified sectional conflict over slavery of the 1850s dominated the presidential campaign of 1860. The platform of the new Republican Party appealed for harmony, emphasizing the importance of the Union and carefully avoiding any condemnation of Negro slavery. Nevertheless, Abraham Lincoln's election prompted the secession of the slaveholding states—South Carolina, Mississippi, Florida, Alabama, Georgia, Louisiana, Texas, Virginia, Arkansas, Tennessee, and North Carolina, plus factional governments in Missouri and Kentucky—which saw him as not serving their interests. The Confederate States of America was declared, with Jefferson Davis as president.

Shortly before dawn on April 12, 1861, Edmund Ruffin of Virginia fired the first cannon shot at Fort Sumter in Charleston harbor, beginning the Civil War. Thirty-four hours later, the garrison surrendered and federal troops were taken prisoner. Full-scale battlefield fighting began a few months later and resulted in significant deaths, woundings, and captures. After only a few months, each side held thousands of prisoners of war.

Many Northerners considered the conflict an illegal rebellion and wanted the Confederates prosecuted for levying war against the United States. (As it would turn out, that did not happen.) Southerners, on the other hand, considered their actions valid, legal, and consistent with their American heritage, regarding the Yankees as foreign invaders and oppressors. Neither side took a kind view of captured enemy troops.

Early on, many prisoners of war were exchanged under a traditional gentlemen's agreement based on rank. Privates were worth less than corpo-