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PENNSYLVANIA ADULT CORRECTIONAL TRAINING INSTITUTES (P.A.C.T.)

Developed by the
Center for Law Enforcement and Corrections
College of Human Development
The Pennsylvania State University
University Park, Pennsylvania

A Training Module for Trainers of Personnel
in the Administration of Criminal Justice

Designed as Part of the Statewide Training Program for
Executive and Managerial Correctional Personnel

HISTORY OF LAW ENFORCEMENT AND CORRECTION IN PENNSYLVANIA

Training Module 6901

June, 1969

The Statewide Training Program
for Correctional Personnel is supported
by a grant from the Law Enforcement
Assistance Act, U.S. Department of Justice No. 357-222

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A FOREWORD TO THE INSTRUCTOR

The training module, "History of Law Enforcement and Correction in Pennsylvania," was written by Professor Phillip E. Stebbins of the Department of History at The Pennsylvania State University. This essay can be used alone as a short course providing an in-depth perspective on the history of law enforcement in the Commonwealth, or it can be incorporated into the training series produced by the Pennsylvania Adult Correctional Training (P.A.C.T.) project.

When time and other factors permit, the course is ideally utilized as one topic in the related series. This module would be the first course presented when the entire series is used. The series would begin with "History of Law Enforcement and Correction in Pennsylvania" (T.M.No.6901), followed by "The Administration of Justice" (T.M.No.6902), and then "Criminal Law, The Laws of Arrest, and Detention" (T.M.No.6903), "The Police-- Its History and Contemporary Place in Society" (T.M.No.6904), "Pennsylvania Judicial System: The Courts, The Judge, The Jury" (T.M.No.6905), "Sentencing--Two Views" (T.M.No.6906), "Probation and Parole" (T.M.No.6907), "Jails and Prisons" (T.M.No.6908), "Capital Punishment" (T.M.No.6909), and finally, "The Dynamics of Human Behavior" (T.M.No.6910). Following this suggested order, a cohesive picture of the offender, the arrest, sentencing, punishment, and corrections would be presented.

In order that each module be utilized to its fullest potential, the trainer or instructor first should have a sound background, preferably with field experience in the area in which he will

be instructing. Secondly, he should have in-depth knowledge of the bibliographical material listed at the end of the training module, as well as other literature sources. With this basic preparation, the trainer can be in a position to employ the training module as a "road map" for the direction and substance of the course. Throughout the preparation and presentation of the course, the trainer should keep in mind the general objectives of the course as set forth at the outset of the outline.

As the course is presented, each heading and subheading should be treated by the instructor as a theme for expansion. The headings are meant only to provide the structure to the trainer, who should then build on them, expanding and enlarging as the needs of the class are demonstrated and his time and ability permit. Many examples and illustrations should be provided to the class. An abundance of case material and other examples carefully prepared by the instructor is essential. It is the illustrative material that concretize concepts and enhance learning. The trainer should draw upon his own professional experience as well as the bibliographical material for much of this expansion. Obviously, the trainer should capitalize on the experiences of his class in order to make the material more viable.

While the trainer is preparing for the course, certain chapters and sections of the readings will suggest themselves to him as so basic or important that he will want to assign them to the class. Therefore, the bibliography will serve two purposes: preparation of material for the instructor, and training material for the class. No attempt was made on the part of those developing the training modules to dictate what, if any, the class assignment should be.

The trainer will know his class and its needs better than anyone else and should have full discretionary power on assignments, drawing from the bibliographical references or any other sources which he deems relevant.

We of the staff of the Center for Law Enforcement and Corrections hope that these training modules can serve an effective role in providing assistance to those who have the responsibility for training operating personnel. If the material has the potential to serve as a catalyst, it is, nevertheless, the instructor who stands before the class who carries the burden of teaching success. It is to him that we say, "Good luck."

Charles L. Newman, Project Director

William H. Parsonage, Associate Project Director

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HISTORY OF LAW ENFORCEMENT
AND CORRECTION IN
PENNSYLVANIA

by
Phillip E. Stebbins
Assistant Professor of History
The Pennsylvania State University

Training Module 6901

One of the consequences of the excitement generated during the eighteenth century controversies with England was an emancipation of American social attitudes.¹ The values of the mother country need no longer be accepted. Rather, as Pennsylvanians found themselves free of externally imposed standards, they turned for guidance to their colonial experience.² True, educated Americans' values were more catholic than this; the theoretical treatises of enlightenment thinkers and writers seasoned provincial thought. But Americans relied most heavily on their own past to shape their new future. A comparison of English and American attitudes regarding the treatment of law breakers is a classic demonstration of this metamorphosis.

In Pennsylvania's case the values and beliefs of William Penn had already laid the foundations for enlightened penology.³ Penn in his First Frame of Government made it clear that his would be a "liberal and humane" commonwealth. To Penn and his fellow Quakers of Pennsylvania the penal code of seventeenth century England providing corporal or capital punishment as the usual fare for the transgressor was inappropriate for the Holy Experiment. Rather, Pennsylvania's first legal code substituted workhouses and imprisonment at hard labor for English gaols and physical punishment.⁴

In 1718 England swept aside this mild Quaker code and imposed its own criminal code in Pennsylvania.⁵ The new laws required the colony to maintain "prisons and pillories" for punishment. It introduced whipping, branding, mutilation, and, of course, execution. But with the coming of the Revolution in 1776, Pennsylvania, taking the lead among the states, drafted a constitution which returned once

again to the more humane ideas of Penn--emphasizing confinement at hard labor for all crimes.⁶

Even while the colonies fought for their independence, reformers turned their attentions to the plight of the criminal. Private religious and humanitarian organizations, such as the Philadelphia Society for Alleviating the Miseries of Public Prisons, began their efforts to humanize England's brutal legacy.⁷ They sought to make the constitutional language of 1776 more than bare rhetoric. To the members of this Society a belief in the importance of the man--of his improvability and regeneration--meant that prison facilities could no longer serve as mere cages. The Society expressed particular concern about Philadelphia's main confinement facility--the Walnut Street Jail. This jail, which had been used as a military prison during the war was, with the return of peace, again a civil confinement facility. A Society investigation of the institution in 1788 found it woefully overcrowded. Within its walls prisoners, male and female, debtor and criminal, young and old, juvenile and calloused, mingled. Under such conditions, the Society observed, no prisoner could be improved. The jail was "instead a school for crime and a breeding place for both physical and mental disease."⁸

At the urging of the Prison Society the Pennsylvania legislature turned its attention to the conditions in the Commonwealth jails. Some legislators conceded that a humane criminal code was in itself not enough. Additional steps, similar to those urged by the Prison Society in its frequent memorials, had to be taken if reform was to have any practical meaning.

The heritage from England--the practices from 1718 to 1776--

posed formidable barriers to any reform of the state's penal system, however. The very design of Pennsylvania's jails stood in the way of the new penology. Jails--in England and the colonies--had traditionally been used to hold the accused pending trial or to keep the antisocial away from society. A jail's purpose was custodial or punitive. As the reformers noted, no thought had been given to the reformation of those held. But now, with a commitment to the regenerative purposes of confinement, the institutions for housing prisoners had to undergo a physical change.

By 1790 the State Assembly accepted financial responsibility for the upkeep of felons held in Walnut Street Jail.⁹ Here they were housed in a separate cell block, each in his solitary cell. As a part of this reorganization, the jail introduced a rudimentary classification system for prisoners, separating debtors from criminals, serious from less hardened offenders, males from females. It also substituted labor for idleness both for run of the mill prisoners held under congregate conditions and for "the more hardened and atrocious offenders" lodged in solitary confinement.¹⁰

The prisoner population of Walnut Street grew at such a rate, however, that the reforms instituted in 1790 were outmoded by the end of that decade. A destructive fire in the congregate shops in 1798 left Walnut Street a filthy and demoralized place. Concerned citizens now began to urge the construction of a totally new prison--a model prison reflecting the most enlightened penological thinking.

To the Pennsylvania Prison Society and to other reformers the most enlightened penological thinking meant the confinement of prisoners under solitary conditions. Within his separate cell each prisoner

would devote himself to personal contemplation, to religious education and to individual work. This solitude and forced reflection, it was believed, would bring about reformation of the prisoner and prepare him for an eventual return to society. Here was the beginning of the "Pennsylvania System" of penology.¹¹

Similar reform pressures in New York State had already resulted in approval of two prisons--the Auburn and the Sing Sing penitentiaries. The Auburn facility incorporated in its original design those same proposals for solitary confinement urged by the Pennsylvania Prison Society.

But modification of Auburn penitentiary was necessary in 1823--when it became clear that the small internal cells resulted in appalling health conditions. In the year of its redesign the "Auburn System" was born.¹² Under this regimen the inmates worked in congregate shops during the day, but were confined to their individual cells at night. At Auburn, order in the congregate work was maintained through enforced silence backed by the whipping of violators. Provision for an early release on the basis of good behavior--a so-called "good time" law--also rewarded those prisoners who conformed to the disciplinary rules during the congregate activities.

In spite of continued pressure, it was not until 1818 that the Pennsylvania legislature authorized the construction of a new penitentiary for the western part of the state.¹³ By 1821 the inadequacy of Philadelphia institutions--Walnut Street and the Arch Street Jail, built in 1817--became obvious and that year the legislature approved the erection of an eastern penitentiary.¹⁴

The initial design of both institutions provided for solitary or separate cells for each prisoner. Humanitarian and religious

reformers still cherished the belief that the contemplation of sins, penitence, and work at a craft were the best roads to rehabilitation. They persuasively argued that this shielding of the prisoner from contact with other prisoners would avoid the problem of harmful influences from the other inmates that existed in congregate jails.

The contest over the relative merits of this Pennsylvania system and the congregate facilities dominated American and European penology throughout the nineteenth century. Partisans of each system spent their talents which could better have been used in achieving reforms in producing polemics.

The Western State Penitentiary opened in 1826. In spite of the discussion, study and debate that had preceded its erection, the architectural design proved too massive; and modification, which was not finally completed until 1837, was necessary. It was clear after its reconstruction that the redesigned Western Penitentiary did not conform physically to the principles of separate confinement. More successful was the Eastern State Penitentiary which opened in 1829. This structure, located at Cherry Hill, served as the show-place for the Pennsylvania System. It immediately became an internationally recognized model of a modern confinement facility.¹⁵

Cherry Hill had individual cells, each with its private exercise yard. This, from the point of view of health, was a clear improvement over the interior cell blocks of the Auburn system or the design of the Western Penitentiary. The question of the merit of permanent solitary confinement now received its first fair test in a penitentiary expressly designed for its needs. But Cherry Hill was a frightfully expensive project, and this economic factor proved a major impediment to a general acceptance of the Pennsylvania

System throughout the United States.

It was not the cost of construction alone that limited the adoption of the Pennsylvania System; the cost of operation also played a part in making the Auburn System generally more attractive. Congregate labor, working under a contract with a private manufacturer, could produce goods in congregate shops for sale in the general market. This use of prison labor--the contract system--brought in greater revenue than the limited individual craft activity that was possible with separate confinement.

Such prison labor touched a sensitive nerve among workingmen's organizations. Prison made goods sold at about one half the cost of other products on the open market. It therefore came as no surprise that the laboring parties then emerging in Pennsylvania attacked the whole concept of prison labor.¹⁶ They reserved their strongest criticism for the contract system with its unfair competitive advantages. This economic concern of labor buttressed the views of those penologists championing the Pennsylvania System. Together they prevented serious consideration of the merits of the congregate system employed at Auburn.

As early as 1790 Pennsylvania prison reformers had seen the importance of classification of prisoners on the basis of age, sex, and gravity of offense. Some halting steps had already been taken in some areas to refine classification procedures. By 1828 the courts could and did send children, male and female, to the privately operated Philadelphia House of Refuge.¹⁷ In Philadelphia the Moyamensing Prison, completed in 1835, received prisoners with less serious sentences. By the 1840's the influence of Dorothea Dix

led Pennsylvanians to move some of their insane out of almshouses, jails and penitentiaries and into mental institutions.¹⁸ But other factors, such as the increase in the prisoner population, tended to negate these efforts at classification. Pennsylvania's population nearly trebled between 1820 and 1860, and her prison population rose with it. Yet the state enlarged its confinement facilities only grudgingly. Instead the state used the safety valve available in the county prisons scattered around the Commonwealth.

Starting in 1841 the legislature passed special legislation which permitted courts of Philadelphia to send offenders sentenced for so-called "penitentiary offenses" (all sentences in excess of two years) either to the Eastern Penitentiary or to Philadelphia County Prison (Moyamensing Prison). In Allegheny County courts sent offenders either to the Western Penitentiary or to the County Workhouse. Counties, such as Lancaster, Chester, Delaware, Montgomery, which by special legislation had erected county prisons, received similar legislative authority in determining the place of sentence.¹⁹

This procedure was, at best, a mixed blessing. Though confinement of prisoners in county jails might ease overcrowding, the problems it created outweighed any merit. County institutions remained outside the state system. Casual annual inspections resulted in nothing more than recommendations which local officials could ignore, and in the county jails the entire classification effort was abandoned. In short, the Commonwealth had sacrificed penological reform to economic expediency.

Overcrowding claimed another victim--Cherry Hill. As early as 1831 the Trustees of that penitentiary had been forced to com-

promise their ideals. The size of the prisoner population required an enlargement of the number of cells. This was accomplished by the addition of a second tier to the cell block, leaving prisoners in these new cells without an exercise yard. Solitary confinement remained but penal authorities maintained the cherished system at a high price. The health and morale of the inmates at the Eastern Penitentiary declined. The degeneration of Cherry Hill--and the Pennsylvania System--had begun.²⁰

Population pressures also entered into consideration of a good time law patterned after that used in the "Auburn System." Such a retreat from penological orthodoxy came hard. The inspectors of the Eastern Penitentiary stood opposed to this innovation. A promise of early release, they argued, had its only justification as an expedient for keeping order in the Auburn System. Pennsylvania, with its solitary confinement, needed no such law. The legislature, however, passed a law in 1861.²¹ The law directed the wardens at the two penitentiaries to keep records of prisoner behavior. Those with good records earned an early release. But since even the "model" penitentiaries in their overcrowded condition provided little work for the prisoners, good time was apparently to be awarded on the basis of conformity and passivity to the idle routine of prison life.

To the prison officials commissioned with the necessary record keeping, the 1861 law was a burden. To the courts it was unconstitutional.²² Increasingly during this period Pennsylvania penological thought--once the most imaginative and humane in the world--became reactionary. Wedded to the belief that religious and humanitarian

efforts were adequate instruments for penal rehabilitation and... concerned about the purity of the Pennsylvania System, it was compromised by its own most devoted disciples. Pennsylvania penologists rejected new ideas, dismissed out of hand the efforts being made in New York and Massachusetts, and by the mid-nineteenth century turned the Commonwealth of Pennsylvania into what many observers regarded as a center of reaction. These advocates of the status quo converted their earlier humanitarianism into a blind defense of a "vested social and intellectual interest."²³

This conservatism remained the hallmark of penological thinking in Pennsylvania through the 1840's and into the 1850's and 60's. During this period new experiments being tried elsewhere in the nation passed Pennsylvania by without resulting in significant change. Instead, observes a leading historian of Pennsylvania penology, a "general lethargy and apathy prevailed."²⁴

Even as the Western Penitentiary abandoned the Pennsylvania System, serving notice of the bankruptcy of that approach, defenders of orthodoxy moved to oppose all ideas that seemed at odds with established practices.²⁵ The inspectors of Eastern Penitentiary again belittled a second "good time" law passed in 1869.²⁶ They also denounced those steps taken by Western Penitentiary toward the Auburn System as penological heresy.

As in the past, penological conservatism found an ally in the ranks of labor. As the depression of 1873 destroyed the economic position of Pennsylvania workingmen, it increased the intensity of their already strong opposition to prison labor. Understandably upset by the competitive advantages enjoyed by the convict laboring

force, the workingmen and small manufacturers of the Commonwealth continued to lobby for restrictions on the contract labor system now in use at the Western Penitentiary. In the discussion that ensued little consideration was given to the penological pros and cons of prison labor. The opposition was exclusively concerned with the economic consequences of prison labor and goods on the open market. In 1883, with the economy again in a downward spiral, these lobbying efforts proved successful. That year the Commonwealth abolished the contract labor system.²⁷ Prison made goods could not, henceforth, be sold in the open market and prison labor could be used only "for the State and in behalf of the State."

Not satisfied with this legislation--and facing an even more severe depression in the 1890's--critics of prison labor obtained passage of the still more restrictive Muehlbronner Act in 1897.²⁸ This measure, which one critic calls "absurd and demoralizing," effectively destroyed prison labor in Pennsylvania.²⁹ Under its terms no warden could employ more than five percent of the inmates in the manufacture of brooms, brushes and hollow ware or more than ten percent in the manufacture of other kinds of goods produced in the Commonwealth. Further, the law provided that prisoners could use only hand- and foot-powered machines. The lot of the remaining prisoners was idleness.

While the anti-prison labor legislation consigned most of the prisoners in the Western Penitentiary to inactivity, Cherry Hill, where idleness had long since become an accepted condition of confinement, went from bad to worse.³⁰ The Inspectors of the Eastern Penitentiary refused to abandon the rhetoric of the Pennsylvania

System even as overcrowding and the addition of still more cell blocks near the end of the century further diluted the ideal of that system. The end result of this economic and penological conservatism was the nearly complete deterioration of Pennsylvania correctional institutions by the end of the nineteenth century. Resistance to ideas derived from the social and behavioral sciences became endemic.

Bad judgment even plagued the limited efforts at accommodation with contemporary penology. What was hoped would be an improvement in the state's correctional facilities began when, in 1878, the Western Penitentiary started the construction of a new structure at Wood's Run in Allegheny County.³¹ Its design adopted the physical requirements of the Auburn plan. With the completion of the first cell block in 1882, Pennsylvania again believed it possessed the nation's model prison. But the site of the new penitentiary was a poor one, inundated by devastating floods from the Ohio River and subject to the blanketing fogs and smoke that settled in the valley.³² Unfortunately, even when the Commonwealth took what had appeared to be a forward step, the result was marred because of bad judgment and the impecunious thinking of the legislature.

In only one case--the establishment of the Huntingdon Reformatory--did Pennsylvania move into the mainstream of contemporary penal development, and here the inspiration came not from Pennsylvania's penologists but from outside. For her model, the Commonwealth had to look to New York.

The most innovative institution in the nation at this time was the Elmira Reformatory. Although Elmira resembled other prisons externally, this reformatory for young offenders emphasized

educational and Vocational training, rather than amorphous contemplation, Bible reading and clerical lectures (the usual fare of prisoners at other institutions). The aim here was the rehabilitation rather than punishment of the inmate. The technique was practical rather than evangelical.

The directors of Elmira also experimented with the indeterminate sentence wherein the court set an indefinite period of imprisonment and the Reformatory determined the exact date of release based upon the inmate's conduct. When officials believed a prisoner ready for release, they also had authority to couple this release with parole. The paroled offender received conditional freedom from the correctional institution. He would lose this freedom, however, if he violated the conditions of his parole. The clear advantage of Elmira's procedures was that they served as a transition--a kind of testing period--between confinement and absolute freedom.

In spite of warnings heard from conservatives about the jeopardies in this system, Pennsylvania haltingly traveled down the path blazed by the Elmira Reformatory. This was probably made easier for some conservatives in the state because of Pennsylvania's earlier experience in the treatment of her juveniles: in 1828 the state gave juvenile institutions authority to determine the time of discharge and the power to apprentice their wards. Juveniles so apprenticed might learn a vocation--and help to earn their keep.³³ These procedures paralleled Elmira's indeterminate sentence, parole outside the institution and vocational training.

The example of Elmira finally bore fruit when the State Reformatory at Huntingdon opened in 1889.³⁴ Huntingdon, an institution for younger male offenders, attempted to incorporate much of the latest

thinking in "scientific" penology. In breaking free of religious and humanitarian principles that had guided the course of Pennsylvania penology for better than a century, the Huntingdon experiment stood as the single most important advance in correction between the end of the Civil War and the opening of the twentieth century.

Pennsylvanians looking backward over more than a century's developments in penology could regard this period with a mixture of pride and shame. The Commonwealth's record in law enforcement during the same period could, however, only be viewed with shame. Here the changing social and economic conditions of the second half of the nineteenth century created new problems in law enforcement. Town constables, sheriffs, county officials and other local officers often found it impossible to maintain genuine order in their districts, particularly as the industrialization of the state destroyed traditional social patterns and stirred the passions of the populace. In particular the bitter clashes between the entrepreneurial interests and the workingmen threatened a complete breakdown of law and order in some areas of Pennsylvania. When situations disintegrated sufficiently, the Governor could--and did--call in the National Guard; but a permanent law enforcement agency seemed essential. Pennsylvania found a way to avoid responsibility in this field through the device of the private police force. By abrogating state authority to private interests, Pennsylvania could have law and order without any expense to the state. Through legislation passed in 1866, owners of mines, textile mills, steel foundries, or any other industrial enterprise, could obtain commissions for one dollar granting to them authority to confer police power on men of their choosing.³⁵ These private militias, called the Coal and Iron Police,

were usually recruited from the criminal ranks of society. One State Historian of Pennsylvania summarizes the consequences of this procedure: it "literally removed the typical company-dominated community from the realm of public law and justice enforced by officers and courts of constituted State and local government and placed the fate of individuals in the hands of ruthless and oftentimes brutal men employed and paid by industrial concerns."³⁶

Steel, coal and railroad management saw the full possibilities in the Iron and Coal Police and used them not only to protect property and to maintain order in the company towns but to crush outside efforts to organize the workers and enforce company decrees. Not surprisingly, labor came to associate all law enforcement bodies with managerial ruthlessness in stamping out opposition.

The first decade of the twentieth century witnessed a stirring in the areas of both law enforcement and correction in Pennsylvania. The attitudes of reform--with a scientific and behaviorial bent--that would nationally be called progressivism began to influence thinking in the Commonwealth concerning legal, constabular and penological matters. Pennsylvania was just catching up with the first wave of penological reform that had influenced many states in the post-Civil War years.

A law passed in 1901 reasserted Pennsylvania's commitment to the principle of commutation of sentence for good behavior.³⁷ It generously extended the good-time law of 1869, increasing the amount of time a prisoner in a state prison, penitentiary, workhouse or county jail could earn. The law, however, was already out of date at the time of its passage. Most progressive penological thought

had moved beyond the idea of commutation through earned good time--calculated with mathematical precision. Reformers, now demonstrating a greater sophistication concerning the need for flexibility, urged a real indeterminate sentence for penitentiary prisoners similar to that already used for young first offenders at Huntingdon. To these reformers the law of 1901 was a "mere gesture" of good intentions, but fell short of allowing wide variation in length of confinement recommended by advanced social and behavioral studies.

A modified indeterminate sentence act, the Tustin Act of 1909, came closer to embodying many of these reforms.³⁸ Under this act, prison and penitentiary officials could now move to adjust the period of confinement--shortening it for model prisoners while holding recalcitrant inmates in prison for their full sentence.

Reflecting this transfer of discretion to penologists and away from judges, courts now had to pass sentence in accord with the maximum and minimum statutory penalties. Where a criminal statute did not specify a minimum, the Tustin Act provided that the minimum could not exceed one fourth of the statutory maximum. Upon the expiration of his minimum sentence, a prisoner might obtain a parole.

The Tustin Act retained decentralized decision making in the parole. The initiative still lay with the board of inspectors of each State prison. These inspectors provided a hearing to each prisoner three months before the expiration of his minimum sentence. Their recommendations then went to the State Board of Pardons which in turn sent its recommendation to the governor. It was the governor who finally granted or denied parole; though, in fact, he seldom differed with the decision of the Board of Pardons.

The Act of 1909 also provided for the conditional release of an adult without imprisonment. Probation had first been introduced into Pennsylvania in 1903 for juveniles. The legislation of 1909 extended it to adult offenders.³⁹

While some reformers struggled to incorporate what might be called the scientific side of progressivism into law, others attacked the "interests." The events in connection with the Great Anthracite Strike of 1902 gave proof that there were still giants to slay. In July, 1902, after two months of tension, the strike in the anthracite fields of eastern Pennsylvania degenerated to violence. The Coal and Iron Police failed to preserve order and the governor sent in the National Guard. Only presidential arbitration in October finally broke the deadlock that developed between the owners and the workers. The findings of President Roosevelt's arbitration board were released in March, 1903.⁴⁰ They included a blistering denunciation of the failure of the Commonwealth to enforce its laws. The partisan private police agencies which the state had fostered hardly represented a force for law and order, noted the report. Pennsylvania "had turned her duty into cheap merchandise and sold that duty into private hands."⁴¹ The Commonwealth's answer came with the creation of the first state police force in the United States.

Legislation in 1905 established the Pennsylvania State Police. This reform broke the hold of the hands of the "interests."⁴² A force accountable to the State, not to some managerial overlord, replaced the Coal and Iron Police. But this reform brought no immediate miracles. The animosity which workingmen felt toward the Coal and Iron Police was easily transferred to the new State

Constabulary.

To labor the State Police was just another agency to work the will of the managerial classes. The fact that the birth of a State constabulary had come in the midst of concern over labor unrest and company demands for "order" only strengthened labor's misgivings. Even though the act of 1905 took some account of labor's opposition, setting the maximum size of the force at the rather low figure of 228 men, labor continued to distrust the State Police force. And when subsequent labor unrest resulted in repeated forays into the strike areas by the State Police, labor felt its original reservations had been vindicated.⁴³ The uniformed, mounted and well-trained State Policemen provided the cutting edge to strikebreaking. And the responsibility of the police for the protection of property and the maintenance of law and order put them on the side of the vested interests: management and its allies.

The spirit of progressive reform manifest in the first decade of the twentieth century continued in some ways into the second. But now progress--when it came--was frequently countered by retreat; and in the struggle between advance and reaction, reaction won almost as many battles as it lost.

On the positive side, however, the hollow commitment of the Commonwealth to the Pennsylvania System ended in 1913. The legislature terminated the charade with a formal pronouncement which allowed the inmates at Cherry Hill to congregate "for the several purposes of worship, labor, learning and recreation."⁴⁴

In 1913 the legislature approved Industrial Home for Women at Muncy.⁴⁵ All sentences in the institution were indeterminate; final determination on parole and release lay with the trustees

of the institution.

The Commonwealth also authorized funds for a classification facility at Philadelphia.⁴⁶ This center would advance penology in Pennsylvania through preliminary examinations of prisoners. Trained personnel would establish categories of convicts based on factors of age, criminal record, mental state and other recognized penological distinctions.

Pressures also grew for the building of a new state penitentiary. A third disastrous Ohio River flood in 1907 underlined the Western Penitentiary's deficiencies. And the Warden of that institution again advocated its relocation. The legislature, moved by appeals, passed an act in 1911 providing for the transfer of the penitentiary to a rural site.⁴⁷ The Commonwealth acquired 5,000 acres in Centre County and began construction of the Rockview Penitentiary. Reform groups became increasingly enthusiastic over the prospects of this pastoral site. So much so that they pressed for the centralization of all state penitentiary facilities at Rockview. In 1915 the legislature amended the law to this effect.⁴⁸

The legislature also turned its attention to the continuing problem of prison labor. One writer who had examined the Eastern and Western Penitentiaries in 1914 found the inmates employed at mat-making, weaving, shoemaking, and the general maintenance of the institutions.⁴⁹ Since 1899 some prisoners also worked on the highways of the Commonwealth, but about one half of the convicts at each penitentiary were idle. Complete demoralization had resulted from the Act of 1897. And by 1913 the situation had grown so bad that the Commonwealth formed a Prison Labor Commission to look into the matter.⁵⁰ The Commission in its report of 1915 urged remedial legislation, and the legislature responded.⁵¹ It lifted the limits on the percentage of prisoners that could be employed and it expanded authorized labor to include any project of the Commonwealth or a county or public insti-

tution in the state. Legislation also created a permanent Prison Labor Commission to supervise and administer approved projects and to oversee the disposition of prison made goods which could now be ordered by public corporations. Clearly intended as a reform of backward conditions, the act unfortunately fell short of its goal. The State and public agencies had the option of whether to use prison labor. State departments and corporations had no obligation to buy prison made goods. And without an assured market for their products, the prison boards hesitated to establish prison industries. So, in spite of the legislation, the situation in penitentiaries did not improve decidedly--and idleness continued to plague the state institutions. The negative developments, as noted before, tended to balance the hopeful moves made during the late progressive era. Clearly, the most retrogressive action came in 1911 with the Abbott Bill--a virtual abandonment of the indeterminate sentence for penitentiary offenses.⁵²

Although the requirement of a general sentence stood unchanged for Huntingdon and Muncy, the 1911 act returned full discretion to the judiciary in all other cases. This act abandoned the requirement of the Tustin Act that the maximum sentence must be the maximum provided in the Commonwealth's penal code. It also repealed provisions regarding the relative length of maximum and minimum sentence.

Free of statutory restraints, the courts now set minimums without concern for the desire or needs of penologists for flexibility.

This gave the judge rather than the parole board the power to determine when a prisoner could be paroled. Often a minimum period of confinement came but one day before the satisfaction of the full maximum sentence. Reformers, unhappy over this legislation, pressed for a return to the law of 1909. A bill to this effect successfully

passed the legislature in 1917, but, writes one authority, the governor "with singular opaqueness to modern thought and practice, and want of sympathy with the penological progress of the last half-century," vetoed it.⁵³

The State Police also saw the second decade of the new century end on a less than hopeful note. Old prejudices persisted. Large numbers of workers in Pennsylvania continued to see the State Police force as an enemy, and the police looked on strikers and labor agitators as law breakers. In such an atmosphere the cause of law enforcement could advance only at the cost of a further loss of confidence in its fairness and objectivity. So long as a large segment of the population distrusted them, the State Police would be frustrated in the execution of their duties.

The Pennsylvania constabulary, as has been previously observed, inherited labor's distrust of law enforcers. On the other hand, the police, who during the first ten years of their existence had been ordered out on strike duty nine times, felt the preservation of law and order in strike areas was of transcendent importance.⁵⁴ Therefore, it is not surprising that both sides responded with some passion in the clashes that developed. Labor violence and destruction of property certainly existed. In the face of such law breaking the police responded in kind. But the heat of the moment and the resentment the police felt toward the strikers must have resulted in an excessive use of force on more than one occasion. From time to time reminders such as that issued in a general order in 1911 were necessary: "The use of clubs or blackjacks on individuals especially during labor riots has been entirely too reckless and with an utter disregard

for the rights of citizens....this practice must be discontinued."⁵⁵

Mutual distrust persisted throughout the pre-World War I period. The coming war brought a kind of truce. But the gap between labor and the state constabulary opened even wider in the last year of the war. After the events in Russia in 1917-18, there grew in the minds of many lawmakers and law enforcers an association of labor agitation with Bolshevik radicalism.⁵⁶ This provided another irritant to worker-police relations--and added another ingredient to the encounters during the Steel Strike of 1919.

The Pennsylvania State Police were on the scene when in 1919 labor moved to organize steel.⁵⁷ Spread thinly over the state, the police made up in efficiency for what they lacked in numbers. Highly trained in handling crowds and dispersing riots, this mobile force easily dispersed hostile labor gatherings. The arrival of a handful of the uniformed constabulary was usually enough to end trouble in any area. But the bringing of law and order to a community always meant a victory for management. The protection of property and the shielding of non-union employees from intimidation was an essential part of a law officer's duty. From this it followed that the result of intervention by the "Cossacks"--as the strikers called the police--meant that the contest had to be played by management's rules. Under these rules labor lost.

The emotion generated by the part which the State Police played in the Steel Strike continued after the strike itself had collapsed. Complaints about the conduct of the police supported by affidavits from strikers and other laborers reached the superintendent of the State Police and the Governor.⁵⁸ Other affidavits from lawyers,

bankers, small businessmen, and the like commended the part played by the police in the strike areas.⁵⁹ The issues raised were never fairly resolved. The State Police had still not won over labor to the acceptance of the force as an agency necessary for the maintenance of order. They still appeared to be an army in the service of the "interests."

A convenient summary of the status of Pennsylvania penology at the end of the First World War exists in the report of a commission formed in 1917 to investigate penal systems.⁶⁰ Up until this time the state had conducted sporadic investigations into abuses at specific institutions but there had been nothing resembling a general survey. This commission now undertook such a broad review. Its report indicates how far Pennsylvania had come and how far she yet had to go.

The report pointed to the need for some central direction in the state's penal activities. It specifically urged the creation of a continuing penal board which should have authority to investigate and make recommendations to the Governor and the General Assembly regarding physical, educational, social and medical conditions of the penal institutions. Only in this way could Pennsylvania achieve an improvement of the facilities themselves and a greater professionalization of personnel. The report also recommended that the legislature pass appropriate legislation to put inmates to useful and productive labor and to establish state industrial farms for prisoners in county jails, workhouses and penitentiaries. Finally, the commission urged a return to the modified indeterminate sentence for penitentiary offenses, with a limit on minimum sentences

to one third of the maximum.

This review of Pennsylvania's penological condition in 1919 highlighted several deficiencies. As things then stood, the state lacked any means to bring about a necessary integration of her penal system. With the continued independence of each penitentiary and each reformatory under the control of its individual Board of Trustees of Inspectors, no coherent or well-defined goals could be established. Rather, centrifugal forces would only add to greater confusion. The absence of professional attitudes, alluded to in the report, reflected the continuing conservatism in Pennsylvania penology. The State's leading influences in penology were either jailers, emphasizing the disciplinary needs of the State prisons, or humanitarians, who still hoped for reformation through ethical or religious instruction. Such thinking rejected the contributions of sociology, psychology, psychiatry and all other behavioral sciences. Finally, the commission condemned the State's legislature for its lack of imagination and understanding of the complexities of penal administration. In particular it condemned the legislative caprice, which in 1911 had undercut the modified indeterminate sentence procedure and deprived Pennsylvania of one of her few forward looking experiments.

For Pennsylvania the 1920's represented a time of experiment and advance in law enforcement and correction. Many proposals, which at an earlier time had been summarily rejected or repealed after a brief trial now found a sympathetic hearing. If the period from about 1840 to 1900 had marked a decline in Pennsylvania's leadership, the 1920's clearly represented a rebirth.

The 1919 recommendations made by the Commission to Investigate

Penal Systems served as a guide for the statutes that now came out of Harrisburg. Legislation in 1921 established the Department of Public Welfare which replaced the old State Board of Charities and the old Prison Labor Commission.⁶¹ This was the first step in rationalizing the unrestrained diversity and confusion that had grown up in Pennsylvania correction. Influenced by the reforms in New Jersey which, with marked success, had centralized the charitable and correctional activities in that state, Pennsylvania moved to establish a central organization to administer all charitable, penal and correctional institutions of the Commonwealth. Under the Department of Public Welfare, the legislature created a Bureau of Restoration charged with the general supervision of state penitentiaries.⁶²

Although central supervision and control was a badly needed first step, the duties of the Department of Welfare encompassed too much. Combining responsibility for both charitable and correctional activities in this single department meant that it was buried under a colossal burden. Unfortunately, from the point of view of penal and correctional affairs, the Bureau of Restoration was the "stepchild of the department."⁶³ More concerned about its charitable activities, which had the support of the articulate constituencies, the department gave the problems of Pennsylvania's prisons fleeting attention and limited financial support.

If one of the problems of the new department was that it was expected to do too much, another resulted from the fact that it actually could do too little. It had only limited authority over local correctional conditions. County jails, workhouses, labor programs, probation and parole supervision remained outside the system. Efforts to coordinate rehabilitative and correctional activities within the state, therefore, always had to take into account activities in

the counties over which the Bureau of Restoration had no control.

The recommendation of the commission in 1919, that the state reinstitute the indeterminate sentence, bore fruit in 1923. That year the legislature enacted the Ludlow Act.⁶⁴ With its passage Pennsylvania again had a modified indeterminate sentence law. Undoing some of the harm caused by the 1911 legislation, the new act provided that minimum sentences could not exceed one half the maximum. Further, the act put the decision regarding the readiness of a prisoner for parole back into the hands of trained penologists, making it mandatory that judges hand down indefinite sentences for all crimes punishable by imprisonment in a state penitentiary. It made no difference whether the convicted person actually went to a state institution or whether the court, under special statutory provisions, sentenced him to a county prison. In either case the Ludlow Act applied.

The reintroduction of an indeterminate sentence law was only a start, and restoration of this authority to parole boards and penological personnel was only a second step. The prisoner released on parole required continuing supervision and assistance if his parole was to serve as a true time of transition. Here was another problem which had to be faced. The State had too few people trained in parole supervision to make the best use of the flexibility the Ludlow Act afforded. Releases when they came often consisted of "paper paroles" carried on by correspondence. Adequate assistance to and supervision of a parolee was infrequent.⁶⁵

By 1925 State leaders realized that fundamental reform of Pennsylvania's parole laws was overdue. As things presently stood,

three systems of parole functioned independently of each other. The inspectors of each penitentiary recommended parole for penitentiary inmates subject to pro forma approval from the Board of Pardons and the governor. The trustees or board of managers of the reformatories had the authority to grant release with or without parole at their own discretion, without the need of approval from any State agency. A third, fully independent system existed in the county courts. Here the sentencing judge retained authority over parole of all prisoners in county jails or prisons. The court appointed parole officers on this local level, and the county paid them. On all levels there was an inadequacy of personnel and a marked lack of training and experience preparatory for professional duties as a parole supervisor.

In response to these deficiencies, the State established a Parole Commission with broad authority to investigate "the parole laws of this commonwealth and other states and counties...and to prepare and submit bills to carry into effect its recommendations."⁶⁶ The commission took its charge seriously and undertook a thoroughgoing examination. A summary of its findings and a careful analysis of Pennsylvania's needs appeared in the report which it submitted in 1927.

This careful investigation bore legislative fruit two years later. An act passed in 1929 placed parole supervision of all adult male offenders confined in Pennsylvania penitentiaries and reformatories in the hands of the State Board of Pardons.⁶⁷ Under the Board of Pardons, the act established a special Bureau of Parole charged with supervision of the daily operation of the state parole system. A State Supervisor and field agents, appointed by the Attorney General,

made up the necessary professional staff.

In addition to improvement of the parole system, there were other indications of emancipation from the older ideas. More often than not, penal reformers were still motivated by feelings of religious or ethical responsibility. But growing scientific and social knowledge had an impact that even these reformers could not ignore. One manifestation was the gradual professionalization during the 1920's of all penological activities. The Pennsylvania Prison Society's adoption of the casework approach served as a kind of symbol of this growing change.⁶⁸

Also impressive was the greater sophistication employed in the classification of prisoners and the planning of facilities to reflect this classification. Breaking away from the medieval fortress design which had from the start dominated American penal architecture, the State Industrial Home for Women was a cottage institution. The high walls and confined prison yard, necessary for maximum security prisoners, was inappropriate as an institution for lesser risk inmates.

In 1923 the legislature passed an act approving the erection of an institution for defective delinquents.⁶⁹ In approving a facility that treated those of low mentality as a separate classification, Pennsylvania moved beyond academic speculation found in other states and into concrete action. Additional legislation for such an institution received legislative support in 1927, and the State set aside a site at Camp Hill for this purpose.⁷⁰

In 1925 the Commonwealth opened an institution for the criminally insane at Farview. Until this time, inmates of this type had been transferred--under the terms of an 1852 law--to the State Mental Hospital at Harrisburg. In the case of the criminally insane, as in other instances noted above, Pennsylvania had made it clear that it

accepted the need for specialized institutions dealing with distinct problems.

In spite of a demonstrated awareness that improvement and refinement of her penological facilities was in order, however, Pennsylvania still suffered from glaring deficiencies in this area. The Eastern and Western Penitentiaries stood as reminders of how much remained to be done. An authority on Pennsylvania penology passed judgment on these archaic relics: "Every consideration of common sense and penal science," writes Harry Elmer Barnes, "would advocate the abandonment of the Western Penitentiary...." As for its eastern counterpart, Barnes noted, it "is one of the the worst prisons in any civilized state."⁷¹

In 1925 because of complaints regarding Rockview's remoteness, the state abandoned plans that would have made it Pennsylvania's only penitentiary.⁷² The legislature, instead, approved construction of a new maximum security structure at Graterford for the southeast section of the state.⁷³ Pennsylvania seemed bent upon providing more evidence--if more evidence was needed--that she was indeed a state "cursed by a penchant for maximum security construction."⁷⁴ But some sociologists and penologists raised doubts about the need for so many maximum security facilities. A growing belief in reformation of prisoners through the clinical and case study method discredited the kind of thinking that urged the construction of more and better cages. By 1927, after a period of indecision, the governor put aside all proposals for maximum security confinement at Rockview. Instead the Commonwealth converted this institution to a prison farm for better risk prisoners, making it in effect the state honor farm. Construction, however, went

ahead on the facility at Graterford which opened for the reception of prisoners in 1929. Unfortunately, in spite of Rockview and Graterford, the bulk of the state's prisoner population remained at the Eastern and Western Penitentiaries under overcrowded and unsatisfactory physical conditions.

An improvement in relations of the Pennsylvania State Police and organized labor paralleled improvements in the penal system. Both the nation and the Commonwealth witnessed a decline in labor agitation during the twenties. In this atmosphere there was an easing of tension. The activities of the police, which in times of conflict had been identified in the minds of labor with management's interests, now appeared less partisan. To the broad spectrum of Pennsylvania society--including labor--law enforcement--and consequently the State Police themselves--seemed less abrasive. The police under these conditions could win respect--often grudgingly given--for their competency and honesty.

The high level of State Police competency was not easily maintained, however. A police school which opened at Hershey in 1921 provided the necessary training in police skills.⁷⁵ But there was a constant drain of police officers to corporations eager for personnel with the specialized training which the State Police possessed.⁷⁶ In addition to this, the problems of policing the Commonwealth increased as Pennsylvania's population grew and work load of the police expanded. Although they had won an increase in the size of the force in 1919, the police still found themselves too few in number to capably handle the increasing complexities of law enforcement in the Twenties. Because of the statutory ceiling on the size of the State Police and

because of the growing need for control of mounting automobile traffic on the state highways, the state in 1923 organized a State Highway Patrol within the Department of Highways.⁷⁷

In 1919 at the end of the second decade of the twentieth century, a report of a State commission had served as a summary of the achievements and goals in state penology. Conveniently, a commission organized in 1927 to investigate state laws and procedures rendered its report in 1929.⁷⁸ It served as a summary of the Twenties. It also set the tone for the next period in Pennsylvania penology. The 1927 Commission had been born in the midst of concern about a national "crime wave."⁷⁹ In spite of a history of public indifference and legislative economizing, Pennsylvanians were spurred to action. A usually indifferent public was now concerned about the advance of criminality in the state.

The commission's report submitted to the legislature in 1929 reflected this sudden clamor for reform. It called for a reform of lax parole procedures and the creation of a system that could actually supervise parolees--with better trained and better paid personnel. It also urged the passage of an act making life imprisonment mandatory for convicted fourth offenders. And it urged tighter firearms legislation. But the report also sought to sweep away those provisions of the Ludlow Act that limited minimum sentences to one half the maximum.⁸⁰ The recommendation in the report--and there would be others like it in the future--sought to eliminate indeterminate sentencing for which penologists had so long labored. The justification for this repeal was a general unease over the national crime rate, and a vague notion that indeterminate sentences and parole

practices contributed to criminal activity.

The 1919 Report had ended on a note of hope. The Report of 1929 was far less hopeful.

The Great Depression arrived; and Pennsylvanians concerned with immediate personal problems found little time for philanthropy, particularly for prisoners who, some believed, already had a more satisfactory existence in those uncertain times than did many other Americans. The promise which characterized much of the 1920's dissipated in the face of the economic struggles of the Thirties.

Economic conditions aborted proposals for county co-operation in instituting district penal farms.⁸¹ The Depression inhibited plans for the use of professionally trained personnel at Huntingdon and Eastern Penitentiary. Parole programs also suffered. A lack of funds meant a lack of personnel. The suggestions that an efficient system of parole needed more and better prepared parole officers seemed further than ever from implementation in the 1930's.

Almost predictably, the collapse of prices in the open market and rise of unemployment resulted in attacks on prison labor and prison made goods. Hostility, which had been beneath the surface in the more prosperous 1920's, emerged again with great force. This time, the opposition to penal competition found a popular reception in both the state legislatures and in the Congress of the United States.⁸² In 1929 Congress passed the Hawes-Cooper Act which made prison made goods subject to the laws of a state into which they were imported. Pennsylvania, taking advantage of this new law, passed a law prohibiting the sale within her borders of prison made goods from other states. Of course, other states retaliated, destroying

most outside markets for Pennsylvania goods. In 1935 Congress went on to pass the Ashhurst-Summers Act which absolutely forbade the transportation of prison made goods into any state with laws forbidding use and purchase of such goods. This in effect closed interstate commerce to this traffic.

Most of Pennsylvania's problems during the Thirties were economic, but some reflected other deficiencies. Parole still suffered from the administrative complexities that the latest parole law had not remedied. A multiplicity of separate, non-cooperating, autonomous agencies continued to exist. In the counties, it was cheaper to confine a prisoner to a county jail than to send him to a state penitentiary or an out-of-county workhouse.⁸³ County trial courts, therefore, opted to sentence prisoners locally if possible. In the county prison, there were, however, few people trained in treatment, examination, appraisal and rehabilitative techniques. The prisoners confined in county jails often languished without treatment or parole. The supervising court considering parole found it difficult to obtain the kind of information which would assist it in making its decision.

Unlike the sentencing courts the Board of Pardons, which still had final responsibility for recommending parole from State institutions, usually received adequate information on the questions before it. Yet it usually failed to give these questions adequate attention. Those members of the Governor's Cabinet who made up the Pardon Board placed parole decisions low on their scale of priorities. In brief, noted a contemporary commission, these men "cannot give necessary time for the satisfactory solution of parole problems."⁸⁴ Burdened

as they were with the problems of a state struggling to find its way through the Depression, this attitude is understandable.

Finally, the problems of the 1930's swamped the already overburdened Department of Welfare. A State commission, reporting in 1931, urged the separation of the Department's charitable and correctional duties.⁸⁵ It suggested the establishment of an independent Department of Corrections responsible for penal and correctional matters in the state. Another commission pressed this same suggestion in 1938.⁸⁶ While the Depression continued neither received major support.

Penal reform, which had languished during the Thirties, revived with an improvement in the State's economic situation during the Forties. The passage of the Parole Act of 1941 was the major penological accomplishment of the decade.⁸⁷ This act, writes a noted penologist, was "one of the few exceptionally excellent parole laws ever drawn up."⁸⁸ Through it Pennsylvania attempted to find solutions for the deficiencies which had long existed in the Commonwealth's parole laws.

As a first step the act created a completely independent Board of Parole. This autonomous agency, operating under the executive branch, relieved the Board of Pardons of all responsibility for parole decisions. It also took from the penitentiary inspectors and from the managers of the reformatories the duty of passing on parole. In this way the board centralized parole administration for all state correctional institutions.

The act further unified the parole system by giving the board parole authority in any cases where a person had received a sentence

of two more years. This extended state responsibility down to the level of the county prisons and workhouses. Of course, this stirred opposition from the county judges who felt this loss of local control also meant a loss of the "personal touch."⁸⁹ No state Parole Board, they argued, could be in as close contact with the immediate problems of a prisoner as the local judge. In this case the Commonwealth felt consistency and efficiency overrode such considerations.

Under some circumstances the Parole Board's authority could be extended even further into local parole operations. The sentencing judge at his option could make the state parole representatives responsible for supervision of a parolee whose sentence did not exceed two years. He could also give the State Parole Board supervision of any person placed upon probation.

The Parole Act won praise, but it also had its detractors. Once again, considerations beyond the merits of the system itself interjected themselves into the matter. A public outcry against crime and a genuine concern about "public enemies" out on parole from other states caused people to question the wisdom of letting "rehabilitated" prisoners return to society.⁹⁰ J. Edgar Hoover's publically expressed doubts about the merits of any parole system intensified this mood, as did the allegation that many inmates were on parole only because this was cheaper than keeping them incarcerated.⁹¹ By 1943 some Pennsylvanians seriously considered eliminating the whole Parole Board.⁹²

A study in 1944 revealed what most Pennsylvania penologists had long known--the updating of the parole system was not enough.⁹³ The state also had a need for better correctional facilities and for

adequate classification of the prisoners in them. The Ashe Committee, which had made the study, summarized its findings and recommendations briefly: the state correctional system should be organized on a statewide basis; there should be adequate overall supervision-- supervision that the overextended Department of Welfare was not supplying; the Commonwealth should establish classification clinics within each correctional institution staffed with competent personnel; it should also set up a single Classification Center for Pennsylvania which could efficiently handle classification and facilitate effective parole planning. Finally, the committee recommended the immediate abandonment of the Eastern Penitentiary at Cherry Hill and only the temporary retention of the Western Penitentiary in Allegheny County.

A beginning for meeting the needs spelled out in the Ashe Report was a State Department of Correction. The Department of Welfare, suffering from frequent changes in top personnel, failed to provide needed leadership; but bills to create an independent Department of Correction stayed bottled up in committee at Harrisburg, and the 1940's closed without action on this or other needed legislation.

In the early 1950's penal reform measures again began to win support. The Commonwealth's legislature amended the Ludlow Act in 1951, extending the application of the modified indeterminate sentence.⁹⁴ The new amendment made indeterminate sentencing optional in cases of "simple imprisonment." Trial courts in sentencing a convict to a county jail or workhouse for a period of less than two years now had the choice of pronouncing a fixed term sentence or one for an indefinite period.

An even more dramatic admission of the value of a general sentence

came with the passage in 1952 of the Barr-Walker, Sex Offender Act.⁹⁵ This act, aiming at the treatment rather than punishment of habitual sex offenders, provided for a fully indeterminate sentence of from one day to life. A judge could enter such a sentence only after receipt of a psychiatric report sustaining its propriety. The act guaranteed the offender a periodic review of his status throughout his confinement.

While the State moved toward a wider acceptance of indeterminate sentencing, local governments in Pennsylvania also instituted penological advances. In operation almost since the opening of the century, the Youth Study Center in Philadelphia was not truly a confinement center. Instead, it kept juveniles in custody pending judicial investigation and final determination of their case. In 1952 the center moved into a specially designed facility. Free of walls, contemporary in architecture, resembling a modern hospital or academic structure more than a penal institution, this center departed sharply from the correctional architecture of the past. The new structure attempted to rationalize the design of the building with its functions.⁹⁶

Philadelphia also introduced classification boards into the area prisons by 1953 providing for county prisoners the same testing and counseling opportunities that the Commonwealth attempted to provide in State institutions.⁹⁷

Some saw in these steps--and others like them throughout the state--the beginning of a general acceptance of the view that correctional affairs were as much social and psychological as legal and institutional. This was a hopeful development but apparently not enough.

In April of 1952 riots began to break out in American penitentiaries. New Jersey, Michigan, Massachusetts, Kentucky--the outbursts hit more than thirty institutions. State confinement officials, concerned over the psychological effect on prisoners of what they viewed as the rather too generous concessions made to the rioters in Jackson, Michigan, waited for trouble.⁹⁸ But in Pennsylvania the hot summer passed without incident. Then on January 19, 1953, with most State officials in Washington for the presidential inauguration, riots broke out at the Western State Penitentiary. They lasted only twenty-four hours, but they sparked a four-day revolt at Rockview. The State reacted with a news blackout and a "no deal" policy.⁹⁹ And the prisoners gave up after causing extensive damage to the penitentiary's physical plant.

Once again, it was time for introspection. To inquire into the roots of the turmoil, the Governor named the Devers Committee.¹⁰⁰ Its findings in no way surprised those who had long been active in penological reform, nor were many of the committee's recommendations particularly novel:

Reduce the prisoner capacity to five hundred in both the Eastern and Western Penitentiaries, making needed structural improvements to both institutions.

Improve conditions in county jails and prisons and establish farm colonies throughout the state for short term prisoners.

Fully develop the plant potential of each institution in the matter of prison industries.

Establish a school that will provide formal training for custodial personnel.

Open two classification centers for the State.

End the autonomy of penal and correctional institutions, leaving Boards of Trustees with advisory power only.

Transfer correctional matters out of the Department of Welfare and into the Department of Justice.

The committee found some of its suggestions readily adopted. In response the legislature opened a school for custodial personnel, established clinics in Philadelphia and in Pittsburgh, staffed the clinics in Philadelphia and in Pittsburgh, staffed the clinics with psychiatric, sociological, medical, vocational and educational experts and transferred the Bureau of Correction out of the Department of Welfare. A new bureau, now headed by a Commissioner of Correction, was placed in the Department of Justice. A new Deputy Commissioner exercised authority over rehabilitative and classification centers. By 1956 legislation extended the supervisory authority of the Department of Justice to county, city and borough jails.¹⁰¹

Unfortunately, the teacher had been two riots. Only violence had taught the lesson: the state could no longer safely assume "that deep abiding changes in attitudes and behavior result merely from exposure to an institutional program."¹⁰²

Throughout the Fifties, Pennsylvania, under the pressure of events, tried to catch up in the whole area of penology. However, a 1957 study conducted by the National Probation and Parole Association made it clear that much remained undone.¹⁰³ The association found little or no presentence investigation, an unduly high rate of prison commitments, a low rate of use of probation and parole in the Commonwealth, and a State Parole Board too small to carry out even its present workload.

An attempted prison break from the Eastern Penitentiary opened

the 1960's. Once again, Pennsylvanians had their attention dramatically focused on the state of correctional institutions. By 1963 a Joint Task Force--made up of members of the Joint State Government Commission, the Pennsylvania Council on Crime and Delinquency, and the Pennsylvania Citizens Council--had undertaken still another exhaustive inquiry.¹⁰⁴ Its recommendations won administration support and implementation through fourteen anti-crime bills.¹⁰⁵

It is difficult to read the conclusions of the Joint Task Force Report without feeling that it had all been said before. Many of the same weaknesses that had existed a century earlier persisted in Pennsylvania into the last third of the twentieth century. Pennsylvania's penology, lamented the Joint Task Force, "... has been the product of fortuitous and expedient development rather than comprehensive planning."¹⁰⁶ It might have added that the pressure for reform more often emanated from emotional than intellectual concern.

The report first turned to the correctional institutions in Pennsylvania and argued for less emphasis upon the traditional maximum security type prisons and for greater concentration upon the more open, unwalled, satellite type facilities--prison farms, forestry camps and the like. It also noted the need for specialized training both in such camps and farms and also within the reformatories to aid youthful offenders in the rehabilitation and useful reentry into society. For all convicts the transition from full confinement to full freedom was difficult. For success, even the step from confinement to parole, required counseling. Here the Task Force called for pre-parole camps to prepare parolees for their release and to aid

them in finding employment outside the institution. As for the Eastern and Western penitentiaries: the Task Force concluded that Pittsburgh might be retained though its house population should be reduced to five hundred, but the time had arrived to close the venerable relic at Cherry Hill; retaining only a part of it as a museum of Pennsylvania penology.

The report also considered the county jails and prisons. The majority of these facilities were more than a half century old, and functioned on a purely custodial level. They paid virtually no attention to the pleas of penologists. Tried and untried, first offenders and confirmed law breakers, young and old alike still found themselves held together in these institutions. Judges still retained authority to sentence offenders to long terms in county prisons and workhouses rather than to state penitentiaries or reformatories. The Task Force called for legislation which would require all persons sentenced to two years or more serve their sentence in a state institution. To receive this increased number of inmates, the report urged the state to construct regional correctional facilities--an intermediate set of institutions between county jail and the then existent state correctional institutions. The State should also accept responsibility for the periodic inspection of not only the physical plant and equipment of county jails, but also the programs of treatment and rehabilitation in these local institutions.

Parole, in spite of the earlier improvements aimed at centralizing the system, still had its traditional weakness; its center of gravity remained in the counties. The Task Force suggested that the state retain the county system--but supplement it. It could best accomplish

this through state appointed probation officers whose services would be available upon request to all Commonwealth courts. The state officers could assist the trial court in presentence investigations and in parole supervision.

By 1965 many of the suggestions of the Joint Task Force were law. The legislature acted to establish a new correctional facility for criminological diagnosis to replace the Cherry Hill penitentiary.¹⁰⁷ The new structure, which was under construction by 1966, represented an important break with the correctional orthodoxies of the past. It would have a prisoner population of five hundred men--of whom one hundred and fifty would live in a minimum custody unit while three hundred and fifty would be in more secure living quarters. The emphasis of the institution, however, was to be upon its classification and diagnostic services.

The Assembly in its legislative program reached into the counties for the procedural improvement which the Joint Task Force Report had noted was needed. New laws sought to rationalize sentencing and paroling on this local level through an automatic presentence investigation of all persons charged with a crime carrying a maximum penalty of two years or more.¹⁰⁸

The legislature also revised the 1941 State parole law and in so doing improved the deliberative and decision-making process on the top level and extended the aid of the state's facilities to the trial courts. Effective July 1, 1967, Pennsylvania would have a new Board of Probation and Parole along with a new Advisory Committee on Probation to assist the board in its decisions.¹⁰⁹ The membership of the committee reflected the growing realization that parole

is something more than a political or legal process. The committee included two members of the General Assembly, two judges from State courts of record, one county commissioner, and four persons qualified in the field of probation and parole by training and experience.

The State parole staff, under the Board's supervision, would make presentence investigations and reports--in any cases and for any courts requesting them--supervise probation, check the qualifications of parole and probation personnel, and act to bring uniform standards to the State's presentence procedures. Under the statute State parole personnel accepted responsibility for the supervision of any person placed on probation or parole by any criminal court of record. County probation staffs could also obtain grants-in-aid from the State to upgrade local programs for presentence investigations, probation and parole supervision to a level equivalent to that found in State operations. 110

One of the catalysts to action in the 1960's was a reaction to trouble from within the State correctional institutions. Another equally important factor was the attitude of the State policy makers. The period saw increasing evidence that political leaders shared certain assumptions with penologists. They both now agreed that convicts deserved help rather than punishment. They both sought to provide this help through scientific examination and treatment rather than through the Bible or the whip. This new approach to penology might be called scientific humanitarianism.

To list a few of the achievements in Pennsylvania in the 1960's is to illustrate this mingling of philanthropy with science, genuine concern with bold experiment. In 1961 Philadelphia broke ground for

a House of Detention for Untried Adults, advancing and refining classification along lines long advocated.¹¹¹ This new facility would hold material witnesses and defendants in custody awaiting trial apart from the convicted and sentenced. The guilty and the innocent no longer mingled. By 1966 the Philadelphia Youth Study Center expanded to meet the new pressures from overcrowding. Unlike the experience of Cherry Hill, the Study Center was trying to keep its goals and its facilities in tandem.¹¹²

Filling a long noted void in the Commonwealth's correctional program, a Center for Law Enforcement and Correction was begun as a part of the Pennsylvania State University's new College of Human Development. The vision of this center extended beyond academic instruction and investigation in law enforcement and correction, it served as a focus for statewide discussion and experiment concerning penology and law enforcement.

In an effort to supplement the parole program the Board of Probation and Parole opened a Bureau of Vocational Rehabilitation at Camp Hill for young offenders.¹¹³ The board also set plans in motion to employ experienced rehabilitation counselors at all state institutions and similar personnel working part time with the county jails. Flexibility came as the board agreed to accept training--vocational and educational--in lieu of gainful employment as a condition of parole.

On the local level, too, a work release of "outmate" program came into use.¹¹⁴ Operating at a stage between probation and full confinement, any person sentenced for one year or less might, if the judge so provided, leave jail each day for his employment, returning to the jail during non-working hours.

Pardon procedures also reflected this scientific humanitarianism. A 1967 Amendment to the Pennsylvania Constitution altered sections of that document regarding pardon and commutation in Pennsylvania.¹¹⁵ Since 1874 the makeup of the Pardon Board had reflected only the political arm of the state. No provision existed for the presentation of psychological or behavioral or any other kind of data relating to the prisoner requesting a pardon. Voter approval of the 1967 Amendment changed this. It eliminated some political officers from the board. In their place the provisions substituted an attorney, a penologist and either a medical doctor, a psychiatrist or a psychologist. In so providing the Constitution demonstrated an awareness of the advantages to be obtained from integration of legal, correctional and medical advice on the subject of parole.

In Pennsylvania, attitudes toward the law violator have passed through phases. Each of these has had its dominating set of priorities. The initial goal was vengeance, order and punishment supplemented by religious, ethical and humanitarian concern. This in turn gave way to a mixture of science and philanthropy. Today Pennsylvania penology stands on the threshold of a third approach. One writer summed up the direction of this development when he said the thrust of contemporary criminal law--and inferentially law enforcement and correction--"is in the direction of rationality and fairness."¹¹⁶

A good argument can be made that through the application of social, behavioral, scientific and legal knowledge, the latest advances have taken Pennsylvania close to the goal of rationality. This is the triumph of the Fifties and Sixties--if still an incomplete one. But lying ahead for the Commonwealth is attainment of

fairness in the way law and order is maintained, in the way the prisoner is confined and rehabilitated. Having decided that the law breaker is closer to the patient needing treatment than to the beast needing a cage, the next query--and the one that beckons-- is how to treat the offender while guaranteeing his basic liberties. Here is the new struggle, a struggle already being discussed in Pennsylvania's courts of law, a struggle which asks hard questions about the sex offender's right to confront witnesses against him before he is sentenced to what might be life imprisonment, about the child's right to have the advice of counsel during a juvenile court hearing, about the right of women to have the laws imposing sentences upon them operate with equality upon males and females alike. It is a rather interesting commentary upon Pennsylvania's--America's-- development that legal rights of the accused and the convicted should be the last refinement in a nation priding itself upon its rule of law. Punitive, humanitarian and scientific developments, each in its turn has dominated penology in Pennsylvania. Now the challenge of bringing fairness to the treatment of the accused criminal presents itself to the Commonwealth. Having come a great distance from 1682, it seems there is still a long way to go.

NOTES

1. For broad consideration of American social and philosophical attitudes during the Revolutionary era, see Alice Felt Tyler, Freedom's Ferment (Torchbook ed.; New York, 1962), pp. 7-11; Merie Curti, The Growth of American Thought (3rd ed.; New York, 1964), pp. 123-48; Russel Blaine Nye, The Cultural Life of the New Nation (Torchbook ed.; New York, 1963), pp. 29-53.
2. The fullest discussion of correctional history from the colonial period to the end of the first quarter of the twentieth century is found in Harry Elmer Barnes, Evolution of Penology in Pennsylvania (Indianapolis, 1927). See pages 23-37 for a consideration of colonial foundations and pages 105ff for the influence of the Revolution on extant institutions and ideas. See also Helen Pigeon et al., Principles and Methods in Dealing with Offenders (State College, 1941) and Harry Elmer Barnes, Negley K. Teeters and Albert G. Fraser, Pennsylvania Penology-1944: A Report on Penal and Correctional Institutions and Correctional Policy in the State of Pennsylvania (State College, 1944).
3. Ira V. Brown, Pennsylvania Reformers: from Penn to Pinchot (University Park, Pa., 1966), pp. 29-33.
4. Barnes, Evolution, pp. 27, 31-33; Sylvester K. Stevens, Pennsylvania The Keystone State, Vol. II (Documentary) (New York, 1956), pp. 23-26 for the Preface to Penn's First Frame of Government.
5. These were the Hempstead or Duke of York Laws originally promulgated by Governor Andros in New York in 1676. Barnes, Evolution, pp. 29-31, 37-39, Pigeon, Principles and Methods, p. 27. Under these more severe laws transgressions which called for the death penalty ran as high as twenty-seven, see Thomas Kilby Smith, The Commonwealth of Pennsylvania (New York, 1917), p.330.
6. Pennsylvania Constitution of 1776, Ch. II, Articles 38-39. See Statutes at Large of Pennsylvania, Vol. III, pp. 199-221; Barnes, Evolution, Ch. 3.
7. Negley K. Teeters, "Citizen Concern and Action over 175 Years," The Prison Journal, XLII (Spring, 1962), 5-36; Barnes, Evolution, pp. 80-105. The organization evolved into the Pennsylvania Prison Society in 1787.
8. Tyler, Freedom's Ferment, p. 271. See the Memorial of the Prison Society of 1788 authored by reformer Roberts Vaux quoted in part in Barnes, Evolution, pp. 87-91.
9. Barnes, Evolution, p. 93.
10. Ibid.

11. Teeters, The Prison Journal, XLII, 21; Barnes, Evolution, pp. 74-105.
12. Barnes, Evolution, pp. 104ff.
13. Act of March 3, 1818, 7 Sm. 62.
14. Act of March 20, 1821, 7 Sm. 389.
15. De Tocqueville and Gustav de Beaumont on their visit to Cherry Hill had praise for the institution. See Barnes, Evolution, pp. 173-74. But Charles Dickens who visited the penitentiary in 1842 showed less charity for the Pennsylvania experiment. See Teeters, The Prison Journal, XLII, 26-27.
16. Pigeon, Principles and Methods, p. 108; Sylvester K. Stevens, Pennsylvania, The Keystone State, Vol. I (New York, 1956).
17. Act of March 23, 1828, P. L. 133, extended to Allegheny County by Act of April 22, 1850, P.L. 538. Even these juvenile institutions left something to be desired. Harry Elmer Barnes, in Pennsylvania Penology-1944, at p. 4, describes the House of Refuge as a "gloomy and forbidding prison-like structure."
18. In Pennsylvania insane prisoners were transferred in 1852 to the institution established at Harrisburg in 1845. By Act of May 11, 1905, P. L. 247, the legislature authorized a separate hospital for the criminally insane which opened in December, 1912.
19. Frank Loveland, The County Jails and Prisons of Pennsylvania: A Preliminary Report. The American Foundation (Philadelphia, n.d.), p. 3; Commonwealth of Pennsylvania, Report of the Advisory Committee to the Task Force On Eastern and Western Correctional Institutions of the Joint State Government Commission General Assembly of the Commonwealth of Pennsylvania, 1963, p. 25.
20. Barnes, Evolution, pp. 290ff. But faith in the system and in Cherry Hill remained. The optimism of the inspectors was reflected in their 1842 report, reprinted at part in Barnes, Evolution, at p. 293.
21. Act of May 1, 1861, P.L. 462. Historical background of parole from the "ticket of leave" system, introduced at Norfolk Island penal colony in Australia by Capt. Alexander Maconochie, through the refinement of the idea by Sir Walter Crofton in Ireland, down to its introduction in America and Pennsylvania with the passage of the 1861 "good time" law can be found in Barnes, Evolution, pp. 314-330, Pigeon, Principles and Methods, pp. 142-49, and G. I. Giardini, Manual of Parole Procedures and Supervision (Harrisburg, 1951), pp. 101-109.
22. Barnes, Evolution, pp. 311-313.
23. Barnes, Teeters and Fraser, Pennsylvania Penology-1944, p. 2.

24. Ibid.
25. A summary of the orthodox view of the proponents of the Pennsylvania System were still heard. Barnes, Evolution, p. 306. An expression of the views of the Board of Inspectors of the Western Penitentiary is found in Barnes, Evolution, pp. 307-308.
26. Act of May 21, 1869, P.L. 1267. Barnes, Evolution, p. 313. The Inspectors of the Western Penitentiary also opposed the law because of the administrative burden they felt it imposed on them. Barnes, Evolution, p. 313.
27. Laws of the General Assembly of 1883, p. 125, extended by Laws of the General Assembly of 1891, p. 100; Barnes, Evolution, pp. 246-250; Harry Elmer Barnes, Negly K. Teeters and Albert G. Fraser, "Report for War Production Board on the Penal and Correctional System of the State of Pennsylvania," The Prison Journal, XXIV (April, 1944), 399-419, at 405.
28. April 18, 1897, Laws of the General Assembly of 1897, pp. 170-71.
29. Barnes, Teeters and Fraser, Pennsylvania Penology-1944, p. 3.
30. Leon T. Stern, "Jails: Yesterday and Today," The Prison Journal, XXV (July, 1945), 88-99; Barnes, Evolution, pp. 184-86.
31. Barnes, Evolution, pp. 206-215.
32. Ibid., 214.
33. Op. cit. supra, note 20. By Act of June 4, 1879, P.L. 84, indentured children could be returned to the institution when the agreement of indenture was broken. The Act of April 22, 1909, P.L. 113, extended coverage to children paroled to foster homes even if they could not earn sufficient wages to pay for their expenses during parole.
34. Authorized by Act of April 28, 1887, P.L. 63, supplemented by Act of June 6, 1893, P.L. 326.
35. Smith, Commonwealth of Pennsylvania, p. 470; Frank McKetta, "State Police ...The Past is Prologue," Attorney General Bulletin, I (December, 1967), 21-24.
36. Stevens, Pennsylvania, I, 470. For their ruthlessness the Coal and Iron Police earned for themselves the epithet "Cossacks."
37. Act of May 11, 1901, P.L. 166.
38. Act of May 10, 1909, P.L. 495 amended and extended in Act of June 19, 1911, P.L. 1055.
39. On the historical evolution of probation nationally and in Pennsylvania see Pigeon, Principles and Methods, pp. 68-73.

40. McKetta, Attorney General's Bulletin, 1, 22.
41. Ibid.
42. Act of May 2, 1905, P.L. 361.
43. On use of State Police see Memorandum from Deputy Superintendent GFL [Lamb] to Thomas G. March, dated 2/14/14, Archives of the Commonwealth of Pennsylvania, RG30, Box 10, General Correspondence.
44. Act of July 7, 1913, P.L. 395.
45. Act of July 25, 1913, P.L. 1311.
46. Act of July 19, 1917, P.L. 378.
47. Act of March 30, 1911, P.L. 32.
48. Act of June 14, 1915, P.L. 422.
49. Smith, The Commonwealth of Pennsylvania, p. 279.
50. Act of June 25, 1913, P.L. 755. Barnes, Evolution, pp. 252-56.
51. Act of June 1, 1915, P.L. 288; Act of June 1, 1915, P.L. 289; Act of June 4, 1915, P.L. 359.
52. Act of June 19, 1911, P.L. 1085.
53. Barnes, Evolution, p. 324.
54. Op. cit. supra, note 43.
55. General Order from Superintendent to troop commanders, dtd. June 22, 1911, Commonwealth of Pennsylvania Archives, RG30, Box 1.
56. For example, Commonwealth of Pennsylvania, Biennial Report of the Department of State Police for the Years of 1918-1919 (Harrisburg, 1920), p. 99.
57. David Brody, Labor in Crisis: The Steel Strike of 1919 (Philadelphia, 1965), pp. 148-154.
58. Affidavits collected in Commonwealth of Pennsylvania Archives, RG30, Box 10. Brody, Labor in Crisis, p. 150; John C. Groome In his A Reply to 'The American Cossack', pp. 4, 10, RG30, Box 2, dismisses the complaints against the police as written by "interested" persons--that is, persons on the union side.
59. Groome, A Reply, collects affidavits at the end of the pamphlet. RG30, Box 2.
60. Reprinted in Barnes, Evolution, pp. 384-88.

61. Act of May 25, 1921, P.L. 425.
62. The Bureau of Restoration became the Bureau of Correction.
63. Barnes, Teeters and Fraser, Pennsylvania Penology-1944, pp. 9, 79-80.
64. Act of June 29, 1923, P.L. 975.
65. Pigeon, Principles and Methods, p. 148.
66. Act of May 14, 1925, P.L. 393.
67. Act of May 1, 1929, P.L. 1184.
68. Teeters, The Prison Journal, XLII (Spring, 1962), 28. See also Albert G. Fraser, "Thirty Years of Progress in a Voluntary Correctional Agency." The Prison Journal, XXXIV (October, 1954), pp. 26-29.
69. Barnes, Teeters and Fraser, Pennsylvania Penology-1944, p. 50.
70. Ibid.; See Leonard John Maek, "Treatment of Institutionalized Defective Delinquents," The Prison Journal, XXXIV (October, 1954), 21-26. By acts of 1937, amended in 1947, the legislature transferred the site of the institution for defective delinquents from Camp Hill to Huntingdon which formally undertook this specialized correctional activity in March, 1945, while Camp Hill opened for normal inmates March 20, 1941. Arthur T. Prasse, "Recent Changes at Camp Hill," The Prison Journal, XXXII (January, 1952), pp. 133-139.
71. Barnes, Teeters and Fraser, Pennsylvania Penology-1944, pp. 10, 22.
72. Ibid., pp. 15, 31-40.
73. Ibid., p. 6.
74. Barnes, Teeters and Fraser, The Prison Journal, XXIV (April, 1944), 414.
75. Act of May 21, 1921, P.L. 1061.
76. See letter dated January 18, 1922, from Supt. of State Police to Commission to Reorganize State Government, Commonwealth of Pennsylvania Archives, RG30, Box 2.
77. In spite of reservations on the part of the State Police (see comments of Lynn G. Andrews in letter dtd. 4/18/35, Commonwealth of Pennsylvania Archives, RG30, Box 9) the State Police and State Highway Patrol were merged, Act of June 29, 1937, P.L. 2436. The new organization was temporarily called the Pennsylvania Motor Police. In 1943 the name Pennsylvania State Police was restored. McKetta, Attorney General's Bulletin, I (December, 1967), pp. 23-24.

78. Commonwealth of Pennsylvania, Report to the General Assembly Meeting in 1929 of the Commission Appointed to Study Laws, Procedures, Etc. Relating to Crime and Criminals (Harrisburg, January 1, 1929).
79. Ibid., p. 8.
80. Ibid., pp. 15, 18.
81. See Act of June 21, 1931, P.L. 512 approving county cooperation in the creation of district prison farms.
82. Barnes, Teeters and Fraser, Pennsylvania Penology-1944, p. 91.
83. Transcript of the Hearings of the Gordon Commission, pp. 4, 14, Commonwealth of Pennsylvania Archives, RG30, Box 3.
84. Governor's Commission Report of December, 1938, quoted in Commonwealth of Pennsylvania Board of Parole, 23rd Annual Report, 1965-1966 (Harrisburg, 1966), p. 5.
85. Barnes, Teeters and Fraser, Pennsylvania Penology-1944, p. 3.
86. Ibid.; Commonwealth of Pennsylvania Board of Parole, 23rd Annual Report, p. 5. The pressure for a separate department of corrections continued through the war. The argument for an independent department can be found in Barnes, Teeters and Fraser, Pennsylvania Penology-1944, pp. 79-82.
87. Act of August 6, 1941, P.L. 861, amended by Act of May 27, 1943, P.L. 767, and Act of December 27, 1965, P.L. 501.
88. Barnes, Teeters and Fraser, Pennsylvania Penology-1944, p. 76.
89. Transcript of Gordon Commission, pp. 4, 38, 42, Pennsylvania Archives, RG30. Box 3.
90. Ibid., p. 1.
91. Ibid., pp. 14-15.
92. G. I. Giardini, "Twelve Years of Parole Progress," The Prison Journal, XXXIV(October, 1954), 3-7 at p. 3.
93. A summary of the findings of the Ashe Committee (1944) can be found in Commonwealth of Pennsylvania, Report of the Advisory Committee to the Task Force, p. 12. Harry Elmer Barnes in his study of Pennsylvania Penology in 1944 summed up developments in the Commonwealth since about 1910 in the following manner:

[They represent] a strange medley and jumble of progress and reaction, of backing and filling, of bold planning and feeble execution, of contradictory and conflicting policies of vision and retreat.

- Barnes, Teeters and Fraser, Pennsylvania Penology-1944, p. 3.
94. Act of September 26, 1951, P.L. 359.
 95. Act of January 8, 1952, P.L. 495.
 96. Philadelphia Youth Study Center, 7th Progress Report (September, 1967), pp. 5-7.
 97. Randolph E. Wise, "Philadelphia Corrections--A New Look," The Prison Journal, XXXIV (October, 1954), 10-14.
 98. Remarks of Judge Woodside reported in Centre Daily Times, January 21, 1953, p. 1.
 99. See continuing coverage in the Centre Daily Times from January 21, 1953, for the following seven days.
 100. A summary of the recommendations of the Devers Committee can be found in Commonwealth of Pennsylvania, Report of the Advisory Committee.
 101. Reorganization Plan No. 5 of 1955, Laws of Pennsylvania 1955-56, Vol 2, pp. 2048-49. Arthur T. Prasse, "New Program for Jail Supervision in Pennsylvania," The Prison Journal, XXXVI (October, 1956), 4-6; John H. Ferguson, "Improving Rehabilitation through Custodial Personnel Training In Pennsylvania," The Prison Journal, XL (April, 1960), 13-15; Kenneth E. Taylor, "One Year of Pennsylvania's New Classification Program," The Prison Journal, XXXIV (October, 1954), 7-10.
 102. Edmund G. Burbank, "Prospects for Classification and Treatment In Pennsylvania's Prisons," The Prison Journal, XXXIII (October, 1953), 15-19, at p. 15.
 103. See Appendix IX of Commonwealth of Pennsylvania, Report of the Advisory Committee.
 104. Commonwealth of Pennsylvania, Report of the Advisory Committee, pp. 6-11 summarizes earlier inquiries into the status of law enforcement and correction in Pennsylvania and recommending reforms for the 1960's.
 105. Commonwealth of Pennsylvania, Board of Parole, 23rd Annual Report of 1965-66, p. 7.
 106. Commonwealth of Pennsylvania, Report of the Advisory Committee, p. 3.
 107. Act of December 22, 1965, P.L. 472. Frank Loveland, "Design for Correctional Progress: A New Pennsylvania Program Facility," The Prison Journal, XLVI (Spring-Summer, 1966), 6-14.
 108. Act of December 22, 1965, P.L. 471.

109. Act of December 27, 1965, P.L. 501.
110. Ibid.
111. Alvin M. Katz, "History of the Movement to Establish a House of Detention for Untried Adults in Philadelphia," The Prison Journal, XLI (Suppl. Autumn, 1961), pp. 1-8.
112. See Philadelphia Youth Study Center, 7th Progress Report.
113. John G. Gordon, "The Pennsylvania Public Offender Program of the Pennsylvania Bureau of Vocational Rehabilitation," The Prison Journal, XLVII (Spring-Summer, 1967), 39-42.
114. Stanley E. Grupp, "Work Release,": The Prison Journal, XLIV (Spring, 1964) 42-44; Alspach, "Lancaster County Outmate Program," Pennsylvania Bar Association Quarterly, XXXIII, No. 3 (March, 1962), 318-324.
115. Article IV, Section 9, amended May 16, 1967. Earlier constitutional provisions regarding pardoning authority are summarized in Pigeon, Principles and Methods, p, 149.
116. William F. Schulz, Jr., "Criminal Law and Procedure," Pittsburgh Law Review, XXVLL (1966), 201-214, at p. 202.