

PRISON LABOR IN IOWA

Prison labor systems in the United States may be classified into groups, based upon the disposition of goods produced and the control of the prisoners. Prison-made goods may be sold in the open market or used by the institutions of the State or other States. There may be either public or private control over the discipline of the prisoners, their employment, and the sale of products. The history of prison labor reveals various combinations of these systems.

Prison labor under private management may be organized on a lease, contract, or piece-price basis. Under the lease system, a private individual or company is given control over the discipline, the employment, and the products of the convicts. The contract system delegates control over employment and products only, while the piece-price system relates only to the products. Under the usual contract system, the State receives so much per day for the labor of each prisoner; under the piece-price system the manufacturer pays for the finished product. In all three systems the products are sold by private agencies in the open market.

Under a complete public management system the maintenance and employment of the prisoners and the disposition of the goods is handled by the State. Various forms of public management have been tried. Under the so-called public account system, the State disposes of the prison-made goods in the open market. Under the public works and ways system, convicts are employed on the roads and in the construction of public works. If goods made by convicts are used in State institutions, the plan is referred to as the State use system. A variation in this, called the

States' use system, permits the sale of prison-made goods to State institutions outside the State.

In recent years there has been a definite shift toward the public account and State use systems. The following enumeration shows the variation in the per cent of prisoners employed in the United States under the various systems in 1905 and 1923 and the value of the goods produced:

	PER CENT OF PRISONERS EMPLOYED		VALUE OF GOODS	
	1905	1923	1905	1923
Contract labor	36	12	\$16,642,234	\$18,249,350
Piece-price	8	7	3,239,450	12,340,986
Public account	21	26	4,748,749	16,421,878
State use	18	36	3,665,121	13,753,201
Public works	8	19	2,886,887	15,331,545
Lease	9 ¹

PRISON LABOR LEGISLATION IN IOWA BEFORE 1915

The history of the legislation concerning prison labor in Iowa may be divided into three periods. The first begins in the days when Iowa was a part of Michigan Territory and ends with the legislation of 1913. The second period includes the legislation of 1915 and the report which led up to it. The third period extends from 1915 to the present. This rather arbitrary division is made because of the prevalence of certain systems of prison labor during each period.

As early as 1819 the Governor and Judges of the Territory of Michigan adopted a law entitled "An Act for Providing and Regulating Prisons". This act required the sheriff of each county to furnish any convict sentenced to hard labor with tools and materials to work with in the jail or jailyard. The articles manufactured or other products of each convict's labor were to be sold at the expiration of his sentence, and the prisoner might receive from the pro-

¹ Haynes's *Criminology*, pp. 309, 310. There are no available figures for the lease system.

ceeds of his or her labor any surplus that remained after payment for his maintenance, his fine if any were imposed, and the cost of the tools and material used. This law of 1819, with slight change by the Legislative Council of the Territory of Michigan in 1827, was still in force when Iowa became part of Michigan Territory in 1834 and was carried over to the new Territory of Iowa.²

The first provision for prison labor to be found in the laws of Iowa was adopted in 1839. This act made it mandatory for the sheriff or keeper of the prison to put certain prisoners to work at some useful employment, either within or without the prison. The sheriff was bound by the instructions and regulations of the district court in his county as to the labor of these prisoners. If the court so ordered, the prisoners could be compelled to labor upon any public works outside the prison. It was made the duty of the sheriff or keeper of the prisoners "to secure them, without cruelty, by ball and chain, or block, and also to have a sufficient guard to prevent their escape."³

Provision was also made in the year 1839 for erecting a State Penitentiary at Fort Madison. This was "Iowa's first State institution of a charitable or correctional nature". It was to be modeled as closely as possible on the Connecticut State Prison at Wethersfield, and was to be of sufficient capacity to confine 136 convicts. The sum of \$40,000 was appropriated for its construction and its directors were authorized "to cause to be employed, in the erection of the Penitentiary, all such persons as now are, or may hereafter be, convicted of any infamous crime in this Territory, and sentenced to hard labor". A record or account of the convict labor so used was to be kept and reported annually by the directors to the Legislative Assem-

² Downey's *History of Labor Legislation in Iowa*, p. 18.

³ *Laws of the Territory of Iowa, 1838-1839*, p. 171.

bly. The warden was empowered to attend to the "purchasing of the raw materials, to be manufactured in the Penitentiary, and shall also attend to the sale of all articles manufactured therein".⁴

In 1841 the act providing for a Penitentiary was amended and the warden was given power to hire out the convicts confined there, but no prisoners were to be hired for labor outside of Fort Madison. The amount of labor performed and the money arising therefrom were to be reported by a superintendent of construction to the warden and the warden was to include these items in his report to the Legislative Assembly. The theory then generally accepted was that a prison should pay its own way. Owing to the small number of convicts at the Iowa Penitentiary this ideal was not reached. Disappointed, apparently, by the financial results of the earlier system of management, the legislature in 1846 leased the Penitentiary for a term of three years.⁵

John W. Cohick was the first lessee. His lease was to begin on March 15, 1846. According to section 4 of the law of 1846 the "keeper of the penitentiary shall have the management, control and superintendance of the penitentiary and shall in all respects, keep the same from becoming chargable to the Territory. He shall have the same control and authority over said penitentiary, as has heretofore been possessed by law, by the warden".⁶ Under this plan the contractor fed, clothed, and disciplined the convicts in addition to regulating their labor and selling the products.

This lease was not renewed. Upon its expiration the Penitentiary was again placed under the control of public

⁴ Briggs's *History of Social Legislation in Iowa*, p. 30; *Laws of the Territory of Iowa, 1838-1839*, pp. 365-368.

⁵ *Laws of the Territory of Iowa, 1840-1841*, Ch. 71, 1845-1846, Ch. 20; Downey's *History of Labor Legislation in Iowa*, p. 19.

⁶ *Laws of the Territory of Iowa, 1845-1846*, Ch. 20.

officers and a superintendent was appointed with authority to direct the employment of the prisoners. In 1851 the institution was placed under the direction of a board of three inspectors and a warden, appointed by the Governor.⁷

In 1853 the contract system of prison labor was inaugurated in Iowa. The inspectors and warden of the Iowa Penitentiary were given authority to lease or hire out the prisoners to be worked in shops within the prison grounds, if they thought that such a system would best serve the interests of the State.⁸

Under the new law, an agreement was made with John H. Winterbotham and W. D. Headley, contractors. This contract, which was to extend from 1854 to 1864, called for the employment of all the able-bodied men in the Penitentiary (exclusive of those needed for repairing, cleaning, and cooking) in the manufacture of wagons, buggies, harness, saddletrees, mechanical and agricultural implements, and in any other mechanical trades which might be sanctioned by the warden. The men were to be fed, clothed, and disciplined by the officials at public expense and the State was to furnish shops and storerooms within the walls of the prison. The contractors were to have free use of the tools belonging to the State, on the condition that they be replaced in good condition at the end of the contract. The contractors were to furnish the materials and such other tools as might be needed. The State was to receive 30 cents per day for each convict's labor during the first year, and 35 cents a day for the remaining nine years. As a further concession to the contractors, the State agreed to allow four months credit so as to permit the contractors to sell their products before paying for the labor.⁹

⁷ *Laws of Iowa*, 1848-1849, Ch. 70, 1850-1851, Ch. 87; Briggs's *History of Social Legislation in Iowa*, p. 42.

⁸ *Laws of Iowa*, 1852-1853, Ch. 14.

⁹ *Journal of the Senate*, 1854-1855, Appendix, pp. 23-25.

In 1862, the warden and his assistants were given the sole management of the Penitentiary. As the contract of 1854-1864 was drawing to a close, the Ninth General Assembly at an extra session, in 1862, appointed Edward Johnstone and J. C. Walker of Lee County and the warden of the Penitentiary as commissioners to enter into another contract for convict labor. The contract was not to extend for a longer period than ten years, and the convicts were not to be leased at any less price than 35 cents per day. The acts of the commission had to be approved by the State Census Board before they were binding upon the State. Upon the expiration of the Winterbotham and Headley contract in 1864, a ten-year agreement was formed with Thomas Hale and Company (Winterbotham being a member of the new firm). This contract was similar to the one made ten years before. The maximum number of prisoners to be employed was fixed at 150, and the industries were limited to cooperage and the manufacture of agricultural implements. The compensation to be paid to the State was increased to 40 1/3 cents per day of ten hours. The warden, however, was authorized to use convicts for the manufacture of shoes and clothing for the use of the prisoners.¹⁰

In 1868 the General Assembly passed the following act: "That for the general support of the convicts there is hereby appropriated the monthly sum of eight and one-third dollars, or so much thereof as may be necessary to each convict in said prison, to be estimated by the average number for the preceding month, subject however to a deduction from the whole amount for the month of the sum charged to the contractors for convict labor for that month."¹¹

¹⁰ *Laws of Iowa*, 1862, Ch. 117, 1862, Extra Session, Ch. 16; Downey's *History of Labor Legislation in Iowa*, p. 20; *Biennial Report of the Warden of the Penitentiary* (Fort Madison), 1863-1865, pp. 11-16.

¹¹ *Laws of Iowa*, 1868, Ch. 69.

An event of importance in 1872 was an act making provision for an additional prison at Anamosa, to relieve the congestion at Fort Madison which had become a problem. The new institution was to be located near a stone quarry and, it was planned, would be large enough to confine and employ 500 convicts. As in the case of the erection of the Penitentiary at Fort Madison, the convicts were to be required to work on the new institution, but the prison labor used at Anamosa was to have some incentive for good work. Section 12 provided that: "The Warden of said Penitentiary shall keep a faithful and accurate account with each convict, showing the number of days' labor performed by each and the value thereof in cash, not exceeding two dollars per day for each day of ten hours, and for each and every one hundred dollars' worth of labor in excess of three hundred dollars, performed in any one year by any convict not sentenced for life, there shall be a commutation of the sentence of such convict, upon the recommendation of the Warden, to the amount of fifty days' time; and the one-third part of such excess shall be paid him out of the State treasury at the time of his discharge, upon the certificate of the amount due by the Warden." Thus, the sentence of the prisoner might be reduced by his labor. The law of 1872 also made provision for a form of State use system of convict labor — in that the convicts at Anamosa were to furnish stone from the quarry to be used in the construction of other State buildings.¹²

According to the report of the warden of the Fort Madison Penitentiary in 1869, convict labor was being sold at too low a price. In 1874, the General Assembly, heedful of this advice, passed an act authorizing the Governor to appoint three citizens to act as commissioners to secure new contracts after the agreement with Hale and Company ex-

¹² *Laws of Iowa*, 1872, Ch. 43.

pired. These commissioners were to enter into contracts for not longer than five years whereby the labor of 300 men was to be sold at a price not less than 60 cents per day per man. The acts of the commissioners were not binding until approved by the Executive Council.

These commissioners contracted for the labor of 300 convicts by four agreements with three different groups of contractors. Benjamin S. Brown & Company (later known as the Iowa Farming Tool Co.), makers of agricultural implements, contracted to take the labor of 100 men on the ten-hour day basis for a term of five years beginning on January 1, 1875. The second contract was made with J. D. Trebilcock and John M. Johnson of Bloomfield, Iowa, who agreed to employ 50 men on the ten-hour day basis for a term of five years, beginning on January 1, 1875. This company was to manufacture chairs, school furniture, and coffins. The third and fourth contracts were entered into with O. B. Dodge of Red Wing, Minnesota. He agreed to hire 75 men on the ten-hour day basis for a term of five years, beginning on March 1, 1875. After December 1, 1875, this company agreed to hire 25 additional men on the same basis. This company manufactured boots, shoes, and boot and shoe pacs. In April, 1875, the Dodge Company contracted for the hire of 50 additional men. Under the latter contract the prisoners were to receive two months of instruction during which time the State would not receive any pay for their labor. Only able-bodied men sentenced for at least one year were included in these contracts, and the State built, maintained, and heated the shops, and furnished free of charge a number of men — called “lumpers” — to do the cleaning, build fires, and run errands.¹³

¹³ *Biennial Report of the Warden of the Penitentiary, 1867-1869*, p. 18, 1873-1875, pp. 30-41; *Laws of Iowa, 1874*, Private, Local, and Temporary Acts, Ch. 35; Downey's *History of Labor Legislation in Iowa*, pp. 20, 21.

O. B. Dodge failed during the winter of 1875-1876, and other contractors declared themselves unable to continue paying the contract price for prison labor. Their representatives induced the General Assembly to repeal the section of the law of 1874 fixing a minimum price for convict labor. The amendment of 1876 authorized the commissioners to enter into new contracts, subject to the approval of the Executive Council, and to remove convicts from Fort Madison to Anamosa, with the approval of the Executive Council.

The law of 1872 relating to the new prison at Anamosa was also amended. The act of 1876, like its forerunner, provided for a "good time" allowance in return for the work done by the convicts at Anamosa. The only difference between the two lay in the provision, "nothing in this act shall be so construed as to authorize the leasing of the convict labor." Thus the lease system of prison labor was definitely prohibited at Anamosa.

Under the act of 1876 the commissioners reduced the price of prison labor to 48 cents a day for the tool company, and 46 cents for the Fort Madison Chair Company (successors of Trebilcock and Johnson). O. B. Dodge and Company were replaced by the Huiskamp Brothers (shoe manufacturers) of Keokuk, Iowa, who took 80 men at 43 cents per day, and four "lumpers" without pay.¹⁴

In 1878, the laws of 1872 and 1876 regarding the "good time" of prisoners at Anamosa were further amended. Section 7 of the new law read in part as follows: "The warden shall keep a regular time-table of the convict labor and record the same in a book to be kept for that purpose; and he shall moreover keep a record of all the business under his control and return an account thereof, together

¹⁴ *Laws of Iowa*, 1876, Chs. 40, 97; *Biennial Report of the Warden of the Penitentiary (Fort Madison)*, 1875-1877, pp. 21-35, 57-63.

with an account of the convict labor, to the clerk at the close of each day." It was possible for a prisoner to reduce his sentence not only by labor but also by good behavior, even ending with an absolute pardon.

Another law affecting convict labor, passed in 1878, repealed former acts giving the commissioners power to secure contracts for prison labor. Under the act of 1878 that power was now vested in the warden, subject to the approval of the Executive Council. No provision was made as to price of labor, but the contracts were not to extend for a longer period than five years. With the return of prosperity there was little change in the price of prison labor which had fallen as a result of the panic. The Huis-kamp contract was renewed in 1878 at 43 1/3 cents per day.¹⁵

In 1880 two laws were passed which had a bearing on prison labor in Iowa. The first act repealed the law of 1878 which had limited the contracts to five years, and gave the warden, with the approval of the Executive Council, power to enter into contracts for not to exceed ten years. No provision was made as to the price of convict labor. The other act amended the previous "good time" laws offering further inducement for good prison conduct and labor by the restoration of citizenship. In 1880 the chair contract was renewed at 43 cents (45 cents after October 1, 1882) and the tool contract at 50 cents. In 1881 the Huiskamps were able to make an eight and one-half year contract for ninety men, at 45 cents, beginning in July, 1883.¹⁶

The chair contract was renewed in 1888 and again in 1894, at 50 cents for full time able-bodied men, and 25 cents for "lumpers". But the pay for full-time men was re-

¹⁵ *Laws of Iowa*, 1878, Chs. 110, 187; *Biennial Report of the Warden of the Penitentiary* (Fort Madison), 1877-1879, p. 24.

¹⁶ *Laws of Iowa*, 1880, Chs. 149, 154; *Biennial Report of the Warden of the Penitentiary* (Fort Madison), 1879-1881, pp. 9, 13, 1881-1883, pp. 11, 12.

duced to 40 cents in 1896 as a result of the industrial depression from which the country was then suffering, and was fixed at 45 cents in 1900. Accidents were common and the contractors apparently were in no way held liable for the expense of treatment or loss of time. Between July 1, 1899, and July 1, 1900, the physician at Fort Madison reported forty-six injuries from the chair contract, seventy-eight in the tool factory, six in the button factory, and seven in work for the State.¹⁷

In 1898 a State Board of Control was created by an act of the General Assembly to take charge of the penal institutions of the State. This board was to have charge of letting contracts for the prison labor at Fort Madison and Anamosa.

Up to this time the prisoners at Anamosa had not been engaged in any form of work for private parties. Their work had been confined to quarrying, cutting, and dressing stone for the State, and doing odd jobs and construction work around the institution. The lease system of prison labor had been definitely prohibited at Anamosa by the law of 1876. With the creation of the State Board of Control, however, contracts were entered into for the labor of the Anamosa prisoners.

In 1899, a contract was made with the American Cooperage Company of Anamosa (a member of the cooperage trust) for the services of from 25 to 50 inmates for a period of ten years. The price agreed upon was fifty cents per day, and the work was to be the manufacture of butter tubs, pails, and barrels. The prisoners were to be paid at a proportional price per tub for extra work. Thus while the State received \$7,217.23 from the cooperage contract during the biennial period ending June 30, 1908, \$4,561.76 was

¹⁷ *Biennial Report of the Warden of the Penitentiary (Fort Madison)*, 1887-1889, p. 8, 1893-1895, pp. 7, 8, 1895-1897, p. 9, 1899-1901, pp. 31-33; Downey's *History of Labor Legislation in Iowa*, p. 21.

paid to the convicts themselves. This contract and the contract for five years, made in 1899 with the Iowa Button Company employing prisoners at Fort Madison, aroused the opposition of organized labor, and largely because of their agitation, an act of 1900 prohibited the manufacture of butter tubs and pearl buttons in the penitentiaries of the State after the existing contracts expired.¹⁸

In 1902 the law relating to the employment of prisoners in the State stone quarries adjacent to Anamosa was amended, permitting able-bodied convicts to be sent either to Fort Madison or to Anamosa and worked in buildings and places owned or leased by the State outside the penitentiary walls. The act, in fact, extended the confines of the penitentiaries. It came as the result of a decision of the Supreme Court of Iowa, that a prisoner concealing himself in a quarry and afterwards escaping was not guilty of breaking and escaping from the penitentiary.¹⁹

In 1907 the prison at Anamosa was designated as a Reformatory for the confinement of first offenders between the ages of 16 and 30 years. The law also provided that, except to complete existing contracts, inmates of the Reformatory were to be employed only on State account. Such employment was to be conducive to the teaching of useful trades so far as practicable, and to the intellectual and moral development of the inmates.

Another act of 1907 authorized the use of convict labor in caring for the houses and premises occupied by the wardens of the penitentiaries, and for domestic service, but such employment was to be consistent with prison discipline and was limited to the use of two convicts at any one time.²⁰

¹⁸ Downey's *History of Labor Legislation in Iowa*, p. 25; Briggs's *History of Social Legislation in Iowa*, p. 211; *Laws of Iowa*, 1900, Ch. 138.

¹⁹ *Laws of Iowa*, 1902, Chs. 147, 155; *State v. King*, 114 Iowa 413.

²⁰ *Laws of Iowa*, 1907, Chs. 192, 194.

As the coopeage contract neared its expiration in 1909, the Thirty-third General Assembly again sanctioned the making of butter tubs at Anamosa. The new law provided that not more than 50 inmates could be employed at this work. The contract for the making of butter tubs was to end not later than January 1, 1915.²¹

In 1913 the Thirty-fifth General Assembly passed several acts which related quite directly to prison labor in Iowa. The law of 1907 was amended giving the wardens permission to employ three convicts, instead of two, in domestic labor about their homes. It also gave each deputy warden permission to use one prisoner for domestic service. A second act passed in 1913 repealed a former act which required that rocks should be crushed by the prisoners into pieces of not more than two and one-half inches.

A third act passed in 1913 related to the employment of prisoners on public highways. Under the new law, county boards of supervisors who desired prisoners from the Penitentiary and Reformatory to work on the public highways within their jurisdiction could obtain them from the State Board of Control. They were to make application to the Board, telling the nature of the work and the price that they were willing to pay for the labor of the prisoners. Leasing these prisoners to contractors was strictly forbidden. A part of the money thus earned by the employment of prisoners on the public highways and public works might be given to the dependents of the prisoners by the Board of Control. Another interesting provision in the new law was the restriction that prisoners at work upon the public highways of the State should not be required or permitted to work in clothing which would make them look ridiculous or unduly conspicuous.²²

²¹ *Laws of Iowa*, 1909, Ch. 179.

²² *Laws of Iowa*, 1913, Chs. 134, 316, 318.

According to the eighth biennial report of the Board of Control (1912) the following contracts were in force at that time: the American Cooperage Company contract, at Anamosa, employing from 25 to 50 men, to end December 31, 1914; the Iowa Farming Tool Company contract at Fort Madison for the employment of 195 prisoners, of whom 178 were to be furnished to the company until November 1, 1914, and 32 men from that date until January 1, 1915; and the Fort Madison Chair Company contract for the employment of 109 men until October 16, 1917, and 39 men from that date until January 15, 1918. A variation of the contract system, called the task system, was employed under the tool and cooperage contracts; the minimum day's work was computed and for any production of goods over that amount, the prisoner received extra pay.

Of the men at Anamosa, not on contracts, E. H. Downey wrote: "From six to twelve inmates are employed, at different seasons of the year, upon the prison farm — work which is both healthful and profitable, but in which only 'trusties' can be employed. A printing office and bindery gives employment to ten men who appear to be acquiring trades at the same time that they are doing work interesting in itself and profitable to the State. The necessary tailoring and shoemaking for the Reformatory requires the labor of ten inmates, and is of unquestionable value to the men so engaged, as well as a saving to the public treasury. Still other inmates are utilized in the kitchen and dining-room, and in caring for the lawns, flowers and shrubbery in the prison yard."²³

In 1913 the General Assembly also authorized a special tax of one-half mill on the dollar of taxable property for the purpose of creating a number of institutions, including

²³ *Biennial Report of the Board of Control, 1910-1912*, p. 31; Downey's *History of Labor Legislation in Iowa*, p. 26.

a district custodial farm. "This was in a sense the culmination of much legislation directed against the contract system of convict labor and attempting to provide in its place employment not only beneficial to the prisoners but non-competitive as well."

Under this act the Board of Control purchased 781 acres near Clive, ten miles west of Des Moines, at \$200 per acre. It was then found that the act of 1913 had given to the Board no funds for the farm and no direct authority over it as an institution. The Board, however, transferred a number of convicts from Fort Madison, and in their report of 1916 stated that the farm was in first class condition.²⁴

During this first period, the price of prison labor varied but little. In fact, it was actually lower in 1913 than in 1875. Prices ranged from 2½ cents to 6 cents per hour for the labor of able-bodied men, and the State, in order to get the foregoing contracts, had furnished the shops and, in some instances, tools free of charge. It had also heated and lighted the shops and furnished water. In some of the contracts "lumpers" were furnished free of charge to do odd jobs. In some instances they were paid 25 cents a day.

THE LEGISLATION OF 1915

A committee consisting of Attorney General George Cosson and two other citizens, appointed to investigate the character of the warden and general management of the Iowa Penitentiary at Fort Madison, made its report²⁵ on May 25, 1912.

The charges included the following: that men were com-

²⁴ *Laws of Iowa*, 1913, Ch. 17; Briggs's *History of Social Legislation in Iowa*, pp. 206, 207; *Biennial Report of the Board of Control*, 1914-1916, pp. 44, 45.

²⁵ *Report of the Committee Appointed to Investigate the Character of the Warden and the General Management of the Iowa Penitentiary at Fort Madison* (Des Moines, 1912), pp. 13, 14, 24, 25. (Hereinafter called the Cosson Report)

pelled to work upon contracts when they were not physically able; that they were denied parole because of their skill and strength which made them valuable to the contractor; that the warden or some member of his family had a private interest in the contracts; that not only the guards but the foreman and other employees of the contractors cooperated with the prisoners in passing letters and information in and out of the institution, and also in furnishing to the prisoners various articles including liquor, drugs, and dope. There were complaints also against the foreman and private employees of the contractors.

A thorough investigation of the Penitentiary was made. Witnesses who were both hostile and friendly to the warden were examined. Prisoners were allowed to give their testimony to the committee in private. Information regarding the contract system in other States was secured and examined. Testimonials from the wardens of penitentiaries in other States where different systems of prison labor were being used were obtained. After considering all this, the committee reached the conclusion that "nearly all of these complaints are due to the present system which is in operation at the penitentiary at Fort Madison, and that if there was an annual change in wardens the same or similar complaints would follow each change of administration."

The committee investigated each one of the charges separately. The charge that prisoners were made to work when they were not physically able was not sufficiently corroborated to satisfy the committee. The committee pointed out, however, that there was opportunity under the contract system for this to exist, and that it was a common criticism.

The evidence did not support the charge that prisoners who were strong and efficient workers were not paroled because they were valuable to the contractors. On the con-

trary, the records showed that the number of paroles granted to men working under the contract system was far greater than the number of paroles given to men not so engaged. The Board of Parole, the committee decided, was not in any way influenced by the contractors, but charges of this character would continue to be made as long as the contract system was in use.

The third charge considered by the committee was the alleged interest of the warden and his family in the contracts. The committee report with reference to this charge read in part as follows:

There is no penal institution in which the contract labor system exists where prisoners do not claim that the officers of the institution are controlled by the contractors, from the superintendent, the warden, the prison physician down to the most subordinate officer. That many statements are made by prisoners for the sole purpose of creating prejudice is undoubtedly true, but that opportunity exists for an improper influence cannot be denied.

Another charge was that there had been trouble between the foreman and his employees and the prisoners. One prisoner, Haley by name, refused to work on any contract and finally would not do any work at all. This incident was given wide publicity in the newspapers of the State. One prisoner declared: "The guard's position is at stake if he speaks one word in a prisoner's behalf, for the contract rules and is the power behind the throne." The finding of the committee with reference to this charge was to the effect that there was evidence that there had been disagreements between at least one prisoner and private employees of the contractors with reference to the count. One error was acknowledged by an employee of the contractors, and it was pointed out that such disagreements showed the opportunities for trouble in the contract system.

There was fairly definite evidence that information, let-

ters, drugs, and dope had been smuggled to the prisoners by employees of the contractors. Such coöperation on the part of these men tended to break down discipline. The committee concluded that under the contract system, abundant opportunity existed for such violations.²⁶

That there was truth in some of the charges, the committee agreed. Blame was not attached to the warden or any other official but to the system of labor in use. Rather, the responsibility for the affair must be laid at the door of the State. The committee went on record as follows:

It is fundamentally wrong for a state to exploit prisoners for profit. It is not only wrong but foolish when this exploitation is delegated to some private corporation. If any one is to receive a profit it should be the state. If a profit can be made by a corporation it can be made by the state under efficient management. When the state assumes control over an individual it is responsible for his physical well-being and his social and moral welfare, but no one pretends that a contractor is concerned in any way with the social, moral or physical welfare of the prisoner. With the state, the primary object in view should be the protection of society and the reformation of the individual; with the contractor, the primary object is and always will be the maximum amount of dividends, and it is no answer to say that the Thirteenth Amendment to the federal constitution of the United States, in which it is provided that "Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction" at least indirectly recognizes that each state may impose a form of slavery upon its convicts.

*The contract system is the worst form of slavery because it is a delegated form of slavery. Authority and responsibility should go hand in hand but this cannot be with the contract system.*²⁷

The committee also considered competition between prison and free labor. "Free labor", declared the report,

²⁶ *Cosson Report*, pp. 23-25.

²⁷ *Cosson Report*, p. 26. (Italics used in report)

“ has no right to object to the competition of convict labor. A person does not cease to be a human being because he is transferred from the outside world to a place inside the prison walls.” But contract labor in the prisons, said the committee, was unfair competition. The report included the following comment:

Enlightened, fair-minded men of whatever calling or profession have commenced to realize that every man is entitled to the opportunity to work and to receive therefor a living wage. . . .

Briefly summarized, the objection then to contract labor is that it not only is a form of slavery but an unjustifiable form of slavery because it is a delegated form in which responsibility and authority are divorced. It is the exploitation of the helpless convict, not for the profit of the state, but for the profit of a private corporation. It is the wrongful surrender and abandonment of the control and jurisdiction over the person of a prisoner either to a greater or less degree. It furnishes opportunity for convicts to communicate with the outside world in violation of the rules of the institution and to receive opium, morphine, cocaine and other forms of dope if the employees of the contractors are subject to improper influence, or even unduly sympathetic. It furnishes opportunity for corruption between the contractors and prison officials and officers of the law and subjects prison officials to criticism regardless of whether there is any foundation in fact for the charges. It tends to destroy discipline, it impairs reformation and destroys hope on the part of the prisoner; it is injurious to the manufacturer employing free labor; it is unfair competition to free labor because it tends to destroy the living wage, and lessens the opportunity for labor, and on the whole it is economically unsound.²⁸

After thoroughly condemning the contract system of prison labor, the committee recommended that a penal farm be established and that allied industries be maintained.²⁹

The report of this committee was popularly termed the “Cosson Report” and was given much consideration by the

²⁸ *Cosson Report*, pp. 27, 28. (Italics used in report)

²⁹ *Cosson Report*, p. 76.

newspapers, the public, and by organized labor. The latter hailed it as an official acceptance of their fight against contract labor.

The ninth biennial report of the Board of Control reported on convict labor up to June 30, 1914. With reference to the Reformatory at Anamosa the report read in part as follows:

The board has abolished by refusing to enter into new contracts the degrading system known as contract labor. The board did, prior to July 1, 1914, make partial arrangements to take over the business of the American Cooperage Company, which has conducted the business of manufacturing butter tubs for a great many years at the institution. This industry will come to the state, if at all, about January 1, 1915.

The board practically discontinued the operation of the stone quarry near the reformatory because of the fact that it was a constant expense to the state and the state was losing money in its operation because of the fact that the quarries, and character of the rock in the quarries, would not meet the requirements of contractors for crushed rock. The rock is too soft and does not come up to good limestone and granite rock that is used in concrete construction.

The work done in the printing and binding department and the manufacture of shirts and other garments in the women's department, in the tailorshop, shoeshop, tinshop and blacksmith shop, has been a source of encouragement to the board in prosecuting to a greater extent the industrial work of the institution.

As to the Penitentiary at Fort Madison the report of the Board of Control indicated the difficulties at that institution. Warden J. C. Sanders had made it a practice to send trustees on errands within the corporate limits of the city of Fort Madison and also to allow these men to work on the public highways there. The city council of Fort Madison had passed an ordinance prohibiting this practice and the warden was arrested. The case was turned over to the Attorney General who secured a writ of habeas corpus and

presented it to Judge Hamilton of the Superior Court, but he upheld the ordinance as valid and refused to release the warden. The case was appealed to the Supreme Court of Iowa. This incident demonstrated the need, according to the Board, for a custodial farm for trusties and other reliable prisoners.³⁰

In his message to the General Assembly in 1915 the Governor clearly voiced the sentiment of the public with reference to prison labor in the following paragraph:

As many men as possible from the penitentiary and reformatory ought to be given work upon our public highways, especially since the State has entered upon the policy of permanent road improvement. The experiments made in this direction have been very satisfactory, indeed. The brief experience the State has had in allowing a few men from the penitentiary and reformatory to work out side has resulted in a profit over all expenses of \$19,773.10 to the State and earnings to the men about \$7,000.00. The State has turned its face toward the more modern and enlightened method of dealing with criminals and the whole subject is one that ought to have your most careful consideration. Some considerable expense must necessarily be incurred in the beginning but ultimately the methods proposed will, as I believe, reduce cost to the State. The abolishment of the contract labor system is looked upon, I think with general favor. But men must be kept at work and it will therefore be necessary that you provide by legislation some method or provide such industries as will supply the need.³¹

It was evident that something had to be done about the employment of prisoners in Iowa. In 1914 the Board of Control reported that it had refused to enter into any new contracts and it recommended that the State take over the prison industries. It had also showed the difficulties of administration at Fort Madison. The Governor in his message to the legislature had recommended a change. The legislation of 1915 was the result.

³⁰ *Biennial Report of the Board of Control, 1912-1914*, pp. 18-20.

³¹ *Journal of the Senate, 1915*, pp. 32, 33.

The law of 1915 provided that the inmates of the Penitentiary and Reformatory should hereafter be employed on State account, State use, and public works, except to complete existing contracts, and the Board of Control was forbidden to enter into any new contracts for prison labor. All prison labor was to be conducive to the teaching of useful trades and callings so far as possible, and to promote the intellectual and moral development of the prisoners. Convicts employed on State account or State use were to work at the penal institutions. Any work performed by convicts for private companies was to be paid for at the same rate as that received by free labor. The Board of Control was given authority to establish any industries it deemed advisable at any penal institution under its jurisdiction. Work within the limits of Fort Madison and Anamosa was forbidden except on State property.

The act further provided that "Whenever services are rendered by any inmate at any institution under the supervision and jurisdiction of the board of control, the board of control may whenever practicable allow such inmate compensation which shall not exceed the amount paid to free labor for a like service or its equivalent, less such amount that the state is put to for maintenance as the board of control may deem equitable, and in addition to deducting an amount to defray the cost of maintenance, the board of control may also deduct an amount sufficient to pay all or a part of the costs taxed to any inmate by reason of his commitment." The Board was authorized to send money earned by a prisoner to his dependents or deposit it in the bank for him. For each month of employment, a convict might be allowed ten days of good time.³²

Acting upon the authority given them by the law of 1915, the Board of Control started to establish industries to take

³² *Laws of Iowa*, 1915, Ch. 257.

the place of the contracts. They reported in 1916 that all contracts for prison labor had expired with the exception of the tool contract, which would terminate in November, 1917. The Thirty-seventh General Assembly, however, extended the limit on this contract until May 1, 1918. This was the last of the contract labor system in Iowa.³³

With reference to Anamosa, the Board reported in 1916:

At this institution the butter tub factory, operated by the American Cooperage Company under the contract system, was taken over at a cost of \$5,000.00, and has been conducted as a prison industry since January 1, 1915.

The printing office and bindery have been improved and enlarged to care for the needs of the state institutions and Board of Control. It does no commercial business but furnishes instructive employment and fits many young men to accept and retain good positions upon release.

The tailor shop, tin shop, shoe and stone cutting departments provide useful and healthful employment to a large number of prisoners. The products of these industries are used at other state institutions.

The purchase of seventy-seven acres of quarry land in Lyon County, with its deposit of granite, will require the services of a hundred men at least, and supply a long felt demand for crushed rock, especially adapted to road building.

The situation at the Penitentiary at Fort Madison in 1916 as summed up by the Board of Control report was as follows:

To employ the men heretofore engaged on the contracts at this institution a chair and furniture factory has been established and equipped, at a cost of \$53,420.96, and a large investment has been required to provide a stock of material aggregating to \$58,009.52.

A contract has been entered into for the output of this factory, relieving the state of all expense and responsibility of the selling end of the business. The selling price is based upon the actual cost of material; salaries of foremen, superintendent and necessary em-

³³ *Biennial Report of the Board of Control, 1914-1916*, p. 43; *Laws of Iowa, 1917*, Ch. 328.

ployes; the cost of insurance; six per cent on the investment; ten per cent per annum for depreciation, and compensation to the prisoners, and on the total cost thus obtained the state receives ten per cent. This contract was entered into July 13, 1915, and runs for a period of ten years. One hundred and fifty men are employed by this industry.

The manufacture of rugs, brooms, harnesses, sweeping compound and other commodities gives useful employment to a large number of prisoners. Much of the output of these industries is sold to the state institutions, the surplus being disposed of on regular terms to the trade.³⁴

Thus by the end of 1915 the contract labor system had been legislated out of existence in Iowa penal institutions, although the tool contract was allowed to run until May 1, 1918. A number of industries for State use and State account were established to take the place of the other contracts. Each General Assembly, however, has authority to reverse decisions made by former legislatures, while work for the convicts continued to be a State problem.

LEGISLATION FROM 1924-1933

Although the last agreement for contract labor in Iowa expired on May 1, 1918, a form of this system, called the piece-price system, started soon after. In 1921 piece-price contracts were made with the Sterling Company of Chicago for the manufacture of aprons and house dresses at Anamosa. Similar contracts were made with the Reliance Company of Chicago for the manufacture of men's shirts at Fort Madison. Under these contracts the companies furnished the machines, materials, and inspectors; while the State provided the buildings and labor. A fixed sum per dozen was paid for the garments and the prisoners were paid for their work. The contracts were approved by the Attorney General.³⁵

³⁴ *Biennial Report of the Board of Control, 1914-1916*, pp. 43, 44.

³⁵ Haynes's *Criminology*, p. 320.

On December 29, 1923, an article in the *Cedar Rapids Gazette* called attention to the fact that the Reformatory at Anamosa was rapidly becoming an apron factory under a "drastic contracting method". Out of the 960 men confined in Anamosa 420 were employed in making aprons and dresses. The newspaper raised the question as to whether such work was reformatory in character as required by law. In addition, it remarked that the prisoners were at the mercy of the company's inspectors should they become arbitrary in determining the quality and quantity of the work. Constant attention on the part of the inspectors who were on the look-out for flaws might mean punishment for the prisoner. A case was cited of a negro convict who was insulted by the inspectors and criticized because of his work. The convict rebelled one day, knocked down one of the inspectors with his fist, and attacked him with a chair and a pair of scissors. As a result, the convict was punished by solitary confinement for many days.

Two days later the *Gazette* charged that the system in use at Anamosa and Fort Madison was industrial slavery at which "Abraham Lincoln would have exclaimed in deep and righteous indignation". The article, in addition, charged that while the original contract called for the employment of only 200 men at Anamosa, the contract had been extended to include more convicts, and that the Board of Control had no record of the extensions. The editor charged that the system was illegal, despite the confirmation of the Attorney General, and that the legislature should do something about it, if the Board did not act.

On January 2, 1924, the chairman of the Board of Control replied to the charges, stating that relatives of the convicts had asked that the inmates be placed at work so that they might receive their wages. He further stated that the charges made by the newspaper were made at the "in-

stigation of New York business competitors of the companies controlling the output of aprons and shirts at the Fort Madison and Anamosa institutions.' The *Gazette* denied all such charges and advised that the Board be concerned with the reformation of the prisoner rather than making money for the State.³⁶

Within a few days the fight was taken up by the Cedar Rapids labor unions and it soon attracted the interest of a few State Senators and the public. As a result of this criticism, the Board of Control on March 19, 1924, cancelled the contracts at Fort Madison and Anamosa, to take effect on July 1, 1924. The Board expressed the opinion that although the prices received from the contracts were equal to what free labor received in 1921, comparative figures were difficult to obtain, and the members desired to keep within the law.

By this time the fight was on in earnest. Ever since the issue of piece-price contracts was raised, a special joint Board of Control committee had been working on a report to present to the General Assembly. Public hearings, in which members of the Board of Control, representatives of the contracting firms at Fort Madison and Anamosa, organized labor, the *Cedar Rapids Gazette*, and the public took part, were held. On March 27, 1924, the joint committee recommended the extension of contracts to July 1, 1927, after which time, the State use system would operate, and the matter of prison labor be left (as usual) to the next legislature to decide.³⁷

Organized labor was fighting to end the piece-price contracts on July 1, 1925, and for a State use law authorizing products to be sold only to State and municipal institutions.

³⁶ *The Cedar Rapids Gazette*, December 29, 31, 1923, January 2, 1924.

³⁷ *The Cedar Rapids Gazette*, January 3, 4, and 5, 1924; *The Des Moines Register*, March 20, 25, and 28, 1924; *Journal of the House of Representatives*, 1923-1924, p. 1215.

The labor lobby also demanded that the Board of Control be deprived of the power to make contracts. On April 25th the legislature was deadlocked, and a second joint committee on the Board of Control was appointed.

The joint resolution proposed by the new committee was adopted by the General Assembly on April 25th, and the bill was signed by the Governor on April 29th. By this act the legislature confirmed the cancellation of the former contracts, but gave the Board of Control authority to enter into new contracts to extend to July 1, 1927. In making such contracts they were to secure the same payment for the prison labor as for work in the same industries by free labor, taking into consideration the conditions.³⁸

In the code revision of 1924, provision was made for the operation of the State use law. The Board of Control was to furnish classified and itemized lists of articles made by the institutions under its control. These articles were to be sold to State, county, municipal, school, and township institutions at a price not to exceed that in the regular market and their purchase was made mandatory. If the Board of Control could not furnish the desired articles then the political subdivisions were to be permitted to buy in the open market. Should township trustees, county supervisors, or the State Highway Commission desire convicts to work on their roads, they could obtain such labor from the Board of Control, which determined the wages beforehand. Such labor was to be under the jurisdiction of the Board of Control.

Thus the second fight over convict labor ended in a compromise in 1924 with the piece-price contracts extended to 1927, after which time the State use law was to be operative. "The Board of Control and the legislature deemed

³⁸ *The Des Moines Register*, April 2, 25, and 26, 1924; *Laws of Iowa*, 1924, Extra Session, Ch. 49; *Journal of the House of Representatives*, 1923-1924, pp. 1696, 1697.

the three years necessary in order to make necessary changes in the manufacturing establishments of the two institutions so that they could be utilized in so-called 'non-competitive labor'."³⁹

The third consecutive fight over prison labor opened on February 12, 1927, when the Board of Control Committee in the House introduced a bill to suspend indefinitely the time when the State use system adopted three years before would go into effect. The bill had the support of the Board of Control which had never favored the State use system. Organized labor, however, was still opposed to the piece-price contracts.

A public hearing was held at which organized labor and manufacturers of garments in competition with those made at the Iowa penal institutions argued against the further extension of the piece-price contracts. They pointed out the competition with free labor occasioned by the contracts and declared that such labor gives no moral benefits. The Board of Control and the manufacturers having contracts for prison labor at Fort Madison and Anamosa were also represented at the hearing. They argued for the further extension of the contracts and quoted figures to show the amount of money saved by the prisoners from their wages furnished under the contracts, and the profit to the State.

The House, with little opposition, passed the bill providing for the indefinite extension of the contracts. But the Senate, by a vote of 25 to 21, one ballot short of a constitutional majority, rejected the bill. The next day, however, the Senate reversed its position and passed the bill by a vote of 32 to 15. In a parliamentary tangle, the bill was amended by extending the period for contracts to July 1, 1929, and adding a provision for the use of trustees on pri-

³⁹ *Code of 1924*, Secs. 3757-3778; Van Ek's *The Legislation of the Extra Session of the Fortieth General Assembly of Iowa* in *THE IOWA JOURNAL OF HISTORY AND POLITICS*, Vol. XXIII, pp. 95, 96.

mary and State park roads. Two days later the House concurred in the Senate amendments.

The Forty-second General Assembly passed another law dealing with prison labor. This act provided for a revolving fund for the State penal institutions at Fort Madison and Anamosa to establish and maintain industries. This fund was to be composed of receipts from the sales of obsolete machinery and the products manufactured at the penal institutions.⁴⁰

To give some idea of the magnitude of the problem of prison labor at this time, the Board of Control in its report for 1926-1928 surveyed the changes in prison labor and prison industries from July 1, 1918, to July 1, 1928, covering developments from the time when contract labor ceased to 1928. During this time the work of the Board had much more than doubled.

July 1, 1918, there was in operation at these institutions, ten small industries, employing 342 prisoners.

July 1, 1928, the number of industries in operation totaled sixteen (nine large and seven small) employing 1,246 prisoners.

The state has invested in such industries — machinery, buildings and other equipment — the sum of \$1,102,669.43, as compared with an investment in 1918 of \$403,896.65. . . .

July 1, 1918, the Iowa prison population was 1,079; July 1, 1928, the population numbered 2,301, making an increase in the ten-year period of 1,222.

The receipts from the prison industries for the year ending July 1, 1918, were \$259,240.78, the amount of wages paid to prisoners working in the industries during that year was \$17,940, and the profit to the state for that year totaled \$41,808.37.

For the year ending July 1, 1928, the receipts were \$867,967.49, the amount of wages paid to prisoners was \$121,342.35, and the profits to the state for the year totaled \$212,399.47. The combined wages paid to prisoners and the profits totaled \$333,741.82.

⁴⁰ *The Des Moines Register*, February 13, 25, 1927; *Laws of Iowa*, 1927, Chs. 78, 79; *Journal of the House of Representatives*, 1927, pp. 413, 706, 809; *Journal of the Senate*, 1927, pp. 653, 670, 671, 674.

During the ten year period the industries were developed to the present magnitude without any financial assistance from the legislature in the way of special appropriations, involving an expenditure of \$1,095,179.60 for buildings, machinery and raw materials for manufacturing the articles produced. . . .

In addition to the foregoing \$223,137.80 was paid from profits earned by the industries, for the following purposes: \$40,000 for farm land at the Clarinda State Hospital, \$88,137.80 for the support fund of the State Penitentiary, \$82,500 for special purposes at the Men's Reformatory, and \$32,500 for the support fund at the Men's Reformatory.

All of this has been accomplished without any tax levy or special legislative appropriation. . . .

Three systems of employing prisoners are in use in this state at this time: state account, piece price contract for output, and state use.

The furniture factory at the State Penitentiary is operated under the state account system. For some years the furniture was sold by the state to numerous jobbers in carload lots, but at the present time the output is sold to one firm on a merchandise sales contract, with a guarantee and bond. The state owns this plant and there are 281 prisoners employed therein.

The shirt factory at the State Penitentiary is operated under the piece price system, one firm taking the output, and this company owns the machinery. The average number of men employed in this factory is 269.

The apron factory at the Men's Reformatory is operated under the piece price system, one company taking the output of this industry and owning the machinery used therein. The number of prisoners employed in this factory is 398.

The total number of men employed in the three industries is 948.

Operating under the state use system there are thirteen industries at the three penal institutions, manufacturing goods for use in the state institutions and county homes, as follows:

At the Men's Reformatory:

- Tailoring and garment industry
- Soap factory
- Cheese factory
- Woodworking industry

Shoe industry

Printing and binding industry

Auto license plate and road sign factory

Sheet metal, tin and aluminum ware industry

At the State Penitentiary :

Shoe industry

Tailor shop

Brush and broom factory

Knitting industry

At the Women's Reformatory :

Sewing industry, manufacturing clothing for women and girls.

Operating under part State use at the State Penitentiary and the Men's Reformatory was the stone quarry industry, producing agricultural limestone for State institutions and for sale to owners of land in the vicinity of the institution. It also produced a quantity of crushed stone suitable for road work.

In State use and part State use industries, 270 prisoners were employed. In addition, 165 prisoners were employed on the different institutional farms and 57 in the various State parks. The balance of the prisoners were employed in other work around the institutions, such as operating power plants, cooking, serving meals, caring for the sick in hospitals, and in the general care of the institutions. The distribution, stated in tabular form, was as follows :

State (Public) account	281
Piece-price	667
State use	492
Maintenance	873 ⁴¹

The National Society of Penal Information visited the Iowa penal institutions in 1928 and gave its approval to the chief prison industries. As to the Men's Reformatory they reported: "Few penal institutions reported in this book

⁴¹ *Biennial Report of the Board of Control, 1926-1928, pp. 15-18.*

provide better working conditions or equipment." The soap factory and auto-tag shop were considered the most complete of their kind in the country. As to the Fort Madison Penitentiary the progress made there in the past three years was probably unsurpassed in the country. The improvements here were along the lines of industries, rules, and discipline.⁴²

By 1928, the Board of Control felt that the State use system had been extended to about the limit. They pointed out that Iowa had accomplished more in this line than any other State. The only additional industries that could be installed would be a mattress factory or a knitting plant which would at best employ 40 or 50 additional men a portion of the year. The industries now under State use, with the exception of the printing plant, could be enlarged, but this would necessitate employing a sales force.

The weakness in the present State use law was pointed out very clearly in the report.

While the law provides that political subdivisions, cities, counties and towns, and departments, commissions and boards, shall purchase such products from the Board of Control, there is no machinery for enforcing that law. Some are buying the product, others are not.

Under the present statute if they refuse to purchase such goods, that ends the matter.

Therefore, in order to make our state use industries a real success some teeth must be put in the law (by amendment) and the department of justice (attorney general) given the power to bring about enforcement following proper report and showing on the part of the Board of Control that the provisions of that statute are not being complied with by those in authority to make such purchases.⁴³

⁴² The National Society of Penal Information's *Handbook of American Prisons and Reformatories*, 1929, pp. 324, 326-329, 334, 335, 337, 338.

⁴³ *Biennial Report of the Board of Control, 1926-1928*, pp. 18-20. (See legislation of 1931 in the following pages.)

In 1929 the problem of the employment of prisoners was again brought to the attention of the legislature. The Governor, in his inaugural address, praised the work of the Board of Control and declared that the State use law should be repealed. He pointed out that under the law there was too much likelihood for the men to be idle, and that the Iowa penal institutions would be either institutions or mad houses depending upon the amount of employment for the prisoners. On the 23rd of January, a bill was read in the House which proposed to eliminate the time limit on the piece-price contracts. This bill was backed by the Board of Control which desired to continue the contracts at least until Federal legislation was enacted.

Organized labor, which favored the State use law, determined to fight the bill to the last ditch. On February first, the fight of organized labor took another form when the Coöperative Legislative Council of the Iowa State Federation of Labor, demanded that the Governor should not reappoint the chairman of the Board of Control. The chairman, formerly a president of the State labor organization, had reversed his position as to contract labor. The labor body demanded that the Governor appoint someone else chairman of the Board when this member's term expired.

On February 8th, the Board of Control Committee in the House reported out the bill eliminating the expiration date for prison labor contracts recommending its passage. Evidently the committee considered the need for keeping prisoners employed more important than any ill effects that might result from competition of prison-made goods with those manufactured by free labor. Six days later the House passed the bill by a vote of 75 to 30 after defeating two amendments to extend the time of contracts to July 1, 1931, and July 1, 1933, and a number of amendments relating to payment of prisoners.

In the Senate the bill was reported favorably by a unanimous vote of the Board of Control Committee, and four days later the Senate voted to conduct a public hearing. The president of the Iowa State Federation of Labor declared that the Governor and the Board of Control were "in the clutches of prison labor contractors". Three amendments were offered in the Senate—to extend the time of making contracts to July 1, 1931, which was defeated by a vote of 14 to 33; to pay prisoners employed in making aprons a minimum daily wage of \$2, which was defeated by a 16 to 31 vote; and to pay prisoners a minimum daily wage of \$1.50, which was beaten, 17 to 28. The bill as it left the House was passed by the Senate by a vote of 32 to 16.

The exhaustive report of the Board of Control played a prominent part in the legislative session of 1929. Copies were furnished each legislator, and the prison labor bill was given special attention. The General Assembly passed the bill to extend indefinitely the time of piece-price contracts and thus accepted the contention of the Board that the State use system had been extended to the limit.⁴⁴

In 1930 the Board of Control reported that the prison industries were making good. The total number of prisoners employed in the three Iowa penal institutions was 1484. The total receipts for the preceding two years were \$2,586,551.96; while the wages paid to the prisoners reached a total of \$298,272.43. The net profit to the State for the two years was \$495,293.36. Four industries showed a deficit—the manufacturing of screw drivers (which had been discontinued) and the shoe industry at Anamosa and the quarry and knitting industries at Fort Madison.

⁴⁴ *Journal of the House of Representatives*, 1929, pp. 78, 79, 120, 256, 334, 335; *The Des Moines Register*, January 18, 27, February 2, 8, 16, 19, 22, 1929; *Laws of Iowa*, 1929, Ch. 87; *Journal of the Senate*, 1929, pp. 331, 429-432.

Several new industries had been added since the preceding report. The principal one was weaving of cloth to be used for blankets, toweling, ticking, and for many other purposes for use at State institutions. This industry gave employment to approximately 100 men and could be enlarged. Equipment had been purchased and installed for the manufacturing of hose and underwear used at State institutions. Another new industry was the making of sanitary supplies such as disinfectants, deodorizers, cleaning powder, insecticides, floor wax, and similar items under the State use system. The Board was extending the State use system wherever it was possible to do so.

There was an increase in the population of the penal institutions. For the period ending June 30, 1930, there were 1235 prisoners at the State Penitentiary; 1263 at the Men's Reformatory; and 102 at the Women's Reformatory. This made a total of 2600 inmates in 1930 as compared with 2301 for the period ending July 1, 1928. According to the report, these institutions were caring for about 4 per cent more inmates than the capacity of the institutions allowed.⁴⁵

In his farewell address to the legislature in January, 1931, Governor Hammill pointed out that the enforcement of the Hawes-Cooper Act, Federal legislation which was to go into effect in 1934, would in effect destroy the contract system since it authorizes States to close markets to prison-made goods. He concluded that the prison authorities must act quickly for the alternatives were either riot or reorganization. Governor Dan W. Turner in his inaugural address pointed out that the employment of prisoners was an "urgent problem and one of immediate necessity."⁴⁶

Due to the fact that the attention of the legislature was directed to investigations and other problems, the employ-

⁴⁵ *Biennial Report of the Board of Control, 1928-1930*, pp. 6, 7, 16, 17.

⁴⁶ *Journal of the Senate, 1931*, pp. 45, 95; *The Des Moines Register*, January 14, 16, 1931; *Laws of Iowa, 1931*, Ch. 75.

ment of prisoners did not receive much attention in 1931. The State use law was amended to provide for a fine of \$100 for any public officer who wilfully refused or wilfully neglected to buy products needed by his office or institution from the Board of Control. No mention was made of the machinery for carrying this punishment into effect.

The General Assembly which met in January, 1933, was, apparently, interested in the market for goods and in the elimination of the competition offered by prison-made products. There was no provision as to what products were to be made by prisoners, nor the system to be used by the Board of Control, but a bill was passed which required that after January 19, 1934, all goods made in prisons of this State or any other State must, when offered for sale in Iowa, be plainly labelled as prison-made. The date fixed is the date when the so-called Hawes-Cooper Act became effective. This act was adopted by Congress on January 19, 1929, and permits States to regulate the sale of goods made in penal institutions, irrespective of their interstate character.⁴⁷

PUBLIC OPINION AND PRISON LABOR

Public opinion is often vague and intangible, especially toward a social welfare problem in which few people are personally interested. In regard to the system of prison labor to be used in Iowa penal institutions, public opinion, with the exception of organized labor, has been difficult to determine. Some idea of what the people thought about it — if they thought about it — may be obtained from the writings of public men, the actions of organizations, and editorials and articles in newspapers and magazines.

Prior to 1912, it appears that the people of Iowa were definitely committed to the contract system of prison labor.

⁴⁷ *Laws of Iowa*, 1933, Ch. 50; *United States Statutes at Large*, Vol. XLV, p. 1084.

The Commissioner who was appointed to represent Iowa at the meeting of the International Prison Congress at Brussels, Belgium, in 1900, declared that he was in favor of the contract system. His reasons were mainly as follows: (1) very little investment required; (2) small expense for supervision; (3) no risk of being unable to dispose of the products at a fair price; and (4) no question as to whether the State should invade the field of business.⁴⁸

By 1911, however, a feeling that the contract labor system was wrong in principle had developed. At the meeting of the State Conference of Charities and Correction that year, this idea was discussed. One of the principal speakers condemned that system as slavery. He proposed to substitute the making of twine and farm machinery as suitable occupations for prison labor. In addition, he recommended that the State run its own printing shop and bindery for public documents, and in addition, that a prison farm would be advisable. As an incentive to good work, he recommended that prisoners be paid a maximum wage of 85 per cent of the regular wage scale of free labor, depending upon the efficiency of the prisoner. The minimum he set at 60 per cent. After a deduction for the cost of maintenance and five per cent for a charity fund, the remainder of the prisoner's earnings were to be sent to his dependents. In case he had none, 40 per cent of this remainder was to go to the county which had the expense of convicting him, while the rest was to be put in a savings account for him. In the discussion which followed, it was suggested that perhaps the injured party of the prisoner's crime should come in for a part of his wages. Still another suggestion was given to the effect that the State establish a clothing factory and furnish the products to dependents of the prisoners at a nominal cost.

⁴⁸ *Bulletin of Iowa State Institutions*, 1900, Vol. II, p. 81.

At the meeting of the organization the following year, the warden of the Penitentiary at Fort Madison declared that a prison should be an industrial center, and that the problem of prison labor would adjust itself as does free labor on the outside. He recommended that prisoners be employed at the task of supplying articles and goods for use at State institutions. The Committee on Correction at this time recommended that the contract labor system be prohibited. It was during the year 1912 that the Cosson Report was made.⁴⁹

In 1912 the chairman of the Board of Control, G. S. Robinson, wrote a monograph concerning the employment of prisoners. His conclusions were as follows: (1) that prisoners should not be employed in places frequented by the public if an armed guard is necessary; (2) the contract system should be abolished and the State use system substituted; (3) the most desirable form of outdoor work for prisoners is farming, gardening, stock raising, and dairying; (4) goods made for State use in excess of the wants of State institutions should be sold on State account with as little competition as possible; and (5) all well-behaved prisoners should receive a substantial share of the value of the goods that they produce as wages, to be determined according to the conduct, application, and skill, and the work that the prisoners do.⁵⁰

Stories written by convicts in Iowa have not been very numerous. The only one in published form was written in 1885 by a convict who was confined at Fort Madison for two years. The only system that he saw in operation was the contract labor system. The title of his book, *Two Years in the Slave-Pen of Iowa*, is descriptive of his attitude.

⁴⁹ *Proceedings of the State Conference of Charities and Correction*, 1911, Vol. XIII, pp. 73-78, 81, 82, 85, 1912, Vol. XIV, pp. 111, 112.

⁵⁰ Robinson's *Employment of Prisoners* (1912), p. 20.

All through this convict's narrative he maintains that contract labor is nothing more than slavery. In fact, he declares that it is worse than slavery, because slaves usually could live with their families while the convict can not. The prisoners were compelled to work so hard and such long hours that they often became run down in health. The foreman, anxious to make a good record and thus impress the contractors, would see to it that the prisoners were punished for every offense, and many a convict spent his time chained to the cell door, while others were confined to the dark hole to be fed on bread and water. A few years before this time, the "flying trapeze" had been used as a punishment.

At this time, the contract industries at Fort Madison were the manufacturers of chairs, boots and shoes, and tools. The injuries of a physical nature that resulted from work on these contracts is vividly described by the prisoner. Many prisoners were maimed for life while others had parts of their lungs destroyed by the dust from the emery wheel. Many fainted because of the intense heat in the shops. The death rate of the Penitentiary was kept low because those prisoners who were about to die were pardoned and sent home to die. Many became insane and were confined in the wards for the insane.

As to the actual competition between contract and free labor the author reduces this to a discussion of the actual costs of producing each article. He calculated that the contractors were able to manufacture chairs with wooden bottoms at a little over 13 1/3 cents apiece, while chairs with cane bottoms were made at a cost of around 15 1/3 cents each. The tool contract was more difficult to estimate, but he calculated that the contractors were able to make forks for about one cent each, ox yokes at 15 cents and cradles at 10 cents. He estimated that shoes were pro-

duced at a cost of 35 cents per pair. With such costs manufacturers on the outside could not compete.⁵¹

Perhaps the most potent influence in determining the course of prison labor legislation in Iowa has been the attitude of organized labor. A part of its machinery, specifically provided for in the constitution of the Iowa State Federation of Labor is the legislative committee and the committee on proposed legislation. These committees have drafted many bills and maintained an extensive lobby in the General Assembly, and many of the bills have been concerned with the problem of prison labor.

The Iowa State Federation of Labor, in general, has been more concerned with the economic phase of prison labor than with its humanitarian aspects. The organization recognizes that prisoners must be employed, but it has insisted that such employment shall not be directly competitive with free labor,⁵² a difficult problem, since any labor of convicts competes in some way with free labor.

As early as 1898 the Iowa State Federation of Labor went on record as being opposed to the contract labor system because under that system goods were being placed on the market at ruinous prices, and the organization has constantly opposed the use of convicts in industry except for State use.

In 1909 the president asserted that it was inconsistent for the Board of Control to continue a non-reformative system of prison labor at Anamosa which had been recently changed from a penitentiary to a reformatory. As long as contract labor existed at Anamosa, he said, it would be useless to attack the stronghold at Fort Madison. The convention again went on record as opposed to contract labor, and

⁵¹ Smith's *Two Years in the Slave-Pen of Iowa*, pp. 99-123, 188-199.

⁵² Stuckey's *The Iowa State Federation of Labor*, p. 93.

in addition passed a resolution favoring the passage of the Ream Bill, which provided for the payment of jail prisoners at work in the counties. The next year the Federation prepared to influence the appointment of three members of the Board of Control who would not let "financial results blind them to the real issue." In 1912 and 1913 the convention discussed the Cosson Report, and went on record as approving it.⁵³

In 1913, the committee on labels reported on the urgent necessity of continuing agitation in favor of union labels which would eventually wipe out goods made in penal institutions. A resolution was passed urging the officials of Iowa to investigate the warden at Fort Madison because he had been encouraging the employment of convicts in the city of Fort Madison. In 1914 the Federation was backing the Board of Control in their efforts to rid the State of the contract labor system. The president urged the members of the Federation to aid the Board in finding employment for the prisoners then under contract. It was also during this time that the Iowa State Federation of Labor found out that a large wholesale hardware company was buying the products made at Fort Madison, and in coöperation with the American Federation of Labor, they gave the company so much unfavorable publicity that the company was forced to discontinue its purchases, since public opinion against prison made goods was strong enough to affect the market for their merchandise.⁵⁴

In 1915 the contract system of prison labor was prohibited by legislation although the final contract did not expire until 1918. In 1924, however, organized labor again took

⁵³ *Proceedings of the Iowa State Federation of Labor*, 1898, p. 10, 1899, pp. 35, 36; *Official Labor Gazette and Directory*, 1909, pp. 109, 137, 161, 1910, p. 77, 1912, pp. 177-179, 1913, pp. 99-101.

⁵⁴ *Official Labor Gazette and Directory*, 1913, pp. 121, 125, 153, 1914, pp. 81-83.

up the fight, this time against the piece-price contracts, claiming that this form of prison labor was nothing more than a clever subterfuge.⁵⁵

DONALD W. BROOKMAN

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⁵⁵ *Proceedings of the Iowa State Federation of Labor*, 1926, pp. 39, 49.