

ABSTRACT

Title of Thesis: IN PURSUIT OF REFORM, WHETHER
CONVICT OR FREE: PRISON LABOR
REFORM IN MARYLAND IN THE EARLY
TWENTIETH CENTURY

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Thesis directed by: Professor Colleen Woods, History Department

Highlighting the labor actions of inmates and organized labor, this thesis explains the transition from a contract labor system to a state-use system in Maryland's state prisons.

While many northern states abolished the contract labor system by 1911, Maryland continued contract labor into the 1930s. Efforts of prison administrators to maintain discipline and fund prison operating costs despite the labor actions of inmates and working men and women reveal the close relationship of prison labor and revenue generation. By situating prison labor within the broader history of the labor movement in Baltimore, this thesis reveals how the Maryland prison system transitioned from a backwater of Progressive Era reform to a model of New Deal ideology. Its examination of prison profits lends insight into the post-1960s rise in mass incarceration, and is vital to the project of understanding the connections between the criminal state, corporate profit, and incarcerated populations.

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REFORM IN MARYLAND IN THE EARLY TWENTIETH CENTURY

by

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Introduction

In November 2015 student activists brought the Towson University administration to a halt during an eight-hour demonstration for social justice reforms. The thirteen demands articulated by the students included provisions for stricter policies regarding campus hate speech and the retention of faculty of color. Significantly, one of the demands focused on the University's culpability in purchasing products made by inmates in the Maryland prison system. Students demanded that the University evaluate its complicity in profiting from a carceral system that disproportionately imprisons people of color.¹

Through their actions, the students drew attention to the requirement that all campuses within the Maryland State University System purchase appliances and furniture from the Maryland Correctional Enterprises (MCE). This division of the Maryland Department of Corrections oversees inmate employment and products produced within the state prison industries. Today, inmates employed in MCE produce goods that service state auxiliaries, such as automobile tags, state office and University furniture, and state mailings and printings. The University of Maryland College Park purchased furniture

¹ Colin Campbell, "Towson U. President Signs Students' Demands After 8-Hour Protest in his <http://www.baltimoresun.com/news/maryland/bs-md-towson-protest-20151119-story.html>;
Anthony Petro, "Protestors Urge Towson to Divest from Prison Labor," *The Towerlight*,
November 13, 2017, accessed March 25, 2018, <http://thetowerlight.com/protesters-urge-towson-to-divest-from-prison-labor/>;
Jack Lewis, "The University of Maryland Should Divest from the Prison-Industrial Complex," *The Diamondback*, February 5, 2017, accessed March 25, 2018,
<http://www.dbknews.com/2017/02/05/maryland-correctional-enterprises-prison-industrial-complex-umd/>;
Jack Lewis, "The University of Maryland should Divest from the Prison-Industrial Complex," *The Diamondback*, February 5, 2017, accessed April 21, 2018,
<http://www.dbknews.com/2017/02/05/maryland-correctional-enterprises-prison-industrial-complex-umd/>

from MCE that totaled \$3.5 million in 2014, while inmates earned between \$0.94 and \$1.25 an hour for their labor. MCE is currently ranked sixth in the nation for the number of inmates it employs, and eighth in the nation for the amount of revenue it generates. In 2017, Maryland inmates generated over \$59 million in state revenue while pocketing minimal earnings.²

Maryland's prison labor industry is not new. In fact, for over a century, Maryland's incarcerated population has been tasked with labor assignments to furnish revenue for the state. Beginning in the nineteenth century, prison administrators overseeing the Maryland House of Corrections and the Maryland Penitentiary contracted out the labor of inmates to private companies. After World War I and in the decade following, state officials, under pressure from labor organizations and progressive reformers, began transitioning into a "state-use" prison labor system. In the state-use system, inmates were employed in automobile tag manufacture, state printing and furniture making, thus restricting the sale of prison products on the open market in order to placate labor organizations. This thesis examines how the state of Maryland shifted from the contract system to the state-use system, the historical antecedent of today's

² Maryland Correctional Enterprises, "About MCE: At a Glance," accessed March 25, 2018, <https://mce.md.gov/AboutMCE/tabid/71/Default.aspx>. While Maryland inmates employed in MCE are paid minimum federal wage, the earnings of inmates are subject to fees for "taxes, room and board, contributions to a victim's compensation program, and family support," see Maryland Correctional Enterprises, "Why Buy from MCE," accessed March 25, 2018, <https://mce.md.gov/AboutMCE/WhyBuyFromMCE/tabid/78/Default.aspx>. On 2014 University of Maryland furniture expenditures and inmate wages, see Brittany Britto, "State Inmates Build Furniture for UMD Buildings," *The Diamondback*, May 3, 2015, accessed April 15, 2018, http://www.dbknews.com/archives/article_1c3defd0-f1db-11e4-9775-b7dfa005d178.html; see also Jack Lewis, "The University of Maryland should Divest from the Prison-Industrial Complex," *The Diamondback*, February 5, 2017, accessed April 21, 2018, <http://www.dbknews.com/2017/02/05/maryland-correctional-enterprises-prison-industrial-complex-umd/>.

MCE, during the Progressive and New Deal Eras.³ By examining the changes to the Maryland prison system from a profit-making model in 1912 to the full adoption of the state-use system in 1937, this thesis contends that the Maryland prison system transformed from a backwater of progressive penal reform to a “modern” system that state officials held up as an example of New Deal reform.⁴ As this thesis reveals, inmates and labor representatives challenged the prison labor system through petitions and collective action. Because working men and women were concerned with prison labor undercutting their earnings, they did not typically advocate for better working conditions for prisoners, but rather lobbied for the replacement of the contract system with that of state-use in order to curtail their competition with prison contractors. Inmates, on the other hand, agitated directly for better working conditions and wages in the prison system. Although their priorities and motivations were different, the actions of inmates

³ Maryland State Archives, “Department of Public Safety and Correctional Services: Origin,” Maryland Manual On-Line, June 5, 2017, accessed November 2018, <http://msa.maryland.gov/msa/mdmanual/22dpscs/html/dpscsf.html>.; Maryland Correctional Enterprises, “About MCE: At a Glance,” accessed March 25, 2018. <https://mce.md.gov/AboutMCE/tabid/71/Default.aspx>.

⁴ Rebecca M. McLennan, *The Crisis of Imprisonment: Protest, Politics, and the Making of the American Penal State, 1776-1941* (New York: Cambridge University Press, 2008). McLennan argues that the New York penal system served as a “working model” for other states following the passage of federal legislation such as the Hawes-Cooper Act because it had already abolished the contract system decades before, see *Crisis of Imprisonment*, 418-420, 466. However, my thesis argues that because Maryland had continued contract labor into the 1930s, its prison labor system had to be significantly reworked during the New Deal Era, thus highlighting the dynamic relationship between penal labor and New Deal politics; see also United States, Prison Industries Reorganization Administration, *The Prison Labor Problem in Maryland: A Survey* (Washington: Government Printing Office, 1936). On Maryland being held up as a model of New Deal penal reforms, see Gustav Peck, “The Prison Labor Situation,” *Proceedings of the Annual Congress of the American Prison Association*, 1937: 237-239; Clinton H. Johnson, “Plan Maryland As ‘Guinea Pig’ in Prison Work,” *Baltimore American*, November 15, 1936, “Convict Labor” Vertical File, Maryland Room, Enoch Pratt Free Library/Maryland’s State Library Resource Center (hereafter EPFL); Stephen E. Fitzgerald, “Prison Idleness—a Crime Behind Bars,” *Survey Graphic*, 27, no. 8 (August 1938): 421-424, “Convict Labor,” Vertical File, EPFL.

and working men and women pressed prison administrators and state officials to make changes to the prison labor system.⁵ When the state moved to incorporate reforms, it must be noted that labor agitation did not curtail the state's access to low-wage prison labor. Ultimately, this thesis reveals the close relationship of prison labor to economic interests and the continued efforts of politicians and administrators to secure the state's right to profit from the labor of its prison population.⁶

* * *

In the early twentieth century, the Maryland state prison system required men and women convicted and sentenced through the criminal justice system to serve out their sentence by providing labor for companies that contracted with the state penal system. During this time, Maryland had two state penal institutions. The Maryland Penitentiary was constructed in Baltimore city in 1811 and stands today as the "oldest operating prison in the world." The House of Correction was built in 1878 to hold "petty offenders" serving shorter sentences. Labor workshops were established within the walls of the penitentiary in the early nineteenth century. While clearly following the northern

⁵ In her history of penal reform, McLennan opens with an account of a prison riot at the Sing Sing prison in New York and argues that acts of prisoner resistance helped shape the discourse of prison reform, see *Crisis of Imprisonment*, 1-13, 71, 148-149, 239. McLennan also describes the actions of organized labor as spurring prison reform, see *Crisis of Imprisonment*, 185-189, 204, 232-239, 388-390, 459-464, 471.

⁶ By examining three decades of prison labor in Maryland, my thesis argues that revenue generating prison labor was central to prison reform in the early twentieth century. My thesis offers an alternative narrative to McLennan's discussion of the eventual decline of prison labor in the 1930s to a "managerial penology" that emphasized "post-industrial," "non-laboring forms of discipline," see *Crisis of Imprisonment*, 467 ("post-industrial"), 471 ("non-laboring forms of discipline"), and 457-458, 466-467 ("managerial penology"). My thanks to Professor Colleen Woods for her framing and wording revisions.

penitentiary model of contract labor in which inmates labored in private company workshops within prison walls rather than the southern convict-lease system in which prisoners were leased out to private employers, Maryland was relatively late in adopting northern penal reforms.⁷ The Maryland prison system boasted high profits from the hard labor of its inmates from the late nineteenth century and into the second decade of the twentieth century. Many northern states employed their criminal population in labor workshops within prison walls in the nineteenth century. However, the influence of progressive political ideology and labor agitation in the early twentieth century led prison administrators in most northern states to enact a series of reforms.⁸

These progressive reforms sought to ameliorate labor conditions in which prisoners, tasked by private contractors, were forced to work long hours in poorly ventilated workrooms. Most northern prison administrators applied progressive ideologies of social reform to prison systems by transforming them from profit-making

⁷ On the Maryland Penitentiary, see Wallace Shugg, *A Monument to Good Intentions: The Story of the Maryland Penitentiary, 1804-1995* (Baltimore: Maryland Historical Society, 2000), xi (first quotation); Paul Inskip, *A Penitentiary for the Free State*, (Frostburg, MD: Frostburg State University, 2000); On the Maryland House of Corrections, see Shugg, *A Monument to Good Intentions*, 48 (second quotation), 65; Maryland House of Correction, *Annual Report of the Board of Managers and Superintendent of the Maryland House of Correction to the Governor and General Assembly of Maryland* ([Baltimore], 1915). Larry E. Sullivan, *The Prison Reform Movement: Forlorn Hope* (Boston: Twayne, 1990). For a discussion of northern and southern prison systems, see McLennan, *Crisis of Imprisonment*, 58-71, 81-87, 93-95, 104, 116, 135, and for a general timeline of northern reforms, see 194-238, 319-375. For a discussion of the convict-lease system see Alex C. Lichtenstein, *Twice the Work of Free Labor: The Political Economy of Convict Labor in the New South* (London: Verso, 1996); Jane Zimmerman, "The Penal Reform Movement in the South during the Progressive Era," *Journal of Southern History* 17, no. 4 (1951): 462-492. Prison laborers under the northern contract system worked in prison workshops that contracted out to private corporations, in contrast to southern convicts who often labored in work teams outside of prison walls.

⁸ On Progressive Era reforms, see for example, Glenda Elizabeth Gilmore, *Who Were the Progressives?* (Boston: Bedford/ St. Martin's, 2002); Lisa McGirr, "The Interwar Years," in *American History Now* ed. Eric Foner and Lisa McGirr (Philadelphia: Temple University Press, 2011), 125-150; Rebecca Edwards, "Politics, Social Movements, and the Periodization of U.S. History," *Journal of the Gilded Age and Progressive Era* 8, no. 4 (2009): 461-473.

warehouses to institutions of rehabilitation. Therefore, progressive prison administrators in states such as Massachusetts, New York, and Pennsylvania sought to remove inmates from the control of private companies who saw prisoners as cheap, expendable sources of labor. Progressive reformers saw prisoners as wards of the state and therefore believed it was the state's responsibility to ensure their proper reeducation and reentry as fit and productive members of society. To this end, prisoners were still required to labor, but progressive reformers contended that employing prisoners in the state-use system, where inmates manufactured goods and services for the state such as automobile tags and government printing, was the best way to ensure the assumed rehabilitative benefits of work arrangements. Organized labor, such as the American Federation of Labor, pressed for legislation that would remove low-wage prison labor from the open market. Prison administrators in Maryland, however, took much longer to fully embrace these prison labor reforms than did their peers above the Mason-Dixon Line. A long-serving warden of the Maryland Penitentiary, John C. Weyler, was lauded by the Maryland legislature for the large prison revenues he returned to the state treasury through contract prison labor. However, following Weyler's retirement in 1912 and a subsequent state investigation that revealed poor prison conditions, civic leaders put the Maryland prison system on a course that more fully aligned with Progressive Era penal practices.⁹

⁹ For a comparison of Maryland's penal reforms to other northern states, see for example, Kathleen Maguire, "Industry," in *Encyclopedia of American Prisons*, eds. Marilyn D. McShane and Frank P. Williams III, 250-256 (New York: Garland Publishing, Inc., 1996), 250-256 (includes information about 26 states abolishing the contract system by 1911); Herman B. Byer and United States Bureau of Labor Statistics, *Prison Labor in the United States, 1932*, Bulletin of the United States Bureau of Labor Statistics, Prison Labor Series, No. 595 (Washington: U.S. Government Printing Office, 1933); Blake McKelvey, *American Prisons: A History of Good Intentions* (Montclair, NJ: Patterson Smith Publishing Corporation, 1977), 116-196, 234-274. For the general northern timeline of reforms, see McLennan, *Crisis of Imprisonment*, 194-238, 319-375, 443-453. On nineteenth century prison labor agitation, see for example, McKelvey,

Throughout the Progressive Era and during the Great Depression, labor representatives and prison inmates pressed for changes to labor arrangements from that of forced profit-making to the eventual adoption of a full state-use system in the New Deal Era. More broadly, this transformation reveals changing politics of labor relations both within and without the prison system during the first four decades of the twentieth century. By placing a history of prison labor within the broader labor history of the period, my research aligns with the efforts of historians Rebecca McLennan and Heather Thompson. The agitations of working men and women, both convict and free, challenged the state's prison labor system and heightened the political stakes of labor relations. I argue that inmates and labor representatives targeted the Maryland prison labor system as a focal point of state authority and through their resistance successfully challenged the operations of the state during the Interwar period.¹⁰

Organized into three chapters, this thesis traces the transformation of the Maryland prison labor system from one of contract profit-making to the eventual implementation of a full state-use system. The first chapter discusses efforts to establish a

American Prisons, 116-149, 249-253. On prisoners as wards of state, see McLennan, *Crisis of Imprisonment*, 469. For histories of the Maryland Penitentiary, see Shugg, *A Monument to Good Intentions*; Inskip, *A Penitentiary for the Free State*. On the state-use system, see for example, McLennan, *Crisis of Imprisonment*, 104, 195-238. On Warden Weyler's prison priorities, see Shugg, *A Monument to Good Intentions*, 73-121; McKelvey, *American Prisons*, 255-256.

¹⁰ McLennan, *Crisis of Imprisonment*, 1-13; Heather Ann Thompson, "Rethinking Working-Class Struggle through the Lens of the Carceral State: Toward a Labor History of Inmates and Guards," *Labor: Studies in Working-Class History of the Americas* 8, no. 3 (2011): 15-45; Thompson, "Why Mass Incarceration Matters: Rethinking Crisis, Decline, and Transformation in Postwar American History," *Journal of American History* 97, no. 3 (2010): 703-734. On the resistance of inmates and labor representatives, see also McLennan, *Crisis of Imprisonment*, 1-13, 71, 148-149, 239 (inmates), 185-189, 204, 232-239, 388-390, 459-464, 471 (labor). On the prison as a symbol of state authority, see Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York: Vintage Books, 1995), and McLennan, *Crisis of Imprisonment*, 3, 163, 283-284, 469.

partial state-use system in Maryland. Popular awakening to progressive penal reforms complemented decades-long agitation of labor representatives to bring about significant reductions in exploitative conditions by 1922. The second chapter begins in 1932 when prison inmates staged a strike that forced their labor grievances into public consciousness amidst a broader crisis of wage reductions and unemployment brought on by the depression. The chapter then travels backward in time to detail changes in the prison system during the second-half of the 1920s and the struggles prison administrators faced to maintain adequate revenue during the early years of the Great Depression. This chapter argues that, as inmates and working men and women struggled to secure sufficient wages during a time of economic and political rupture, the prison labor problem exposed the state's failure to provide relief to its citizens. This discussion leads to the final chapter that culminates with the abolishment of the contract prison labor system. The agitation of organized labor and the economic deterioration of the depression led prison administrators to embrace New Deal policies of work relief and federal aid for social programs. Ultimately, my thesis describes the emergence of the "modern" New Deal state as revealed in prison labor transformations effected by the actions and resistances of state officials, prison administrators, and working men and women, both convict and free.¹¹

Historical examinations of the United States penal system have often focused on the intellectual and political dimensions of prison reform and its advocates in the

¹¹ On the modern New Deal state, see McLennan, *Crisis of Imprisonment*, 417-468. McLennan argues that 1930s prison reform moved to a "managerial penology" that emphasized "nonlaboring forms of discipline," see *Crisis of Imprisonment*, 419-420, 457-458, 471. However, my thesis shows how revenue generation through prison labor was maintained through New Deal reform. On Maryland as a model of New Deal policy, see Peck, "The Prison Labor Situation," 237-239; Fitzgerald, "Prison Idleness—a Crime Behind Bars," *Survey Graphic*, 27, no. 8 (August 1938): 421-424, "Convict Labor," Vertical File, EPFL. On the influence of organized labor and inmates, see McLennan, *Crisis of Imprisonment*, 239.

nineteenth and twentieth centuries. This focus on penal reform during the Progressive Era may not be surprising, given the zeitgeist of reform ideology and burgeoning social science of the period.¹² Historian Blake McKelvey examines prison reforms in the United States from the 1830s to the 1960s showing how “the larger society continually imposed its interests and its points of view on the penal systems of the day.” While McKelvey does discuss pressure exerted by labor unions, his penal history focuses on broad ideological and political changes.

However, it is vital to consider how these improvements led to increased state control. In his history of American prison reform nineteenth century to the 1980s, historian Larry Sullivan traces penal reform ideology as a system of social control.¹³ The authority of the state is famously highlighted in Foucault’s work *Discipline and Punish*, in which Foucault contrasts monarchical and modern penal systems in an examination of state surveillance and social control. Foucault compares penitentiaries with other institutions used to discipline members of society, such as schools and factory workshops. “What, then, is the use of penal labour?” Foucault asks. “Not profit; nor even the formation of a useful skill; but the constitution of a power relation.” By examining the transformations of “power relations” in the penal system, Foucault reveals changes in

¹² On Progressive Era reform ideology, see Gilmore, *Who Were the Progressives?* McGirr, “The Interwar Years,” in *American History Now*, 125-150. On Progressive Era journalism, see Bruce J. Evensen, “Journalism,” in *A Companion to the Gilded Age and Progressive Era*, ed. Christopher McKnight Nichols and Nancy C. Unger (Chichester, U.K.: John Wiley & Sons, 2017), 178-189. On Progressivism in Maryland and Baltimore, see James B. Crooks, *Politics and Progress: The Rise of Urban Progressivism in Baltimore, 1895 to 1911* (Baton Rouge: Louisiana State University Press, 1968), vii-ix, 155-173, 195-236; Matthew A. Crenson, *Baltimore: A Political History* (Baltimore: Johns Hopkins University Press, 2017), 331-381; Robert J. Brugger, *Maryland, a Middle Temperment, 1634-1980*, edited by Robert G. Merrick (Baltimore: Johns Hopkins University Press in Association with the Maryland Historical Society, 1988), 363-494.

¹³ McKelvey, *American Prisons*, quotation on x.

structures of social authority. While prison reforms were lauded for financial economy and moral benefit to inmates, Foucault argues how such reforms imposed order and discipline in societies with substantial economic disparities.¹⁴ Studying the penal system reveals state control over labor relations. When describing the prison labor problem in Maryland, state officials employed terms such as idleness and rehabilitation—language that resonated with cultural rhetoric during the Progressive Era and Depression years—in order to secure public support for revenue generation extracted from the labor of prisoners. While tracing the wide arc of prison reform in Maryland, my thesis demonstrates how ideas regarding moral industry and idleness served as an underlying frame and mechanism of social control for both Progressive and New Deal ideologies.¹⁵

In his examination of prison labor, historian John A. Conley argues that “Historians have been blinded by their concentration on intellectual history, particularly their focus on the reformers’ differing philosophies of rehabilitation” and should instead

¹⁴ On penal systems as mechanisms of social control, see Sullivan, *The Prison Reform Movement*, 1990; Foucault, *Discipline and Punish*, 131, 174, 227-244, 285-286 (quotation on 243); The use of Foucault in theorizing prison studies is demonstrated by Mark Colvin, *Penitentiaries, Reformatories, and Chain Gangs: Social Theory and the History of Punishment in Nineteenth-Century America* (New York: St. Martin's Press, 1997).

¹⁵ On historical discussions of state control of labor relations, see Anthony Grasso’s description of 1920s “managerial penal philosophy,” in “Broken Beyond Repair: Rehabilitative Penology and American Political Development,” *Political Research Quarterly* 70, no. 2 (2017), 398. See also McLennan, *Crisis of Imprisonment*, 418-419, 441, 466. On idleness and moral industry see Max Weber, *The Protestant Work Ethic and the Spirit of Capitalism*, trans. Talcott Parsons (1930; repr., Middletown, DE: Vigeo Press, 2017); Daniel T. Rodgers, *The Work Ethic in Industrial America, 1850-1920*, 2nd ed. (University of Chicago Press, 2014), xix-xxiii, 1-29, 122-124, 214-223, 228-232; McLennan, *Crisis of Imprisonment*, 178-192, 195, 197; Louis N. Robinson, *Should Prisoners Work? A Study of the Prison Labor Problem in the United States* (Philadelphia: John C. Winston Company, 1931); McKelvey, *American Prisons*, 194, 306; My thanks to Nicole Mahoney for suggesting that I examine “idleness” more closely. On penal systems as mechanisms of social control, see Foucault, *Discipline and Punish*, 131, 174, 227-244, 285-286 (quotation on 243); Colvin uses Foucault to theorize prison studies in *Penitentiaries, Reformatories, and Chain Gangs*.

explore how “production and profit were the cornerstones of penal policy.” Likewise, scholars Anthony Grasso and Mark Colvin characterize Progressive Era rehabilitation as embodying punitive elements of social control. By focusing on the labor grievances of wage-earners and prisoners from a critical lens, this thesis examines the power dynamics and structures of authority inherent in the Maryland prison labor system. Rather than merely focusing on progressive rehabilitation efforts, it is revealing to examine the labor relations of prisoners and workers in Maryland, thus considering the political, economic, and social stakes of prison reform in the context of labor history.¹⁶

Historians have recently begun to explore the agency of inmates and wage laborers in examining the relationship between the penal system and labor tensions in the United States. In one of the most comprehensive works on the history of the prison system in the United States, historian Rebecca McLennan demonstrates the need to include a broader range of actors than typical middle-class progressive reformers. McLennan argues that “it is more accurate to say that the prisons were reformed as much by convicts, guards, wardens, labor organizations, manufacturers, workingmen, and political leaders” as they were by “penologists, social philanthropists, and administrators.” In other words, it is vital to consider the ways in which working men and women were instrumental in shaping the debate on prison labor reform. By grounding her narrative in historical context, McLennan connects the rise of profit-maximizing penitentiaries to the rapid industrial changes of the Gilded Age. In doing so, she argues that profit-maximizing penal labor systems and subsequent Progressive Era prison labor

¹⁶ John A. Conley, “Prisons, Production, and Profit: Reconsidering the Importance of Prison Industries,” *Journal of Social History* 14, no. 2 (1980): 257 (quotation); Grasso, “Broken Beyond Repair,” 394-407; Colvin, *Penitentiaries, Reformatories, and Chain Gangs*. Historian McLennan describes the historiographical absence of the labor context; see *Crisis of Imprisonment*, 1-13.

reforms revealed how the state exerted its authority in society and in labor relations more specifically.¹⁷ However, McLennan argues that by the 1930s prison reform shifted to a “managerial penology” that emphasized “nonlaboring forms of discipline.” While such “nonlaboring” reforms such as training programs, classification, and probation were indeed enacted in Maryland, my thesis argues that concerns of revenue generating labor remained central to prison reform in Maryland throughout the early decades of the twentieth century and the New Deal Era.¹⁸ Historian Heather Thompson, in her examination of the United States penal system in the mid to late twentieth century, argues that histories of criminal incarceration are incomplete if they fail to consider the role of labor movements. In similar vein, scholar Genevieve LeBaron critically examines how prison labor systems supplied the labor needs of corporations during periods of industrial upheaval in the nineteenth century and the later rise of mass incarceration, and she warns of investigating convict labor “apart from labor relations at large.”¹⁹

¹⁷ On the agency of prisoners, see McLennan, *Crisis of Imprisonment*, 1-13, 71, 148-172, 237-239; on the transition from profit-maximizing to reform, see McLennan, *Crisis of Imprisonment*, 87-136, 239 (quotation). McKelvey acknowledges the influence of labor unions and prison riots in shaping the political and reform trajectories of penal systems in the United States, although he does not do so within a labor history lens, see for example, *American Prisons*, 128-131, 251, 264, 288, 300-306.

¹⁸ McLennan, *Crisis of Imprisonment*, 457-458, 471 (“managerial penology”), and 471 (“nonlaboring forms of discipline”), 419-420, 466-467. On Maryland reforms, see United States, Prison Industries Reorganization Administration, *Prison Labor Problem in Maryland*; “4-Point Prison Plan Approved by General Assembly,” Baltimore *Evening Sun*, April 6, 1937, “Convict Labor,” Vertical File, EPFL.

¹⁹ Thompson, “Rethinking Working-Class Struggle through the Lens of the Carceral State,” 15-45; Thompson, “Why Mass Incarceration Matters,” 703–734. Genevieve LeBaron, “Rethinking Prison Labor: Social Discipline and the State in Historical Perspective,” *WorkingUSA* 15, no. 3 (2012): 327-351 (quotation). McKelvey acknowledges the influence of labor unions in *American Prisons*, 128-131, 264.

Thus, my research expands upon McLennan, LeBaron, and Thompson's historical studies by interpreting the prison labor system of Maryland through the lens of labor tensions in Baltimore in the early decades of the twentieth century. To date, historical scholarship on the Maryland state prison system provides only broad overviews of the history of the Maryland Penitentiary, and does not contextualize the workshop labor of prison inmates within the broader scope of Baltimore's labor politics. My thesis reveals how the study of prison labor in Maryland offers unique insight not just for Maryland's labor history, but also for early twentieth century penal reforms. While contract labor was abolished in twenty-six states by 1911, the Maryland prison administration continued working prisoners for profit on private contracts into the 1930s, thus revealing the ways organized labor challenged state officials during the Great Depression and New Deal Eras. By drawing from such sources as prison administration minutes and news articles from Baltimore dailies and labor journals, my thesis reveals the ways labor representatives and inmates challenged the authority of the state and brought about significant changes to the Maryland prison labor system. By detailing the actions of Baltimore laborers, both convict and free, I seek to highlight perspectives that have been neglected in the telling of early twentieth century prison labor reform.²⁰

²⁰ For histories of the Maryland Penitentiary, see Shugg, *A Monument to Good Intentions*; Inskip, *A Penitentiary for the Free State*; Maryland State Archives, "Department of Public Safety and Correctional Services: Origin," Maryland Manual On-Line, June 5, 2017, accessed November 2018, <http://msa.maryland.gov/msa/mdmanual/22dpscs/html/dpscsf.html>. In her history of penal reform, McLennan opens with an account of a prison riot at the Sing Sing prison in New York and argues that acts of prisoner resistance helped shape the discourse of prison reform, see *Crisis of Imprisonment*, 1-13, 71, 148-149, 239. On Maryland prison labor reform within a national context, see Maguire, "Industry," in *Encyclopedia of American Prisons*, 250-256 (including 26 states abolishing the contract system by 1911); Byer and United States Bureau of Labor Statistics, *Prison Labor in the United States, 1932*. For a history of national prison reform, see McKelvey, *American Prisons*. For the general northern timeline of reforms, see McLennan, *Crisis of Imprisonment*, 194-238, 319-375. On the agency of prisoners and working men and women, see McLennan, *Crisis of Imprisonment*, 1-13, 71, 148-172, 237-239.

Chapter 1: In Pursuit of Reform: Inmate Resistance and Labor Agitation during the Progressive Era

In February 1919 during a meeting of the Baltimore Federation of Labor, a local branch of the American Federation of Labor, a member read aloud a letter written by a prisoner in the Maryland Penitentiary. In the letter, the inmate described how “the labor of the men and women confined in this institution was being exploited” in the construction of state roads. When the letter was read aloud in the meeting, the inmate’s testimony provoked “considerable discussion,” among the labor federation members. A motion was approved that the Baltimore Federation of Labor send a letter to the Maryland Attorney General “asking his opinion as to whether or not it was permissible under the laws of Maryland for the State to employ prisoners on any kind of work.”²¹

The inmate’s letter reveals that prisoners saw themselves as deserving of fair labor conditions and advocated for their rights. By writing a letter to a member of the Baltimore Federation of Labor, the prison inmate aligned himself and his fellow prisoners, both men and women, with labor organizations outside the prison. In the early twentieth century, prison reformers often lauded outdoor road construction as a healthful substitute for employment in indoor prison workshops. Members of the Maryland State Roads Commission and local government officials arranged several road construction contracts. However, as this example shows, prisoners found ways of challenging their labor conditions and aligning themselves with free workers. In addition, this incident reveals how members of the Baltimore Federation of Labor chose to advocate in behalf of

²¹ “To Ask an Opinion on Convict Labor,” *Labor Leader*, February 22, 1919.

the prisoners by sending a letter to the Attorney General questioning labor conditions. In this case, working men and women, whether convict or free, saw themselves as allied in the same cause against labor exploitation. This and other related experiences reveal the importance of examining labor reform within the larger debate regarding working conditions in the Maryland state prison system between the years of 1912 and 1922.²²

Over the course of this ten-year period, working men and women and middle-class reformers pressured the Maryland state officials to alter its contract prison labor system. This varied group of labor representatives, progressive journalists, charity workers, social reformers, and penal commissioners advocated for the adoption of a state-use system as a reform measure to reduce the undesirable competition of goods produced by prisoners with those of outside manufacturers. A state-use system would employ prisoners in the production of state goods, such as the manufacturing of automobile tags and the printing of state publications, and curtail the profits of private companies that hired prisoners as a cheap and controllable source of labor.²³

This shift in prison labor ideology and policy can be understood in the broader framework of the Progressive Era, when social reformers looked to the state to ameliorate

²² On the history of prison reform in the United States, see McLennan, *Crisis of Imprisonment*. For an overview of the Maryland penal system, see Maryland State Archives, "Department of Public Safety and Correctional Services: Origin," Maryland Manual On-Line, June 5, 2017, accessed November 2018, <http://msa.maryland.gov/msa/mdmanual/22dpscs/html/dpscsf.html>. On the coalitions of inmates, reformers, and organized laborers, see McLennan, *Crisis of Imprisonment*, 239. On use of prisoners for road construction, see McLennan, *Crisis of Imprisonment*, 268-269; Brugger, *Maryland, a Middle Temperment*, 428; *Jones Hollow Ware Company v. State Roads Commission, Reports of Cases Argued and Determined by the Court of Appeals of Maryland*, vol. 134 (Baltimore: John Murphy, 1919), 103-124; State Board of Prison Control, *Special Report of the State Board of Prison Control to the Governor of Maryland, June 27, 1921* ([Baltimore: King Brothers], 1921).

²³ On coalitions of inmates, reformers, and organized laborers, see McLennan, *Crisis of Imprisonment*, 239. For descriptions of the state-use system, see McLennan, *Crisis of Imprisonment*, 104, 195-238; State Board of Prison Control, *Special Report, 1921*; Shugg, *A Monument to Good Intentions*, 120-121, 128.

social ills brought about by industrialization. These reformers advocated a new penology of enlightened practices, including humane working conditions for prisoners, education and training opportunities, and the adoption of parole and indeterminate sentencing practices. During the decades of the late nineteenth and early twentieth century, laborers and middle-class reformers challenged the conception of state prison institutions as profit-making warehouses and sought to recast them as reform institutions where inmates were trained in industrious work habits. The forced employment of inmates was central to the establishment of social order and discipline.²⁴ Politicians vied for votes among the working class by denouncing the contract system of prison labor, and state legislatures moved to enact laws to safeguard the jobs and wages of trade and wage laborers. By focusing on the Maryland prison labor debates from 1912 to 1922, this thesis illustrates how the agitation of both inmates and free wage earners influenced the transformation from a private contract labor system to the partial adoption of a state-use system. The

²⁴ For discussions of Progressive Era penal reforms, see McLennan, *Crisis of Imprisonment*, 194-196, 239, 321-327, 374-375; Shugg, *A Monument to Good Intentions*, 119-121; Maryland Penitentiary Penal Commission, *Report of Maryland Penitentiary Penal Commission Appointed July 24, 1912 by His Excellency Phillips Lee Goldsborough, Governor of Maryland To Investigate the General Administration of the Maryland Penitentiary* ([Baltimore], 1913), 78-102, 226-227, 236-239; Colvin, *Penitentiaries, Reformatories, and Chain Gangs*, 153-198; Grasso, "Broken Beyond Repair," 394-404; McKelvey, *American Prisons*, 88-196, 234-298; Sullivan, *The Prison Reform Movement*, 1-43. On the shift of from profit to reform, see McLennan, *Crisis of Imprisonment*, 87-136, Shugg, *A Monument to Good Intentions*, 58-121. For an overview of Progressive Era reforms in Baltimore and Maryland, see Crooks, *Politics and Progress*; Alan D. Anderson, *The Origin and Resolution of an Urban Crisis: Baltimore, 1890-1930* (Baltimore: Johns Hopkins University Press, 1977); Nichole Zang, *Holy Temples to Dark Rooms: The Origins of Baltimore's Juvenile Reform Movement of the Nineteenth Century*, Master's thesis, University of Maryland, Baltimore County, 2015; Brugger, *Maryland, a Middle Temperment*, 400-428. On Progressive Era more generally, see Gilmore, *Who Were the Progressives?*; McGirr, "The Interwar Years," In *American History Now*, 125-150; Edwards, "Politics, Social Movements, and the Periodization of U.S. History," 461-473.

actions of prisoners, labor leaders, legislators, and prison administrators reveal competing and shifting ideas regarding wage relations during a period of rapid industrialization.²⁵



Maryland Penitentiary, Baltimore²⁶

²⁵ On the influence of convict labor debates in political contests, see *Jones Hollow Ware Company v. State Roads Commission, Reports*, 105; State Board of Prison Control, *Special Report*, 1921. On the influence of organized labor, see E. T. Hiller, "Labor Unionism and Convict Labor" *Journal of the American Institute of Criminal Law and Criminology* 5, no. 6 (1915): 851-879; McLennan, *Crisis of Imprisonment*, 238-239; Byer and United States Bureau of Labor Statistics, *Prison Labor in the United States, 1932*, 210; For a discussion on the ways that wage-workers and prisoners shaped prison reform efforts, see McLennan, *Crisis of Imprisonment*, 1-13, 71, 148-172, 237-239.

²⁶ "Evening Sun Spots," Baltimore *Evening Sun*, August 30, 1937, "Maryland. Penitentiary, Baltimore," Vertical File, Maryland Room, Enoch Pratt Free Library/Maryland's State Library Resource Center (hereafter EPFL).

In the early twentieth century, the two state penal institutions, the Maryland Penitentiary and the Maryland House of Correction, relied on revenue generated from inmates to sustain operating costs. By the turn of the century, the Maryland Penitentiary contained a foundry and industrial workshops for shirt and brush making. Private companies such as the Jones Hollow Ware Company and the Bromwell Brush and Wire Goods Company contracted with the penitentiary to rent prison workshop space and hire the prisoners for labor.²⁷ In September 1916, there were a total of 1,039 inmates in the Maryland Penitentiary. Black inmates nearly made up two-thirds of the prison population. The vast majority of the prisoners, 902 in number, were assigned to labor in the prison workshops operated by private contractors. The remainder of the prisoners, 137, excepting eight who were unable to work, were given responsibilities over the maintenance of the prison itself, such as assignments in the prison boiler room, kitchen, laundry room, school room, and hospital. In both institutions, men and women were placed in separate sections of the prison, and women were given labor assignments in clothing workshops that corresponded with traditional gender roles.²⁸

²⁷ On Maryland state prison workshops (including photographs), see Maryland Penitentiary Penal Commission, *Report*, 1913, 12, 78-102; For the names of the companies, see Maryland Penitentiary, *Annual Report of the Maryland Penitentiary to the Governor of Maryland* ([Baltimore], 1910); For negotiations with companies, see Board of Prison Control, Minutes, 1916-1921, Maryland State Archives, Annapolis, MD (hereafter MSA).

²⁸ For demographic information and prisoner work assignments, see Maryland Penitentiary, *Annual Report*, 1916, as transcribed in Inskip, *Penitentiary for the Free State*, 88-89. The 1916 report documents 392 white male prisoners, 7 white female prisoners, 602 black male prisoners and 38 black female prisoners. On separate facilities for men and women, see Shugg, *A Monument to Good Intentions*, 15; Maryland Penitentiary Penal Commission, *Report*, 1913, 10-11.



Maryland Penitentiary Foundry, 1913²⁹

In Baltimore, labor conditions were similar within and without prison walls. Factory workshops were often crowded with machinery and equipment. In a system that mirrored workshop conditions outside the prison, the inmates' workday was governed by a rigid time schedule; prisoners commenced their labor with the ringing of a bell early morning, took a thirty- minute respite for lunch, and resumed until dismissal at the end of the day. The use of time and productivity were closely monitored. One of the matrons in the women's department given oversight of female prison labor had previously been employed as a forelady and examiner at shirt-making factories. Although workshops both within and without prison walls shared many aspects of a daily labor routine, prisoners were much more limited in their agency. Within penal institutions, prison officers in addition to foremen enforced discipline in the workshops. Private employers seeking

²⁹ "Plate No. 18. Foundry," in Maryland Penitentiary Penal Commission, *Report*, 1913.

control over workers reaped the benefit of having a plentiful, imprisoned workforce that was unable to leave at will.³⁰



Maryland Penitentiary Shirt Workshop, 1913³¹

³⁰ On labor conditions in Maryland state prisons, see Maryland Penitentiary Penal Commission, *Stenographic Record of Testimony*, 1913, Maryland Room, Enoch Pratt Free Library/Maryland's State Library Resource Center (EPFL), testimony of penitentiary officer Gustavus H. Hopkins, September 11, 1912, 406-422, and testimony of penitentiary officer John W. McGrath, 422-438, and testimony of Emma V. Riggin and Mamie Logue, 300-365, in Maryland Room, Enoch Pratt Free Library, Baltimore MD (hereafter EPFL); Maryland Penitentiary Penal Commission, *Report*, 1913, 78-102, 236-238; Bernard J. Schulte, "I Remember," *Baltimore Sun*, April 14, 1963. On labor conditions in Baltimore, see Jo Ann E. Argersinger, *Making the Amalgamated: Gender, Ethnicity, and Class in the Baltimore Clothing Industry, 1899-1939* (Baltimore: Johns Hopkins University Press, 1999), 2-3, 9-13, 40-41; Hamilton Dubriel, Oral History, April 21, 1966, and Joseph Gillis, Oral History, April 26, 1966, series 3, in Baltimore Federation of Labor Archives, 1918-1969, Special Collections, University of Maryland Libraries, Hornbake Library, College Park, MD (hereafter UMD); Brugger, *Maryland, a Middle Temperment*, 341-350, 400-428; Crenson, *Baltimore: A Political History*, 313. On private prison employers seeking a controllable workforce, see McLennan, *Crisis of Imprisonment*, 110-115. On the relationship of crime and the expanding role of the state in the workplace environment in the twentieth century, see Jonathan Simon, *Governing through Crime: How the War on Crime Transformed American Democracy and Created a Culture of Fear* (New York: Oxford University Press, 2007), 1-10, 233-257.

As in other industrial centers in the United States, tensions between business interests and labor reform surfaced in Baltimore. During the late nineteenth and early twentieth centuries, Baltimore experienced rapid industrial transformation. Many of Baltimore's workers organized labor unions, including the Knights of Labor and the Baltimore Federation of Labor. The city held a robust dossier of reform efforts, in which members of charity organizations and progressive leaders addressed a host of concerns ranging from child labor to health and sanitary conditions. Prison labor reform surfaced in major news sources of the day, as well as in the city's labor union weekly, the *Labor Leader*.³²

As evidenced through the news record, wage laborers in Baltimore agitated for prison labor reform and pressured politicians to denounce the prison contract system. Members of the Baltimore Federation of Labor, a local branch of the American Federation of Labor, lobbied for legislation that would prevent companies from using prisoners to undercut the work of laborers hired at standard market wages. However, due to resistance from private employers and state concerns of financial solvency, prison

³¹ "Plate No. 17. Sewing Room—Shirt Contract," in Maryland Penitentiary Penal Commission, *Report*, 1913.

³² On industrialization in Baltimore, see Crooks, *Politics and Progress*, vii-x, 205; Argersinger, *Making the Amalgamated*, 48-49. On labor organizations in Baltimore, see Roderick N. Ryon, "Craftsmen's Union Halls, Male Bonding, and Female Industrial Labor: The Case of Baltimore, 1880-1917," *Labor History* 36, no. 2 (1995): 211-231; Brugger, *Maryland, a Middle Temperment*, 400-401; "We Begin a New Volume," *Labor Leader*, July 13, 1918; Crooks, *Politics and Progress*, 241; Crenson, *Baltimore: A Political History*, 313. On national labor agitation, see for example, Robert H. Zieger and Gilbert J. Gall, *American Workers, American Unions: The Twentieth Century*, 3rd ed. (Baltimore: Johns Hopkins University Press, 2002), 1-42; Julie Greene, *Pure and Simple Politics: The American Federation of Labor and Political Activism, 1881-1917* (Cambridge, UK: Cambridge University Press, 1998); Eric Arnesen, Julie Greene, and Bruce Laurie, eds. *Labor Histories: Class, Politics, and the Working-Class Experience* (Chicago: University of Illinois Press, 1998). On Progressive Era reforms in Baltimore, see Crooks, *Politics and Progress*; Zang, *Holy Temples to Dark Rooms*; Brugger, *Maryland, a Middle Temperment*, 400-428; "Will Head 14 Charities: Major W. B. Wright Appointed Executive of Baltimore Alliance," *Baltimore Sun*, November 22, 1919.

administrators maintained contracts with private employers into the 1930s, much later than most northern states. During the early twentieth century, the Maryland prison labor system was challenged by labor activism, newspaper lambasts, a lawsuit leveled by the Jones Hollow Ware Company, and agitation by prisoners at the state penitentiary. Inmates contested labor conditions by voicing grievances and committing acts of resistance in the prison workshops. By such acts, prison convicts together with Baltimore laborers dynamically shaped the movement from a contract labor system to a partial state-use system that employed prisoners in the manufacture of state goods.³³

The Maryland state prison system thus presents a fascinating case study of the ways in which working men and women, progressive reformers, and prison inmates shaped the labor discourse during a period of great political, economic, and social upheaval. This chapter highlights discussions of prison labor at three major junctures, namely, the agitation that led to prison reform legislation in 1916, resistance to and support of that legislation, and the partial adoption of a state-use labor system in 1922. At each point, this thesis reveals how the perspectives of labor union members and prisoners influenced the views of state legislators, business owners, and prison administrators.

Prison Labor Agitation, 1912-1916

³³ On labor organization lobbying efforts, see “Prison Contracts,” *Labor Leader*, December 23, 1911; “Probing the Penitentiary,” *Labor Leader*, June 1, 1912; Hiller, “Labor Unionism and Convict Labor,” 851-852. On the agency of prisoners and organized labor, see McLennan, *Crisis of Imprisonment*, 1-13, 71, 148-149, 239. On the prison riot, see Shugg, *A Monument to Good Intentions*, 123-126. For sources reporting the change from the contract system to the state-use system in Maryland, see Maryland State Archives, “Department of Public Safety and Correctional Services: Origin,” Maryland Manual On-Line, June 5, 2017, accessed November 2018, <http://msa.maryland.gov/msa/mdmanual/22dpscs/html/dpscsf.html>.; State Board of Prison Control, *Annual Report of the State Board of Prison Control to the Governor of Maryland* ([Baltimore]: 1917-1922); *Jones Hollow Ware Company v. State Roads Commission, Reports*, 103-124; State Board of Prison Control, *Special Report*, 1921.

Wage earning men and women organized momentum over the course of several years to influence public opinion and enact legal changes to the Maryland prison labor system. The Baltimore Federation of Labor served as an active chapter of the national American Federation of Labor (AFL), which had long denounced contract prison labor. Members elected a governing leadership body, held regular meetings, and actively lobbied for labor-friendly state legislation. The Baltimore Federation of Labor was largely made up of conservative trade unions with primarily a white male membership. In 1914, the Amalgamated Clothing Workers of America (ACW) was founded with roots in socialist ideology. This union featured some female leaders and was more racially inclusive.³⁴ Social scientists and prison administrators noted the influence of labor organizations in advocating for national penal reform. As a contributor to the *Journal of the American Institute of Criminal Law and Criminology* wrote in 1915, “The present tendency toward public control and public use of prison labor is to a large extent the achievement of the political activity of organized labor.” Just as labor federations pressed for policy change on the national level, so did local labor organizations influence penal reforms in Maryland.³⁵

³⁴ On segregation in labor unions, see for example, Andor Skotnes, *A New Deal for All? Race and Class Struggles in Depression-Era Baltimore* (Durham, NC: Duke University Press, 2013), 23-25; Argersinger, *Making the Amalgamated*, 133-134, 159-160, 165-166. On the Baltimore Federation of Labor as made up of conservative trade unions, see Skotnes, *A New Deal for All?*, 22-23. On the ACW, see for example, Jo Ann E. Argersinger, “The City that Tries to Suit Everybody: Baltimore’s Clothing Industry,” in *The Baltimore Book: New Views of Local History*, eds. Elizabeth Fee, Linda Shopes, and Linda Zeidman (Philadelphia: Temple University Press, 1991), 88; Argersinger, *Making the Amalgamated*, 39-42; see also Chapter 2 of this thesis.

³⁵ On the Baltimore Federation of Labor, see “Constitution, 1920,” series 1, box 1, folder 1, in Baltimore Federation of Labor Archives, 1918-1969, UMD; “We Begin a New Volume,” *Labor Leader*, July 13, 1918. On AFL’s denunciation of contract prison labor, see Byer and United States Bureau of Labor Statistics, *Prison Labor in the United States, 1932*, 210; Hiller, “Labor Unionism and Convict Labor,” 851.

In the fall of 1902, Baltimore Federation of Labor members began publishing the *Labor Leader*, a weekly newspaper committed to advocating better workplaces, wages, and living conditions for the city's workers. As the leading labor newspaper in Baltimore during the early twentieth century, the *Labor Leader* quickly expanded from a four-page to a ten-page publication. The paper positioned itself as "an independent advocate of the cause of organized labor, unbiased in its judgment of political influences and prepared to state its views of public questions concerning labor." It reported both local prison labor conditions and national debates over prison labor and penal reform. By articulating the Baltimore Federation of Labor's official position on prison labor, the *Labor Leader* increased support for prison labor reform among federation members and affiliated trade unions.³⁶

In addition to reporting prison labor debates in the *Labor Leader*, federation members actively sought to influence public policy by lobbying state legislators. During a Wednesday evening meeting of the Baltimore Federation of Labor in December 1911, Abe Gordon, a leader of the United Garment Workers union in Baltimore, raised concerns regarding prison contracts with private companies. Gordon drew attention to contracts between clothing companies and the Maryland state prison. In particular, he reported that the contract of the Cumberland Manufacturing Company at the Maryland House of Correction would be ending in January, and the warden, John Lankford, had issued a call for new contract offers. Gordon's announcement spurred a discussion, and before the meeting ended, those in attendance passed a motion to put the federation "on record as being opposed to prison-made goods." Determined in their conviction to end

³⁶ On the *Labor Leader*, see "We Begin a New Volume," *Labor Leader*, July 13, 1918 (quotation); Crooks, *Politics and Progress*, 241.

competition from prison labor, the federation members charged its Legislative Committee to draft a bill “prohibiting the employment of inmates of State and city institutions under the contract system.”³⁷

The following spring, the Baltimore Federation of Labor and the United Garment Workers presented a bill to the Finance Committee of the Maryland Senate that would prohibit private corporations from contracting with the state prison system. Members of the United Garment Workers were especially concerned about prison labor because several prison contractors had established clothing workshops in the Maryland Penitentiary and the Maryland House of Correction. The clothing industry traditionally employed large numbers of women, and the bill specifically noted the hardship that prison labor competition posed to wage-earning women. At first, some of Maryland’s legislators seemed to view the bill favorably. Senator Blair Lee, chair of the Finance Committee, praised the arguments put forward by the United Garment Workers and the Baltimore Federation of Labor. However, the Senate Finance Committee granted John Weyler, the warden of the Maryland Penitentiary, a closed-door hearing. Weyler had served as warden since the 1880s and was well-known for bringing large surpluses of revenue to the state through his profit-maximizing regime of prison labor. After the Finance Committee met with Weyler, the proposed contract labor bill stalled and was never brought to the Senate floor. Ultimately, the legislators chose to favor business and revenue generation over the interests of working men and women.³⁸

³⁷ “Prison Contracts,” *Labor Leader*, December 23, 1911 (quotations). On the United Garment Workers in Baltimore and Abe Gordon, see Argersinger, *Making the Amalgamated*, 21, 35.

³⁸ “Probing the Penitentiary,” *Labor Leader*, June 1, 1912. On women laboring in the clothing industry, see Argersinger, *Making the Amalgamated*, 16-19, 25. On Warden Weyler, see Shugg, *A Monument to Good Intentions*, 73-121; McKelvey, *American Prisons*, 255.

While the bill itself failed, the effort revealed the labor members' commitment to opposing prison labor. In a summary of the bill's progress, the *Labor Leader* denounced the systems of power and privilege that prevented needed changes in the law. In reference to Warden Weyler's secret hearing, the *Labor Leader* remarked, "Such has always been the subtle power of the interests back of this 'prison labor' question." Labor federation members were acutely aware that politicians favored prison contract revenues above the welfare of workers. Nevertheless, the lobbying efforts of Baltimore workers helped to influence a growing change in public opinion. It was only four years until support for profit-maximizing prisons lost ground and the General Assembly enacted more labor-friendly legislation.³⁹

In addition to the opposition voiced by labor federation members, middle-class reformers fought against the contract labor system. In 1912, the *Labor Leader* reported on the proceedings of the National Conference of Charities and Corrections, an organization that welcomed representatives of both penal reform and labor unions who railed against exploitative prison conditions. The *Labor Leader* quoted the remarks of several of the speakers, including the chairman of the National Committee on Prison Labor, who praised the successful adoption of the state-use system in many regions of the country and emphasized that state governors would be influenced by voters at the polls. "The awakening conscience of the people on this subject will find its reflection in the selection this autumn of Governors of many States," he declared.⁴⁰

³⁹ For the quotation and a description of the lobbying efforts, see "Probing the Penitentiary," *Labor Leader*, June 1, 1912.

⁴⁰ "Convict Contractor a Slave Driver," *Labor Leader*, June 15, 1912. On middle-class reformers, see McLennan, *Crisis of Imprisonment*, 12-13, 194-197, 239.

The National Conference of Charities and Corrections revealed the shared interests of labor leaders and middle-class reformers. The same *Labor Leader* report quoted the editor of the *International Molders' Journal* as he denounced the prison labor problem. "Prison labor under the contract convict labor system has been the means of lowering the wage rate for thousands of wage-earners," he protested, "and in some instances its competition has practically driven an industry from the field." While he initially seemed to speak solely out of workers' self-interest, he went on to advocate for prisoners as well as outside laborers. He argued that imprisonment should focus on reformation and rehabilitation efforts, that prisoners should be employed in work "of a useful nature," that prisoners should be paid for their labor, and finally, that the state should not be motivated by profit-maximizing interests. In his speech, the labor editor discussed labor concerns and the welfare of prisoners using language similar to that of progressive reformers.⁴¹

In addition to the work of national associations, a local Baltimore reform organization, the Maryland Prisoners' Aid Association (PAA), advocated for decent living conditions for prison inmates and provided food, shelter, and employment assistance to newly released convicts. The headquarters of the association was located just a few blocks from the Maryland Penitentiary. Through their efforts, members of the PAA challenged stereotypes of ex-convicts as hardened criminals and helped to reintegrate prisoners back into society. However, the services were segregated according

⁴¹ "Convict Contractor a Slave Driver," *Labor Leader*, June 15, 1912 (quotation). On progressive reform language, see for example, Maryland Penitentiary Penal Commission, *Report*, 1913.

to race and gender, thus revealing that white male ex-prisoners were seen as the most deserving of aid and social reintegration.⁴²

Another champion of progressive reform in Baltimore was Frank Munsey, the owner of the *Baltimore News*. In 1912, the *Baltimore News* opened an investigation into conditions at the Maryland Penitentiary that exposed inhumane methods of punishment and harsh labor conditions. The *Labor Leader* lauded Munsey's efforts in revealing the brutal system of prison labor to a larger Baltimore readership. The muckraking exposé drew attention to the need for substantial reforms. Indeed, following the newspaper investigation, the governor of Maryland, Phillips Lee Goldsborough, appointed an independent penal commission to inquire into conditions in the Maryland Penitentiary. This investigation took place over a period of several months, and commission members submitted the final report to the governor in February, 1913.⁴³

Commission members Eugene O'Dunne, Redmond C. Stewart, and George L. Jones collected and examined first-hand testimony from the prison warden, John Weyler, the assistant warden, John Leonard, prison officers, inmates, staff members, and business owners of companies that contracted at the penitentiary. Following its examination, the commission urged the prison warden to adopt a number of reforms, such as improving

⁴² "Everybody's Business: Little Stories of Human Interest from McCoy Hall: Alliance of Charitable and Social Agencies," *Baltimore Sun*, May 13, 1918; Prisoners' Aid Association, *Annual Report of Prisoners' Aid Association* ([Baltimore]: 1913); C. Boyd McDivitt, *A Review of the Highlights of 81 Years of Community Service: The Prisoners' Aid Association of Maryland* ([Baltimore: 1950]). On racial segregation of services, see Prisoners' Aid Association, *Annual Report of the Prisoners' Aid Association of Maryland, 1932-1933*, May 29, 1933, ([Baltimore], 1933), Maryland Room, EPFL; Prisoners' Aid Association of Maryland, *Where Shall They Turn?: Sixty-Sixth Annual Report of The Prisoners' Aid Association of Maryland, May 1936*. [Baltimore], 1936, Maryland Room, EPFL; see also Chapter 2 of this thesis.

⁴³ "Probing the Penitentiary," *Labor Leader*, June 1, 1912. On Munsey, see Crooks, *Politics and Progress*, 240. On the penal commission, see Maryland Penitentiary Penal Commission, *Report*, 1913, 4.

prison sanitation and abolishing inhumane methods of discipline. The testimony of prisoners themselves had helped to spur these recommendations. The commissioners' assessment and rejection of the contract labor system was particularly stinging. "We find the contract system, as operated in the Maryland Penitentiary, wrong in principle, iniquitous in practice and at the root of all evils real and imaginary existing in the Maryland Penitentiary today," they declared. Commission members found particularly troubling the temptation for companies to maximize profits by pressuring the prisoners "to nerve-racking and excessive labor." The penal commission criticized the exploitative contract labor conditions and advocated for the rehabilitation of prisoners.⁴⁴

Such public criticism pressured the warden and penitentiary administrators to consider alternative labor arrangements. The prison warden and chaplain toured penal institutions across the country to observe their operations and determine appropriate reforms for the Maryland Penitentiary. When describing their reasons for investigating a possible transition to a state-use system, prison administrators themselves referred to the popular foment and activism that had pressured the investigation. For example, in the 1913 annual report of the Maryland Penitentiary, members of the penitentiary board described the actions taken in response to "the agitation going on in this State for the past eighteen months, in the matter of reorganizing our entire penal system." A later report likewise acknowledged the continued role of "very definite and strong public sentiment in this State against contract prison labor."⁴⁵ Owing to heightened public pressure,

⁴⁴ Maryland Penitentiary Penal Commission, *Report*, 1913 (quotations on 236 and 237). On Eugene O'Dunne, Skotnes, *A New Deal for All?*, 127, 203-204, 294; Shugg, *A Monument to Good Intentions*, 290-292. "Eugene O'Dunne," *Baltimore Sun*, October 31, 1959.

⁴⁵ Maryland Penitentiary, *Annual Report of the Maryland Penitentiary to the Governor of Maryland*, ([Baltimore], 1913), 8 (first quotation); On public sentiment against prison labor, see

politicians from both parties denounced contract prison labor during the election season of 1915, paving the way for bipartisan action on prison reform during the 1916 legislative session. Thus, the actions of the labor federation members, local and national progressive associations, and newspaper investigations spurred prison administrators and politicians to undertake reform measures.⁴⁶

Resistance to and Support of Reform, 1916-1920

Popular support for prison labor reform led legislators to enact several changes in 1916, including the reorganization of the prison authority structure. The legislature dissolved the supervisory boards of the two major criminal institutions, the Maryland Penitentiary and the Maryland House of Correction, and replaced them with a single State Board of Prison Control. The governor was to appoint three members of the Board of Prison Control who were tasked by the legislature to “establish and maintain a system of labor for prisoners to supersede the present system of contract labor.” If the board was unable to successfully adopt an alternative system prior to the 1918 session of the Maryland General Assembly, the board was to “report to such general Assembly the result of the investigation of the subject, and any recommendations which it may deem desirable to make thereon.” Whereas the Maryland legislature had set aside the prison

State Board of Prison Control, *Annual Report*, 1918, 9 (second quotation); *Jones Hollow Ware v. State Roads*, *Maryland Reports*, 105. On the penal tour of the warden and chaplain, see Maryland House of Correction, *Report of a Special Committee of the Board of Managers, Appointed for the Purpose of Visiting and Investigating the Construction and Methods of Managing Penal Institutions in Other States, Together with the Recommendations of Said Committee* ([Annapolis: Advertiser-Republican], 1913). For the later report of public agitation and quotation see State Board of Prison Control, *Special Report*, 1921.

⁴⁶ On the 1915 election and the influence of public pressure, see *Jones Hollow Ware Company v. State Roads Commission*, *Reports*, 105; State Board of Prison Control, *Special Report*, 1921.

reform bill of 1912 in favor of the profit-making capabilities of convict labor, continued agitation by working men and women, journalists, penal commission members, and prisoners themselves had at last made it necessary to address the matter of contract prison labor.⁴⁷

During the 1916 session, the state legislators also granted the newly formed Board of Prison Control “authority to place prisoners at labor upon State works” and select “such form of labor as will offer an opportunity to prisoners to earn a surplus over the cost of their maintenance.” Although called a “surplus,” perhaps to avoid direct parallels to wage arrangements outside the prison, this surplus amounted to a small monetary sum paid to the prisoners. This portion of the law was significant in its recognition of the right of prisoners to be financially compensated for their labor in the prison workshops. While the wage scale for the prisoners was far below the earnings of trade and wage laborers, the legislature recognized that prisoners should be remunerated for their labor.⁴⁸

Although the 1916 law was a victory for prisoners, reformers, and labor unions, it posed a serious threat to the private employers who held business contracts at the state prisons. The Jones Hollow Ware Company, for example, had contracted with the Maryland Penitentiary for more than a decade. Business owners who entered into

⁴⁷ For a description of legislative actions, see State Board of Prison Control, *Special Report*, 1921. On the organization of the Prison Board of Control, see Maryland State Archives, “Board of Prison Control,” Guide to Government Records, accessed November 2018, <http://guide.mdsa.net/pages/history.aspx?ID=SH34>. For the 1916 law, see Maryland, *Laws of the State of Maryland Made and Passed at the Session of the General Assembly Made and Held at the City of Annapolis on the Fifth Day of January, 1916, and Ended on the Third Day of April, 1916* (Baltimore: King Brothers, 1916), chap. 556, sec. 2.623 and 2.630 (quotations in 2.630). For newspaper reports of the legislation, see “Day’s Work in Detail: Proceedings of General Assembly in Regular Order,” *Baltimore Sun*, February 12, 1916; “Day’s Work in Detail: Proceedings of General Assembly in Regular Order,” *Baltimore Sun*, February 24, 1916. For coverage of the 1912 bill, see “Probing the Penitentiary,” *Labor Leader*, June 1, 1912.

⁴⁸ Maryland, *Laws of Maryland*, 1916, chap. 556, sec. 2.630 (quotation).

contracts for prison labor were able to employ prisoners for less than the market wage. Some companies contracted with prisons in several different states. The Baltimore *Labor Leader* reported that Bromwell Brush and Wire Goods Co. held contracts with prisons in Maryland, New Jersey, and Ohio.⁴⁹

Specific arrangements regarding the leasing of prison workshops and prisoner wage rates depended on individual contracts. In the Maryland state prison system, companies contracted for prison labor with the Board of Prison Control. Indeed, a substantial portion of the board's activities related to the management of prison labor. The board received bids from companies and set terms and conditions of the contracts, including the wage rate, length of contract, workshop lease, utilities, equipment, and expectations for the management of prisoners. In fact, in some years the demand for labor was greater than the available number of prisoners. In 1917, the board's secretary informed two businesses, Joseph Wild and Co. and Wear-Well Pants Co., that no further workshop space or additional prisoners were available for any expansion of operations at that time.⁵⁰

In keeping with the 1916 legislative authorization to employ prisoners on state works, the Board of Prison Control entered into several contracts with the State Roads Commission and county governments to supply prison labor. Inmates were taken out of

⁴⁹ For a discussion of the threat to private companies, see State Board of Prison Control, *Annual Report*, 1918. On the Jones Hollow Ware Company contract, see Maryland Penitentiary *Annual Reports*, 1910-1916; Maryland Penitentiary, *Annual Report*, 1900 as included in Inskip, *A Penitentiary for the Free State*, 71; *Jones Hollow Ware v. State Roads*, *Maryland Reports*, 103-124. On prison contracts in different states, see "Prison-Made Goods," *Labor Leader*, July 22, 1911.

⁵⁰ For an example of Board of Prison Control activities, see Minutes, December 29, 1916, S249-1, 13108, MSA. On the lack of available space, see Board of Prison Control, Minutes, May 1, 1917, S249-1, 13108, and June 19, 1917, S249-1, 13108, MSA.

the prison workshops and put to work on state road construction. Criticism from labor leaders and middle-class reformers pressured prison administrators to curtail the labor demands of corporations and place some prisoners on public works projects.⁵¹

The Board of Prison Control oversaw labor conditions in the prison workshops, serving as both a contracting party with private employers and a paternalistic gatekeeper to guard against any abuse of prisoners. In January 1917, Frank Metzertott, a member of the board, “moved that all contractors at the Maryland House of Correction supply this Board with a copy of their tasks [and] the amount of work each prisoner must perform.” Increased mechanization and use of unskilled labor were hallmarks of Progressive Era employment conditions. Tasks were subdivided and laborers were given quotas to spur production. Businesses seeking higher profits pressured workers to produce more in less time. The penal commission in 1913 had criticized the pace of labor in prison workshops during Warden Weyler’s tenure, and members of the Board of Prison Control took steps to reduce exploitation of prisoners by the contracting companies. A month after his motion, Metzertott directed the reduction of labor hours in the Maryland House of Correction workshops from eight and a half hours per day to eight.⁵²

⁵¹ On Maryland state road building efforts, see Brugger, *Maryland, a Middle Temperment*, 428; Board of Prison Control, Minutes, 1916-1922; *Jones Hollow Ware Company v. State Roads Commission, Reports*, 103-124. On use of prisoners for road construction, see McLennan, *Crisis of Imprisonment*, 268-269; *Jones Hollow Ware Company v. State Roads Commission, Reports*, 103-124.

⁵² Board of Prison Control, Minutes, January 16, 1917, S249-1, 13108, MSA (quotation). For other steps the board took to reduce exploitation, see Board of Prison Control, Minutes, February 13, 1917, S249-1, 13108 (for reduction of labor hours), February 17, 1920, May 10, 1920, and August 30, 1920, S249-4, 13111, MSA. On the 1913 Penal Commission’s criticism, see Maryland Penitentiary Penal Commission, *Report*, 1913, 78-102, for criticism of pace of labor see 83-84, 88. For descriptions of Progressive Era labor conditions, see Argersinger, *Making the Amalgamated*, 3-18; Edward T. O’Donnell, *Henry George and the Crisis of Inequality: Progress and Poverty in the Gilded Age* (New York: Columbia University Press, 2015), 5-6, 45; McLennan, *Crisis of Imprisonment*, 86-136.

Board oversight did not in fact always reduce the number of hours prisoners worked. In February 1920, the warden of the House of Correction, John Lankford, noted discrepancies in the hours that prisoners were employed in different workshops. One company employed prisoners for eight hours a day and another for nine. At a meeting of the Board of Prison Control, Lankford indicated that he would try to arrange for both employers to set nine-hour workdays. Clearly members of the prison administration did not always have the same priorities. While prison board member Metzertott sought to limit the length of the prison workday, the warden of the House of Correction opted for longer hours.⁵³

Members of the Board of Prison Control also negotiated arrangements relating to wages and the right of prisoners to earn bonus pay for work that exceeded their daily quotas. In March and April of 1917 the board discussed the need for two of the clothing manufacturers, the Cumberland Shirt Company and the Samuel Valentine Company, to supply enough work to enable prisoners to earn overtime wages. Because several different contractors operated workshops in the prison, labor conditions and opportunities could vary depending on the workload of the employers and type of industry. Contracts between the board and private companies included a variety of arrangements by which the prisoners could earn what was termed “a surplus over the cost of their maintenance.”⁵⁴ The Board of Prison Control entered into contracts in which the outside contractor agreed to pay the state a set amount of money (usually between \$0.75 and \$1.25 per day) for the labor of a prisoner and a surplus (typically \$0.25 per day) to each

⁵³ Board of Prison Control, Minutes, February 10, 1920, S249-4, 13111, MSA.

⁵⁴ Board of Prison Control, Minutes, March 27, 1917, April 10, 1917, April 17, 1917, S249-1, 13108, MSA; Maryland, *Laws of Maryland*, 1916, Chapter 556, Section 2, 630 (quotation).

prisoner who met his or her assigned task for the day. In addition, some contracts stipulated that employers pay prisoners overtime wages in addition to the surplus allotment. This arrangement ensured that prisoners were motivated by a financial incentive to produce more than the day's task, assured employers that they would have a profitable workforce, and served progressive reformers' goals of rehabilitating convicts into industrious, wage-earning members of society.⁵⁵

This arrangement, however, was difficult to administer equitably. A number of contractors hired prison labor, and the workshop arrangements and opportunities for overtime could vary according to the type of industry and the priorities of the employer. Some companies provided better overtime opportunities for prisoners, who could then earn more wages. When prisoners raised a grievance regarding work conditions, the Prison Board would attempt to negotiate a solution with the private company. In the case of the Samuel Valentine Company, for example, the board invited Mr. Valentine to a meeting to discuss the possibility of giving the prisoners overtime tasks. During the meeting, Mr. Valentine agreed to a ninety-day trial period in which he would rearrange the work system to accommodate the request for overtime.⁵⁶

⁵⁵ For prisoner overtime, bonuses and surpluses, see for example, Board of Prison Control, Minutes, September 6, 1920, S249-4, 13111, MSA, December 15, 1920, and November 4, 1920, S249-5, 13112, MSA. For evidence of progressive goals of rehabilitation, see Board of Prison Control, Minutes, March 2, 1920, S249-4, 13111, MSA; *Jones Hollow Ware Company v. State Roads Commission, Reports*, 103-124.

⁵⁶ For a discussion of variability of overtime opportunities, see Maryland Penitentiary Penal Commission, *Report*, 1913, 96-98; Maryland Penitentiary Penal Commission, Stenographic Record of Testimony, 1913, EPFL, testimony of penitentiary officer Gustavus H. Hopkins, 417-418, and testimony of officer John W. McGrath, 433-436, EPL; Board of Prison Control, Minutes, December 15, 1920, S249-5, 13112, MSA; Board of Prison Control, Minutes, April 10, 1917, April 17, 1917, S249-1, 13108, MSA (for incident involving Valentine). See also Board of Prison Control, Minutes, February 17, 1920, S249-4, 13111, MSA.

Prisoners at times made complaints directly to the Board of Prison Control, as in the case of Harry Freed. Freed was a former prisoner who petitioned the board just two days after his release from the Maryland House of Correction in April 1920. He charged the warden, John Lankford, with having failed to “make payment of the amount of money due to him while in the institution and employed in the kitchen.” The warden disputed the charge, declaring that “the prisoner had received all the pay that was due him,” that is, \$4.00 per month. Members of the prison board directed Lankford to produce a receipt of the wages paid to Harry Freed along with a report of the prisoner’s personal record of behavior while imprisoned. After receiving the warden’s report, the board determined that Freed’s charges were invalid and informed him that “there was no money coming to him.”⁵⁷ Although Freed did not receive the wages he felt were owed him in the end, this instance is nonetheless remarkable because it reveals the extent to which prisoners felt empowered to seek equitable treatment from the prison administration. Some evidence suggests that other prisoners sought for arbitration or fair remuneration. In July 1918, for example, prisoners brought wage grievances to the attention of the board. Such instances show that prisoners had a clear conception of themselves as laborers; they understood that their work had economic value above that of merely covering the costs of their imprisonment. As such, they believed they deserved fair wages and equitable treatment.⁵⁸

⁵⁷ Board of Prison Control, Minutes, April 10, 1920, April 17, 1920, S249-4, 13111, MSA (quotation).

⁵⁸ Board of Prison Control, Minutes, July 2, 1918, S249-2, 13109, and April 10, 1920, April 17, 1920, S249-4, 13111, and November 11, 1919, S249-4, 13111, MSA. Regarding the labor theory of value, in which the act of working is regarded to have merit, see O’Donnell, *Henry George and the Crisis of Inequality*, 27; McLennan, *Crisis of Imprisonment*, 71-72; My thanks to Professor Colleen Woods for sharing this insight.

Laborers were not, however, the only group who approached the board with complaints about the labor system. Grievances were also filed by company owners. For example, a representative of the Bromwell Brush and Wire Goods Company appeared before the board to complain about prisoners slacking in their allotted tasks. The company's representative protested instances in which prisoners were paid their surplus wage before it was determined that they had finished their allotted task for the day. In this case, the owner of a private business looked to the prison administration to enforce strict production quotas.⁵⁹

Members of the Board of Prison Control thus served as arbiters of labor conditions in a time of heightened anxiety regarding rapid industrialization. Reformers, prisoners, and working men and women in the Progressive Era looked to the state to regulate and temper the negative elements of free market competition. While board negotiations were tinged with conflicting elements of pre-market paternalism and its opposite, industrial bureaucratic management, it is instructive to consider the deliberations as examples of a new understanding of state responsibility that took hold in the first half of the twentieth century—that of the regulatory and oversight functions of the state. Employing prisoners in forced labor was an exploitative measure, and yet the state's function as regulator and supervisor to some degree tempered the profit-maximizing motivations of free market competition. In acting as arbiter between state, corporation, and prison reform interests, the Board of Prison Control was tasked by the

⁵⁹ Board of Prison Control, Minutes, November 4, 1920, S249-5, 13112, MSA.

General Assembly to find an alternative to the contract labor system and yet retain prisoners in industrious employment.⁶⁰

The shift from the corporate contract system to the state-use system did not occur smoothly. During this transition period, the board emphasized the primacy of state labor needs over those of private companies when entering into contracts with private employers. In a discussion regarding a new contract with the Worcester Wire Novelty Company, the board considered the contract proposition with the caveat that “the demands for prison labor by the State and Government would be taken care of first.” More urgent was the resolution of contracts with private employers that did not expire for several years; the newly formed prison board had to determine if it was lawful to terminate those contracts. To that end, the board’s secretary, Robert Case, wrote to the Attorney General of Maryland, Albert C. Ritchie, to ask, “whether the Legislature has power to rescind or annul the present contracts.” The 1918 legislative session took up the matter of the contracts and the legislators determined by law that the Prison Board had full authority to annul or change the provisions of the contracts.⁶¹

⁶⁰ On labor exploitation during industrialization, see Crooks, *Politics and Progress*, vii-x, 155, 205; McLennan, *Crisis of Imprisonment*, 87-136. On the regulatory role of the state during the Progressive Era, see Barbara Young Welke, *Recasting American Liberty: Gender, Race, Law, and the Railroad Revolution, 1865-1920* (New York: Cambridge University Press, 2001); Heather Cox, “Reconstructing the Gilded Age and Progressive Era,” in *A Companion to the Gilded Age and Progressive Era*, 7-20; McGirr, “The Interwar Years,” in *American History Now*, 126-129. For examples of regulatory oversight, see Board of Prison Control, Minutes, November 4, 1920, November 29, 1920, S249-5, 13112, MSA. McLennan describes a shift to “managerial penology,” see *Crisis of Imprisonment*, 443-453, 466-467, 471-472.

⁶¹ Board of Prison Control, Minutes, April 30, 1918, S249-2, 13109, MSA (first quotation); Board of Prison Control, Minutes, May 15, 1917, S249-1, 13108, MSA (second quotation); For the 1918 legislative decision, see State Board of Prison Control, *Annual Report, 1918*; *Jones Hollow Ware Company v. State Roads Commission, Reports*, 103-124; Maryland, *Laws of the State of Maryland Made and Passed at the Session of the General Assembly Made and Held at the City of Annapolis on the Second Day of January, 1918, and Ending on the First Day of April, 1918* (Baltimore: King Brothers, 1918), chap. 354, sec. 1.

This law was quickly challenged. The owner of the Jones Hollow Ware Company, an ironworks foundry with a long-standing contract with the Maryland prison system, filed suit against the Board of Prison Control and the State Roads Commission on October 2, 1918. Specifically, the foundry owner argued that the Board of Prison Control did not have the right to abridge the terms of his preexisting contract, in which the prison administrators had agreed to furnish at least 216 men as workers at the prison foundry. The company detailed its investments in outfitting the Maryland Penitentiary with the proper equipment and supplies for an ironworks foundry inside prison walls and emphasized the loss of revenue that had resulted from the abridgement of contract. The company enumerated the loss of laborers who were hired out by the Board of Prison Control to work on state road projects on many occasions. Many of the men were well trained and skilled at the foundry, and their absence hurt business profits.⁶²

In essence, the case hinged upon the primacy of state sovereignty versus contractual business agreements. Were prisoners considered wards of the state or assets in business contracts? The case was first argued in the Baltimore Superior Court, which ruled in favor of the Board of Prison Control and the State Roads Commission. After appealing the case to a higher court, the Jones Hollow Ware Company was defeated by the Maryland Court of Appeals on March 5, 1919. Because the Jones Hollow Ware Company entered into its contract prior to the 1916 law which organized the Board of Prison Control, the court ruled that the board was not obligated to adhere to contract specifications that would limit the “power and authority vested in said Board.” More broadly, the Court of Appeals ruling affirmed the sovereignty of the state in penal matters

⁶² *Jones Hollow Ware Company v. State Roads Commission, Reports*, 111-112; *State Board of Prison Control, Annual Report*, 1918, 6-7.

and in responsibilities relating to the health of inmates. The court decision stated, “No one will deny that it is the duty of the State, in the exercise of its police power, to provide for the custody and maintenance of convicts as an essential part of the administration of criminal laws enacted for the protection of the public.” The court went on to affirm that the decision to place prisoners upon outdoor state works and road construction had “a direct relation to the public welfare and public safety, the preservation of [the convicts’] health and the preservation of public morals.” Using language that favored progressive reform ethics of state responsibility and regulation over the contractual rights of corporate employers, the court ruled, “The State can not, therefore, by contract or otherwise, barter away its duty and right” to provide for the “public welfare and public safety” and to ensure the health of the prisoners. Therefore, the authority of the Board of Prison Control was affirmed in its responsibility to secure the public welfare, safety of civilians, and health of prisoners.⁶³

Jones Hollow Ware Company v. State Roads Commission demonstrated how the debate over prison labor, and, in particular, the prison administration’s decision to employ prison workers in state-use projects, created tension between private companies and the state prison administrators. Concerns of public welfare took precedence over the contractual agreements of private businesses. In the broader context of the Progressive Era, the court ruling shows how the regulatory role of the state over labor relations expanded during this period. In a newspaper report of the court decision, the Baltimore

⁶³ *Jones Hollow Ware Company v. State Roads Commission, Reports*, 103 (first quotation), 122-123 (remaining quotations).

Sun declared the ruling “a decisive victory for the State, and a body blow to the contract labor system in Maryland prisons.”⁶⁴

The case was closely followed by prison reformers across the nation, and was discussed in the April 1919 report of the National Committee of Prisons and Prison Labor. The Maryland Court of Appeals emphasized the primacy of progressive reform considerations in the operation of the state prison system and ruled that the Board of Prison Control was justified in assigning prisoners to labor that was “most helpful to their moral and physical benefit.” In this case, the court ruled in favor of putting prisoners to labor out “in the open air on the State roads, instead of keeping them indoors and at work at the plant of the Jones Hollow Ware Company.” The ruling was a victory for progressive reformers who saw work as a means to reform inmates, and it marked a major shift from decisions earlier in the decade that had favored the profit-making potential of convicts in the state prison.⁶⁵

Partial Adoption of State-use, 1920-1922

Following the victory over the Jones Hollow Ware Company, the Board of Prison Control continued to seek viable alternatives to the contract labor system. The board

⁶⁴ *Jones Hollow Ware v. State Roads Commission, Maryland Reports*, 103-124. For newspaper coverage and quotation, see “Hits Contract Labor: Appeals Court Rules against System in Maryland Prisons,” *Baltimore Sun*, March 6, 1919. In regards to the expansion of the regulatory powers of the state during the Progressive Era, see Welke, *Recasting American Liberty*; Heather Cox Richardson, “Reconstructing the Gilded Age and Progressive Era,” in *A Companion to the Gilded Age and Progressive Era*, ed. Nichols and Unger, 17.

⁶⁵ National Committee on Prisons and Prison Labor, “Report of the Secretary to the President and Board of Trustees of the National Committee on Prisons and Prison Labor, April 21, 1919,” *Journal of the American Institute of Criminal Law and Criminology*, 10, no. 2 (August 1919), 289; For quotations see “Hits Contract Labor,” *Baltimore Sun*, March 6, 1919. For earlier profit-making views of prison labor, see Maryland Penitentiary, *Annual Report*, 1910; “Probe into Pen,” *Labor Leader*, June 1, 1912.

acknowledged “that there [was] very definite and strong public sentiment in this State against contract prison labor” and sought an alternative to the contract labor system that would still generate revenue and keep the prisoners from idleness. In December 1918, the Attorney General of Maryland wrote to the National Committee of Prisons and Prison Labor requesting “recommendations as to other systems of employment to take the place of the contract system.” The national committee took up the request by offering to conduct a thorough survey of possible solutions to replace the contract system for that of the state-use system. The committee investigated the Maryland state prison system during 1919 and 1920 and recommended industries in which the prisoners could contribute to state production. In addition to the recommendations of national committee, Robert Case, secretary of the Maryland Board of Prison Control submitted a report to the state legislature in 1921 that detailed products and that could be manufactured and services rendered by prisoners under a state-use system.⁶⁶

Meanwhile, working men and women continued to voice their opposition to prison labor. The *Labor Leader* reported on labor union meetings and motions related to convict labor. For example, during a meeting of the Baltimore Federation of Labor, a member representing clothing cutters shared news that “certain clothing manufacturers in Baltimore were desirous of entering into contracts under which clothing could be made in the State Penitentiary.” Owing to fears of wages being undercut and jobs being lost, the clothing cutter proposed that consumers should be notified of the source of the goods

⁶⁶ State Board of Prison Control, *Annual Report*, 1918 (first quotation). On the investigation of the national committee, see National Committee on Prisons and Prison Labor, “Report of the Secretary to the President and Board of Trustees,” 289 (second quotation); State Board of Prison Control, *Annual Report*, 1919, 8. See also Board of Prison Control Minutes, April 23, 1918, S249-2, 13109; November 18, 1919, S249-3, 13110, MSA. On the report submitted by Board of Prison Control, see State Board of Prison Control, *Special Report*, 1921.

they purchased. In order to discourage the purchase of prison-made goods, he recommended that labels “Made in the Pen” be sewn into garments made by prison workers. The Baltimore Federation published this discussion in the *Labor Leader* with introductory remarks that the federation was going “on record as being opposed to work done by convict labor when it came in competition with organized labor.”⁶⁷

In a report about prison labor debates in the 1918 Maryland legislative session, the *Labor Leader* detailed the names and lengths of contracts for all private employers at the Maryland Penitentiary and the House of Corrections. The report expressed hope that the legislators would allow the Board of Prison Control full authority to abridge contracts that extended several years into the future, and thus bring about the end of the prison labor system. By summarizing deliberations of the General Assembly, the *Labor Leader* kept its readership informed of legislation that could affect organized labor.⁶⁸

While their opposition to prison contractors was well established, working men and women could sympathize with the cause of individual prisoners. Some prisoners turned to labor federations outside the prison to advocate for better conditions, such as in the case of the prisoner’s petition to the Baltimore Federation of Labor mentioned earlier. In this case, the federation members responded to the inmate’s description of exploitative labor conditions on state road construction. Unlike the prison clothing and foundry workshops, road construction did not directly compete with the jobs of Baltimore labor members. Therefore, the decision of the labor federation members to advocate on behalf

⁶⁷ Prison Contract Labor Opposed by Federation,” *Labor Leader*, January 25, 1918.

⁶⁸ “Prison Labor Now an Issue at Annapolis,” *Labor Leader*, March 16, 1918.

of the prisoner reveals solidarity beyond mere self-interest. Free and imprisoned workers allied themselves against exploitative labor conditions of any kind.⁶⁹

Given the similarities in working conditions, it is not surprising that, like union members, prisoners organized to agitate for better conditions. Like workers outside of the prison, inmates organized strikes and positioned themselves as individuals who had a right to better labor conditions. Nor was labor resistance restricted to male prisoners. In June 1918, Catherine Beary, the matron of the women's department at the Maryland House of Correction, visited the Prison Board to discuss a strike the female prisoners had organized. Just as thousands of free women employed in factory workshops and piece-work contracts outside prison walls had participated in labor federation strikes, so too female inmates organized a strike for better working conditions.⁷⁰

One of the most destructive demonstrations in the history of the Maryland Penitentiary began as a strike in a workroom. On Wednesday morning, August 17, 1920, as a protest against monotonous food, half of the inmates in the Penitentiary staged a strike and "refused to continue to work." In response, Warden Brady declared that the inmates would receive no meals as long as they refused to return to the workshops. By Wednesday evening, most of the prisoners had capitulated and agreed to take up their labor assignments. However, fifty-seven men "swore that they would starve to death

⁶⁹ "To Ask an Opinion on Convict Labor," *Labor Leader*, February 22, 1919.

⁷⁰ For labor conditions in Baltimore during this period, see Argersinger, *Making the Amalgamated*, 3-18, on Baltimore's men's clothing production, 28, on clothing worker strikes, 20-25, 33-55, 64-67, 83-120. On general labor strikes, see Brugger, *Maryland, a Middle Temperment*, 341-348; Crenson, *Baltimore: A Political History*, 313. On the women's prison strike, see Board of Prison Control, Minutes, June 25, 1918, S249-2, 13109, MSA. On female labor conditions in the Maryland Penitentiary, see Maryland Penitentiary Penal Commission, Stenographic Record of Testimony, 1913, 300-365, EPFL.

before returning to work, [and] remained on strike.”⁷¹ As punishment, the warden isolated the strikers in the C Dormitory and gave them restricted rations of bread and water. The strikers remained in their cells on Thursday and Friday and refused to return to the workshops. On Friday night, one of the prisoners in the C Dormitory named Hart managed to dig out the brick and mortar around his cell door and climb out. He then helped the fifty-six other men escape from their cells. The inmates nearly made it out of the penitentiary yard but were stopped at the gate by a force of Baltimore police officers and firemen. The prisoners were pushed back into the dormitory, where they disconnected the electrical lines and pitched the cellblock into darkness. The police and firemen refrained from entering the dormitory in the darkness and waited for several hours through the night until they were able to restore order with the coming of daylight.⁷²

While accounts in the Baltimore press and Prison Board minutes explain the riot as a hunger strike, acts of disobedience against a new warden, and a cover for an escape, none of them adequately examined the implications of a strike in which fully half of the prison inmates refused to work. By explaining away the riot as a result of dissatisfaction about the food and as evidence of resistance to the warden, the Prison Board and the

⁷¹ State Board of Prison Control, *Annual Report*, 1918, 6 (first quotation). “Convicts Battle All Night in Made Riot at the ‘Pen,’” *Baltimore News*, August 20, 1920 (second quotation).

⁷² On the prison strike and riot, see Shugg, *A Monument to Good Intentions*, 123-125; State Board of Prison Control, *Annual Report*, 1920, 6; “[Unintelligible] in Penitentiary: Battle in the Dark,” *Baltimore American*, August 21, 1920; “Convicts Battle All Night in Mad Riot at the Maryland ‘Pen,’” *Baltimore News*, August 20, 1920; “Penitentiary Quiet after a Rough Night,” *Baltimore News*, August 21, 1920; “Board Starts Probe of Riot at the ‘Pen,’” *Baltimore News*, August 23, 1920; Board of Prison Control, Minutes, August 23, 1920, S249-4, 13111, MSA; the name of the prisoner Hart is identified in Board of Prison Control, Minutes, September 6, 1920, S249-4, 13111, MSA. Special thanks to Erich Schultz for his assistance in finding newspaper articles on the prison demonstration.

press failed to grapple with the extent of the prisoners' grievances about labor conditions. By refusing to work, the prisoners signaled deep dissatisfaction with conditions in the prison and challenged the narratives of prison administrators.⁷³

In its annual report to the state legislature in 1920, the Board of Prison Control discussed the August riot and other incidents at the prison. Following a brief summary of these incidents, the board concluded, "The outstanding problems before us are the best method of utilizing the labor of the prisoners under our control, for their own good and for the good of the State." Even though the board failed to fully respond to labor grievances as a contributing cause of the 1920 prison riot, it seems likely that the strike contributed to a sense of urgency in the board's efforts to adopt a new labor system.⁷⁴

In the months that followed, the Board of Prison Control prepared a thorough report for the General Assembly, which detailed recommendations for a new prison labor system. The report was based on an evaluation of labor systems in operation at fifty-eight prisons across the country. Of those fifty-eight prisons, only nine employed the private contract system. Most prisons employed convicts in the production of goods for the state, for sale on the market, or in road and farm work. The State Prison Board identified several industries in which the State could employ prison labor, including the

⁷³ Board of Prison Control, Minutes, August 23, 1920, S249-4, 13111, MSA; "Board Starts Probe of Riot at the 'Pen,'" *Baltimore News*, August 23, 1920. For explanations of the riot as a testing of disciplinary actions of the new warden, see "'Pen' Riot in 1912 Quelled by Leonard," *Baltimore News*, August 20, 1920. For a description of half of the inmates refusing to work in protest of food conditions, see "Convicts Battle All Night in Made Riot at the Maryland 'Pen'" *Baltimore News*, August 20, 1920; State Board of Prison Control, *Annual Report*, 1920; Historian McLennan interprets prison riots as evidence of prisoners challenging prison administrators, see *Crisis of Imprisonment*, 1-13, 71, 137-192. McLennan specifically discusses riots as emerging out of food strikes, see *Crisis of Imprisonment*, 142-146.

⁷⁴ State Board of Prison Control, *Annual Report*, 1920, 6-7.

manufacture of prison clothing by prisoners, the production of state automobile tags, and the printing of state publications. The Board of Prison Control requested funds for the purchase of machinery and supplies to equip prison workshops with clothing, shoes, automobile tags, and printing for state-use. The board also noted that few funds were allocated in the state budget for maintenance of the prison system and that the financial burden therefore fell to prison labor.⁷⁵

While the state was no longer as concerned with the prison labor revenues paid to the state treasury as it had been during Warden Weyler's tenure, it is clear that the state continued to rely on convict labor to meet the operational costs of the prison system. Noting the financial bind, the Prison Board concluded, "It is obvious that we cannot terminate our contracts because we thereby deprive ourselves of the source of our revenue. We cannot substitute other industries in place of these contracts without sufficient money to purchase machinery and supplies." In pointing out the financial dilemma, the prison administrators sought to increase awareness of the sacrifices involved in ending the contract labor system. Using italics in the report for added emphasis, the prison administrators continue with an ultimatum, "*We desire to emphasize the fact that if the people of this State desire a change in the present system, they can have it only by the expenditure of considerable money. We are powerless until the Legislature speaks again.*"⁷⁶

Although the report emphasized financial considerations, it is clear that the agitation of free working men and women influenced the debate of prison labor. In the

⁷⁵ State Board of Prison Control, *Special Report*, 1921.

⁷⁶ State Board of Prison Control, *Special Report*, 1921 (quotations, italics in the original).

report, the prison administrators discussed the detrimental effects of contract prison labor on wage laborers in similar industries outside the prison. By manufacturing items using low-wage prison labor, the board acknowledged, companies could sell products at prices that undercut free market goods. The board, therefore, recommended that the “State should employ prisoners in those industries which offer little or no competition to its citizens.” By proposing the manufacture of clothing and shoes for prisoners, the production of automobile tags and road signs, and the printing of state publications, the Board of Prison Control sought to appease labor agitation and preclude competition with free-labor industries.⁷⁷

In its discussion of the state-use system, the board revealed that its greatest concern was for the productive employment of prisoners. The board stated that the adoption of the printing, tagging, and clothing industries would not be enough to employ all of the prisoners incarcerated in the state prison system. Specifically, the report estimated that twelve hundred prisoners would be left idle and unemployed if the state-use system was to be adopted in its entirety. The demand for state goods and services was simply less than the supply of prisoners available for labor. Therefore, the board recommended that prisoners be employed on state construction projects and some additional business contracts in order to keep prisoners employed. In its recommendation of a partial state-use system, the board wrote that the prisons “can continue those contracts which are most beneficial to the prisoners . . . and make a start on the State-use System.”⁷⁸

⁷⁷ State Board of Prison Control, *Special Report*, 1921.

⁷⁸ State Board of Prison Control, *Special Report*, 1921.

It is likely that the prison administration made this decision in order to prevent disciplinary challenges arising from idle prisoners. It appears that the lesson the board members took away from the 1920 strike was not the need for better labor conditions, but rather the need to prevent prisoners from remaining idle. Indeed, setting up a clothing workshop for the production of prisoner apparel was deemed attractive precisely because of its potential to furnish inmates with skills that would give them employment upon release, as Baltimore was a center of clothing manufacture. The board cast this determination in progressive rhetoric of prisoner welfare and reform. For example, the board states, “[I]n our judgment, the first object of prison labor should be to teach the prisoner something which will be of benefit to him in the future. The financial consideration is secondary, but, on the other hand, we do not think it should be lost sight of.”⁷⁹

Thus, in a decade-long discussion of prison labor reform in Maryland, it is clear that some of the central concerns in the first part of the century, such as the financial maintenance of the prison system and the employment of prisoners on productive labor, were still central components of the prison labor debate. Notwithstanding these concerns, the partial adoption of the state-use system made it clear that the agitation of working men and women in Baltimore and the actions of prisoners profoundly influenced the debates and policy changes relating to prison labor.⁸⁰

⁷⁹ State Board of Prison Control, *Special Report*, 1921 (quotation). On the importance of prohibiting idleness in the prisons, see “New Shop at ‘Cut’ Will End Idleness,” *Baltimore Sun*, July 11, 1922; State Board of Prison Control, *Annual Report*, 1920, 8-9. McLennan argues that the rejection of the contract labor system challenged states’ authority, see *Crisis of Imprisonment*, 137-38, 91-192, 196-197.

⁸⁰ On the financial and disciplinary justifications of the Board of Prison Control, see State Board of Prison Control, *Annual Report*, 1920, 8-9.

Following the recommendations in the 1921 report, the Maryland General Assembly enacted legislation in 1922 to allocate funds for the purchase of equipment and materials for printing, shoe, and automobile tag and sign manufacturing industries at the Maryland Penitentiary.⁸¹ This purchase allowed for the state prison system to employ workers in the production of goods and services for the state, and thus lessen competition to free market laborers. Indeed, this allocation of funds for the purchase of state-use manufacturing equipment marks a point of victory for labor federation members seeking to restrict prison labor competition. The General Assembly also rearranged the governing structure of the prison system by discontinuing the Board of Prison Control and subsuming prison oversight into the Department of Welfare in 1922. This transition further demonstrated the change of priorities from the profit-maximizing prison in the early part of the century to the reform-minded focus of the state in the Progressive Era.⁸²

It should be noted that while the actions of prisoners influenced the debate over the prison labor system, the 1922 decision did not resolve inmate grievances. Whether employed by a private company or by a state industry, the arrangement likely did not change the actual work experience for the prisoners who still were assigned to labor in prison workshops and on road construction. However, through their grievances, strikes, and resistance, the prisoners themselves challenged the reform narrative of prison administrators. Prisoners aligned themselves with the cause of laborers outside the prison

⁸¹ Maryland, *Laws of the State of Maryland Made and Passed at the Session of the General Assembly Made and Held at the City of Annapolis on the Fourth Day of January, 1922, and Ended on the Third Day of April, 1922* (Baltimore: King Brothers, 1922), chap. 464, sec. 6.

⁸² Maryland, *Laws of Maryland, 1922*, “An Act to Organize in Departments the Executive and Administrative Functions of the State,” chpt. 29, art. 7, sec. 2.

in seeing their labor as holding economic value in itself- not merely for its disciplinary and reform benefits.⁸³

The transition in Maryland from a contract prison labor system to the partial adoption of a state-use system between 1912 and 1922 in Maryland illustrates changing labor priorities in the early twentieth century. The deliberations of the Board of Prison Control reveal the intricate web of state obligations toward the interests of organized labor, prison inmates, and the state's taxpayers. The Progressive Era debate on prison labor thus offers a fascinating look into the expanding role of the state in regulating the bureaucratic details of industrial labor. This connection only grew stronger when in the 1930s the Maryland prison system transitioned entirely to a state-use system in which the government controlled the labor, the projects to be completed, the wages, and the working conditions.⁸⁴

The changes in the prison labor system in the early twentieth century reveal the success of free working men and women, progressive reformers, and prisoners themselves in challenging the profit-maximizing penal system. Laborers successfully spurred debate in the legislature and heightened the political stakes of convict labor

⁸³ On the labor theory of value, see O'Donnell, *Henry George and the Crisis of Inequality*, 27; McLennan, *Crisis of Imprisonment*, 71-72. On the active role of prisoners in agitating for change, see McLennan, *Crisis of Imprisonment*, 1-13, 71, 137-192, 237-239.

⁸⁴ On the transition to a state-use system, see State Board of Prison Control, *Special Report*, 1921; Maryland State Archives, "Department of Public Safety and Correctional Services: Origin," Maryland Manual On-Line, June 5, 2017, accessed November 2018, <http://msa.maryland.gov/msa/mdmanual/22dpscs/html/dpscsf.html>. On the expanding role of the state during the Progressive Era, see Welke, *Recasting American Liberty*. On the relationship of crime and the workplace environment in the later twentieth century, see Simon, *Governing through Crime*, 1-10, 233-257. On the active role of prisoners in agitating for change, see McLennan, *Crisis of Imprisonment*, 1-13, 71, 148-172, 237-239. On bureaucratic shifts in the early twentieth century, see McGirr, "The Interwar Years," 126-129; Gilmore, *Who Were the Progressives?*

reform. The recommendations made by the Board of Prison Control were directly influenced by the actions of laborers both inside and outside the prison. The prison board drew upon progressive reform rhetoric that emphasized the benefits of labor for the welfare of the prisoners. By maintaining workshops for state goods and services, prison officials argued that inmates would acquire skills that would enable them to be productive workers upon release. At the same time, the letters, grievances, and strikes of prison inmates challenged reform beliefs that prison labor was helpful and beneficial to prisoners. Thus, an examination of the Maryland state prison system suggests that progressive reforms were not just the purview of members of the middle-class and Baltimore elites. Indeed, the transition from contract employment to the addition of state-use industries was brought about by the actions of working men and women, both convict and free, amid the wrangling of politicians, state officials, and private companies.⁸⁵

⁸⁵ On the active role of prisoners, labor organizers, and progressive reformers agitating for change, see McLennan, *Crisis of Imprisonment*, 1-13, 71, 148-192, 237-239. On a discussion of the composition of progressive reformers in Baltimore, see Crooks, *Politics and Progress*, 195-236.

Chapter Two: Strike for Labor Rights

On Friday morning, December 2, 1932, inmates in the prison workrooms of the Maryland Penitentiary stood quietly at their stations, passively refusing to run the clothing manufacturing equipment they had been set to operate. Earlier that morning, the inmates had eaten breakfast without incident, lined up in an orderly fashion, and filed into the workroom to begin their workday. However, upon arriving in the workshops, three hundred prisoners chose to stand at their stations in an act of collective resistance. Eventually, the number of idle inmates swelled in the clothing shop as inmates joined the strike. Some inmates joined voluntarily to show solidarity, while others, who initially began their day with their allotted tasks, stopped working due to the lack of running machinery and the halt of the production line. Within three hours of the start of the strike, all work at three overall clothing shops within the prison had ceased. By maintaining their demeanor of quiet inaction, the prisoners signaled to the prison administration their refusal to cooperate under the existing prison labor conditions.⁸⁶

The striking inmates worked in prison workshops for the Standard Overall Company, a private clothing manufacture with an established contract with the Maryland prison system. The terms of the contract stipulated that the Standard Overall Company compensate the state prison system for the labor of the inmates and pay a small wage to the prisoners for the completion of their work tasks. Utilizing prison labor allowed the Standard Overall Company to keep their labor costs down. Yet, when economic

⁸⁶ “500 In Pen Refuse to Work After Wage Cutting,” *Baltimore News*, December 3, 1932; “800 Convicts on Idle List in Penitentiary,” *Baltimore Sun*, [undated, December 3, 1932?], “Maryland Penitentiary, Baltimore,” Vertical File, EPFL.

conditions rapidly deteriorated in the wake of the 1929 stock market downturn, the Standard Overall Company petitioned the Board of Welfare, requesting a contract renegotiation with a reduced cost of labor. The Board of Welfare members agreed, and passed on a portion of the renegotiation to prison inmates in the manner of a thirty-five-cent wage reduction. When the Board of Welfare announced the wage reduction in the first week of December, prison inmates working in the three prison shops of the Standard Overall Company chose to strike in protest.⁸⁷

Several elements of the 1932 prison strike resembled previous acts of prisoner resistance, such as the collective refusal of inmates to work, and the close attention given by the news media. However, this prison strike, significant in the context of the Great Depression, was more clearly described by inmates, prison administrators, and the press as a struggle over wage rates and as a labor action in its own right. As discussed in the previous chapter, prison administrators and members of the press framed the 1920 prisoner protest as a hunger strike. During this episode, the majority of prisoners resisted for only one day, and after being disciplined on a diet of bread and water, most agreed to return to work the next morning. When the remaining belligerent inmates managed to escape from their cells and destroy portions of the interior structure, news reporters emphasized the inmates' violent destruction of prison property.⁸⁸

⁸⁷ "500 in Pen Refuse to Work After Wage Cutting," *Baltimore News*, December 3, 1932; "600 Prisoners Go on Strike in Pen Shops," *Baltimore Sun*, December 3, 1932; "800 Convicts on Idle List in Penitentiary," *Baltimore Sun*, [undated, December 3, 1932?], "Maryland. Penitentiary, Baltimore," Vertical File, EPFL. Special thanks to Erich Schultz for his assistance in locating newspaper articles on the 1932 prisoner strike. On the Standard Overall Company, see for example, Board of Welfare Minutes, February 13, 1930, S250-9, 13123, MSA.

⁸⁸ On the 1920 prison strike and riot, see Chapter 1 of this thesis; Shugg, *A Monument to Good Intentions*, 123-125; State Board of Prison Control, *Annual Report*, 1920, 6; "[Unintelligible] in Penitentiary: Battle in the Dark," *Baltimore American*, August 21, 1920; "Convicts Battle All

Convicts On Strike At Pen



Maryland Penitentiary Strike, 1932⁸⁹

By comparison, the 1932 prison strike was discussed in its economic context. Newspaper accounts, for example, explicitly explained the strike as a reaction to a significant wage reduction in the Standard Overall Company prison contract. Many journalists reporting on this strike highlighted the orderly behavior of the striking

Night in Mad Riot at the Maryland 'Pen,'" *Baltimore News*, August 20, 1920; "Penitentiary Quiet after a Rough Night," *Baltimore News*, August 21, 1920.

⁸⁹ Photograph from "500 in Pen Refuse to Work After Wage Cutting," *Baltimore News*, December 3, 1932. Periodical Room, Enoch Pratt Free Library/Maryland's State Library Resource Center (EPFL). My thanks to Erich Schultz for locating newspaper articles and photographs of the 1932 strike.

prisoners and the quiet dignity in which the prisoners went about their regular routine—how they marched to the workhouses, and then sat idly in a demonstration of passive resistance. There was no mention of food complaints. This shift in both the prisoners’ refusal to accept a labor contract negotiated by the state, and the way the press described the strike as a labor action, rather than petty belligerence, reveals how the debate over prison labor intensified during the economic depression.⁹⁰

In order to contextualize these tensions, this chapter will revisit the conditions of the partial state-use system established by the Maryland state legislature in 1922. The actions of unionized laborers in organizing against the prison labor system during the 1920s will be discussed, as well as some of the major challenges faced by members of the Board of Welfare. This framework serves to contextualize the heightened tensions during the early years of the Great Depression. Agitation from labor organizations, the passage of national labor legislation, and the challenges of a rising prison population and a declining stream of prison revenue exacerbated ongoing disagreements regarding the nature of prison labor in Maryland. Prison inmates themselves contributed to and capitalized on heightened labor anxieties during the early years of the Great Depression. Through their collective resistance during the 1932 prison strike, inmates ensured that their actions were understood in the broader context of the crisis of unemployment. The inmate grievances revealed how prison laborers, like the wage workers in Maryland during the depression, highlighted the state’s inability to provide for their welfare.

⁹⁰ On description of “passive resistance,” and orderly prisoner behavior, see “600 Prisoners Go on Strike in Pen Shops,” *Baltimore Sun*, December 3, 1932, “Maryland. Baltimore Penitentiary,” Vertical File, EPFL. *Baltimore News* sources reporting on prisoner attitudes mid-strike describe inmates as “sullen, defiant and restless” in “Peace Offer Refused in Pen Strike,” *Baltimore News*, December 5, 1932; “Board Backs Warden in Prison Policy,” *Baltimore News*, December 6, 1932, however, the *Baltimore News* still examines the resistance of the inmates in terms of labor action.

Civilians reading about the prison strike would have been alerted to the state's double failure to provide for workers both within and without prison walls. Ultimately, this chapter argues that the success of the prison strike came in part from the inmates' ability to tap large-scale anxieties of unemployment challenges faced by free working men and women.⁹¹

Prison Labor During the 1920s

It was within a state transformed by the industrial growth of World War I and postwar recession that the Maryland General Assembly adopted the partial state-use system in 1922. The Maryland legislature empowered the newly created Board of Welfare to establish mixed contract and state-use labor arrangements in the prison system. The seven member Board of Welfare was comprised of male and female administrators "appointed by the Governor with the advice and consent of the Senate." On January 5, 1923, during the first meeting of the Board of Welfare, Robert D. Case, former secretary of the recently disbanded Board of Prison Control, was elected as Secretary and Treasurer of the Welfare Board. His bound notebooks of typed minutes detail the Welfare Board's business in arranging both state-use and private company

⁹¹ On labor agitation from World War I to the Depression Era, see Zieger and Gall, *American Workers, American Unions*, 33-65. On national legislation and prison concerns, see for example McKelvey, *American Prisons*, 274-310. On Baltimore in the 1920s, see Crenson, *Baltimore: A Political History*, 381-388; On Maryland in the 1920s, see Brugger, *Maryland, a Middle Temperment*, 427-494. On Baltimore in the Depression Era, see for example Skotnes, *A New Deal for All?*; Crenson, *Baltimore: A Political History*, 388-393.

prison labor contracts, attending to reports of prison conditions, overseeing the transfer of prisoners, and establishing policies and rules of prison conduct.⁹²

In the 1920s, prison administrators established a mixed labor system in which inmates were employed in both state-use industries and contract labor in private workshops within prison walls. As detailed in the previous chapter, Board of Welfare members arranged the employment for prisoners in such state-use industries as automobile tag manufacture, printing, and shoes and clothing for state-use. This work was carried out within prison walls in designated state-use shops. Prison administrators outfitted the shops with manufacturing equipment through appropriations given by the state legislature. In addition, prisoners were employed in the private manufacture of shoes, furniture, and clothing for companies such as the Guildford Shoe Company, Inc., Imperial Furniture Company, Continental Pants Company, and Standard Overall Company, to name a few.⁹³ Thus, prison administrators carried on a mixed system of both private and state prison employment.

⁹² On the industrial impact of World War I, see for example Zieger and Gall, *American Workers, American Unions*, 37; On Baltimore postwar recession, see Argersinger, "The City that Tries to Suit Everybody," 94-95. On the Board of Welfare, see Maryland, *Laws of Maryland*, 1922, "An Act to Organize in Departments the Executive and Administrative Functions of the State," chpt. 29, art. 7, sec. 2; United States, Prison Industries Reorganization Administration, *Prison Labor Problem in Maryland*, 3 (quotation). For notes on the first meeting of the Board of Welfare, see Board of Welfare Minutes, January 5, 1923, S250-1, 13115, MSA. For the activity of the Board of Welfare, see Board of Welfare Minutes, 1923-1939, S250-1 to S250-18, MSA.

⁹³ For examples of state-use industries in Maryland, see Board of Welfare Minutes, March 2, 1923, April 6, 1923, August 13, 1923, S250-1, 13115; October 5, 1923, July 22, 1924, S250-2, 13116; March 26, 1925, S250-3, 13117; October 8, 1925, S250-5, 13119; November 4, 1926, S250-6, 13120; October 18, 1928, S250-8, 13122, MSA. On 1922 legislative changes, see Maryland, *Laws of the State of Maryland*, 1922, chap. 464, sec. 6. For names and contract agreements of companies see for example, Board of Welfare Minutes, January 5, 1923, April 6, 1923, August 13, 1923, S250-1, 13115; June 20, 1924, S250-2, 13116; October 8, 1925, June 3, 1926, S250-5, 13119; January 13, 1927, April 28, 1927, S250-6, 13120; January 12, 1928, S250-7, 13121; March 16, 1929, S250-8, 13122, MSA.

The industrial work of prisoners had parallels to the employment of wage laborers in Baltimore. During the early twentieth century, Baltimore ranked as a prominent industrial center for clothing, automobile production, and steel manufacturing, and by the end of the 1920s, Baltimore boasted the third busiest port in the nation. In 1923, the city of Baltimore attracted forty-four new industrial factories and increased manufacturing jobs for its large industrial workforce.⁹⁴ Workshops both inside and outside the prison were often arranged on the task basis and laborers were given daily production quotas.⁹⁵ Prisoners in the early 1920s were paid a wage of about 25 cents for the first task, and the state 75 cents, although there were a few inmate positions that paid higher wages, such as a prison clerk position with a salary of \$15 per month. Prisoners who were able to accomplish additional work afterward were allowed to keep the full amount of the wages earned.⁹⁶ The inmates were able to save their earnings, send it to family or friends outside the prison, or spend it at the prison commissary. A 1928 news article reported that prisoners earned an average of \$200 in yearly earnings, which would come to an estimated weekly pay of \$4.00.⁹⁷ In comparison, male garment workers outside of the prison earned about \$40 per week during the 1920s.⁹⁸ Thus, it is clear that private

⁹⁴ On the Baltimore port, see Skotnes, *A New Deal for All?*, 12; On expanding Baltimore industry, see Crenson, *Baltimore: A Political History*, 383.

⁹⁵ On manufacturing conditions, see Argersinger, "The City That Tries to Suit Everybody," 86-88.

⁹⁶ Raynor, "The Other Side of the Penitentiary Walls," *Baltimore Sun*, Sunday Morning, April 20, 1924, "Maryland. Penitentiary, Baltimore," Vertical File, Maryland Room, EPFL.

⁹⁷ James M. Hepbron, "Convict Labor," *Evening Sun*, April 26, 1928, "Convict Labor" Vertical File, EPFL.

⁹⁸ "5,000 Clothing Workers Lay Down Tools and Strike," *Maryland Leader*, September 17, 1932.

companies were able to contract prison inmates for wages significantly below that of free workers.

While prison administrators boasted that prisoners were able to earn money while in prison, their assertions were somewhat misleading. In a 1924 article in the *Baltimore Sun*, Henry C. Raynor, a former prisoner who served a three-year sentence in the Maryland Penitentiary in the early 1920s, complained that prisoners often were forced to spend portions of their wages to purchase necessary items such as bedding, underwear, and clothing—items that many would consider the responsibility of the state to provide. These expenses prevented prisoners from saving more of their wages while engaged in the prison workshops.⁹⁹

The low-wage labor system generated enough revenue to the state to allow the Maryland prison system to operate mostly on a self-sufficient basis and return a profit to the state. The balance for the combined earnings of the Maryland Penitentiary and House of Corrections for 1927 resulted in a surplus of over \$33,000 paid to the state treasury. A considerable portion of the surplus came from the profits of prisoners laboring in contract shops and state-use industries.¹⁰⁰ Taxpayers in Maryland during the 1920s contributed little to the general upkeep of the prisons.¹⁰¹ A 1928 Baltimore news article lauded the convict labor system in the Maryland Penitentiary for being largely “self-sustaining” and

⁹⁹ Raynor, “The Other Side,” *Baltimore Sun*, April 20, 1924, “Maryland. Penitentiary, Baltimore,” Vertical File, EPFL.

¹⁰⁰ Board of Welfare Minutes, January 12, 1928, S250-7, 13121, MSA; See also Board of Welfare Minutes, October 18, 1928, S250-8, 13122, MSA. On surplus of \$40,000 returned in 1923, see Raynor, “The Other Side,” *Baltimore Sun*, Sunday Morning, April 27, 1924, “Maryland. Penitentiary, Baltimore,” Vertical File, EPFL.

¹⁰¹ Raynor, “The Other Side,” April 20, 1924, “Maryland. Penitentiary, Baltimore,” Vertical File, EPFL.

noted that the prison “costs the taxpayers of the State less than \$60,000 annually.”¹⁰²

While the prison labor system was celebrated by state officials for its rehabilitative benefits, it is clear that the revenue it generated substantially motivated the continued reliance on prison labor.

Labor union members were concerned with the competition of prison-made products on the open market. Labor leaders agitated for the ending of private prison contracts and advocated for state-use industries. Labor leaders believed that the state-use system was favorable because it meant that prison-made products would be sold directly to states outside of the free market and thus pose less of a threat to workers in labor unions.¹⁰³ Evidence of efforts made by prison administrators to bolster state-use industries can be seen in some of the Board of Welfare minutes. For example, in April 1923, the warden of the Maryland Penitentiary and members of the Board of Welfare discussed a plan to employ female inmates in the House of Correction in laundering the clothing of the inmates in both the Maryland Penitentiary and House of Correction. This motion reflected both the desire to find employment for prisoners and to provide traditional gendered work assignments. During this time, women sentenced in the Maryland prison system were kept apart from male inmates. This separation influenced the type of labor that was considered appropriate for female prisoners, thus reflecting the gender norms of labor that were imposed by the prison administration. The Board of

¹⁰² Hepbron, “Convict Labor,” *Evening Sun*, April 26, 1928, “Convict Labor,” Vertical File, Maryland room, EPFL.

¹⁰³ On labor agitation, see for example, McLennan, *Crisis of Imprisonment*, 232-239, 388-390, 459-464, 471; Byer and United States Bureau of Labor Statistics, *Prison Labor in the United States, 1932*, 210; Maguire, “Industry,” in *Encyclopedia of American Prisons*, 254-255; “Convict Contractor a Slave Driver,” *Labor Leader*, June 15, 1912.

Welfare approved the laundry plans, and in the fall of 1923, laundry equipment was moved to the House of Corrections for the use of female inmates.¹⁰⁴

Male inmates, on the other hand, were seen as fit workers for labor-intensive manufacturing and road construction. Members of the Board of Welfare sought ways to expand the state-use automobile production, and in the spring 1923, held a meeting in the Maryland Penitentiary “in which all parties interested in the making of automobile tags...were present.” Prison administrators sought to secure auto tag making contracts in states outside of Maryland, and signed a contract with the State of Florida to manufacture automobile tags in the Maryland Penitentiary state-use shops.¹⁰⁵ However, this expansion did not supply enough work to keep all inmates employed, and additional work for inmates was secured by hiring out inmates on state road construction projects. Throughout the summer and fall months, prisoners were taken outside of the prison and transported to road construction sites in various Maryland counties.¹⁰⁶

True to Progressive Era bureaucratic principles, prison administrators focused attention on the prison conditions and rehabilitation of inmates. One prisoner, Henry C. Raynor, who served a prison sentence in the early 1920s, pointed out the need for better ventilation and temperature control in the cells. Overall, however, he seemed satisfied

¹⁰⁴ “Penitentiary Prisoners’ Ages Spread Over 75-Year Span,” [undated newspaper article], “Maryland. Baltimore Penitentiary,” Vertical File, EPFL; Board of Welfare Minutes, April 6, 1923, S250-1, 13115; October 5, 1923, S250-2, 13116, MSA. For information on the maintenance of separate prison facilities for men and women, see Board of Welfare Minutes, January 12, 1923, S250-1, 13115, MSA.

¹⁰⁵ On the prison automobile tag industry, see Board of Welfare Minutes, April 6, 1923, S250-1, 13115; June 20, 1924, July 22, 1924, S250-2, 13116; October 8, 1925, S250-5, 13119, MSA.

¹⁰⁶ Board of Welfare Minutes, June 3, 1926, S250-5, 13119; November 4, 1926, S250-6, 13120; October 8, 1928, S250-8, 13122, MSA.

that conditions in the prison system were improving. Raynor described conversations he had with “old-time” inmates in the prison who spoke of improved food and work conditions compared with those of years earlier. The prison warden enacted clear policies about appropriate disciplinary methods to rein in power abuses of prison guards. Officers who oversaw work in the prison shops were restricted by new prison policies from using undue force to control the prisoners. One officer complained that he had once been able to beat a prisoner in order to instill discipline, but was now prevented from “knock[ing] his block off as he pleased.”¹⁰⁷ This illustrates a shift in prison discipline from a reliance on physical force to more humanitarian policies. In addition, it reveals the expansion of bureaucratic rules and procedures used to govern the actions of guards and civil servants employed at the prison.¹⁰⁸

During the 1920s, recreational opportunities for inmates also improved from the previous decade. Warden Swezey of the Maryland Penitentiary rewarded prisoners who had records of good behavior by allowing them some leisure time after work hours for recreation, reading, and conversation.¹⁰⁹ Raynor lauded the warden for his efforts in rooting out corruption and establishing a community for good behavior. He wrote, “Each evening, men whose conduct is such as to warrant it are taken to a large room where, in

¹⁰⁷ Raynor, “The Other Side,” *Baltimore Sun*, Sunday morning, April 20, 1924, “Maryland Penitentiary, Baltimore,” Vertical File, EPFL; Shugg, *A Monument to Good Intentions*, 128-129.

¹⁰⁸ On Progressive Era ethics, see Lisa McGirr, “The Interwar Years,” in *American History Now*, 126-127; Gilmore, “Introduction: Responding to the Challenges of the Progressive Era,” in *Who Were the Progressives?*, 3-24; On Progressive Era penal reforms, see Colvin, *Penitentiaries, Reformatories, and Chain Gangs*, 153-198; Grasso, “Broken Beyond Repair,” 394-404 (on “managerial penal philosophy” see 398 and McLennan, *Crisis of Imprisonment*, 418-419, 441, 466); McKelvey, *American Prisons*, 88-196, 234-298; Sullivan, *The Prison Reform Movement*, 1-43; Shugg, *A Monument to Good Intentions*, 119-121.

¹⁰⁹ Shugg, *A Monument to Good Intentions*, 126.

the presence of officers, they can have card games, music and other simple recreations... This recreation not only means a great deal to the moral and physical health of the prisoners, but it has proved a most valuable aid to discipline.” The warden’s implementation of a positive reward system contrasted with that of earlier regimes that relied on physical force to discipline prisoners. The reliance on programs of merit and reward for good behavior reflects larger national trends during this period.¹¹⁰

In regards to the full implementation of these progressive policies, much depended on the attitudes and behaviors of the prison guards. Raynor remarked that the warden was limited by his inability to automatically dismiss guards from service without major cause. Guards who were resentful of the restrictions placed on them found ways to unfairly punish prisoners anyway through nonviolent means. For example, one domineering officer forced inmates on his watch “to stand in driving rain or snow for ten minutes at a time, for no reason except that to show his power.” While prison policies and punishments were more humanitarian in principle, the attitudes and actions of prison guards responsible for enforcement varied the actual treatment of the prisoners.¹¹¹

In similar manner, the ethics of some private contractors at the prison were also suspect. Raynor described how one contractor of a pants workshop would strategically require prisoners to load products during lunch or dinner time as a way to eke out extra work without pay. Another contractor, angered by new terms which required the payment of a higher wage to experienced inmates, attempted to shirk the requirement by rotating

¹¹⁰ Raynor, “The Other Side,” April 20, 1924, “Maryland. Penitentiary, Baltimore,” Vertical File, EPFL (quotation). On national prison reform trends, see for example, McLennan, 443-453, 466-467, 471-472; McKelvey, *American Prisons*, 234-310.

¹¹¹ Raynor, “The Other Side,” April 20, 1924, “Maryland. Penitentiary, Baltimore,” Vertical File, EPFL.

inmates through tasks to avoid paying them the higher wage, and a shirt-making firm attempted to “evade the payment of any wage at all to their men, and constantly tried to raise the daily task.” Prisoners brought grievances to the warden in regards to the shirt contractor, and one day the inmates found the “the contract cancelled, the contractor gone, and another in his place who was more fair.” Such accounts reveal that prisoners actively negotiated for fair treatment and that their grievances held some weight with the warden.¹¹²

While the reforms of the 1920s largely improved prison conditions, like other aspects of progressive reform, new prison policies also sheltered racially prejudiced social science recommendations, medical opinions, and merit-based grading systems. Raynor, himself a white male, described his alarm at being seated in the dining hall between rows of black inmates. He learned from fellow prisoners who had been sentenced to the Penitentiary years before, that the “mixing of races” in the prison used to be more standard, but in more recent years “ha[d] been partially corrected.” This “correction” resulted in increased segregation. Revealing racial prejudice as the normative social view of the time, Raynor published evidence of increased segregation in the prison to further his argument that prison conditions were better in the 1920s than they were years before.¹¹³

¹¹² Raynor, “The Other Side,” April 20, 1924, and April 27, 1924, *Baltimore Sun*, “Maryland. Penitentiary, Baltimore,” Vertical File, EPFL. On racial prejudice in the penal system, see McKelvey, *American Prisons*, 293.

¹¹³ Raynor, “The Other Side,” *Baltimore Sun*, April 20, 1924, “Maryland. Penitentiary, Baltimore,” Vertical File, EPFL. On racism and progressive reform, see Gilmore, “Introduction: Responding to the Challenges of the Progressive Era,” in *Who Were the Progressives?*, 8, 15. On progressive emphasis on penal classification, see for example, McLennan, *Crisis of Imprisonment*, 195, 420-421; McKelvey, *American Prisons*, 270-277, 284-285, 290. David J. Rothman, *Conscience and Convenience: The Asylum and Its Alternatives in Progressive America*

Moreover, racial prejudice also affected services that were rendered by private reform groups that operated outside general state jurisdiction. The Prisoners' Aid Association provided many services for recently released inmates at the John Howard Center boarding house. This center provided temporary housing and shelter and assisted inmates in finding stable employment. However, the housing, meals, and resources at the John Howard Center were only available to white male ex-convicts. The Association reports that similar resources were made available to women and "colored men" through "private houses or other agencies," thus signaling the separation of resources on a gendered and racially segregated basis.¹¹⁴

Progressive Era science also led to troubling medical policies and procedures, including sterilization of prisoners deemed as "feeble-minded." During the 1920s, members of the Board of Welfare and the Board of Mental Hygiene arranged for semi-annual joint meetings. The two boards, responsible for the security of those deemed criminal and mentally ill, often communicated regarding the transfer of inmates from the prison system to hospitals and mental care units if they were found psychically unstable.¹¹⁵ At a joint meeting of the boards on February 17, 1927, the administrators discussed the "sterilization of certain insane and feeble-minded under proper safeguards

(New York: Aldine de Gruyter, 1980), 122-128, 143-145; Grasso, "Broken Beyond Repair," 394-404.

¹¹⁴ Prisoners' Aid Association, *Annual Report of the Prisoners' Aid Association of Maryland, 1932-1933*, May 29, 1933, ([Baltimore], 1933), 4 (quotation), Maryland Room, EPFL; see also Prisoners' Aid Association of Maryland, *Where Shall They Turn?: Sixty-Sixth Annual Report of The Prisoners' Aid Association of Maryland, May 1936*. [Baltimore], 1936, Maryland room, EPFL.

¹¹⁵ See for example, Joint Meeting of Board of Welfare and Board of Mental Hygiene, Board of Welfare Minutes, July 22, 1924, S250-2, 13116, MSA; Board of Welfare Minutes, June 3, 1926, S250-5, 13119, MSA.

and with the consent of the patient or his guardian or next friend” and motioned that such “should be authorized by Act of the General Assembly.”¹¹⁶ Discussions such as these highlight the troubling ethics of progressive reforms. State oversight of normative categories severely restricted the freedom and rights afforded to marginalized inmates and mental health patients. While progressive penologists and civic reformers may have insured better living and working conditions in the Maryland state prison system, such reforms came at the cost of greater state control over those deemed unproductive, both in terms of their labor and their reproductive capabilities.¹¹⁷

Moreover, an increasing prison population during the 1920s meant that an increasing number of Maryland’s population came under the criminal control of the state. The prison population of the Maryland Penitentiary increased by nearly three hundred men over the decade of the 1920s. In 1922, the number of inmates serving time at the Maryland Penitentiary was recorded at 848.¹¹⁸ One year later, due to concerns of overcrowding, the members of the Board of Welfare established a policy in 1923 to transfer female inmates to the Maryland House of Corrections.¹¹⁹ In addition to the transfer policy, the state also relied on efforts to reduce overcrowding through the parole

¹¹⁶ Joint Meeting of Board of Welfare and Board of Mental Hygiene, Board of Welfare Minutes, February 17, 1927, S250-6, 13120, MSA.

¹¹⁷ For a discussion of the overreach of progressive social reforms, see Colvin, *Penitentiaries, Reformatories, and Chain Gangs*, 171-184 (Colvin in particular speaks to reproductive restrictions on 177-180), Colvin draws upon Foucault to discuss the expansion of social science as a form of state control; see also McKelvey, *American Prisons*, 267-274, 278-288, 290; McLennan, *Crisis of Imprisonment*, 195; 420-421. On Progressive Era links between penal systems and mental hygiene, see Rothman, *Conscience and Convenience*, 294, 301-309, 324-335. On eugenics and punitive progressive reforms, see Grasso, “Broken Beyond Repair,” 394-400.

¹¹⁸ “Penitentiary Prisoners’ Ages Spread Over 75-Year Span,” [undated newspaper article], “Maryland. Baltimore Penitentiary,” Vertical File, EPFL.

¹¹⁹ Board of Welfare Minutes, January 12, 1923, S250-1, 13115, MSA.

system.¹²⁰ Notwithstanding these measures, by 1928, the population of the Penitentiary had expanded to 1,175 male inmates, “every one” of whom, a Baltimore news article boasted, “is employed” in productive labor.¹²¹

The growing population was sizeable enough that prison administrators sought solutions to address the expanding prison population by not only seeking to reduce sentences through parole but by expanding prison employment facilities as well. As has been described previously, the Board of Welfare invested in new laundry equipment for the use of female inmates at the House of Correction.¹²² Prison administrators arranged for further employment of prisoners by making plans for the construction of a foundry inside the Maryland Penitentiary. With a budget between \$75,000 to \$100,000 for the construction of the foundry, Board of Welfare members sought bids from private construction companies in June 1924.¹²³

The construction of a foundry within the walls of the Maryland Penitentiary aroused the opposition of labor representatives in Baltimore who argued that the prison foundry would inevitably compete with the iron manufactories in which they worked. Letters of protest piled up from trade unions such as the International Brotherhood of

¹²⁰ See for example, Maryland, Parole Commissioner, *Report of Parole Commissioner of the State of Maryland, Report for Years 1927-1928*, January 1, 1929 [Annapolis?: Maryland Parole Commissioner, 1929], Maryland Room, EPFL.

¹²¹ Hepbron, “Convict Labor,” *Evening Sun*, April 26, 1928, “Convict Labor,” Vertical File, EPFL.

¹²² Board of Welfare Minutes, April 6, 1923, S250-1, 13115; October 5, 1923, S250-2, 13116, MSA; Board of Welfare Minutes, January 21, 1926, April 20, 1926, S250-5, 13119, MSA.

¹²³ Board of Welfare Minutes, March 3, 1924, S250-2, 13116, MSA (foundry construction budget); Board of Welfare Minutes, June 20, 1924, S250-2, 13116, MSA (private contracting bids). The expansion of prison populations and facilities during this period reflect national trends, see for example, McKelvey, *American Prisons*, 280-289.

Electrical Workers, Local Union no. 28, United Brotherhood of Carpenter and Joiners of America, Local Union No. 340, Allegany Trades Council, and seemingly less related trades such as the Brotherhood Railway Carmen of America, Musical Union of Baltimore City, Local, No. 40, and Yeast Workers' Local Union No. 323.¹²⁴ This method of protest by union workers was familiar in Baltimore during this period. During the mid-1920s, members of the Building Trades Council pressed Baltimore Mayor Jackson to award union workers with city construction contracts.¹²⁵ Yet, even as petitions from the various union organizations swelled in regards to state prison construction plans, members of the Board of Welfare received the letters, filed them away, and promptly continued with plans for the construction of the prison foundry.

In addition to prison foundry construction, prison administrators sought to expand the prison system through the erection of an entirely new penal facility. In July 1926, the members of the Board of Welfare met to “discuss prison conditions . . . and to outline plans for prison extensions to take care of the overcrowded conditions.” The members moved that action be taken to secure the approval of the Governor and the Maryland State legislature to “make provisions” to construct a new prison facility in the country.¹²⁶ In the meantime, plans were made to build a new structure to house prisoners at the House of Correction. As will be shown, the plans for the new prison facility evidence the

¹²⁴ Board of Welfare Minutes, January 18, 1924, January 28, 1924, March 3, 1924, S250-2, 13116, MSA.

¹²⁵ Crenson, *Baltimore: A Political History*, 383-384.

¹²⁶ Board of Welfare Minutes, July 1, 1926, S250-5, 13119, MSA.

high priority prison administrators placed on the labor productivity of inmates during this period.¹²⁷

Early Years of Depression

Following the stock market plunge in the fall of 1929, the public debate over prison labor intensified. Private and state employment of prison labor was at the forefront of organized labor's complaints. In November 1929, after the President of the Baltimore Federation of Labor, Henry F. Broening, sent a letter to the Board of Welfare regarding "the employment of prison labor in the penal institutions," the Board of Welfare invited Broening to attend their next meeting on December 5, 1929. During this meeting, Broening was accompanied by two additional members of the Baltimore Federation of Labor, Vice President Joseph F. McCurdy and Charles J. Derlin. The labor representatives discussed the system of labor at the Maryland Penitentiary and Maryland House of Correction, and pleaded the cause of Baltimore workers. Specifically, Broening, McCurdy, and Derlin urged the sole adoption of state-use industries in place of the contract system in order to safeguard the employment and earnings of union members.¹²⁸

Rather than choosing to address concerns of organized labor by curtailing prison contract employment in the months following Broening's visit, prison administrators attempted instead to bolster the prison labor system. In order to secure prison revenues, the Superintendent of prison system, Harold E. Donnell, and members of the Board of Welfare sought to expand prison labor arrangements and decried growing idleness in the

¹²⁷ Board of Welfare Minutes, September 21, 1927, S250-6, 13120, MSA.

¹²⁸ Board of Welfare Minutes, November 14, 1929 (quotation), and December 5, 1929, S250-9, 13123, MSA.

prisons. During this period, a newspaper article titled, “A Hard Problem,” focused attention on the growing crises of unemployment in the prison system and, like Donnell and the Board of Welfare, expressed growing alarm with the number of prisoners who sat idle in the prisons. In the article, prison labor is cast as a virtuous system that readies “inmates to return to society as self-supporting and self-respecting members.” The article reports that 158 prisoners were currently idle in the prison, and relates that a further increase was sure to follow with the ending of private contracts. Prison administrators looked to various proposals to alleviate the problem of prison idleness. Mirroring national trends in prison reform policies, Maryland recommendations included the adoption of policies to separate out prisoners who seemed to have the most likely chance of being reformed. Other solutions addressed concerns of overcrowding and included plans for the construction of a state penal farm in the country.¹²⁹

While local lobbying efforts of organized labor met resistance from the Board of Welfare, national labor coalitions found some success at the federal level. In January 1929, Congress passed the Hawes-Cooper Act, a piece of legislation championed as a collaborative effort between organized labor (specifically the American Federation of Labor), the General Federation of Women’s Clubs, and the United States Chamber of Commerce. While the co-sponsorship of the American Federation of Labor together with the U.S. Chamber of Commerce may seem unusual, it shows how prison labor threatened

¹²⁹ “A Hard Problem,” *Baltimore Sun*, August 2, 1930 (quotation). On the Maryland prison administration plans for new prison construction, see for example, Board of Welfare Minutes, July 1, 1926, S250-5, 13119; November 4, 1926, S250-6, 13120; June 12, 1930, June 23, 1930, S250-9, 13123, MSA. On national discussions of prison idleness and rehabilitation through labor, see for example, Sullivan, *The Prison Reform Movement*, 37-38; Rothman, *Conscience and Convenience*, 137-139; McLennan, *Crisis of Imprisonment*, 177-192, 195-197; McKelvey, *American Prisons*, 306-307; Conley, “Prisons, Production, and Profit,” 257-258, 270.

both wage workers and business owners who did not hold prison contracts. With support from an unusual pairing of organized labor, private association, and business interests, this act curtailed the sale of prison-made goods in competition with free labor products.¹³⁰ Specifically, the law stated that “all goods, wares, and merchandise manufactured, produced, or mined, wholly or in part, by convicts or prisoners . . . [were] subject to the operation and effect of the laws of such State” that they were shipped to.¹³¹ Because many states outlawed the selling of prison-made goods, the law severely curtailed the profits of private companies that contracted at the prison. The act made it possible for states to eliminate the sale of interstate prison goods. While a grace period of five years was allotted before the law was enforced, the impending restrictions, compounded with the sudden economic downturn of the depression forced out private companies and pressured prison administrators to search for inmate employment on state industry. During this period, national penal experts continued to debate the most effective means of prison reform as prisons across the country were disrupted by a series of prison riots in

¹³⁰ On the Hawes-Cooper Act coalition, see Michael A. Hallett, “Hawes-Cooper Act,” in *Encyclopedia of American Prisons*, eds. Marilyn D. McShane and Frank P. Williams III (New York: Garland Publishing, Inc., 1996), 230-232. On the General Federation of Women’s Clubs see Suzanne O’Dea, “General Federation of Women’s Clubs,” in *From Suffrage to the Senate: America’s Political Women*, 2nd ed. (Amenia, NY: Grey House Publishing, 2013), accessed online April 7, 2018, Credo Reference; Karen J. Blair, “General Federation of Women’s Clubs,” in *The Reader’s Companion to U.S. Women’s History*, ed. Wilma Pearl Mankiller (Boston, MA: Houghton Mifflin, 1998), accessed online April 7, 2018, Credo Reference; Rogene A. Buchholz, “Chamber of Commerce of the United States,” in *Encyclopedia of Business Ethics and Society*, ed. Robert W. Kolb (Thousand Oaks, CA: Sage Publications, 2008), accessed online April 7, 2018, Credo Reference.

¹³¹ For the wording of the Hawes-Cooper Act, see Conference bulletin, “Conference on Prison Labor in Maryland as Affected by the Hawes-Cooper Law,” Lord Baltimore Hotel, March 22, 1932, “Convict Labor” Vertical File, EPFL. On labor agitation in the Depression Era, see McLennan, *Crisis of Imprisonment*, 461-462.

1929, and the federal Wickersham commission released a report detailing the underperformance of prison rehabilitation programs.¹³²

State governors and prison administrators fiercely opposed the passage of the Hawes-Cooper Act. At a national conference of state governors, many governors openly criticized the act “as usurpation by Federal authority of the rights of the States to meet their prison problems.” The Governor of Connecticut stated that the reorganization to state-use industries would cost an estimated annual amount of \$600,000, and the Governor of Minnesota described a loss of \$500,000 to his state. Governor Franklin D. Roosevelt of New York claimed the act was “unconstitutional” and urged that it be examined in court.¹³³ In Maryland, prison administrators bemoaned anticipated losses in newspaper reports. The secretary of the Board of Welfare, Robert D. Case, said that the Hawes-Cooper Act, by prohibiting the sale of prison-made goods on the open market, would lead to idleness in the prison and significant profit losses to both the state treasury and wages earned by the inmates.¹³⁴

Members of the Maryland Board of Welfare responded to the pressure of the Hawes-Cooper Act by moving forward with plans to construct a new prison site in the country in order to employ prisoners in agricultural labor. The members of the Board of

¹³² On Hawes-Cooper Act and the Great Depression, see McLennan, *Crisis of Imprisonment*, 459-461; Hallett, “Hawes-Cooper Act,” in *Encyclopedia of American Prisons*, 230-232; “\$400,000 Loss in Prison Work is Predicted,” *Baltimore Sun*, March 20, 1930, “Convict Labor” Vertical File, EPFL; “Asserts Pen Still Churns Out Usual Volume of Goods,” *Baltimore Sun*, November 1, 1931, “Convict Labor” Vertical File, EPFL. On national prison debates, see McKelvey, *American Prisons*, 299-305; On 1929 prison riots, see McKelvey, *American Prisons*, 295-296, 299-300; Sullivan, *The Prison Reform Movement*, 40. On the 1931 federal Wickersham report, see McKelvey, *American Prisons*, 303-304; Sullivan, *The Prison Reform Movement*, 40-41.

¹³³ “Governors Assail Prison Goods Law,” *Baltimore Sun*, July 3, 1930.

¹³⁴ “\$400,000 Loss in Prison Work is Predicted,” *Baltimore Sun*, March 20, 1930, “Convict Labor” Vertical File, EPFL.

Welfare desired to select a site that would be conducive to “giving as much employment to prisoners . . . as was possible” in agricultural labor.”¹³⁵ Throughout the process of selecting a site, members of the Board of Welfare consulted a geologist from the University of Maryland to assess soil conditions at the various sites. Board members cited “pending legislation” as a major motivation for finding a new prison site where prisoners could be put to work in the fields, thus revealing the effect of federal restrictions on prison production.¹³⁶ On June 23, 1930, the purchase of land for the new prison was approved near Roxbury, Maryland.¹³⁷ Considering the efforts in constructing a new prison site and expanding employment contracts with both private contractors and state-use industries, it is clear that securing employment for prisoners was at the forefront of the prison administration’s agenda in the midst of the economic crisis.

During the early depression years, the rhetoric surrounding the prison labor debate intensified as Baltimore laborers expressed fears of unemployment and made appeals to basic needs of food and clothing. In November, 1929, an article titled “If You Want to Work Become a Criminal” was published in the *Baltimore Federationist*, the journal of the Baltimore Federation of Labor, and emphasized the hardship prison labor imposed on working men and their dependents. The article’s contents and subtitle, “Honest Men and their Families Starve While Murderers Take their Jobs Behind Prison Walls” reveal the opposition of organized labor against prison contracts. Further antagonism was voiced in a news clipping entitled “Goes to Jail to Eat” printed in the *Maryland Leader*, the news

¹³⁵ Board of Welfare Minutes, June 12, 1930, S250-9, 13123, MSA.

¹³⁶ Board of Welfare Minutes, June 12, 1930, S250-9, 13123, MSA.

¹³⁷ Board of Welfare Minutes, June 23, 1930, S250-9, 13123, MSA.

source of the Maryland Socialist party. The report provides a brief account of a prisoner who escaped from jail in 1929. One year and a half later, he turned himself in to the Detroit police and, upon being sentenced to prison, expressed, “I could at least eat regularly in prison.”¹³⁸ By caustically emphasizing the state’s provision of basic necessities to the criminal population, these articles highlighted a view that the state neglected the welfare of its law-abiding civilians. Examples of biting rhetoric were also voiced in local meetings of organized labor.

During a meeting of the Baltimore Federation of Labor in June 1930, F. C. Bandell of the Electrical Workers’ Union expressed disapproval of the Board of Welfare’s plans to employ inmates in the construction of the new penal institution. He argued that unionized electrical workers should be hired to do the electrical wiring in order to prevent fires caused by faulty wiring and assure quality control. With dramatic flourish, Bandell asserted, “I want the wiring in our Penitentiary to be good, because I may be an inmate some day, and I don’t want to be burnt up.” When pressed to explain his remark regarding future imprisonment, Bandell cited the dismal economic opportunities. As “the unemployment situation was becoming alarmingly worse,” he said he feared “that honest laboring men may be obliged to turn to crime to support their families.” By this argument, Bandell cast the lack of state relief in moral terms. While criminal action was ethically suspect, Bandell implied that the lack of state aid to “honest laboring men” was even more reprehensible.¹³⁹ The inability of the state to provide for

¹³⁸ “If You Want to Work Become a Criminal,” *Baltimore Federationist*, November 22, 1929; “Goes to Jail to Eat,” *Maryland Leader*, September 12, 1931.

¹³⁹ “Protests Prison Labor on Construction of Pen,” *Baltimore Sun*, June 26, 1930.

the needs of its citizens during the Great Depression created a crisis of disillusionment and a questioning of state authority among members of the working class.

By discussing prison labor in terms of the harsh economic conditions, wage laborers pointed out the state's double neglect of unionized workers. The state not only refused to provide public aid to unemployed workers, but state administrators deliberately took labor opportunities away from Baltimore free workers by employing inmates in the construction project of the state penal farm. In protest, workers agitated for the right to be awarded contracts for state prison construction. Members of unions highlighted the unfairness of being passed over for contracts by prison inmates—criminals who were already guaranteed adequate food and shelter by state during their sentencing period.¹⁴⁰

As these public discussions reveal, the challenge of maintaining employment for inmates, securing funds for the operating expenses of the prison, and reducing the ire of free organized labor, intensified during the depression. Prison administrators struggled to supply sufficient funds for the penal institutions and operated under a deficit.¹⁴¹ While the members of the Board of Welfare may have been willing to give an audience to labor leaders as a courtesy in the fall of 1929, they were adamantly unwilling to cut off the contracts of private businesses that established workshops in the prisons. On the contrary, when several prison contract companies wrote to Board in early 1930 desiring to terminate their contracts, the Board refused. At the meeting of the Board of Welfare on February 13, 1930, the economic strain of the times was very apparent. The board

¹⁴⁰ "Protests Prison Labor on Construction of Pen," *Baltimore Sun*, June 26, 1930 (quotations); see also, "Is the Prison Contract System in Competition with Free Labor," *Baltimore Federationist*, December 9, 1932.

¹⁴¹ On the deficit, see Board of Welfare Minutes, February 13, 1930, S250-9, 13123, MSA. On Broening's visit, see Board of Welfare Minutes, December 5, 1929, S250-9, 13123, MSA.

members read a letter from the Jones Hollow Ware Company, a long-time prison labor employer at the Maryland Penitentiary. In the letter, the company noted that the contract was set to expire on April 30, 1930. However, the owner desired “to take advantage of the sixty day clause mention[ed] in the contract” and hoped to “terminate their contract sixty days from February 1st.” Notwithstanding the existing low cost of prison labor, the Jones Hollow Ware Company sought a release from its contract as it made efforts to relocate.¹⁴²

At this same meeting, a member of the Board of Welfare read a letter from the Annapolis Garment Company in which the owners requested similar concessions from the board to terminate their contract in accordance with the sixty day clause, or renegotiate “payment made to the State for its labor.” The renegotiation clause implied that the Annapolis Garment Company owner considered the costs of inmate labor prohibitive during the economic downturn. Finally, a third letter was read—this from the Standard Overall Company. The Standard Overall Company had shops in both the Maryland Penitentiary and Maryland House of Corrections for the manufacture of pants and overalls. In the letter, the company owner requested a ten-cent reduction per day for the employment of inmates in its prison shops. These requests and the ensuing discussion of the Board of Welfare members revealed mounting economic concerns.¹⁴³

During the deliberations that followed in the meeting, Board of Welfare members were immediate in their denial of the sixty-day termination option for the Jones Hollow Ware Company and the Annapolis Garment Company. Board members highlighted the

¹⁴² Board of Welfare Minutes, February 13, 1930, S250-9, 13123, MSA.

¹⁴³ Board of Welfare Minutes, February 13, 1930, S250-9, 13123, MSA.

pressure from existing companies to terminate their contracts and the impossibility of finding companies to fill them. Prison administrators expressed concern “that labor conditions at the Penitentiary had become serious.” The loss of contracts led to idleness in the prisons, and board members pointed out how this loss of profit compounded the “deficit in the earnings of the Institution.”¹⁴⁴

After presenting the economic exigency of the situation, board members discussed the requests from the private companies to lower the employment wage of the prisoners. During this debate, board members discussed the merits of the Standard Overall Company. Using paternalistic language, board members mentioned how the Standard Overall Company had been operating within the prison system for several years, how company representatives “had always cooperated fully with prison management,” and how the company now offered to employ additional inmates who had become idled in the institution. At another point in the discussion, a board member raised concerns of competition with working men and women. Members questioned “whether a lowering of the rate of pay to meet the present emergency would by possibility involve any unfair competition with outside labor.”¹⁴⁵ These deliberations highlighted both the conflicting interests of private contractors versus unionized laborers and how members of the Board of Welfare struggled to navigate their responsibility to secure inmate employment, retain the graces of private companies, and ensure fair labor dealings with union workers.

Convinced that conceding to a reduction of workshop revenue was better than either complete loss or frayed business relations, board members concluded to agree to

¹⁴⁴ Board of Welfare Minutes, February 13, 1930, S250-9, 13123, MSA.

¹⁴⁵ Board of Welfare Minutes, February 13, 1930, S250-9, 13123, MSA.

the wage reduction requests of both the Standard Overall Company and the Annapolis Garment Company. Although prison administrators were aware of the unemployment crisis for laborers outside of the prison system, they chose to secure operating revenue over concerns of organized labor. While board members viewed the concession as a temporary measure “only to meet the present emergency of idleness,” the interests of private capital won out. Rather than choosing to initiate the termination of the private contract system as requested by the Baltimore Federation of Labor, the Board of Welfare members rather exacerbated labor competition by negotiating prison wage rates downward in efforts to appease private companies.¹⁴⁶

As the enforcement date of the Hawes-Cooper Act neared and prison labor problems of overcrowding and idleness intensified, representatives from the state prison system, private companies, and organized labor met to discuss prison labor concerns at a conference organized by the Prisoners’ Aid Association. The aim of the conference was to establish “the basis for a prison policy in Maryland.” The conference was sponsored by high-ranking government officials and civic leaders, including the Governor of Maryland, Albert C. Ritchie; the Superintendent of the Maryland prison system, Harold E. Donnell; the President of the Baltimore Federation of Labor, Henry F. Broening; and L. Alan Dill, President of the Prisoners’ Aid Association. The conference took place at the Lord Baltimore Hotel on Tuesday, March 22, 1932, and was open to the public free of charge. Conference organizers intended the all-day event to serve “as an open forum for a presentation of views from all of the interests affected, with the hope of focusing public

¹⁴⁶ Board of Welfare Minutes, February 13, 1930, S250-9, 13123, MSA (quotations). On the Baltimore Federation of Labor request, see Board of Welfare Minutes, December 5, 1929, S250-9, 13123, MSA.

attention on the subject and rendering such assistance as public interest and support may offer.” The conference supported a morning, afternoon, and evening session, with a luncheon discussion during the noon hour.¹⁴⁷

Conference presenters addressed a range of opinions and perspectives regarding the Hawes-Cooper Act, including a panel on the “Significance of Work for Prisoners.” Five presenters representing opposing views shared remarks, including Austin H. McCormick from the Federal Bureau of Prisons representing prison administration, the owner of the Gatch Wire Goods Company representing corporate interests, the Secretary of the League of Women Voters representing public interests, Henry F. Broening, President of the Baltimore Federation of Labor representing organized labor, and a social worker at the Maryland Penitentiary representing the experience of prisoners.¹⁴⁸ This line-up of speakers represented widely diverging perspectives, ranging from the pro-convict labor position of corporate contractors and the opposing view of labor leaders. While conference organizers recognized the need to include the perspective of prison inmates, their efforts resulted in provisions only for the tokenized comments of a prison social worker.

Debates over the prison labor system were at times very animated. President Broening of the Baltimore Federation of Labor laid out the organization’s course for lobbying for state legislation to secure the Hawes-Cooper Act during the next season of lawmaking in the Maryland General Assembly. The federal act allowed states to

¹⁴⁷ “Would Keep Prison Goods from State,” *Baltimore Sun*, March 23, 1932 “Convict Labor” Vertical File, EPFL (first quotation); Conference bulletin, “Conference on Prison Labor in Maryland as Affected by the Hawes-Cooper Law,” Lord Baltimore Hotel, March 22, 1932, “Convict Labor” Vertical File, EPFL (second quotation).

¹⁴⁸ Conference bulletin, “Conference on Prison Labor in Maryland as Affected by the Hawes-Cooper Law,” Lord Baltimore Hotel, March 22, 1932, “Convict Labor” Vertical File, EPFL.

determine whether prison goods from other states would be sold on the open market. Broening stated that the Baltimore Federation of Labor would “resort to every fair means to have [such legislation] passed” in order to prevent Maryland from becoming the “[e]astern dumping ground for prison-manufactured products.” As a solution for the problem of prison labor, Broening presented a six-point proposal. He argued that the prison system should maintain inmate labor in state-use industries solely, replace the use of factory machinery for mass production and move to non-machine craftsmanship, shorten the working hours of prisoners, devote time to training, implement a robust parole and probation system, and establish a state forestry program for prisoners. When prison superintendent Harold E. Donnell questioned Broening after his remarks as to whether the Baltimore Federation of Labor wanted to “scrap all machinery” in the prison, Broening assured him that was exactly the goal.¹⁴⁹

At one point, a debate ensued between Joseph P. McCurdy, the Vice President of the Baltimore Federation of Labor, and Charles Shuman, a representative from a prison clothing contractor. McCurdy read figures detailing the harmful effect of prison goods on the efforts of free labor manufacturers. Shuman “took issue” with this reading and countered that “prison-made goods cost the manufacture more to produce than those made outside of prison.” Rather than getting away with a labor bargain, the contractor asserted that “prison-made products in the clothing line were being undersold in the open market.”¹⁵⁰

¹⁴⁹ “Would Keep Prison Goods from State,” *Baltimore Sun*, March 23, 1932 “Convict Labor” Vertical File, EPFL.

¹⁵⁰ “Would Keep Prison Goods from State,” *Baltimore Sun*, March 23, 1932 “Convict Labor” Vertical File, EPFL.

During conference sessions, prison administrators asserted the value of the contract prison system against the agitations of organized labor. Harold E. Donnell, Superintendent of the Maryland prison system asserted that the only way to effectively address the prison labor problem was to maintain the contract system in the prisons. Of course, much of his concern stemmed from the need to generate sufficient income from the labor of prisoners. There were some at the conference who supported this view by maintaining that the contract labor system was not as harmful to outside labor as the public was made to believe. A Swarthmore professor of economics, Louis N. Robinson, asserted that it was impossible to secure the lack of competition from prison-made goods on the open market. Even if the contract system was entirely replaced by a state-use system, he said, “competition with free labor in some form will exist.” While this assertion pointed out economic realities, it did not further an acceptable compromise between prison administrators and organized labor.¹⁵¹

Some discussions went beyond the prison labor system itself and examined larger structural concerns of overcrowding and idleness. Joseph N. Ulman, a judge on the Supreme Bench of Baltimore, presented the case for establishing a robust parole and probation system in Maryland. By reintegrating prisoners back into society under a supervised program, Judge Ulman argued that the problem of idleness and overcrowding in the prisons could be resolved. He estimated that the state would save \$10,000 annually for every one hundred prisoners put on probation. The prison conference highlighted the competing concerns and solutions of prison administrators, private contractors, and labor organizers, and also reflected national conversations about prison labor and penal

¹⁵¹ “Would Keep Prison Goods from State,” *Baltimore Sun*, March 23, 1932 “Convict Labor” Vertical File, EPFL (quotation). See Robinson, *Should Prisoners Work?*

reforms. Just one year before, a national commission released a report on *Penal Institutions, Probation and Parole*, which documented the struggle to maintain prison labor separate from the traditional contract labor system, and the general failure of penal institutions to successfully rehabilitate inmates.¹⁵² The Baltimore prison labor conference provided a local forum for parties with divergent interests to debate needed changes to prison labor policies within the state.

In the months following the conference, the challenge of employing inmates in prison shops became more desperate. Harold E. Donnell, prison superintendent, experimented with various labor arrangements, including whether to employ prisoners in the shops for three days, or to place them on a reduced work schedule. By the end of the month, prison administrators determined to operate the prison workshops for five hours a day in order to maintain a morning of work and discipline. Prisoners were given recreation after the shops closed at noon.¹⁵³

Union laborers in Baltimore also faced closed shops and unemployment. As economic conditions continued to deteriorate, labor organizers sought ways to make their concerns heard. During the summer of 1932, free workers in Baltimore met in protest to articulate their frustration with the lack of favorable labor legislation within the state. The

¹⁵² “Would Keep Prison Goods from State,” *Baltimore Sun*, March 23, 1932 “Convict Labor” Vertical File, EPFL. On national discussions of prison idleness and rehabilitation through labor, see for example, Robinson, *Should Prisoners Work?*; Byer and United States Bureau of Labor Statistics, *Prison Labor in the United States, 1932*, 1-12, 208-216; Sullivan, *The Prison Reform Movement*, 37-38; Rothman, *Conscience and Convenience*, 137-139; McLennan, *Crisis of Imprisonment*, 177-192, 195-197; McKelvey, *American Prisons*, 306-307; Conley, “Prisons, Production, and Profit,” 257-258, 270. On parole reforms, see Sullivan, *The Prison Reform Movement*, 27-34; McKelvey, *American Prisons*, 179-182. On the national commission report, see Sullivan, *The Prison Reform Movement*, 40-41 (the 1931 report was led by George Wickersham of the National Commission on Law Observance and Enforcement).

¹⁵³ “State Prison Shops Put on 5-Hour Basis,” *Baltimore Sun*, May 29, 1932.

unemployment rate, likely under-reported, represented 16% of the workforce. Baltimore labor leaders had contemplated organizing a rally of unemployed workers as a way to pressure state politicians to take action on labor policy. However, they ultimately chose to organize a meeting on July 29, 1932 in which they presented their legislative platform and requested a special session of the Maryland General Assembly to take action immediately in enacting progressive labor policies and unemployment relief.¹⁵⁴

Labor organizers continued to voice their opposition to depression wage reductions through demonstrations and strikes. In September 1932, five thousand workers of the Amalgamated Clothing Workers of America (ACW) union left their workstations and turned out into the streets during a general strike. The ACW, rooted in socialist ideology, represented workers in the clothing industry, an industry that frequently employed laborers in sweatshop conditions. The ACW union was founded in 1914 and had made powerful gains in reducing the work hours and raising the pay scale in the years leading up to the depression. However, the economic slump had decimated those gains, and in some cases workers found themselves taking earnings that were reduced from \$40 per week to a depression rate of \$10 per week. Women garment workers made even lower wages, reporting between \$6.50 and \$8 for sixty hours of labor in a week. During the September strike, five thousand striking workers, two-thirds of whom were women, demanded better wages and more equitable conditions. Police officers used force

¹⁵⁴ “B.F. of L. Asks Special Session,” *Baltimore Federationist*, July 29, 1932; For unemployment rate, see Skotnes, *A New Deal for All?*, 92. On Baltimore during the Great Depression, see Skotnes, *A New Deal for All?*; Argersinger, *Making the Amalgamated*, 140-177; Jo Ann E. Argersinger, “Assisting the ‘Loafers’: Transient Relief in Baltimore, 1933-1937,” *Labor History* 23 no. 2 (1982): 226-245; Crenson, *Baltimore: A Political History*, 388-393. On the national labor response to the Great Depression, see Zieger and Gall, *American Workers, American Unions*, 50-65.

to arrest a number of striking workers and remove them from the streets. Many demonstrators suffered bruises and minor injuries by the state's attempts to control the situation and restrict the strike. Through their collective action, ACW members were able to convince seventy percent of Baltimore clothing manufactures to agree to their demands.¹⁵⁵

Three months later, inmates chose to organize the prison strike in the Standard Overall Company prison workshops over wage reductions. While prisoners did not officially hold standing with unions, the incident illustrates their ability to organize effectively in order to halt prison production for an entire week. As they were not able to physically walk out of their shops, the prisoners chose to sit at their workstations in an effective use of "passive resistance."¹⁵⁶ The work in the prison overall shops was set up on a task basis, a labor system that was used in factories that employed wage laborers outside prison walls. In this system, prisoners were required to meet an establish production quota. Once they fulfilled their first task, they were encouraged to work a second task as overtime. The payment earned for each task was divided between the state and individual prisoners. In fall 1932, the wage contract of the three Standard Overall

¹⁵⁵ On ACW strike and men's wages, see "5,000 Clothing Workers Lay Down Tools and Strike," *Maryland Leader*, September 17, 1932; On women's wages in Baltimore, see Argersinger, "The City That Tries to Suit Everybody," 96, 101. On the 1932 ACW strike and injuries and arrests, see Argersinger, "The City That Tries to Suit Everybody," 88, 92-96, 101. On ACW union activity during the Great Depression, see Argersinger, *Making the Amalgamated*, 140-177; Skotnes, *A New Deal for All?*, 23-25. On Baltimore during the depression, see Skotnes, *A New Deal for All?*, 11-115; On national labor union activity during the depression, see Zieger and Gall, *American Workers, American Unions*, 50-65.

¹⁵⁶ "500 in Pen Refuse to Work After Wage Cutting," *Baltimore News*, December 3, 1932; "600 Prisoners Go on Strike in Pen Shops, Baltimore *Sun*, December 3, 1932, "Maryland. Penitentiary, Baltimore," Vertical File, EPFL (article describes inmates' actions as "passive resistance"); "800 Convicts on Idle List in Penitentiary," *Baltimore Sun*, [undated, December 3, 1932?], "Maryland. Penitentiary, Baltimore," Vertical File, EPFL.

Company shops awarded the state sixty cents for the first task and allowed prisoners to keep twenty cents. For the second task, the prisoners pocketed the entire wage of seventy-five cents. In comparison, male garment workers outside the prison made about \$10 a week in the height of the Great Depression.¹⁵⁷

As has been previously shown, the Standard Overall Company had already renegotiated the wage a year and a half earlier with the Maryland prison administration.¹⁵⁸ The additional reduction in 1932 lowered the wages of prisoners still further. For the second task, the prisoners' wage dropped forty cents while the state was given twenty cents. Prisoners no longer were allowed to keep their entire earnings for their work on the second task, but rather had to divide their earnings with the state.¹⁵⁹ As a result of the wage reduction, prisoners who completed both their first and second tasks saw a total reduction of thirty-five cents per day in wages.

On the morning of Friday, December 2, 1932, when the renegotiated contract between the Board of Welfare and the owner of the overall manufacturing shops went into effect, the workers marched to their work positions and sat passively at their workstations in protest of the wage decrease. At the end of the day, the inmates were marched back to the mess hall for the regular routine of supper and then marched to their

¹⁵⁷ On Standard Overall Company pre-strike wage, see "600 Prisoners Go on Strike in Pen Shops," *Baltimore Sun*, December 3, 1932, "Maryland. Penitentiary, Baltimore," Vertical File, EPFL; "800 Convicts on Idle List in Penitentiary," *Baltimore Sun*, [undated, December 3, 1932?] "Maryland. Penitentiary, Baltimore," Vertical File, EPFL; "500 in Pen Refuse to Work After Wage Cutting," *Baltimore News*, December 3, 1932. On male garment worker's wage in the Depression, see "5,000 Clothing Workers Lay Down Tools and Strike," *Maryland Leader*, September 17, 1932. On Baltimore workshop conditions, see Argersinger, "The City that Tries to Suit Everybody," 80-101.

¹⁵⁸ Board of Welfare Minutes, February 13, 1930, S250-9, 13123, MSA.

¹⁵⁹ "600 Prisoners Go on Strike in Pen Shops," *Baltimore Sun*, December 3, 1932, "Maryland. Penitentiary, Baltimore," Vertical File, EPFL; Pen Contract to be Retained Despite Strike, *Baltimore Sun*, December 5, 1932, "Maryland. Penitentiary, Baltimore," Vertical File, EPFL.

cells for the night. Inmates maintained the quiet order they had during the morning breakfast routine and did not erupt into rowdiness or violence. One prison officer remarked, “What got us was that they were more orderly and more quiet than they usually are. It was a shock.”¹⁶⁰ By maintaining order, the prisoners made it clear that their grievance was not with the prison warden or guards, but rather state prison administrators responsible for reducing their wages.¹⁶¹ Fully two thirds of the prisoners were unemployed that day, predominantly as a result of the overall shop strike.

The strike continued into the next day. On the morning of Saturday, December 4, 1932 inmates started off with the usual order of breakfast and marched to the workshops for the regular half day of labor. Upon arriving at the workshops, prisoners in the overall shop again stood idle at their stations. Warden Brady visited the prison shops and investigated the situation. At midmorning, he said that the “situation was unchanged. . . the men quietly but firmly refused to return to work.”¹⁶² When the time for the noon meal came and the ending of the workday, the prisoners were taken back to the mess hall and then allowed the normal Saturday afternoon recreational activities. Some inmates chose to spend time in the prison yard, while others listened to the radio broadcast of the Army Navy football game or watched a movie.¹⁶³

¹⁶⁰ “600 Prisoners Go on Strike in Pen Shops,” *Baltimore Sun*, December 3, 1932, “Maryland. Penitentiary, Baltimore,” Vertical File, EPFL (quotation).

¹⁶¹ “800 Convicts on Idle List in Penitentiary,” *Baltimore Sun*, [undated, December 3, 1932?] “Maryland. Penitentiary, Baltimore,” Vertical File, EPFL (prisoners’ grievance with the Board of Welfare); “500 in Pen Refuse to Work After Wage Cutting,” *Baltimore News*, December 3, 1932; “600 Prisoners Go on Strike in Pen Shops, *Baltimore Sun*, December 3, 1932, “Maryland, Penitentiary, Baltimore,” Vertical File, EPFL.

¹⁶² “500 In Pen Refuse to Work After Wage Cutting,” *Baltimore News*, December 3, 1932 (quotation).

¹⁶³ “500 In Pen Refuse to Work After Wage Cutting,” *Baltimore News*, December 3, 1932.

At first, prison administrators largely ignored the strike. Superintendent of the Maryland prison system, Harold E. Donnell, who visited the Maryland Penitentiary on both days of the strike, downplayed the significance of the inmate's actions. He recognized that Saturday was a half-day of work and expected that the men would return to work early the next week. Speaking on behalf of prison administrators he remarked, "We are not worrying. The prisoners are only hurting themselves by cutting off the money they are earning. I am sure they will see this in the proper light as soon as they look matters squarely in the face."¹⁶⁴ In this manner, Donnell easily dismissed the significance of a thirty-five cent wage reduction as an event of no import. It is likely prison administrators downplayed the incident in order to lessen public attention on the matter, as it revealed the state's inability not only to respond to civilian concerns in a time of economic crisis, but its failure to adequately control its prison population.

Figures in positions of authority passed responsibility to others. The owner of the Standard Overall Company shrugged off any responsibility for the strike. After visiting the prison Saturday morning, he stated, "The matter is entirely in the hands of the Board of Welfare. There is nothing that I can say or do about it. It is up to the Board what percentage of the money is paid to the prisoners."¹⁶⁵ Board of Welfare members likewise dodged responsibility. At the time of the strike, the President of the Board of Welfare, Stuart S. Janney, was visiting Philadelphia to attend the Army Navy football game.

¹⁶⁴ "500 In Pen Refuse to Work After Wage Cutting," *Baltimore News*, December 3, 1932 (quotation).

¹⁶⁵ "500 In Pen Refuse to Work After Wage Cutting," *Baltimore News*, December 3, 1932 (quotation).

Janney initially deflected his responsibility by expressing his confidence in the actions of Warden Brady and Superintendent Donnell. Janney “said he would confer” with the warden and superintendent, “but insisted that he considered these officials able to cope with the situation without the action of the Board of Welfare.”¹⁶⁶ In one aspect, however, Janney was outspoken. He was quick to assert that the terms of the contract between the Penitentiary and the Standard Overall Company would remain. He remarked, “The contract is going to stand; there will be no change.” With this insistence, Janney dismissed the prison strike as a cause without merit.¹⁶⁷ During the first few days of the strike, prison administrators could identify no clear leaders of the strike. Plans were made to convene a special meeting of the Board of Welfare the next week.

Monday morning, December 5, dawned. After the regular breakfast routine the prisoners were again brought to the shops. Rather than meekly starting up the overall machinery, the strikers held their stance of passive resistance. The extended state of unemployment unnerved prison officials. When it became apparent that prisoners were not going to be easily persuaded to give up the strike, the Superintendent of the prisons, Harold E. Donnell and the members of the Board of Welfare met to discuss strategies to end the strike. At this time, 1,132 prisoners were serving sentences in the Maryland Penitentiary. While prison labor was divided between a mix of state-use and private company work, the three shops of the Standard Overall Company employed the highest

¹⁶⁶ “Pen Contract to be Retained Despite Strike,” *Baltimore Sun*, December 5, 1932, “Maryland. Penitentiary, Baltimore,” Vertical File, EPFL (quotation).

¹⁶⁷ For information about Janney, see “800 Convicts on Idle List in Penitentiary,” *Baltimore Sun*, [undated, December 3, 1932?], “Maryland. Penitentiary, Baltimore,” Vertical File, EPFL; “Pen Contract to be Retained Despite Strike,” *Baltimore Sun*, December 5, 1932, “Maryland. Penitentiary, Baltimore,” Vertical File, EPFL (quotation).

number of prisoners. The strike and subsequent halt of the production line put approximately six hundred inmates out of work. In addition, two hundred inmates were already idled due to conditions of overcrowding and lack of work in the prison system.¹⁶⁸

As has been previously shown, prison administrators placed a high priority on securing the work of inmates. The prison administration pushed through the construction of a prison foundry amid the protests of Baltimore workers, and intently pursued the construction of a penal farm for agricultural labor.¹⁶⁹ The Board of Welfare members worked to maintain contracts with a number of private firms, showing their willingness to negotiate a lower wage rather than risk the firms closing their shops. Prison idleness was an anathema to state prison officials because it threatened the penal system's primary source of revenue. Contrary to the hard line that President Janney took over the weekend about refusing to give concessions, the Welfare Board decided to adjust the wage scale and offer the prisoners sixty cents rather than forty cents for the second task.

This concession was remarkable in that it signaled the state's recognition of the prisoners' strike. In direct opposition to the initial rhetoric employed by prison administrators, Board of Welfare members acknowledged the wage grievances and sought to appease the inmates through a monetary compromise. This negotiation,

¹⁶⁸ For numbers of prison inmates, see "800 Convicts on Idle List in Penitentiary," *Baltimore Sun*, [undated, December 3, 1932?], "Maryland. Penitentiary, Baltimore," Vertical File, EPFL; and "Pen Contract to be Retained Despite Strike," *Baltimore Sun*, December 5, 1932, "Maryland. Penitentiary, Baltimore," Vertical File, EPFL. On evidence of administrators seeing the need to ramp up efforts to end the strike, see "Deadline Set to End Pen Strike," *Baltimore News*, December 7, 1932. For language of "passive resistance," see "600 Prisoners Go on Strike in Pen Shops," *Baltimore Sun*, December 3, 1932, in "Maryland. Penitentiary, Baltimore," Vertical File, EPFL.

¹⁶⁹ On protests over the construction of the prison foundry, see Board of Welfare Minutes, January 18, 1924, January 28, 1924, March 3, 1924, S250-2, 13116, MSA. On the construction of a new penal farm, see Board of Welfare Minutes, July 1, 1926, S250-5, 13119; June 12, 1930, June 23, 1930, S250-9, 13123, MSA.

however, did not adequately satisfy the striking prisoners. In a clear demonstration of their autonomy, the striking prisoners refused to accept anything less than the previous wage of seventy-five cents. To emphasize their conviction, the inmates continued their collective refusal to work.¹⁷⁰

As conditions stalemated, Superintendent Donnell and the Warden Brady presented a plan to break the strike by separating selected inmates, “deemed by the Warden to be dangerous and particularly involved in the so-called strike” into segregated cells apart from the rest of the inmates. Board of Welfare members immediately approved this plan on Wednesday, December 7, and the warden took direct action to implement it.¹⁷¹ After securing strike leaders in isolation, prison officials allowed the remainder of the inmates the option of returning to work. The prisoners held out during the next day, and strike leaders shouted and beat on their segregated cells. The guards stationed large gas weapons within view of the striking men and threatened to knock everyone out if they did not cease the disturbance. Two of the leaders refused to submit, and each of them were removed and placed in smaller isolated cells. When they still refused to be quiet, they were knocked out with gas bullets. The next morning, exactly, one week from when the strike began, the majority of inmates returned back to the overall shops. Superintendent Harold E. Donnell declared the Penitentiary strike completely over.¹⁷²

¹⁷⁰ On prisoners refusal to accept less than 75 cents, see “Deadline Set to End Pen Strike,” *Baltimore News*, December 7, 1932.

¹⁷¹ Board of Welfare Minutes, December 7, 1932, S250-12, 13126, MSA (quotation).

¹⁷² “Deadline Set to End Pen Strike,” *Baltimore News*, December 7, 1932; “Sprayed with Tear Gas [?] Penitentiary, 2 Overcome: Convicts Howl Defiance Until Attack is Begun then Plead for Mercy,” *Baltimore News*, December 9, 1932; “3rd Strike at Pen is Ended,” *Baltimore News*, December 10, 1932. It is possible that the Maryland prison administrators learned of tear gas

Several significant shifts occurred in the course of the seven-day strike. During the first days of the protest, the attitude of prison administrators was initially very dismissive. Superintendent Harold E. Donnell remarked on Saturday, December 3, that he was sure the prisoners would rethink their actions when they realized that a lesser wage was better than no wage at all. The director of the Board of Welfare, Stuart Janney, articulated a hardline stance declaring that no compromise would be considered. He was disdainful of the action of the inmates and their ability to take collective action by declaring, "Everything given to the prisoners is a gratuity. Every man is an individual and there is no one or no group among them invested with any authority to say what they want or do not want."¹⁷³ Further disregard is evidenced in the language prison administrators used to describe the strike. By describing the inmates as "idle," the administrators tried to dismiss the potency of the inmate's collective action. In reality, the deliberate action of the inmates choosing to remain "idle" and refuse to operate the machinery proved successful in challenging the state's prison labor system.

The Board of Welfare members, realizing the urgent need to take action, sought to appease inmates by renegotiating the terms of contract by raising the wage by twenty cents. However, the wage was still below the original amount, and the prisoners refused to capitulate.¹⁷⁴ Finally, prison administrators reacted by arming prison guards with

technology at a meeting of the American Prison Association held in Baltimore, Maryland in 1931, see McLennan, *Crisis of Imprisonment*, 467.

¹⁷³ "Pen Contract to be Retained Despite Strike," *Baltimore Sun*, December 5, 1932, "Maryland. Penitentiary, Baltimore," Vertical File, EPFL (quotation).

¹⁷⁴ On administrator's initial dismissal, see "500 In Pen Refuse to Work After Wage Cutting," *Baltimore News*, December 3, 1932; Board Backs Warden in Policy," *Baltimore News*, December 6, 1932. On the administration's choice to lessen the wage reduction, see "Deadline to Set to End

pistols and tear gas and separating strike leaders into holding cells, thus breaking the strike by force. The breaking of the strike through violence and intimidation would have been very familiar to laborers who experienced firsthand the state's use of police officers to break labor union strikes in Baltimore. By relying upon violence, the state exposed its ultimate inability to control the situation through rational means.¹⁷⁵

The reactions of the press, prison administrators, inmates, and labor leaders varied widely. The sensational aspects of the strike were emphasized in the *Baltimore News* with banner headlines and a focus on the climax in which guards employed gas bullets to quell the shouting of striking inmates.¹⁷⁶ The *Baltimore Sun* also covered the story in great detail. Notwithstanding the final climactic scene, major news reports about the Penitentiary strike highlighted prisoners' labor grievances. Newspapers provided first-hand testimony from prison administrators, guards, and contract owners, and explained the strike as a response to the wage reduction in the Standard Overall Company contract. Although prisoners were limited in their negotiating power, they were able to win concessions from the prison administration and ultimately gained back a slight increase in the amount of wages, an astonishing victory for an imprisoned population.

Pen Strike, *Baltimore News*, December 7, 1932. On prisoners' refusal to accept less than 75 cents, see "Deadline Set to End Pen Strike," *Baltimore News*, December 7, 1932.

¹⁷⁵ On the breaking of the Pen strike, see "Sprayed with Tear Gas [?] Penitentiary, 2 Overcome: Convicts Howl Defiance Until Attack is Begun then Plead for Mercy," *Baltimore News*, December 9, 1932. On the use of Baltimore police violence to break the September 1932 Amalgamated Clothing Worker strike, see Argersinger, "The City that Tries to Suit Everybody," 92-93, 96, 101.

¹⁷⁶ "Sprayed with Tear Gas [?] Penitentiary, 2 Overcome: Convicts Howl Defiance Until Attack is Begun then Plead for Mercy," *Baltimore News*, December 9, 1932.

Economic implications of the prison labor strike were not lost on organized labor leaders. On the final day of the prison strike, December 9, 1932, Joseph P. McCurdy, the president of the Washington D.C. and Maryland chapters of the American Federation of Labor, published an article in the *Baltimore Federationist* that discussed the prison strike. In the article, McCurdy focused on the economic damage caused by prison contracts, and gave as an example the closing of the Washington Pants Company in the District and its removal to Virginia prison workshops in order to compete with the Standard Overall Company.¹⁷⁷ Another labor critique, also published in the December 9th issue of the *Baltimore Federationist*, cited the strike as evidence of the failure of the state to provide for its working population. Not only did the prison system curtail labor employment, but state officials actively sought labor contracts for a criminal population that was fed and clothed by the state. The author argued that Board of Welfare members “should not lose sight of the fact that the State feeds and shelters the inmates” giving “a practical guarantee of the necessities of life...while the free laborer unemployed has no assurance of either food or shelter.” In other words, the strike exacerbated organized labor concerns that not only did state officials worsen the unemployment crisis by securing the contracts of private employers for its criminal population, but they failed to provide either direct aid or work relief to its law-abiding, upstanding citizens.¹⁷⁸

The prison strike would have held resonance in a city in which thousands of free workers felt the economic strain of the Great Depression. As has been shown, unionized men and women in Baltimore petitioned the state for unemployment relief during the

¹⁷⁷ Joseph P. McCurdy, “Prison Labor,” *Baltimore Federationist*, December 9, 1932.

¹⁷⁸ “Is the Prison Contract System in Competition with Free Labor,” *Baltimore Federationist*, December 9, 1932.

early years of the depression. Workers contested their right to fair earnings and employment. Unions such as the ACW organized protests and strikes over conditions of unemployment and low-wages. In a society that valued labor for its moral value, the rising levels of unemployment intensified public anxiety.¹⁷⁹ It was within this context that convict laborers in the Maryland Penitentiary workshops organized their strike. The significance of this event was not lost on newspaper reporters. While prison administrators refused to acknowledge the agency and deliberate actions of prison inmates, news articles frequently used the term “strike” and many emphasized the measured, collective resistance of the inmates.¹⁸⁰

By choosing to strike, prison inmates placed themselves within the larger context of labor agitation of the period, and thrust the prison industry system clearly into public view. It is crucial to note, however, that there is no evidence that labor organizations in Baltimore stood in solidarity with striking inmates at the Maryland Penitentiary. Outside the prison, labor organization members generally did not identify with the grievances of

¹⁷⁹ On Baltimore labor strikes, see Skotnes, *A New Deal for All?*, 93-95; Argersinger, *Making the Amalgamated*, 142-148; Argersinger, “The City that Tries to Suit Everybody,” 92-93, 96-97, 101. On ideology of the moral value of labor, see for example, Rodgers, *The Work Ethic in Industrial America, 1850-1920*, xix-xxiii, 1-29, 122-124, 214-223, 228-232; O’Donnell, *Henry George and the Crisis of Inequality*, 9, 27, 130-131, 207.

¹⁸⁰ On news reactions, see for example, “Pen Strike Leaders are Segregated,” *Baltimore Sun*, December 8, 1932; “Convicts on Strike at Pen,” *Baltimore News*, December 3, 1932; “Pen Strikers Refuse Peace Plan Proffer,” *Baltimore News*, December 5, 1932; “500 In Pen Refuse to Work After Wage Cutting,” *Baltimore News*, December 5, 1932; “800 Convicts on Idle List in Penitentiary,” *Baltimore Sun*, [undated, December 3, 1932?], “Maryland. Penitentiary, Baltimore,” Vertical File, EPFL. ¹⁸⁰ On description of “passive resistance,” and orderly prisoner behavior, see “600 Prisoners Go on Strike in Pen Shops,” *Baltimore Sun*, December 3, 1932, “Maryland. Baltimore Penitentiary,” Vertical File, EPFL. *Baltimore News* sources reporting on prisoner attitudes mid-strike describe inmates as “sullen, defiant and restless” in “Peace Offer Refused in Pen Strike,” *Baltimore News*, December 5, 1932; “Board Backs Warden in Prison Policy,” *Baltimore News*, December 6, 1932, however, the *Baltimore News* still examines the resistance of the inmates in terms of labor action.

prisoners or see them as laborers in their own right who deserved fair working conditions. As seen in the *Baltimore Federationist* newspaper commentary, labor leaders were concerned with restricting prison labor in order to ameliorate the strain of having to compete with a guaranteed population of low-wage labor.¹⁸¹ A variety of factors may help to explain why labor organizations chose not to stand in solidarity with the prisoners themselves, including racial prejudice, the emphasis of trade work, and cultural assumptions about labor.

First of all, while Baltimore had one of the largest urban black populations in the nation, the city was highly segregated. The demographics of labor unions and reform organizations reflected both the racial prejudices of wage laborers and urban elite. Historian Andor Skotnes has documented how the Baltimore Federation of Labor was made up of conservative trade workers.¹⁸² In 1930, the Maryland population was registered in the United States census as 84% white and 16% colored. However, the prison population demographics in Maryland revealed how black inmates were highly overrepresented. The Maryland prison population was majority black. In the years 1935-1936, the prison population was documented as 42% white and 58% colored. Inmates were classified and segregated according to race, and thus labor assignments were

¹⁸¹ McCurdy, "Prison Labor," *Baltimore Federationist*, December 9, 1932; "Is the Prison Contract System in Competition with Free Labor," *Baltimore Federationist*, December 9, 1932.

¹⁸² On segregation in Baltimore, see Skotnes, *A New Deal for All?*, 11-12, 16-17; Argersinger, *Making the Amalgamated*, 165-166; Crenson, *Baltimore: A Political History*, 340-345, 418-419, 423, 507-508. On segregation in labor unions, see for example, Skotnes, *A New Deal for All?*, 23-25; Argersinger, *Making the Amalgamated*, 133-134, 159-160, 165-166. On the Baltimore Federation of Labor as made up of conservative trade unions, see Skotnes, *A New Deal for All?*, 22-23. On demographics of Baltimore progressive elite, see Crooks, *Politics and Progress*, 195-236.

influenced by an inmate's race.¹⁸³ It may be that the racial prejudices of white working men who made up the traditional labor union base in Baltimore dissuaded actions of solidarity with a majority black prison population. In addition, the emphasis on trade work itself might have precluded the Baltimore Federation of Labor affiliates from uniting together with Maryland inmates. Prisoners were put to work within manufacturing industries and factory-like labor conditions. The Baltimore Federation of Labor was based on a trade system and did not always identify with or support low-wage workers within manufacturing industries.¹⁸⁴

Finally, broad cultural understandings about labor and moral economy may have led working men and women to agree with the rehabilitative uses of prison labor. Unemployment and idleness connoted vice and moral deviance in a republican society that valued industry and productivity. Early twentieth century penologists and prison administrators frequently addressed the problem of prison unemployment as one of idleness and emphasized the rehabilitation of the prisoner through labor. A prisoner was to redeem himself and prove his value to society by his labor. This same rhetoric of the moral importance of labor was championed by working men and women as well. In fact, it is possible that prison administrators coopted language used by labor unions in order to

¹⁸³ On the 1930 census figures for Maryland, 1935-1936 Maryland prison demographics, and labor assignments based on race, see United States, Prison Industries Reorganization Administration, *Prison Labor Problem in Maryland*, 4. On segregation within the prison, see Raynor, "The Other Side of the Penitentiary Walls." *Baltimore Sun*, April 20, 1924, "Maryland. Penitentiary, Baltimore." Vertical File, Maryland Room, EPFL.

¹⁸⁴ On the Baltimore Federation of Labor's focus on trade workers, see Skotnes, *A New Deal for All?*, 22-23. On a general history of labor unions see Zieger and Gall, *American Workers, American Unions*. On racial dynamics of Baltimore unions, see for example, Skotnes, *A New Deal for All?*, 23-25; Argersinger, *Making the Amalgamated*, 133-134, 159-160, 165-166. A fruitful area of future research would be to determine if black labor unions or more racially inclusive unions supported labor reforms of prison inmates.

convince the lay public of the importance of employing prisoners, thus obscuring the revenue generating purpose of the labor. At any rate, prison reformers, state officials, and labor leaders alike acknowledged the moral benefits of labor to the project of rehabilitating alleged criminals and fitting them for reentry into society.¹⁸⁵ Labor unions primarily saw the production of inmate goods on the free market as a threat to their livelihood and worked to end the contract labor system, rather than unite behind the prison inmates to secure better working conditions and wages.

On the other hand, the financial stresses of the depression drove prison administrators to maintain a hold on the contract labor system. Concerned with their responsibility to cover operating costs of the prison system, members of the Board of Welfare made efforts to select a new prison site that would support agricultural labor of inmates. While prison administrators made overtures to labor leaders in the Baltimore Federation of Labor and participated in the Baltimore prison labor conference hosted by the Prisoners' Aid Association, they held tightly to contracts of private companies who operated within the prison, and even reduced payments in efforts to appease private

¹⁸⁵ On moral ethics of labor, see for example, Rodgers, *The Work Ethic in Industrial America, 1850-1920*, xix-xxiii, 1-29, 122-124, 214-223, 228-232; O'Donnell, *Henry George and the Crisis of Inequality*, 9, 27, 130-131, 207. On the Protestant work ethic thesis, see Weber, *The Protestant Work Ethic and the Spirit of Capitalism*. On the rhetoric of idleness, see for example Robinson, *Should Prisoners Work?* 1-4, 16-17; "A Hard Problem," *Baltimore Sun*, August 2, 1930; Byer and United States Bureau of Labor Statistics, *Prison Labor in the United States, 1932*, 1-12, 208-216; On labor as a claim of "manhood," see McLennan, *Crisis of Imprisonment*, 178-192, 195, 197, 225; O'Donnell, *Henry George and the Crisis of Inequality*, 130-131. My thanks to Nicole Mahoney for suggesting that I examine "idleness" more closely. On labor leaders advocating the rehabilitative benefits of work for prisoners, see for example, "Convict Contractor a Slave Driver," *Labor Leader*, June 15, 1912; Joseph P. McCurdy, "Credit is Taken for Enactment of Hawes-Cooper Act," *Baltimore Evening Sun*, August 13, 1936, "Convict Labor," Vertical File, EPFL.

companies.¹⁸⁶ Although they may not have been invited, prisoners saw to it that their voices were not absent from prison labor discussions. During the weeklong strike of the shops of the Standard Overall Company, prisoners were able to enter the conversation regarding the prison labor problem and achieve a small victory of control over their wages. Ultimately, the actions of the inmates and the public discussion surrounding it exposed the state's failure to provide relief for its constituents. The incident revealed many uncomfortable realities about prison labor, such as the employment secured for prisoners, that prison administrators would rather have kept outside of public knowledge. By lowering wages and maintaining the contract with the Standard Overall Company, the state overtly exacerbated the unemployment crisis for manufacturers and wage workers outside prison walls, and was excoriated for doing so by the labor press in Baltimore.¹⁸⁷

An intimidating symbol of the state's power, the prison institution—the brick and mortar Penitentiary situated prominently in downtown Baltimore—was a critical site in which the state displayed its authority.¹⁸⁸ The discomfort of prison officials of having the prison strike in clear public display is evidenced by attempts to silence striking inmates by conceding a higher wage. When inmates still showed no signs of ending the strike,

¹⁸⁶ On efforts to select a penal farm site, see Board of Welfare Minutes, June 12, 1930, S250-9, 13123, MSA. On the prison labor conference, see “Conference on Prison Labor in Maryland as Affected by the Hawes-Cooper Law,” Lord Baltimore Hotel, March 22, 1932, “Convict Labor” Vertical File, EPFL. On the decision to retain contracts, see Board of Welfare Minutes, February 13, 1930, S250-9, 13123, MSA.

¹⁸⁷ McCurdy, “Prison Labor,” *Baltimore Federationist*, December 9, 1932; “Is the Prison Contract System in Competition with Free Labor,” *Baltimore Federationist*, December 9, 1932.

¹⁸⁸ On the prison as a symbol of state authority, see Foucault, *Discipline and Punish*; McLennan, *Crisis of Imprisonment*, 3, 163, 283-284, 469.

prison administrators brought the protest to an end through the use of physical force.¹⁸⁹ However, by so doing, they also conceded their complicity in neglecting to prioritize the needs of working men and women. Thus, the actions of prison inmates challenged state authority. The prison labor problem is crucial for understanding not only labor tensions during this period, but broader social and economic anxieties about idleness and productivity. In the final chapter, the intensified wrestle between state administrators, private contractors, and workers, both convict and free, reveals the significant role the prison labor debate had in New Deal ideology.

¹⁸⁹ On the prison strike, see for example, “500 In Pen Refuse to Work After Wage Cutting,” *Baltimore News*, December 3, 1932; “600 Prisoners Go on Strike in Pen Shops,” *Baltimore Sun*, December 3, 1932, “Maryland. Penitentiary, Baltimore,” Vertical File, EPFL.

Chapter Three: To be “Made better human material”:

Prison Labor and the New Deal¹⁹⁰

On the evening of Thursday, December 17, 1936, some eight hundred civilians gathered in Baltimore outside the walls of the Maryland Penitentiary, tickets in hand, awaiting entrance. Perhaps some were primarily attracted by the novelty of getting a glimpse beyond the prison bars, but, according to official purposes, the crowd was there to attend a public meeting on the problem of prison labor—or rather, the *lack* of sufficient inmate employment. Many of the city’s news reporters commented on the novel nature of the event— as far as reporters and prison administrators were able to discern, it was the first meeting open to the public to be held within the walls of a prison. While the meeting was free and open to the public, reservation by ticket was required.¹⁹¹ As the 8pm hour neared, the ticket holders were ushered through the gates and seated in the prison auditorium.

The evening’s program featured four leading prison experts who addressed the audience on the concern of prison idleness and proposed solutions.¹⁹² The attendees were

¹⁹⁰ Quotation from Judge Joseph N. Ulman, chair of the Prison Industries Reorganization Administration in “Prison Board Begins Survey in 3 States,” *Baltimore Evening Sun*, November 28, 1935, “Convict Labor,” Vertical File, EPFL.

¹⁹¹ Samuel H. P. Read, Jr., “Three Men on a Story!” *The Quill*, May 1938, “Convict Labor,” Vertical File, EPFL; “Public is Invited to Meeting in Pen,” *Baltimore Sun*, December 6, 1936, “Maryland. Commission on Prison Labor,” Vertical File, Maryland Room, Enoch Pratt Free Library/Maryland’s State Library Resource Center (hereafter EPFL).

¹⁹² On the meeting held in the prison auditorium, see “Public Session Held in Pen on Idle Issue,” *Baltimore Sun*, December 18, 1936, “Maryland. Commission on Prison Labor,” Vertical File, EPFL; “Convict to be Heard in Idleness Talk,” *Baltimore Evening Sun*, December 17, 1936, “Maryland. Commission on Prison Labor,” Vertical File, EPFL; “Prison Labor Groups Plan Public Meeting,” *Baltimore*, December 1936, “Convict Labor” Vertical File, EPFL; “Public is Invited to Meeting in Pen,” *Baltimore Sun*, December 6, 1936, “Maryland. Commission on Prison

also shown a film titled “Idle Hands” which comprised actual footage of inmates in the Maryland Penitentiary and House of Corrections. After the meeting, which lasted between two and three hours, the Superintendent of the Maryland prison system, Harold E. Donnell interviewed an inmate regarding his inside perspective of prison idleness.¹⁹³ The evening’s proceedings, and the interview with the inmate, were later broadcast on over 62 stations across the nation owned by the National Broadcasting Company (NBC).¹⁹⁴ So great was the concern for the problem of prison idleness, that not only did local Maryland residents turn out for the event in large number, but the radio broadcast of the event had a national following.¹⁹⁵

This public December debate within Penitentiary walls regarding the value and purpose of prison labor was a culmination of years of discussion surrounding the merits and challenges of the so-called “prison labor problem.” The meeting followed upon a number of investigations commissioned in Maryland spurred by the unemployment crisis of the Great Depression, labor agitation, and the federal restriction of interstate prison-good sales. Concerns regarding prison labor contracts, type of goods produced, prison revenue, inmate compensation, and the sale of prison-made products on the market were

Labor,” Vertical File, EPFL; Read, Jr., “Three Men on a Story!” *The Quill*, May 1938, “Convict Labor,” Vertical File, EPFL.

¹⁹³ On the meeting held in the prison auditorium, see “Public Session Held in Pen on Idle Issue,” *Baltimore Sun*, December 18, 1936, “Maryland. Commission on Prison Labor,” Vertical File, EPFL.

¹⁹⁴ For information about the radio broadcast, see Read, Jr., “Three Men on a Story!” *The Quill*, May 1938, “Convict Labor,” Vertical File, EPFL.

¹⁹⁵ For information about the radio broadcast, see Read, Jr., “Three Men on a Story!” *The Quill*, May 1938, “Convict Labor,” Vertical File, EPFL.

heatedly contested by penologists, prison administrators, and labor organizations both locally in Maryland and across the nation.¹⁹⁶

This chapter reveals how the confluence of New Deal policies together with labor agitation ultimately led to the reorganization of the Maryland's penal labor system. While labor representatives had been lobbying the state for the end of the contract labor system for decades, the dire economic straits of the Great Depression produced the political conditions that ultimately pushed the state of Maryland to change its prison labor system. To be sure, the official ending of the contract labor system and adoption of diversified state-use industries marked a victory of decades of labor organizing within Maryland, but it also secured the continued use of low-wage labor by the state. By examining the reorganization of the Maryland prison labor system within the context of the New Deal Era, this chapter details how state officials, when faced with the pressure to reorganize the prison labor system, were able to assert authority by turning to the New Deal state's ethics of work relief and federal intervention for solutions. As politicians were threatened by unemployment both inside and outside the prison, they sought to emphasize the narrative of prison labor as one of social rehabilitation.¹⁹⁷ In the meantime, as Maryland

¹⁹⁶ On Hawes-Cooper legislation, see Hallett, "Hawes-Cooper Act," in *Encyclopedia of American Prisons*, 230-232; "Public Session is Held in Pen on Idle Issue," *Baltimore Sun*, December 18, 1936, "Maryland. Penitentiary, Baltimore," Vertical File, EPFL; United States, Prison Industries Reorganization Administration, *Prison Labor Problem in Maryland*, 5-9; Robinson, *Should Prisoners Work?*, 113-118 (includes denunciation of the Hawes-Cooper Act by the American Prison Association in 1929); Byer and United States Bureau of Labor Statistics, *Prison Labor in the United States, 1932*, 208-216. On curtailed markets, see "Prison-Goods Ruling Costly to Maryland," *Baltimore Evening Sun*, March 3, 1936, "Convict Labor," Vertical File, EPFL. On "prison labor problem," see McKelvey, *American Prisons*, 128-131; Robinson, *Should Prisoners Work?*, 113-118; Byer and United States Bureau of Labor Statistics, *Prison Labor in the United States, 1932*, 208-216.

¹⁹⁷ On New Deal penal ethics, see McLennan, *Crisis of Imprisonment*, 417-467; McKelvey, *American Prisons*, 299-310; United States, Prison Industries Reorganization Administration, *Prison Labor Problem in Maryland*, iii-ix; Sullivan, *The Prison Reform Movement*, 39-43;

prison administrators established New Deal programs and funding channels, administrators held up the Maryland penal system as a model for other states during a time of economic crisis. In contrast to its diminished status as a backwater of northern penal reform, the 1930s reorganization of Maryland prison labor launched Maryland as a national model for modern New Deal reforms.¹⁹⁸

To further this argument, this chapter is organized into three major sections. The first contextualizes the prison labor problem within the crisis of the Great Depression and the political shift of New Deal policies. The crucial roles labor representatives played in pressing for prison labor reforms are examined. The second section provides a discussion of reports of prison labor solutions recommended by both federal and state commissions and examines similarities between progressive reform rhetoric and New Deal anxieties of prison idleness. As anxiety over unemployment increased, concern over idleness in the criminal system spoke to both private and public struggles over loss of labor and

Shugg, *A Monument to Good Intentions*, 132-133. On New Deal in Baltimore, see Skotnes, *A New Deal for All?*; Argersinger, "Assisting the 'Loafers,'" 226-245; Argersinger, *Making the Amalgamated*, 140-177; Crenson, *Baltimore: A Political History*, 390-401. On New Deal more broadly, see McGirr, "The Interwar Years," in *American History Now*, 136-144; Price V. Fishback, Ryan S. Johnson, and Shawn Kantor, "The Roots of Crime: The Impact of Welfare Spending on Crime during the Great Depression," *Journal of Law and Economics*, 53 (2010): 715-740.

¹⁹⁸ On the "model" New Deal penal system, see McLennan, chapter 10, "Punishment Without Labor: Toward the Modern Penal State," in *Crisis of Imprisonment*, 417-467. McLennan argues that the New York penal system served as a "working model" for other states following the passage of federal legislation such as the Hawes-Cooper Act because it had already abolished the contract system decades before, see *Crisis of Imprisonment*, 418-420, 466). However, my thesis argues that because Maryland had continued contract labor into the 1930s, its prison labor system had to be significantly reworked during the New Deal Era, thus highlighting the dynamic relationship between penal labor and New Deal politics; see also United States, Prison Industries Reorganization Administration, *Prison Labor Problem in Maryland*. On Maryland being held up as a model of New Deal penal reforms, see Peck, "The Prison Labor Situation," 237-239; Clinton H. Johnson, "Plan Maryland As 'Guinea Pig' in Prison Work," *Baltimore American*, November 15, 1936, "Convict Labor" Vertical File, EPFL; Fitzgerald, "Prison Idleness—a Crime Behind Bars," *Survey Graphic*, 27, no. 8 (August 1938): 421-424, "Convict Labor," Vertical File, EPFL.

productivity. Finally, the third and concluding section details the public relations campaign launched in support of the prison labor reorganization in Maryland and examines political priorities during the 1937 legislative session of the Maryland General Assembly. Ultimately, discussions of the Maryland prison labor system in the 1930s reveals how the New Deal state sought to maintain authority and instill social order both over its criminal and civilian population.

Politics of Prison Labor and the Great Depression

During the Great Depression, the crisis of unemployment and wage reductions drastically curtailed the employment opportunities for laborers both inside and outside the prison system. Unemployment in Baltimore affected at least 16% of the workforce, and was likely higher than the officially recorded number. Labor agitation increased in Baltimore during the Depression Era. Wage reductions caused thousands of Baltimore workers to walk out of their shops in a show of resistance. Some strikes in Baltimore succeeded, such as the Amalgamated Clothing Workers of America (ACW) strike in the fall of 1932, while others did not result in labor gains. As has been previously documented, inmates in the Maryland Penitentiary likewise protested wage reductions during the December 1932 strike. In a significant demonstration of collective action, inmates were successful in gaining back a portion of their wages from prison administrators. Strikes over rising unemployment rates and wage reductions signaled the rising anxieties of Baltimore residents and a crisis of confidence in state governance.¹⁹⁹

¹⁹⁹ On the Baltimore depression unemployment rate, see Skotnes, *A New Deal for All?*, 92. On the ACW strike see Skotnes, *A New Deal for All?*, 93-95; Argersinger, *Making the Amalgamated*, 142-148; Argersinger, "The City that Tries to Suit Everybody," 92-93, 96-97, 101. On labor

Voters expressed their hopes for economic relief at the ballot box. During the presidential election of 1932, constituents across the nation elected Franklin D. Roosevelt to the role of Executive-in-Chief in response to his promises of relief legislation. In the first hundred days after his inauguration, Roosevelt swiftly enacted New Deal policies that opened federal relief funds and created public work relief projects.²⁰⁰ In Maryland, state Governor Albert Ritchie and Baltimore Mayor Howard Jackson were wary of federal intervention and New Deal social welfare programs. However, as the economic crisis mounted, many state institutions, including the Maryland prison system, sought aid from the newly created Federal Emergency Relief Administration. As will be shown, the concerns and solutions regarding prison labor in the New Deal Era brought about an expanded reach of the federal government into state policies of criminal rehabilitation, penal revenue, and inmate productivity.²⁰¹

During the New Deal Era, working men and women contributed to federal and state decisions regarding prison labor reorganization. Given their stake in the removal of prison labor competition from outside manufacturers, laborers agitated for the end of the contract prison labor system. At a prison labor conference in Washington D.C. convened

activism in Baltimore during the Great Depression, see Skotnes, *A New Deal for All?*, 1-115. On the 1932 prison strike, see Shugg, *A Monument to Good Intentions*, 131-132.

²⁰⁰ Skotnes, *A New Deal for All?*, 96-97, 102-103, 163; Argersinger, "Assisting the 'Loafers,'" 226-245.

²⁰¹ On Governor Ritchie and Mayor Jackson's lack of New Deal support, see Crenson, *Baltimore: A Political History*, 392-394; Argersinger, "Assisting the 'Loafers,'" 230, 232. On federal aid given to Baltimore during the Great Depression, see Argersinger, "Assisting the 'Loafers,'" 229; Skotnes, *A New Deal for All?*, 102-103; Crenson, *Baltimore: A Political History*, 393. On federal aid given to the Maryland prisons, see Board of Welfare Minutes, November 16, 1933, June 12, 1934, S250-13, 13127, MSA. On the relationship between social welfare policies and crime prevention in the New Deal, see Fishback, et. al., "The Roots of Crime: The Impact of Welfare Spending on Crime during the Great Depression," 715-740.

in September 1933, Erwin I. Feldmen, a representative for the Baltimore Needle Trades Association contended against prison administrations that contracted out the work of inmates. Feldmen cited the recent closure of garment shops in Maryland and Virginia as the result of the “unfair competition of prison labor,” reporting that prison contractors were paying wages “approximately one third” of that of free labor manufactures. Pointing to the closure of free clothing manufacturers in the area, Feldmen contended, “Obviously no fair competition can exist” while prison contracting was legally allowed to continue.²⁰²

News reports of closed factories and the extortion of low-wage prison labor amidst an employment crisis continued to surface in the press. Left-wing publications like the *Maryland Leader*, the newspaper of the Maryland Socialist party, reported in August 1934 on a particular incident in the cotton garment industry. According to the article, seventy-five small garment manufactories on the Eastern shore of Maryland had been forced to close due to violations of the labor codes of the National Recovery Act (NRA). As a result, between seven to ten thousand laborers lost their jobs. While the factories remained closed while the case was in court, the *Maryland Leader* reported that employers continued garment production by securing the labor of prisoners. The author

²⁰² “Lays Low Pay in Prisons to Outside Wage,” *Baltimore Sun*, September 3, 1933 (quotations). On national labor agitation during the New Deal, see Zieger and Gall, *American Workers, American Unions*, 66-103; Lizabeth Cohen, *Making a New Deal: Industrial Workers in Chicago, 1919-1939*, 2nd ed. (New York: Cambridge University Press, 1990), 251-368; McLennan, *Crisis of Imprisonment*, 462-467. On Baltimore labor agitation during the New Deal, see Skotnes, *A New Deal for All?*; Argersinger, *Making the Amalgamated*, 140-177.

of the article decried the corruption of business and government interests that allowed prison labor to harm the conditions of free workers.²⁰³

Complaints of corruption and the unfair competition of prison-made clothing production pressed upon state and federal officials. In response to the complaints voiced by the cotton garment workers, state officials appointed a committee to “investigate the competition of prison-products” in the cotton garment industry. The chairman of the committee, Baltimore resident and judge, Joseph N. Ulman, had long served as a leading figure in the debate over prison labor in Baltimore. He was one of the speakers of the previously discussed Conference on Prison Labor that took place in Baltimore in March 1932. At the conference and in his professional work in Baltimore, Judge Ulman advocated for more robust parole and probation systems as a measure to alleviate the problem of prison overcrowding.²⁰⁴ Following the investigation of the cotton garment industry in 1934, Ulman and fellow committee members concluded that laborers did indeed face challenges from private prison contractors. In presenting their solution, the commission recommended an end of the private contract system and the adoption of a state-use system. On this point Ulman, wrote that “the State use system...has its weaknesses, but it is the only one which promises a final solution of the problem of

²⁰³ “Factories Closed,” *Maryland Leader*, August 4, 1934. On the NRA, see Skotnes, *A New Deal for All?*, 96, 164, 173-174; McLennan, *Crisis of Imprisonment*, 462-463. On the NRA clothing investigations, see Argersinger, *Making the Amalgamated*, 149-155, 160-163.

²⁰⁴ “Prison Goods’ Use by State Recommended,” *Baltimore Sun*, June 15, 1936, “Convict Labor” Vertical File, EPFL. On the March 1932 Prison Labor conference, see “Conference on Prison Labor in Maryland as Affected by the Hawes-Cooper Law,” Lord Baltimore Hotel, March 22, 1932, “Convict Labor” Vertical File, EPFL; “Would Keep Prison Goods from State,” *Baltimore Sun*, March 23, 1932, “Convict Labor” Vertical File, EPFL.

prison labor.” The 1934 Ulman report helped pressure Maryland prison administrators and voters to consider the full adoption of the state-use system.²⁰⁵



Harold E. Donnell, Prison Superintendent²⁰⁶



**Judge Joseph N. Ulman,
PIRA Chairman**²⁰⁷

In addition to the investigation of the cotton garment industry, federal legislation such as the Hawes-Cooper Act fundamentally undercut the way prison systems had been able to maintain their costs of operation, and contributed to growing disfavor of the contract labor system. Because the Hawes-Cooper Act prohibited the sale of prison-

²⁰⁵ P. Stewart Macaulay, “Maryland’s Prison Labor Problem,” *Baltimore Sun*, December 23, 1934.

²⁰⁶ Photograph from Clinton H. Johnson, “Maryland Prison Reform: Laws to Banish Penal Idleness,” *Baltimore American*, April 11, 1937, “Convict Labor,” Vertical File, Maryland Room, Enoch Pratt Free Library/Maryland’s State Library Resource Center (EPFL).

²⁰⁷ Photograph from “Prison Goods’ Use by State Recommended,” *Baltimore Sun*, June 15, 1936, “Convict Labor,” Vertical File, Maryland Room, Enoch Pratt Free Library/Maryland’s State Library Resource Center (EPFL).

made goods across state lines, in effect restricting the market, prison contracts became less desired by companies that had long hired prison labor. As a result, companies such as the Imperial Furniture Company and the Jones Hollow Ware Company saw decreased profits and ended their labor arrangements with Maryland prison administrators in the early part of the 1930s.²⁰⁸ The removal of profit-making contract shops decimated the revenue of the penal system. The Maryland penal system was no longer able to meet operating costs and operated under a substantial deficit. Although prison administrators would often cite the problem of “increased idleness” as a rehabilitation concern, the depression and the Hawes-Cooper Act’s effects revealed that the most pressing trouble was the loss of prison labor revenue.²⁰⁹ Increasing deficits in Maryland’s penal institutions led prison administrators and politicians to seek new avenues for prison laborers to earn revenue for the state.

The eventual enforcement of the Hawes-Cooper Act, which would begin in January 1934, faced opposition from politicians who questioned its constitutionality. Debates centered on whether Congress had the “power to regulate the interstate movement” of prison products and whether prison-made goods could be deemed harmful by a federal act. Although the debate created uncertainty for prison administrators, private contractors, and workingmen alike, three companies that hired Maryland inmates in the manufacture of shirt, overall, and wire goods held out during this period of

²⁰⁸ Board of Welfare Minutes, January 1933, S250-12, 13126, MSA.

²⁰⁹ On budget deficits, see Board of Welfare Minutes, June 25, 1935, S250-14, 13128, MSA; Board of Welfare Minutes, October 1935, February 1936, S250-15, 13129, MSA. On Depression Era penal concerns, see United States, Prison Industries Reorganization Administration, *Prison Labor Problem in Maryland*, iii-iv, 5-9; McLennan, *Crisis of Imprisonment*, 461-462; Robinson, *Should Prisoners Work?*; Byer and United States Bureau of Labor Statistics, *Prison Labor in the United States, 1932*, 5-7, 208-216.

uncertainty.²¹⁰ However, when Board of Welfare members were notified by the Maryland Deputy Attorney General that they would be held liable for any violations of the Hawes-Cooper Act and the interstate sale prison goods, they finally ordered the three remaining contract shops to close by September 1935. Further legislation such as the Ashurst-Sumners Act of 1935 imposed a fine and prison sentence for illegally transporting prison-made goods.²¹¹ Meanwhile, the unemployment situation for prison inmates continued to worsen. By September, 1935, a full two-thirds of the inmates, at the Maryland Penitentiary and House of Corrections were idled and, to make matters worse, the prison population continued to rise. By January 1936, the Maryland Penitentiary counted the highest population of inmates in its history at 1,312.²¹² Concerns over prison idleness were reflected on the national scale. By the mid-1930s, between 60-80% of the national population of inmates did not have labor assignments.²¹³ Therefore, in March 1936, when U.S. Supreme Court justices unanimously ruled in favor of the constitutionality of the

²¹⁰ Stephen E. Fitzgerald, "Shoals Ahead for Prison Factories," *Baltimore Sun*, December 3, 1933, "Convict Labor," Vertical File, EPFL; "Governors Assail Prison Goods Law," *Baltimore Sun*, July 3, 1930 (quotation), See also Robinson, *Should Prisoners Work?* 118; "Prison-Goods Ruling Costly to Maryland," *Baltimore Evening Sun*, March 3, 1936, "Convict Labor" Vertical File, EPFL. On Hawes-Cooper Act constitutionality debate, see also Robinson, *Should Prisoners Work?*, 113-114. On Hawes-Cooper Act and New Deal Era, see McKelvey, *American Prisons*, 129-130, 292-293, 299-305; McLennan, *Crisis of Imprisonment*, 459-462.

²¹¹ "Prison Labor Plan Ending September 21" *Baltimore Evening Sun*, August 27, 1935, "Convict Labor, Vertical File, EPFL; Board of Welfare Minutes, October 4, 1935, S250-15, 13129, MSA. On the Ashurst-Sumner Act, see McLennan, *Crisis of Imprisonment*, 463-464; Hallett, "Hawes-Cooper Act" in *Encyclopedia of American Prisons*, 232.

²¹² On the number of unemployed in 1935, see "In the Name of Humanity," *Baltimore Evening Sun*, September 20, 1935, "Convict Labor, Vertical File, EPFL. On the number of Penitentiary inmates, see "Penitentiary Population, Mostly Idle, Sets Record," *Baltimore Evening Sun*, January 17, 1936, "Maryland. Penitentiary, Baltimore," Vertical File, EPFL.

²¹³ On the national population of inmates who were idle, see Sullivan, *The Prison Reform Movement*, 40; Maguire, "Industry," in *Encyclopedia of American Prisons*, 255.

Hawes-Cooper Act, the last hope of prison administrators to continue the contract labor system was extinguished.²¹⁴

The Board of Welfare's order to withdraw from private contracts marked the end of the prison contract labor system. This marked a significant victory for free working men and women, and it demonstrated the influence labor unions could have on local and national politics. For example, Joseph P. McCurdy, the President of the Maryland and Washington D.C. Federation of Labor celebrated the passage of the Hawes-Cooper Act in a letter to the editor printed in the Baltimore *Evening Sun*. McCurdy contended that the restriction of the interstate sale of prison made goods was a triumph of organized labor and asserted that the Federation of Labor "takes to itself some credit for [the Act's] passage." In the course of the article McCurdy argued against the contract labor system for exploiting prisoners for profit and undercutting the operations of outside labor manufacturers. McCurdy urged the adoption of the state-use system as the clear humanitarian and just choice. Adopting familiar language of prison labor and its rehabilitative effects, McCurdy contended that the "care, discipline, and rehabilitation" of inmates is a matter of state responsibility, and not one of private profit. A state-use system, McCurdy argued, would still allow the state to discipline convicts through labor, while also protecting the interests of working men and women.²¹⁵

Similar arguments regarding the continuation of rehabilitative labor through the state-use system were advocated in federal circles. In November 1936 Sanford Bates, the

²¹⁴ On Supreme Court ruling, see "Prison-Goods Ruling Costly to Maryland," March 3, 1936, "Convict Labor," Vertical File, EPFL; McLennan, *Crisis of Imprisonment*, 463-464.

²¹⁵ McCurdy, "Credit is Taken for Enactment of Hawes-Cooper Act," Baltimore *Evening Sun*, August 13, 1936, "Convict Labor," Vertical File, EPFL.

head of the federal Bureau of Prisons, visited Baltimore and cited overcrowding and idleness as grave concerns for United States penal systems. He noted that prison institutions should “habituate” inmates “to hard work” so that they could be released as productive members of society. Like McCurdy, Bates supported the rehabilitation of inmates through productive labor. Citing the competition of prison-made goods, Bates also validated the concerns of organized labor and urged Maryland voters to extend support for legislative actions to move to a state-use system. Such articles by Bates and McCurdy reveal that while there was debate between prison administrators, federal officials, and labor leaders regarding the precise labor solution, all agreed that labor was a necessary as both a punishment and rehabilitative measure for prisoners.²¹⁶

Although it is difficult to recover their voice as most available sources detail the reactions of civilians outside the prison system, prison inmates were the most affected by the prison labor discussion and reacted in a variety of ways to the relatively sudden lack of employment in the prison.²¹⁷ Many turned to games and hobbies such as model shipbuilding to wile away time behind bars.²¹⁸ Some attempted to escape, and others

²¹⁶ “Urges State-Use Prison Industry,” *Baltimore Sun*, November 23, 1936, “Convict Labor,” Vertical File, EPFL (quotations). On Sanford Bates and the United States Bureau of Prisons, see McKelvey, *American Prisons*, 289-290; Sullivan, *The Prison Reform Movement*, 42. On federal efforts to lower prison overcrowding, see McKelvey, *American Prisons*, 282-284.

²¹⁷ See for example, “Escape at Cut and Riot Laid to Idleness,” *Baltimore Sun*, August 18, 1936, “Convict Labor,” Vertical File, EPFL; Board of Welfare Minutes, May 2, 1935, S250-14, 13128, MSA.

²¹⁸ On inmate hobbies, see “Normandie and Queen Mary Rivalry Breaks Out in Pen,” *Baltimore Evening Sun*, July 19, 1936? [date unclear], “Maryland. Penitentiary, Baltimore,” Vertical File, EPFL; “Some Prisoners Take Idleness Problem into their own Hands,” *Baltimore Evening Sun*, July 28, 1936, “Maryland. Penitentiary, Baltimore,” Vertical File, EPFL; “Convicts Turn to Hobbies When Prison Shops are Closed,” *Baltimore Evening Sun*, December 17, 1936, “Maryland. Penitentiary, Baltimore,” Vertical File, EPFL; Shugg, *A Monument to Good Intentions*, 132-133.

rioted, acts that prison officials pointed to when proclaiming the evils of prison idleness. In response to unrest in the prison, the warden remarked that the riots, “can’t help but be attributed to enforced idleness.”²¹⁹ The lack of employment in prison workshops meant not only the loss of revenue to outside contractors and operating costs of the prison, but it also meant that inmates were no longer able to earn the minimal amount allowed to them under the old system. A number of prisoners arranged for the sale of their handicrafts outside the prison in order to make some earnings while serving time in the prison.²²⁰

Outside prison walls, anxious debates continued to center on concerns of prisoner idleness. Certainly prison administrators believed that the loss of prison labor disrupted the disciplinary and rehabilitative purpose of prison. Yet, the prison administration’s emphasis on rehabilitation highlighted public discourses regarding the moral virtue of productivity while obscuring the state’s economic dependence on prison labor revenues. The political economy of prison labor required that prisoners pay for the cost of their imprisonment as well as generate revenue to cover prison operating expenses. Without guaranteed labor contracts, the state struggled to find a way to support the cost of the prison system. Furthermore, as prisons stood as formidable institutions of state discipline and authority, state officials were pressed to find a solution to the prison labor problem during this period of immense economic and political upheaval.²²¹ As the next section

²¹⁹ “Escape at Cut and Riot Laid to Idleness,” *Baltimore Sun*, August 18, 1936, “Convict Labor,” Vertical File, EPFL (quotation).

²²⁰ Board of Welfare Minutes, June 11, 1937, S250-16, 13130, MSA.

²²¹ On the economic aspects of prison labor, see Byer and United States Bureau of Labor Statistics, *Prison Labor in the United States, 1932*; Robinson, *Should Prisoners Work?*; United States, Prison Industries Reorganization Administration, *Prison Labor Problem in Maryland*. On the prison as symbol of state authority, see Foucault, *Discipline and Punish*; McLennan, *Crisis of*

will show, intensified debate over a solution to the prison labor problem spurred the creation of both federal and state investigation commissions. Demonstrating organized labor's influence, these commissions acknowledged the need to secure employment for inmates that did not substantially harm the work of working men and women. The recommendations of these commissions, and Maryland politicians' responses to them, turned the prison labor system in Maryland into a model of New Deal ideology.

Prison Labor Solutions and the New Deal State

President Franklin D. Roosevelt was well aware of the dislike prison administrators held for the Hawes-Cooper Act. As a recent Governor of New York, a state with a long history of prison reform, Roosevelt was sympathetic to the concerns of prison reformers and state administrators.²²² Much of New Deal legislation restricted the use of convict labor in order to provide work relief to wage earning civilians. For example, both the Federal Emergency Administration of Public Works and the labor codes of the National Reconstruction Administration (NRA) prohibited the use of inmates on public works projects and industrial labor.²²³ However, such restrictions prompted prison administrators to seek federal assistance. In September 1935, President

Imprisonment, 3, 163, 283-284, 469. My thanks to Professor Colleen Woods for her framing and wording revisions.

²²² "Governors Assail Prison Goods Law," *Baltimore Sun*, July 3, 1930; Robinson, *Should Prisoners Work?*, 118. On Roosevelt's part in assisting in New York prison reforms, see, *Crisis of Imprisonment*, 456-458. On Roosevelt's creation of the Federal Prison Industries, Inc., see McKelvey, *American Prisons*, 305.

²²³ On federal legislation and policies that restricted prison labor, see McLennan, *Crisis of Imprisonment*, 462-464. The NRA codes were declared unconstitutional by the U.S. Supreme Court in May 1935, see McLennan, *Crisis of Imprisonment*, 463.

Roosevelt commissioned a five-member federal governing board, the Federal Prison Industries Reorganization Administration (PIRA), to investigate solutions to the financial and disciplinary challenges raised by the passage of the Hawes-Cooper Act. A Baltimore judge, Joseph N. Ulman, who had previously led the 1934 investigation into prison labor competition in the garment industry, chaired the federal committee. This federal commission singled out the Maryland prison system as the first in its investigation, thus making it the subject of national interest.²²⁴

The approach PIRA members took to prison labor reform expanded progressive ideals of rehabilitation in the New Deal state. Committee members investigated labor solutions that would not conflict with the work of outside labor and yet would provide work uplift to inmates and generate revenue. To this end, PIRA members examined the Maryland prison system to identify occupations appropriate for inmates given their qualifications and aptitude and the committee sought to determine education and training that would prove appropriate. Such recommendation paralleled prison discussions on the national scale. In June 1936, PIRA compiled their recommendations for ensuring the rehabilitation and productivity of inmates at the Maryland Penitentiary and sent their report to President Roosevelt.²²⁵

²²⁴ On Roosevelt's appointment of the Prison Industries Reorganization Administration, see Read, Jr., "Three Men on a Story!" *The Quill*, May 1938, "Convict Labor," Vertical File, EPFL; "Prison Goods' Use by State Recommended," *Baltimore Sun*, June 15, 1936, "Convict Labor," Vertical File, EPFL; United States, Prison Industries Reorganization Administration, *Prison Labor Problem in Maryland*, iii, vii; McKelvey, *American Prisons*, 306-307.

²²⁵ United States, Prison Industries Reorganization Administration, *Prison Labor Problem in Maryland*; Read, Jr., "Three Men on a Story!" *The Quill*, May 1938, "Convict Labor," Vertical File, EPFL; "Prison Board Begins Survey in 3 States," *Baltimore Evening Sun*, November 28, 1935, "Convict Labor," EPFL. On New Deal Era classification, labor, and rehabilitation penology, see McKelvey, *American Prisons*, 289-310; Robinson, *Should Prisoners Work?*; McLennan, *Crisis of Imprisonment*, 462-467.

The PIRA recommendations from the June report encompassed a number of priorities and noted new legislation that would need to be passed to ensure the adequate implementation of the recommendations. In fact, because the committee chose to study Maryland's prisons with a Baltimore judge as the committee chair, the motivation to complete the PIRA report stemmed from the desire to provide a path forward for productive legislation during the convening of the Maryland General Assembly.²²⁶ A number of substantial solutions were identified by PIRA members, including the expansion of state-use industries, a robust construction plan of new prison facilities, an increased commitment to probation and parole, the initiation of a classification system for prisoners, and enlargement of vocational training and education. As will be discussed, these priorities are significant because they reveal the developing ideology of the modern New Deal State—both in terms of the expanded role of the federal state and the commitment to social rehabilitation through work programs.²²⁷

In their recommendation of expanded state-use industries, PIRA members revealed their attempts to appease labor activism. In fact, PIRA recommended the diversification of state-use industry as way to lessen the impact of prison labor products on the free market, thus acknowledging the needs of organized labor. For example, the agricultural profits of the state penal farm were lauded in the report, and the construction of “prison bakery was suggested.” While the report noted the employment of prisoners in

²²⁶ On the timing of the survey in accordance with the General Assembly, see “Prison Board Begins Survey in 3 States,” Baltimore *Evening Sun*, November 28, 1935, “Convict Labor,” Vertical File, EPFL.

²²⁷ “Prison Goods’ Use by State Recommended,” Baltimore *Sun*, June 15, 1936, “Convict Labor” Vertical File, EPFL; United States, Prison Industries Reorganization Administration, *Prison Labor Problem in Maryland*. On New Deal programs and relief, see McGirr, “The Interwar Years,” in *American History Now*, 136-144; Skotnes, *A New Deal for All?*, 96-100-103, 167-168.

state printing, internal construction projects, and stone, metal and clay work, the PIRA report recommended that additional industries of brush and broom making, furniture making, woodwork, clothing and bedding, soap-making, auto and other “machine repair work” could be included in state-use industries.²²⁸

Recommendations for expanded facilities mirrored the priority of ensuring labor arrangements for prisoners in state-use industries and public works projects. The construction and renovation included plans for the erection of a new industrial building at the Maryland Penitentiary on the site of three former workshop buildings, a separate women’s facility, and the establishment of a forestry labor site and a “portable road camp building” to enable long-term prison labor in state forests and on state roads.

Specifically, the committee recommended that the state forestry camps established by New Deal legislation and used by Civilian Conservation Corps (CCC) be appropriated under the state prison system for the labor of inmates.²²⁹

In addition to employment, a substantial portion of the report was dedicated to the reworking of the state’s parole and probation system. The PIRA report highlighted how each prisoner was required to “apply for parole” in order to be considered under the current system. The recommendations sent to President Roosevelt included a reworking of the parole system so that every prisoner who had served out one-third of his or her sentence would be automatically considered for parole. In making this change, members

²²⁸ “Prison Goods’ Use By State Recommended,” *Baltimore Sun*, June 15, 1936, “Convict Labor,” Vertical File, EPFL, (quotations).

²²⁹ “Prison Goods’ Use by State Recommended,” *Baltimore Sun*, June 15, 1936, “Convict Labor,” Vertical File, EPFL (quotations). On the New Deal in Baltimore, see Skotnes, *A New Deal for All?*, 96-97, 102-103, 163; Argersinger, “Assisting the ‘Loafers,’” 228-235; Crenson, *Baltimore: A Political History*, 392-294.

of PIRA remarked that the majority of prisoners “had no previous criminal record” and would free space within the prisons if their sentence were shortened. Given the emphasis on parole and probation in the PIRA report, it is clear that concerns of prison idleness were directly connected with the situation of overcrowding in the prison system.²³⁰ The increased numbers of prisoners sentenced during the Great Depression raised the operating costs of the institutions. This increase was felt in greater extremes as the Hawes-Cooper Act de incentivized private corporations from hiring prison inmates, and thus left the state to its own devices to support and maintain the financial operating costs of the institutions.²³¹

Furthermore, PIRA recommended the development of a classification system of prison inmates. To this end, the administration members advocated for the construction of a “receiving station” at which newly incarcerated individuals could be assessed as to their aptitude for various work, vocational, and educational training programs at the various state penal institutions. This assessment would be made jointly by medical, social work, and psychology experts. The purpose of this work was to specifically tailor the “rehabilitative program” of the penal system “with reference to particular tendencies to

²³⁰ “Prison Goods’ Use by State Recommended,” *Baltimore Sun*, June 15, 1936 “Convict Labor,” Vertical File, EPFL (quotations); United States, Prison Industries Reorganization Administration, *Prison Labor Problem in Maryland*, 5, 29-43.

²³¹ “Prison Goods’ Use by State Recommended,” *Baltimore Sun*, June 15, 1936, “Convict Labor,” Vertical File, EPFL. On the Hawes-Cooper Act’s effect on contractors and prisons, see “Prison-Goods Ruling Costly to Maryland,” *Baltimore Evening Sun*, March 3, 1936, “Convict Labor,” Vertical File, EPFL; “Public Session is Held in Pen on Idle Issue,” *Baltimore Sun*, December 18, 1936, “Maryland. Penitentiary, Baltimore,” Vertical File, EPFL; United States, Prison Industries Reorganization Administration, *Prison Labor Problem in Maryland*, 5-6; Robinson, *Should Prisoners Work?*, 113-118 (includes denunciation of the Hawes-Cooper Act by the American Prison Association in 1929); Byer and United States Bureau of Labor Statistics, *Prison Labor in the United States, 1932*, 208-216. On overcrowding see United States, Prison Industries Reorganization Administration, *The Prison Labor Problem in Maryland*, 5, 41-42.

crime.”²³² This language of rehabilitation through classification methods was a popular penology reform that was being advanced by scientific and medical experts as a way to better serve the needs of incarcerated individuals. However, it also allowed for racial biases to sneak in under the guise of classifying individuals as having certain “tendencies to crime.” While the purpose was to better scientifically predict rehabilitation success, it gave license for the pigeonholing and privileging certain groups of inmates.²³³

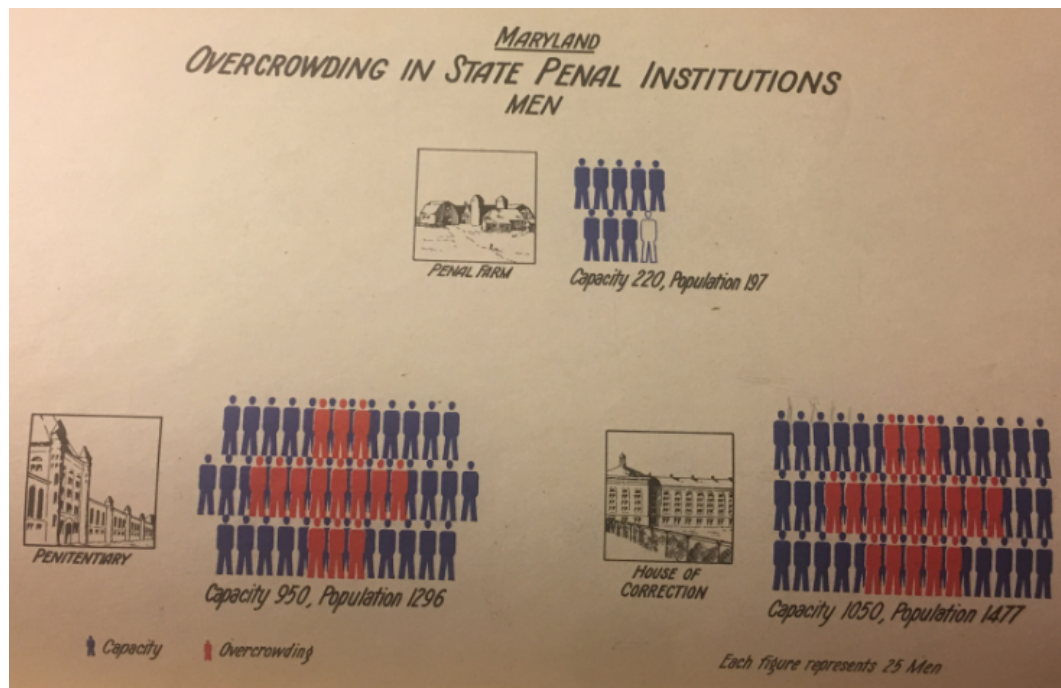
Finally, the PIRA members advocated for expanded educational and vocational training opportunities for inmates, including the updating of the prison library. In reference to educational programming, the study advocated for “a variety of well-guided activity to prevent deterioration through confinement... to substitute new forms of behavior for old; to give the prisoner a sense of the prospects still ahead, and to make lasting his return to normal social life.” The emphasis on education as a method of fitting prisoners to a standard of social normativity reveals the state’s project of conditioning well-adjusted civilians.²³⁴ In summary, the report submitted to President Roosevelt by

²³² “Prison Goods’ Use by State Recommended,” *Baltimore Sun*, June 15, 1936, “Convict Labor,” Vertical File, EPFL (quotations); United States, Prison Industries Reorganization Administration, *Prison Labor Problem in Maryland*, 19-28.

²³³ “Prison Goods’ Use by State Recommended,” *Baltimore Sun*, June 15, 1936, “Convict Labor,” Vertical File, EPFL (quotation); United States, Prison Industries Reorganization Administration, *Prison Labor Problem in Maryland*. On the expansion of social science in penal reforms, see Colvin, *Penitentiaries Reformatories, and Chain Gangs*, 171-184; McKelvey, *American Prisons*, 267-274, 278-292; Robinson, *Should Prisoners Work?*, 138-156. On New York as a model of new penology, see McLennan, *Crisis of Imprisonment*, 443-453. On penal classification systems in the New Deal Era, see McKelvey, *American Prisons*, 299-305; Sullivan, *The Prison Reform Movement*, 40-42; United States, Prison Industries Reorganization Administration, *Prison Labor Problem in Maryland*, 19-28. Elizabeth Hinton discusses the effect of social science on penal studies from the 1960s, see *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America* (Cambridge, MA: Harvard University Press, 2016), 20, 59-61, 74-77.

²³⁴ “Prison Goods’ Use by State Recommended,” *Baltimore Sun*, June 15, 1936, “Convict Labor,” Vertical File, EPFL (quotation from the PIRA report); United States, Prison Industries Reorganization Administration, *Prison Labor Problem in Maryland*, 23-24, 28 (quotation).

PIRA recommended that the state of Maryland address the concern of prison overpopulation and lack of employment opportunities for prisoners through the construction of additional workshops and facilities for prisoners, the expansion of state-use industries, the quickening of the parole process, the development of a prisoner classification system, and the expansion of educational and vocational opportunities.²³⁵



“Overcrowding in State Penal Institutions”²³⁶

The June report compiled by PIRA revealed the close connection between concerns of prisoner rehabilitation and a political economy built on prison labor

²³⁵ Prison Goods’ Use by State Recommended,” *Baltimore Sun*, June 15, 1936, “Convict Labor,” Vertical File, EPFL (quotation from the PIRA report); United States, Prison Industries Reorganization Administration, *Prison Labor Problem in Maryland*, 23-24, and quotation on 28.

²³⁶ “Overcrowding in State Penal Institutions,” in United States, Prison Industries Reorganization Administration, *The Prison Labor Problem in Maryland: A Survey* (Washington: Government Printing Office, 1936).

generating revenues for the penal system. However, like most politicians and prison administrators, Judge Ulman emphasized the assumed rehabilitative importance of prison labor. In commenting on the underlying purpose of the study, Ulman stated the need to “determine how the men and women placed in prison could be made better human material and restored to society.” By positioning prison labor as a “restorative” process in which “better human material” was refined, Ulman spoke as if the prison system was the producer rather than the prisoners who, in fact, labored to produce goods and services for the state.²³⁷ Ulman’s choice of words reveal a belief in the rehabilitative benefits of prison to shape quality citizens while at the same time ignoring the economic facets of prison labor. Furthermore, while PIRA was committed to the project of inmate rehabilitation, at least in rhetoric, its measure of whether an inmate was prepared to reenter society related to a prisoner’s level of training and productivity. This productivity was not merely evidenced by maintaining a level of time efficiency, but rather was directly related to profitability.

In other words, merely assigning prisoners to a task or a hobby was not enough to effect the needed social transformation from criminal to productive citizen. The report insisted on the primacy of rehabilitative motives and declared, “The object of prison production, however, should not be profit, but, rather, the rehabilitation of the prisoners, since this is, in the long run, the only way of protecting society from those who have been released.”²³⁸ Nevertheless, the report acknowledges, “While prison sentences are

²³⁷ For Judge Ulman’s comments, see “Prison Board Begins Survey in 3 States,” *Baltimore Evening Sun*, November 28, 1935, “Convict Labor,” Vertical File, EPFL (quotation). My thanks to Professor Colleen Woods for her sophisticated wording of this passage.

²³⁸ United States, Prison Industries Reorganization Administration, *Prison Labor Problem in Maryland*, 17 (quotations); also quoted in *Prison Goods’ Use by State Recommended*, Baltimore

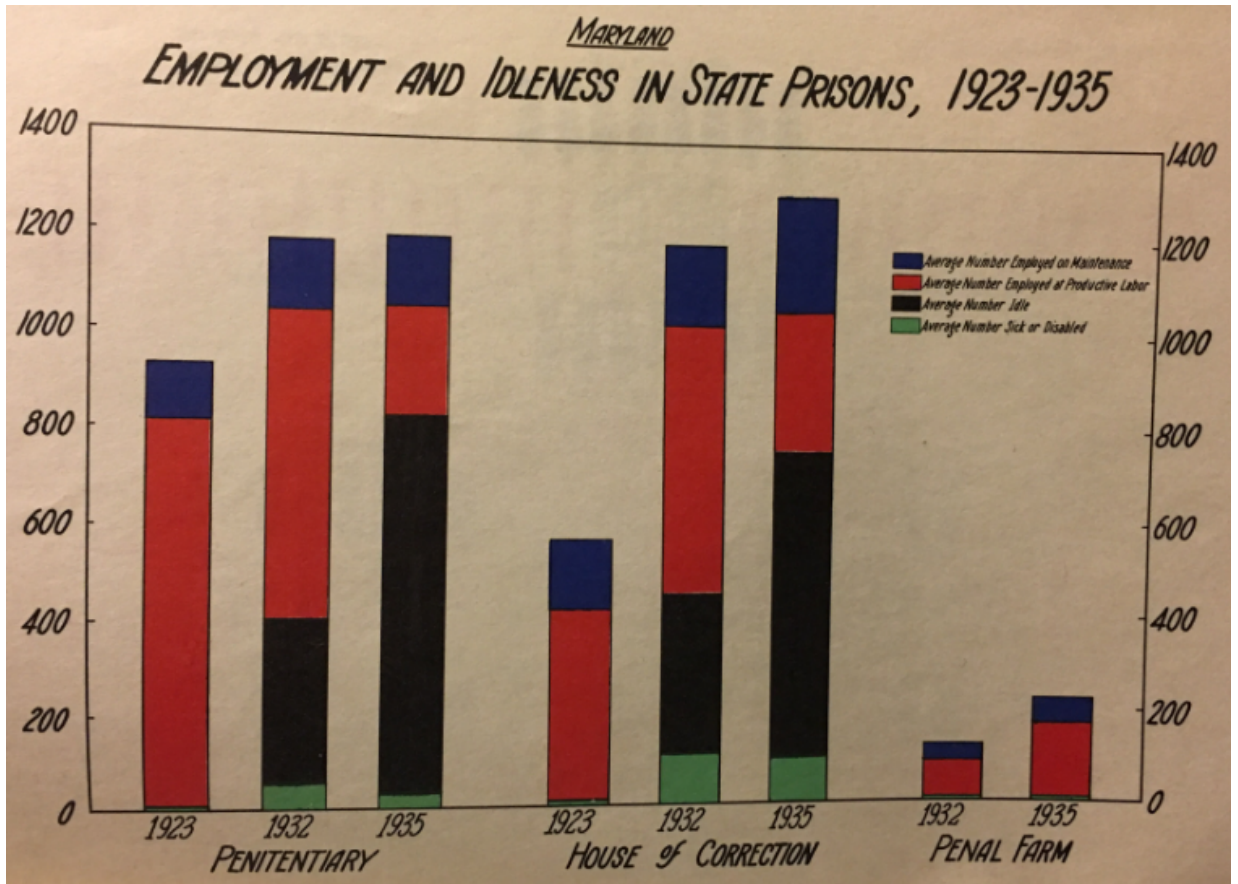
traditionally supposed to be synonymous with sentences to hard labor, the problem in recent years under the new legislation has been to find useful work...outside of maintenance activities.” Quite simply, inmates were not seen as adequately contributing their share to the costs of their upkeep in the penal institutions unless appropriately engaged in “useful work.” By placing this in opposition to “maintenance” work, PIRA commissioners articulated the need for work beyond mere institutional upkeep. Certainly the hobbies and handiwork of inmates was not included in the category of “useful work.” The term rather connotes a level of profitability, whether through the generation of revenue or the advancement of the state in its authority to rehabilitate its civilians.²³⁹

The framing of the prison labor problem in news reports drew upon social anxieties of idleness. In a news article detailing the recommendations of the PIRA commission to President Roosevelt, a moral work ethic was emphasized. The article quoted the PIRA report regarding prison labor by stating, “It has come about in Maryland as elsewhere that the old problem of competition between prison-made goods and goods made by free labor has now become the problem of wide-spread prison idleness.” Thus, by casting the prison labor problem as one of idleness and the importance of remediation

Sun, June 15, 1936, “Convict Labor,” Vertical File, EPFL. On “productive work,” see Robinson, *Should Prisoners Work?*, 30-34, 42-43; Byer and United States Bureau of Labor Statistics, *Prison Labor in the United States, 1932*, 1-3, 5-13.

²³⁹ United States, Prison Industries Reorganization Administration, *Prison Labor Problem in Maryland*, 17 (quotations); also quoted in Prison Goods’ Use” Baltimore *Sun*, June 15, 1936, “Convict Labor,” Vertical File, EPFL. On “productive work,” see Robinson, *Should Prisoners Work?*, 30-34, 42-43; Byer and United States Bureau of Labor Statistics, *Prison Labor in the United States, 1932*, 1-3, 5-13.

through productivity, news reporters and penal commissioners dramatically reshaped and reframed the issue to one that most civilians could understand and support.²⁴⁰



“Employment and Idleness in State Prisons, 1923-1935”²⁴¹

Indeed, the abundance of discussions on solutions to the prison labor problem reveal a remarkable use of rehabilitative language that, in effect, masks one of the central

²⁴⁰ United States, Prison Industries Reorganization Administration, *Prison Labor Problem in Maryland*, 9 (quotation); also quoted in “Prison Goods’ Use” *Baltimore Sun*, June 15, 1936, “Convict Labor,” Vertical File, EPFL. On reshaping of the prison labor issue, see Read, “Three Men on a Story!” *The Quill*, May 1938, in “Convict Labor,” Vertical File, EPFL.

²⁴¹ “Employment and Idleness in State Prisons, 1923-1935,” in United States, Prison Industries Reorganization Administration, *The Prison Labor Problem in Maryland: A Survey* (Washington: Government Printing Office, 1936).

issues of the problem, the loss of revenue generating work. The assertion of “useful work” as the qualification by which prisoners were deemed worthy of reentry into society shows a Weberian frame in which social acceptability was earned by an individual’s work ethic. A prisoner was rehabilitated and redeemed through his acts of labor. The crisis of prison labor happened to coincide with the economic depression, thus heightening the anxiety surrounding the social expectations that one exhibited his or her worth to society through labor. If a law-abiding citizen was expected to secure employment, then certainly a criminal should be pressed into productive labor. The entire ethic of early twentieth century penology and rehabilitation stood to stand or fall based on the labor solutions that were devised by penal reformers, politicians, and civilians.²⁴²

Following the filed report of PIRA, prison administrators moved to enact some of the suggested recommendations. The Superintendent of the penal system in Maryland, Harold E. Donnell, indicated that he would move forward in adopting new state-use industries. Plans included recommendations made by PIRA to shore up state-use manufacturing through the addition of state-use shops in clothing, metal working, and an automobile repair. In addition, Donnell announced the addition of a shoe shop. Following PIRA recommendations, the new prison labor program would include educational and vocational training. The training regime would be personalized for individual inmates and would be based upon recommendations from social scientists and medical professionals responsible for classifying prisoners. Prisoners identified as showing promise for

²⁴² United States, Prison Industries Reorganization Administration, *Prison Labor Problem in Maryland*, 17 (quotation); also quoted in “Prison Goods’ Use” *Baltimore Sun*, June 15, 1936. On “productive work,” see Robinson, *Should Prisoners Work?*, 30-34, 42-43; Byer and United States Bureau of Labor Statistics, *Prison Labor in the United States, 1932*, 1-3, 5-13; On the Protestant work ethic, see Weber, *Protestant Work Ethic and the Spirit of Capitalism*. On idleness, see Robinson, *Should Prisoners Work?*, 1-4, 16-17.

rehabilitation would be selected for the educational prison-labor program and sent to the state penal farm. The prison administrations response to the findings of the federal report illustrates attention to the modern penal concerns of rehabilitation.²⁴³

In another move that mirrored New Deal ideology, prison administrators sought federal funding for education projects and work training.²⁴⁴ For financial assistance in setting up the new program, the prison administrators reported their request for “\$114,406.70 in federal funds “to assist in carrying out the prison-labor program.” The grant would help fund the program for its first nine months, during which time additional funding would be requested from the Maryland General Assembly in its January 1937 legislative session.²⁴⁵ The request for federal funds would have been completely unknown before the federal work and grant programs of Roosevelt’s New Deal. By seizing upon these methods of reform and financial sustenance, the prison administration charted a new course for prison labor in the mid-twentieth century.²⁴⁶

Indeed, the proposal to chart a new course for prison labor was validated by the granting of \$50,000 through a federal Works Progress Administration (WPA) grant.

While the amount of federal aid was less than half of what Superintendent Donnell

²⁴³ On penal classification systems more broadly, see Robinson, *Should Prisoners Work?*, 138-156; McKelvey, *American Prisons*, 299-305; Sullivan, *The Prison Reform Movement*, 40-42. On classification recommendations in Maryland, see United States, Prison Industries Reorganization Administration, *Prison Labor Problem in Maryland*, 19-28.

²⁴⁴ On funds for the education program, see “Work is Planned in State Prisons,” *Baltimore Sun*, September 22, 1936, “Convict Labor,” Vertical File, EPFL.

²⁴⁵ “Prison-Shop Program Laid Before Board,” *Baltimore Sun*, September 4, 1936, “Maryland. Commission on Prison Labor,” Vertical File, EPFL (quotations).

²⁴⁶ “Prison Shop Program” *Sun*, September 4, 1936, “Maryland. Commission on Prison Labor,” Vertical File, EPFL. On the New Deal, see Skotnes, *A New Deal for All?*, 96-97, 102-103, 163; Argersinger, “Assisting the ‘Loafers,’” 228-235; Crenson, *Baltimore: A Political History*, 392-294.

originally requested, it was significant validation for the vocational and education program proposed by the Maryland state penal administrators. The prison administration invited psychologists from Johns Hopkins University to begin “interviewing, testing and classifying” inmates “as to employment possibilities” in the Maryland penal system.²⁴⁷ By November 1936, the prison administration had distilled a plan to hire twenty “industrial instructors” and thirty “general teachers” for the prison training program. To this number was added stenographers, and a clerk.”²⁴⁸ These newly hired instructors were to provide vocational and academic training to prisoners as they were classified as having an aptitude for either trade work or general education pursuits.

Maryland’s new penal program was described as an “experiment” that would capture the “attention of penologists throughout the entire country.” While prison administrators in all states had been affected by the passage of the Hawes-Cooper Act, the state of Maryland was held up as an example of how prison administrators could navigate solutions to the problem of prison idleness. By granting WPA funds to the Maryland state prison system, the federal government showed its support of a rehabilitation program that involved vocational training in state-use industry shops, and the general educational advancement of selected inmates. The solution to the Maryland

²⁴⁷ “Hopkins U. Tests Convicts on Work,” *Baltimore American*, October 18, 1936, “Convict Labor,” Vertical File, EPFL.

²⁴⁸ Johnson, “Plan Maryland As ‘Guinea Pig’ in Prison Work,” *Baltimore American*, November 15, 1936, “Convict Labor” Vertical File, EPFL.

prison labor problem thus advanced New Deal programs of work relief and federal assistance.²⁴⁹

Not merely content to rely on the recommendations of the national PIRA convened by President Roosevelt, the Maryland legislature sanctioned Governor Nice in his appointment of a separate Maryland state commission to investigate solutions to the problem of idleness and decreased financial profitability.²⁵⁰ In January 1936, Governor Nice appointed nine members of the Maryland Commission on Prison Labor. Baltimore citizen Robert E. Vining, who had recently been awarded a city accolade as “Baltimore’s First Young Citizen,” was appointed to the commission and elected chairman. Members of the commission visited prison systems in neighboring states, reviewed the PIRA report, drew up plans for adjusting to the economic challenges faced by prison systems under the Hawes-Cooper Act, and prepared legislation for the upcoming session of the Maryland General Assembly.²⁵¹

In November 1936, following a visit to a Virginia road construction penal campus, the Maryland Commission on Prison Labor released a seven-point plan for combatting the prison labor problem in Maryland. The seven action items were similar to those recommended in the PIRA report. For example, they included measures for

²⁴⁹ Johnson, “Plan Maryland As ‘Guinea Pig’ in Prison Work,” *Baltimore American*, November 15, 1936, “Convict Labor,” Vertical File, EPFL (quotation); Peck, “The Prison Labor Situation,” 237-239. On the WPA, see Skotnes, *A New Deal for All?*, 180-181.

²⁵⁰ Harold E. Donnell, “Urges Appointment of Commission on Prison Industries,” *Baltimore Evening Sun*, August 27, 1935, “Convict Labor” Vertical File, EPFL.

²⁵¹ For details about the Maryland Commission on Prison Labor, see “Three Men on a Story!” regarding Governor Nice’s appointment, and the work of the organization. For plans developed, see “Group Reaches 7-Point Plan to Aid State’s Prison Idleness,” *Baltimore Sun*, November 22, 1936, “Maryland. Commission on Prison Labor, Vertical File, EPFL; “Offers Plan to Free Jails of Idleness,” *Baltimore Sun*, January 17, 1937, “Maryland. Commission on Prison Labor, Vertical File, EPFL.

expanding prison labor by the completion of the State Penal Farm, the building of separate women's facilities within the House of Corrections, and renovating Penitentiary facilities. The Commission advocated for the implementation of a classification system to categorize prisoners, and the expansion of vocational training in the state prison system. More directly related to the labor of prisoners, the members of the Commission moved that prisoners be employed on state road construction efforts and that labor camps similar to those used in Virginia penal system should be established. In similar fashion to the PIRA report, the Maryland Commission validated the concerns of organized labor, by recommending a "compulsory State-use system," where inmates would labor on products to be sold to the state rather than the open market. In order to more fully equip the prisons for this work, the Commission advocated for the "installation of the machinery necessary for its operation" thus showing the state's ready cooperation with federal PIRA recommendations.²⁵²

As has been shown, the agitation of organized labor and restrictive legislation on interstate sale of prison products pressured politicians to directly address the problem of prison labor in the mid-1930s. Both federal and state executives took action by appointing commissions to investigate the prison labor situation in Maryland. Members of these commissions, the federal Prison Industries Reorganization Administration (PIRA) and the Maryland Commission on Prison Labor, recommended actions that would secure a productive state-use system and ensure its funding. The action of Superintendent Harold E. Donnell to move forward on these recommendations marked a significant victory for the cause of organized labor. While prison administrators could implement

²⁵² "Group Reaches 7-Point Plan to Aid State's Prison Idleness," *Baltimore Sun*, November 22, 1936, "Maryland. Commission on Prison Labor, Vertical File, EPFL.

some changes, the need for official sanction from the Maryland General Assembly and state funding was required. In preparation for the 1937 legislative session, state officials recognized the need to gain the support of state politicians and their constituents. The following section reveals the ways in which members from the Maryland Commission on Prison Labor developed a public relations campaign to ensure the successful passage of needed legislation. The extensive focus of the news media and the resulting legislative changes led to the transformation of the Maryland penal system from a progressive holdout to an example of modern New Deal penology.²⁵³



Maryland Penitentiary, 1939²⁵⁴

²⁵³ On Maryland behind northern progressive reforms (twenty-six states, not including Maryland, had abolished the contract labor system by 1911), see Maguire, "Industry," in *Encyclopedia of American Prisons*, 251. McLennan argues that New York was the model of reform, see *Crisis of Imprisonment*, 419-420, 453-457, 466-467. On Maryland being held as a national example, see Peck, "The Prison Labor Situation," 237-239; Read, Jr., "Three Men on a Story!" *The Quill*, May 1938, "Convict Labor," Vertical File, EPFL.

²⁵⁴ Photography from "Baltimore, MD., 1939," *Baltimore Sun*, August 13, 1939, "Maryland. Penitentiary, Baltimore, Vertical File, Maryland Room, Enoch Pratt Free Library/Maryland's State Library Resource Center (EPFL).

The New Deal Maryland Penal System

In order to ensure the successful reorganization of the Maryland prison labor system, state officials recognized the importance of casting the prison labor challenge in a frame that prison administrators, politicians and public citizenry could support. This was a multi-faceted task. Because the crisis of unemployment during the depression intensified labor opposition to contract prison competition, the reorganized state-use industries needed to be distanced from the former profit model. In order to do this, journalists and state commissioners reframed the old story of prison labor to a narrative that emphasized the vice of idleness and its amelioration through industry. During the Great Depression, the rhetoric of idleness would have resonated with the general citizenry, and indeed, with labor members themselves. This narrative aligned perfectly with the New Deal Era ethic of work relief. If upstanding civilians could be redeemed through work, then certainly prison administrators should be afforded the opportunity of rehabilitating criminals through labor programs. This public relations campaign was initiated through a variety of channels, including the establishment of an advisory board made up of local representatives, a robust newspaper, film, and radio campaign, and a culminating civic meeting inside the Maryland Penitentiary.²⁵⁵

²⁵⁵ For example, see Read, Jr., “Three Men on a Story!” *The Quill*, May 1938, “Convict Labor,” Vertical File, EPFL. On attitudes towards prison labor, see Byer and United States Bureau of Labor Statistics, *Prison Labor in the United States, 1932*, 208-216; McLennan, *Crisis of Imprisonment*, 262-263; Robinson, *Should Prisoners Work?*; “If You Want to Work Become a Criminal,” *Baltimore Federationist*, November 22, 1929; “Is the Prison Contract System in Competition with Free Labor,” *Baltimore Federationist*, December 9, 1932. On Baltimore union activity during the Great Depression, see Argersinger, *Making the Amalgamated*, 140-177; Skotnes, *A New Deal for All?*, 11-115, 164, 176-179. On national labor union activity during the depression, see Zieger and Gall, *American Workers, American Unions*, 50-65. On ideology of the moral value of labor, see for example, Rodgers, *The Work Ethic in Industrial America, 1850-1920*, xix-xxiii, 1-29, 122-124, 214-223, 228-232; O’Donnell, *Henry George and the Crisis of Inequality*, 9, 27, 130-131, 207.

Three Baltimore journalists who covered the prison labor problem played instrumental roles in swaying public opinion in favor of a prison labor solution. These reporters represented three major newspapers in Baltimore: the *Baltimore Sun*, the *Evening Sun*, and the *Baltimore News-Post*, and for their work on the story, journalists Stephen E. Fitzgerald, Clinton Heath Johnson, and Joseph A. Moran were nominated for the Pulitzer Prize. For more than a year, these journalists reported on the progress of both the Maryland Commission on Prison Labor and the Prison Industries Reorganization Administration. Their reports followed the initial investigations, commission recommendations, and the final legislative efforts during the 1937 General Assembly session. State officials recognized that gaining public approval from Maryland citizenry was crucial to their task of reorganization and thus sought “the counsel and guidance of the three newspapermen.” Robert E. Vining, the chair of the Maryland Commission on Prison Labor, recognized how the work of the journalists effectively expanded the reach of the Commission’s nine members to twelve and heartily praised their public relations efforts.²⁵⁶

The three journalists helped frame the prison labor problem as one of idleness and social concern. In addition to following the progress of the investigations, the journalists, “kept the fires burning with feature stories, detailing the history of the problem of prison idleness, and such sidelights as overcrowding, the parole system, classification, [and] the social factors involved in the situation.” Newspaper articles that detailed the prison labor challenge of idleness included titles that emphasize alternatively the humanitarian and economic challenge such as, “In the Name of Humanity,” “Workless Convicts Play

²⁵⁶ Read, Jr., “Three Men on a Story!” *The Quill*, May 1938, “Convict Labor,” Vertical File, EPFL (quotation).

Games in Penitentiary,” and “Idleness Puts Prison Costs at New Peak.”²⁵⁷ Baltimore newspaper journalists reported on the story of prison idleness not as a triumph of organized labor, but rather as a crisis for Maryland taxpayers.²⁵⁸

As an additional public relations measure, the Maryland Commission on Prison Labor opened space for local representatives to weigh in on the prison labor problem and build public support. In true fashion of a bureaucratic democracy, the Maryland Commission established an advisory committee consisting of fifty-eight representatives, both men and women. Two civilians from every county in Maryland and twelve members from Baltimore city were appointed. The fifty-eight members of the advisory board first met September 3, 1936. Their mission was two-fold. The advisory board was appointed to recommend solutions for prison labor programs that “would not compete with private industry,” and serve as civilian public relations representatives to “arouse interest throughout the State in the plight of Maryland’s 2,700 idle prisoners.”²⁵⁹ Through the appointment of local advisory representatives and a robust media campaign, the Maryland Commission of Prison Labor sought to ensure the successful passage of legislation through the spring 1937 meeting of the General Assembly.

²⁵⁷ “In the Name of Humanity,” Baltimore *Evening Sun*, September 20, 1937, “Convict Labor” Vertical File, EPFL; “Workless Convicts Play Games in Penitentiary,” Baltimore *Evening Sun*, January 16, 1936, “Convict Labor,” Vertical File, EPFL; “Idleness Puts Prison Costs at New Peak,” *Baltimore American*, January 24, 1937, “Convict Labor” Vertical File, EPFL.

²⁵⁸ Read, Jr., “Three Men on a Story!” *The Quill*, May 1938, “Convict Labor,” Vertical File, EPFL.

²⁵⁹ “Prison Labor Unit in State Enlarged,” Baltimore *Sun*, August 23, 1936, “Maryland. Commission on Prison Labor,” Vertical File, EPFL (quotations); “Ready to Report on Prison Labor,” Baltimore *Evening Sun*, September 2, 1936, “Maryland. Commission on Prison Labor,” Vertical File, EPFL.

A major culmination of the public relations campaign took place just a few weeks before the convening of the 1937 General Assembly. Eight hundred free tickets were issued to civic leaders and civilians to attend a public meeting within the Penitentiary auditorium regarding the challenge of idleness and the need for a reorganization of prison labor. This meeting included addresses by four celebrated prison experts, and a showing of the film “Idle Hands.” This film had been developed by W. Raymond Moody, a member of the Maryland Commission on Prison Labor, as a means to alert Maryland citizens to the challenge of prison idleness. Moody took his role seriously by carefully arranging film shoots within the walls of the Maryland Penitentiary. In addition to its showing during the December 1936 meeting in the Maryland Penitentiary auditorium, the film was shown to Maryland civilians in schools, businesses, libraries, civic gatherings, and social clubs. While inmates were justly seen as important stakeholders in the prison labor debate, their perspectives were carefully curated by state officials. During the Penitentiary gathering, Judge Ulman, chairman of PIRA, provided the narration for the film, and although they were the main feature of the motion picture, inmates were not afforded seats in the auditorium that night.²⁶⁰

The media campaign also included radio broadcasts that were sent out to national networks. Radio reporters interviewed the four speakers and broadcast an interview between Harold E. Donnell, prison superintendent, and a prison inmate regarding the hardship of unemployment in the prison system. The National Broadcasting Company

²⁶⁰ On the film “Idle Hands,” see Read, Jr., “Three Men on a Story!” *The Quill*, May 1938, “Convict Labor,” Vertical File, EPFL; Fitzgerald, “Prison Idleness—a Crime Behind Bars,” *Survey Graphic*, 27, no. 8 (August 1938): 421-424, “Convict Labor,” Vertical File, EPFL; “Public Is Invited to Meeting in Pen,” *Baltimore Sun*, December 6, 1932; “Convict to be Heard in Idleness Talk,” *Baltimore Evening Sun*, December 17, 1936.

(NBC) broadcast this radio show to 62 stations nationwide, highlighting the work of Maryland as a leader in the prison labor solution. Through the media outreach and public relations, Maryland's response to the challenge of Hawes-Cooper legislation was closely observed by state officials across the nation. The report of the Maryland Commission on Prison Labor was "made an instant hit and hundreds of requests came from libraries, universities, prison authorities, insurance companies, and state officials, from Maine to California." In total, "the commission chairman," Robert E. Vining, "received inquiries and requests for information from twenty-seven states, from more than one hundred colleges, [and] from fifty-two crime prevention bureaus and insurance companies" regarding Maryland's plan of prison reform following federal prohibitions on the sale of prison-made goods.²⁶¹ Thus, in the process of reorganizing its penal system Maryland was transformed from a state of dubious progressive credentials—its penal system certainly lagged far behind those of New York and Pennsylvania in its adoption of reforms in the early part of the century—to a state that was held up as a model of New Deal penology. Maryland no longer took a backseat to penal reform, but was held up as a national example.²⁶²

²⁶¹ Read, Jr., "Three Men on a Story!" *The Quill*, May 1938, "Convict Labor," Vertical File, EPFL (first quotation). See also Fitzgerald, "Prison Idleness—a Crime Behind Bars," *Survey Graphic*, 27, no. 8 (August 1938): 424, "Convict Labor," Vertical File, EPFL (second quotation).

²⁶² On radio broadcast, see Read, Jr., "Three Men on a Story!" *The Quill*, May 1938, "Convict Labor," Vertical File, EPFL. On challenge of Hawes-Cooper legislation, see "Public Session is Held in Pen on Idle Issue," *Baltimore Sun*, December 18, 1936, "Maryland. Penitentiary, Baltimore," Vertical File, EPFL; United States, Prison Industries Reorganization Administration, *Prison Labor Problem in Maryland*, 5-6; "Prison-Goods Ruling Costly to Maryland," *Baltimore Evening Sun*, March 3, 1936, "Convict Labor," Vertical File, EPFL; Robinson, *Should Prisoners Work?*, 113-118 (includes denunciation of the Hawes-Cooper Act by the American Prison Association in 1929); Byer and United States Bureau of Labor Statistics, *Prison Labor in the United States, 1932*, 208-216. On Maryland lagging behind northern progressive reforms, see Maguire, "Industry," in *Encyclopedia of American Prisons*, 251; McKelvey, *American Prisons*, 250. On Maryland being held as a national example, see Peck, "The Prison Labor Situation," 237-

The work of the public relations campaign served to arouse local public interest. By organizing public support through a citizen advisory committee, robust newspaper, radio, and film coverage, and a meeting within the Maryland Penitentiary auditorium, state officials sought to ensure the successful passage of legislation in the upcoming Maryland General Assembly session. The media campaign played a significant role in ensuring that lawmakers in the General Assembly supported recommendations of both PIRA and the Maryland Commission on Prison Labor.²⁶³

At the opening of the 1937 legislative session, Daniel B. Chambers, Jr., a member of Maryland Commission of Labor, and Representative from Baltimore, introduced three bills. The bills received the full sponsorship from Governor Harry W. Nice and the State Board of Welfare. The three bills were directly drawn from the Maryland Commission's findings and followed the PIRA recommendations. The first of these "provide[d] directly for the setting up of the State-use system." While the state-use system had been originally established on a partial basis in 1922, the 1937 legislation secured state-use industries as the sole economic system for the Maryland state prison system. The bill proposed that "no goods produced by prisoners in Maryland or elsewhere shall be sold in the state except by, to, or for the State of Maryland." In addition, the bill granted authority to the Board of Welfare to purchase needed equipment and machinery for state-use industries.²⁶⁴

239; Read, Jr., "Three Men on a Story!" *The Quill*, May 1938, "Convict Labor," Vertical File, EPFL.

²⁶³ See for example, Read, Jr., "Three Men on a Story!" *The Quill*, May 1938, "Convict Labor," Vertical File, EPFL.

²⁶⁴ Regarding the passage of 1937 prison labor legislation, see "4-Point Prison Plan Approved by Assembly," *Baltimore Evening Sun*, April 6, 1937, "Convict Labor," Vertical File, EPFL (first

The second bill introduced a program to reward prisoners for “good conduct” and reduce the length of their prison sentences. Specifically, the bill awarded inmates with five days reduced sentence for every month served with good behavior. This bill was introduced as a means to alleviate overcrowded conditions in the Maryland penal system. In addition to addressing conditions of overcrowding, the bill served a rehabilitative purpose by giving “an incentive to prisoners to do their best at their work.” Prisoners earned a small monetary amount for their labor that was partially doled out during their prison sentence and partially kept for their date of release. This bill complemented the ideal touted by prison administrators that work discipline would leave prisoners better suited to contribute as profitable citizens upon their release.²⁶⁵

Finally, the third prison-labor bill made provision for prison administrators to seek federal funds through grants and other financial allotments in order to support “the reorganization of the prison system” through the purchase of state-use equipment and machinery and the building of new prison workshops and facilities. This bill demonstrated the shifting balance of power in the New Deal Era. Federal funds were newly available, and state institutions were eligible to seek for financial support not only from appropriations from the state budget, but also from federal government grant agencies.²⁶⁶

quotation); “Governor Supports Three Prison Bills,” Baltimore *Evening Sun*, “Convict Labor” Vertical File, EPFL (second quotation); Joseph P. Murphy, “Okays Bill to Put 2,000 Convicts Back to Work,” Baltimore *Evening Sun*, March 25, 1937, “Convict Labor” Vertical File, EPFL.

²⁶⁵ Murphy, “Okays Bill to Put 2,000 Convicts Back to Work,” Baltimore *Evening Sun*, March 25, 1937, “Convict Labor, Vertical File, EPFL (quotations).

²⁶⁶ “Governor Supports Three Prison Bills” Baltimore *Evening Sun*, January 18, 1937, “Convict Labor,” Vertical File, EPFL (quotation); Murphy, “Okays Bill to Put 2,000 Convicts,” March 25,

The bills presented during the 1937 session of the Maryland General Assembly marked a significant victory for labor organizations. For decades trade union organizations such as the Baltimore Federation of Labor had fought for the demise of the contract labor system and working men and women took a vehement stand against “the sale of prison-made goods on the market.” While lobbying efforts were defeated in earlier decades, the compounded crisis of unemployment during the Great Depression in connection with the successful passage of the Hawes-Cooper Act led to more favorable political conditions. As has been shown, recommendations made by PIRA and the Maryland Commission on Prison Labor sought to placate free workers in the reorganization of the prison labor system. Each of the bills presented to the Maryland General Assembly in 1937 followed these recommendations.²⁶⁷ Notwithstanding their approval of the state-use system, labor representatives continued a robust struggle during the 1937 General Assembly to ensure that the establishment of the state-use system did not monopolize any single industry.

As the bills were argued on the floor of the House, labor unions, headed by representatives from the “printing trade unions” fought fiercely for three specific amendments to the first bill authorizing the establishment of the state-use system. One of these amendments sought to restrict “the employing of more than ten per cent of the inmates of the three prisons of the State in any one industry.” By including this amendment, the labor organizations sought to prevent the monopoly of prison labor on any one industry that would unduly burden outside wage earners. Members of the

1937, “Convict Labor,” Vertical File, EPFL. On New Deal work relief and funding, see Peck, “The Prison Labor Situation,” 237-239; Skotnes, *A New Deal for All?*, 180-181.

²⁶⁷ “Governor Supports Three Prison Bills,” Baltimore *Evening Sun*, January 18, 1937, “Convict Labor, Vertical File, EPFL (quotation).

printing union were well aware that state-use industries employed a printing shop within the Maryland Penitentiary to support the printing needs of the state. While this amendment was not passed, a “substitute amendment” passed with measures that were less proscriptive but still supportive of organized labor. This amendment directed that prison administrators “should not work an undue hardship on any one industry but should diversify the industries in which the prisoners would be employed.” This amendment was met with the sanction of the Maryland Commission on Prison Labor and PIRA and was included in the language of the bill.²⁶⁸

Attempts to pass an amendment that limited prison labor to a six-hour workday failed. However, labor organizations succeeded with another amendment that restricted the ability of prison administrators to continually update state-use industry equipment used in the prison shops. While members of the Board of Welfare could “replace” equipment that was in need of repair, prison administrators were precluded from updating to newer, more modern machinery beyond that which was “already set up in the prisons at the time the act goes into effect.” By including this amendment, laborers sought to ensure the gradual obsolescence of prison labor equipment. While earlier discussions from the 1932 Prison Labor Conference sought to prohibit the use of industrial machinery by prison inmates, this amendment served as a small victory to labor organizations committed to reigning in the competition of state-use prison industries.²⁶⁹

The House of Delegates of the Maryland General Assembly found the labor cause convincing enough to approve versions of two of the three amendments introduced by

²⁶⁸ Murphy, “Okays Bill to Put 2,000 Convicts Back to Work,” March 25, 1937, “Convict Labor,” Vertical File, EPFL (quotations).

²⁶⁹ Murphy, “Okays Bill to Put 2,000 Convicts Back to Work,” March 25, 1937, “Convict Labor,” Vertical File, EPFL (quotations).

organized labor before the bill was accepted by vote and passed on to the Senate. During Senate deliberations, two additional prison labor bills were included. These included a bill proposed by a Montgomery County senator that would not only give the Board of Welfare authority to assign prisoners to road work jobs, but more directly enjoined the State Roads Commission to accept the employment of prisoners. This bill was met with support from prison administrators and politicians. The President of the Baltimore Criminal Justice Commission remarked, “We feel this bill to be of tremendous value. It offers an opportunity for healthful, energizing outdoor work to all prisoners.” In descriptions similar to that of agricultural labor, the merit of road construction was touted as beneficial to the rehabilitation of prisoners.²⁷⁰

The final piece of legislation allowed for the state appropriation of funds totaling over two million dollars to the Board of Welfare to use in the construction of facilities and the purchase of state-use equipment. These included the construction of a women’s only facility in the House of Corrections, the completion of the State Penal Farm, and the furnishing of state-use equipment and raw materials for workshops in the Maryland Penitentiary and House of Corrections.²⁷¹

²⁷⁰ “4-Point Prison Plan Approved by General Assembly,” *Baltimore Evening Sun*, April 6, 1937, “Convict Labor” Vertical File, EPFL (quotations).

²⁷¹ Clinton H. Johnson, “Maryland Prison Reform: Laws to Banish Penal Idleness,” *Baltimore American*, April 11, 1937, “Convict Labor,” Vertical File, EPFL; For the 1937 legislative appropriations, see Maryland, *Laws of the State of Maryland Made and Passed at the Session of the General Assembly Begun and Held at the City of Annapolis on the Sixth Day of January, 1937, and Ending on the Fifth Day of April, 1937* (Baltimore: King Bros., Inc., 1937) Chapter 487, sec. 7.10, 7.11, and 7.12, Approved April 15, 1937. For laws allowing the Board of Welfare to seek federal funding, see Maryland, *Laws of the State of Maryland, 1937*, Chapter 214, Approved May 18, 1937.

These bills, with the approved organized labor amendments, were finalized and passed by the Senate on April 6, 1937 after an “all-night session.” This bundle of prison labor legislation was touted in the press as the “first move in century really to aid inmates.” While that may have served to gather public support, the legislative bills marked the continuance of low-wage prison labor that would generate a profit for the state. This profit generation, however, was reorganized into a New Deal model with diversified state-use industries and educational programs for selected inmates. By August 1937, the number of inmates who had employment was increased to almost half the total population. With a total prison population of about 2,500 inmates in the Maryland Penitentiary, House of Corrections, and the State Penal Farm, some 1,200 of the inmates were employed. Inmates were responsible for making automobile plates, fulfilling state printing orders, and meeting state requests for shoes, furniture, and prison and hospital clothing. At the House of Corrections and State Penal Farm, inmates were set to agricultural labor, and canning, lime production, and laundry industries.²⁷² As state officials employed prisoners in such industries, it ensured success for New Deal policies.²⁷³

Some of the legislative 1937 changes allowed for prisoners to be rewarded with five days off of their sentence for each month they merited “exceptional industry,

²⁷² “Prison Industries May Be Expanded,” *Baltimore Sun*, August 24, 1937, “Convict Labor,” Vertical File, EPFL. For the 1937 prison laws, see Maryland, *Laws of the State of Maryland Made and Passed at the Session of the General Assembly Begun and Held at the City of Annapolis on the Sixth Day of January, 1937, and Ending on the Fifth Day of April, 1937* (Baltimore: King Bros., Inc., 1937) Chapters 213, 214, 215, Approved May 18, 1937; and Chapter 487, sec. 7.10, 7.11, and 7.12, Approved April 15, 1937.

²⁷³ My thesis contends that revenue generating labor was central to New Deal penology, thus countering McLennan’s narrative, that the New Deal Era moved to “post-industrial” systems focused on “nonlaboring forms of discipline,” see for example, McLennan, *Crisis of Imprisonment*, 467, 471.

application and skill in the performance of industrial, agricultural, or administrative tasks assigned.” On the other hand, earned privileges could be taken away as a disciplinary measure if a prisoner broke the “rules and discipline of the institution.” In this manner, the state incentivized the labor productivity of the inmates. Soon after the enactment of this law, in July 1937, a Baltimore news report announced that thirty prisoners would be released, the largest number in one day that prison administrators could remember. The large number of releases was directly attributable to the law passed by the General Assembly that allowed prisoners to accrue time for good conduct. This allowance of shortened sentences aided the state in overcoming the crisis of overcrowding in the penal system.²⁷⁴

In regards to the remaining 1,300 prisoners without labor assignments, prison administrators went to work studying which state-use industries would be most profitable to add. Some of the considerations included the manufacturing of mattresses, beds, sign-making, woven cloth, and metal foundry work. Applications were posted for potential salaried positions within the prison system, including that of educators and trades supervisors for the printing shop, shoe shop, and woodworking and brush manufacturing. In addition to industrial labor, education classes were established. By September 1937, a select number of unemployed inmates, 130 men from the Penitentiary and about two

²⁷⁴ Maryland, *Laws of the State of Maryland*, 1937, chap. 215 (quotations). On the history of “good time” laws, see David Weisburd and Ellen F. Chayet, “Good Time Credit,” in *Encyclopedia of American Prisons*, ed. McShane and Williams III, 220-223. In regards to the news report, see “30 to Leave Penitentiary Today as Reward for Work,” *Baltimore Sun*, July 16, 1937, “Convict Labor,” Vertical File, EPFL; See also Board of Welfare Minutes, June 11, 1937, S250-16, 13130; January 1938, S250-17, 13131, MSA.

hundred inmates from the House of Corrections, were kept busy in education classes.²⁷⁵

In order to further reduce idleness in the penal institutions, prison administrators and state officials coordinated road construction projects to employ prisoners on public work projects.²⁷⁶ Notwithstanding these efforts, prison industries did not fully pick up until the manufacturing boom of World War II, showing the close relationship between market demand and the prison labor system.²⁷⁷

Through the establishment of work as a rehabilitative program and the expansion of federal revenue streams, the Maryland prison reorganization during the Great Depression modeled New Deal penal ethics. These ethics trumpeted the promise of social rehabilitation through work, an effort that mirrored the efforts of agencies such as the Works Progress Administration outside the prison. During the 1937 legislative campaign to ensure the reorganization of the Maryland prison labor system, a newspaper reporter from the *Baltimore American* commented that the passage of these five bills have ensured that “[t]here will be everything—men, machines, and money—to make the Maryland prison system a going concern, economically.” He noted financial incentives for Maryland taxpayer. However, the reporter emphasized inmate rehabilitation as the noblest effect of the legislation. He quoted from the Maryland Commission on Prison Labor report that “work is, after all, the greatest rehabilitating agent,” and “that it is not

²⁷⁵ On the expansion of state industries, see “Prison Industries May Be Expanded,” August 24, 1937. On education classes, see “Employment in State Prison Gains Sharply,” *Baltimore Evening Sun*, September 29, 1937, “Convict Labor” Vertical File, EPFL.

²⁷⁶ “Penitentiary Adds Five New Industries,” *Baltimore Evening Sun*, January 29, 1938, “Convict Labor,” Vertical File, EPFL; “Sees Convict Labor Speeding Road Job,” *Baltimore Evening Sun*, February 10, 1938, “Convict Labor,” Vertical File, EPFL.

²⁷⁷ On prison labor boom during World War II, see Shugg, *A Monument to Good Intentions*, 133; McKelvey, *American Prisons*, 306-307.

enough for the prisoner to serve his sentence- the sentence should also serve the prisoner.”²⁷⁸ By situating these laws for the good of the prisoner, the report lauded the prison reorganization legislation of 1937 for its social uplift while downplaying its mercenary character.

The New Deal’s increase of federal power in state affairs can be seen with the award of the federal WPA grant to support the newly created education program at the Maryland penal system. The incentive of monetary support galvanized state officials to uphold New Deal policy changes. The expansion of federal power is also revealed in the creation of PIRA, a federal commission appointed by President Roosevelt to investigate state prison labor conditions and make recommendations. State officials held Maryland up as an example to other states for solutions to the prison labor problem. Thus, the study of the Maryland penal system demonstrates how New Deal work relief and expanded roles for the federal government transformed state social programs.²⁷⁹

The reorganization of the Maryland penal system also reveals gains of labor unions during the first half of the twentieth century.²⁸⁰ As discussed in the first chapter, labor representatives lobbied unsuccessfully in 1912 for the establishment of state-use industries. Their lobbying efforts continued through the decade, finally achieving a

²⁷⁸ “4-Point Prison Plan Approved,” *Baltimore Evening Sun*, April 6, 1937, “Convict Labor,” Vertical File, EPFL (first quotation). Johnson, “Maryland Prison Reform: Laws to Banish Penal Idleness,” *Baltimore American*, April 11, 1937, “Convict Labor,” Vertical File, EPFL (additional quotations). For New Deal context, see Peck, “The Prison Labor Situation,” 237-239; Skotnes, *A New Deal for All?*, 180-181.

²⁷⁹ Peck, “The Prison Labor Situation,” 237-239; United States, Prison Industries Reorganization Administration, *Prison Labor Problem in Maryland*; Johnson, “Plan Maryland As ‘Guinea Pig’ in Prison Work,” *Baltimore American*, November 15, 1936, “Convict Labor,” Vertical File, EPFL.

²⁸⁰ Fitzgerald, “Prison Idleness—a Crime Behind Bars” *Survey Graphic*, 27, no. 8 (August 1938) “Convict Labor,” Vertical File, EPFL (quotation). On gains of labor unions over prison goods, see for example, McLennan, *Crisis of Imprisonment*, 459-462, 471.

limited victory during the decision of the 1922 General Assembly to legally pursue a partial system of state-use. During the years that followed, revenues continued through both private contractors and the state-use system. State officials lacked the political will to permanently cut off private contracts that generated substantial profits. Finally, the unemployment crisis of the Great Depression compounded with restricted interstate sales of prison goods pressured state administrators to accept the full adoption of state-use industries. While the economic challenges spurred a shift in political and economic loyalties, the groundwork for the rejection of the contract system had been laid decades before by the efforts of working men and women.

Labor organizations saw to it that their priority of curtailing prison labor competition was never ignored. During New Deal prison labor reorganization efforts, both the Maryland Commission and PIRA sought to placate labor unions by establishing a state-use system. An extensive media campaign was set up to alert the public to the challenge of idleness in the prison system. While news stories reframed the narrative from prison labor competition to the ills of idleness, the perspective of organized labor was never lost. As Stephen Fitzgerald, one of the leading reporters covering the story of prison idleness acknowledged, “the use of cheap and unskilled convict labor made it possible for prison contractors to produce some kinds of goods at very low cost...Good, solid, hardworking men and women found this situation almost intolerable.”²⁸¹ In the halls of the General Assembly, labor representatives battled for amendments to ensure the appointment of diversified state-use industries and limit the future purchase of the latest

²⁸¹ Fitzgerald, “Prison Idleness—a Crime Behind Bars” August 1938, *Survey Graphic*, 27, no. 8 (August 1938) “Convict Labor,” Vertical File, EPFL (quotation).

equipment in prison shops.²⁸² Their efforts paid off. The 1937 legislative acts on the adoption of the state-use system clearly outlined how the products created by prison inmates would not be sold in the general market, but rather to state institutions.²⁸³ Thus, the succession of penal reforms in Maryland established a model of New Deal penology that promised rehabilitation to unemployed workers, both convict and free, through carefully crafted labor policies and programs.

²⁸² Murphy, “Okays Bill to Put 2,000 Convicts Back to Work,” March 25, 1937, “Convict Labor,” Vertical File, EPFL.

²⁸³ Read, Jr., ‘Three Men on a Story!’ *The Quill*, May 1938, “Convict Labor,” Vertical File, EPFL.

Epilogue

While reviewing how the conditions of prison labor have changed over the course of the last eighty years from the passage of state-use industries legislation in 1937 to the present, it is sobering to realize how protections to working men and women have dramatically eroded in recent decades. Although a version of the state-use system continues in Maryland's penal institutions today, labor protections formerly gained by the efforts of working men and women both inside and outside of prison walls have largely been stripped. As has been documented, the increase of corporate lobbying in the latter half of the twentieth century has led to the dismantling of labor legislation passed in the first half of the twentieth century. The same is true of prison labor laws. In 1979, federal laws including the Justice Systems Improvement Act and the Private Sector/Prison Industries Improvement Act (PIE), provided incentives for private companies to again contract with prison systems and exploit an expendable prison workforce. During this same period, legislation passed in Maryland allowed its state-use industries (now known as Maryland Correctional Enterprises), to sub-contract prison labor to private industries, thus eroding many of the gains achieved by organized labor during the New Deal Era.²⁸⁴

²⁸⁴ On the dismantling of anti-contract prison labor legislation in more recent decades, see Thompson, "Rethinking Working Class Struggle Through the Lens of the Carceral State," 15-45; LeBaron, "Rethinking Prison Labor," 327-351; Grasso, "Broken Beyond Repair," 394-407; Heather Ann Thompson, "The Prison Industrial Complex," *New Labor Forum* 21, no. 3, 2012, 39-47; Maguire, "Industry," in *Encyclopedia of American Prisons*, 255. On Maryland prison industries, see Maryland Correctional Enterprises, "Maryland Correctional Enterprises: Annual Report: FY2017," September 1, 2017, accessed March 25, 2018, <https://mce.md.gov/Portals/0/Annual%20Report%209%207%2017.pdf>; Maryland Correctional Enterprises, "Why Buy from MCE," accessed March 25, 2018, <https://mce.md.gov/AboutMCE/WhyBuyFromMCE/tabid/78/Default.aspx>; Maryland Correctional Enterprises, "About MCE: At a Glance," accessed March 25, 2018, <https://mce.md.gov/AboutMCE/tabid/71/Default.aspx>.

The reemergence of corporate contracting in federal and state prisons is particularly alarming given the rise of mass incarceration in the second half of the twentieth century. As historian Elizabeth Hinton has argued, the war on crime can be traced to tougher law-and-order policies implemented by Lyndon B. Johnson in the 1960s, Richard Nixon in the 1970s, and on through recent decades. Currently, the United States has the highest rate of imprisonment in the world, a status even more troubling when considered in context with the increase of corporate prison labor contracts. Indeed, within the last twenty years corporations such as McDonalds, Hewlett-Packard, and Wal-Mart—companies who profit off cheap prison labor—have all lobbied Congress as members of the American Legislative Exchange Council (ALEC), to pass mandatory sentencing laws and harsher punishments in the criminal justice system.²⁸⁵

Such blatant disregard of the worth of human life affects not only the individuals and families of those in prison, but the workers outside prison who are undercut by corporations exploiting a marginalized workforce. In her article, “The Prison Industrial Complex: A Growth Industry in a Shrinking Economy,” historian Heather Thompson sounds a warning, “It is time for the American labor movement to wake up to the fact that not just those who run afoul of the law, but *all* American workers have paid a high price for the politics and policies of mass incarceration.” As my thesis recounts, organized labor during the Interwar period did oppose the competition of prison labor, although it largely disregarded the level of solidarity that Thompson calls for. The history of prison

²⁸⁵ On histories of mass incarceration, see Hinton, *From the War on Poverty to the War on Crime*; Thompson, “Why Mass Incarceration Matters,” 703-734; Simon, *Governing through Crime*. On ALEC, see Thompson, “The Prison Industrial Complex,” 40-41. On the United States having the largest rate of incarceration, see Peter Wagner and Wendy Sawyer, “Mass Incarceration: The Whole Pie 2018,” Prison Policy Initiative, accessed March 28, 2018, <https://www.prisonpolicy.org/reports/pie2018.html>.

labor before the era of mass incarceration reveals a period when the labor movement achieved significant gains on both national and local fronts by replacing the contract labor system with the state-use system. This move somewhat protected free workers from the competition of lower prison-priced goods, but left inmates to low-wage jobs to generate state revenues.²⁸⁶ Clearly, labor negotiations both past and present have long marginalized prison workers.

By examining the Maryland prison labor debate within the labor movement during the Progressive and New Deal Eras, my thesis reveals how the state has used the rhetoric of rehabilitation to justify the revenue generated by the employment of prison inmates. Similar rehabilitation rhetoric is employed by state officials today. For example, a quick glance at the Maryland Correctional Enterprises webpage reveals the institution's emphasis on the career training it provides to inmates, highlighting how prisoners are "given a fresh start to build new pathways to a brighter future." In similar fashion to early twentieth century rhetoric, prison administrators continue to describe prison labor not just as a process of manufacturing products to be sold, but rather a rehabilitative endeavor in which convicted criminals refashion themselves as productive members of society. In this process, inmates earn little more than a dollar an hour for their labor. While the opportunity of job training holds promise, it must be remembered that prisoners provide a cheap, expendable source of labor to the state and sub-contracted private employers in Maryland.²⁸⁷

²⁸⁶ Thompson, "The Prison Industrial Complex," 42 (quotation, italics in original). On profit considerations of prison industries, see Conley, "Prisons, Production, and Profit," 257-258. My thanks to Professor Colleen Woods for her framing and wording revisions.

²⁸⁷ For quotation and information about MCE, see Maryland Correctional Enterprises, "About MCE: At a Glance," accessed March 25, 2018,

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While much of the current historiography on the United States penal system focuses on the rise of mass incarceration, it is important that the heated debates between prison administrators and labor unions during the early decades of the twentieth century are not forgotten. By examining the transformation of the Maryland prison system during the Progressive and New Deal Eras, this thesis considers the close connection between penal reform and labor relations. Since the mid-nineteenth century, Maryland prison wardens allowed private companies to employ inmates in guarded prison workshops. By the turn of the century, Maryland state officials lauded the prison system for returning large surpluses to the state treasury. Maryland continued its contract labor system even as progressive reform swept through most northern states. Trade labor unions in Maryland such as the United Garment Workers union and the Baltimore Federation of Labor challenged the contract labor system in the Maryland through legislative lobbying. Although such efforts were met with defeat in 1912, continued labor agitation was a catalyst for a subsequent state investigation and progressive prison reform. While historians have long discussed the progressive ideology of prison administrators and state officials, my research contributes to the project of examining the ways inmates and

<https://mce.md.gov/AboutMCE/tabid/71/Default.aspx>; On early twentieth century rhetoric of rehabilitation, see United States, Prison Industries Reorganization Administration, *Prison Labor Problem in Maryland*; Byer and United States Bureau of Labor Statistics, *Prison Labor in the United States, 1932*, 208-216; Robinson, *Should Prisoners Work?* For a critique of modern rehabilitation efforts, see Grasso, "Broken Beyond Repair," 394-407. On cheap source of labor and wage rates, see Britto, "State Inmates Build Furniture for UMD Buildings," *The Diamondback*, May 3, 2015, accessed April 15, 2018, http://www.dbknews.com/archives/article_1c3defd0-f1db-11e4-9775-b7dfa005d178.html

workers outside prison walls significantly shaped the penal reform efforts of the period.²⁸⁸

While gaining access to the voices and experiences of prison laborers proved to be challenging, the archival records do reveal the contributions of inmates who helped shape the prison labor discourse. For example, in the opening chapter, I discuss the resistance of several inmates, including that of Harry Freed, the ex-convict who brought labor grievances before the prison administration, and the inmate who petitioned a Baltimore labor federation for assistance in ameliorating the exploitation of inmates on road construction. Chapter two documents the weeklong prisoners' strike during the depression. These examples, along with several others, demonstrate that inmate actions and grievances did heighten the stakes of the prison labor debate. The agitation of inmates and labor unions pressed the state legislature to consider alternative labor arrangements during the Interwar period.

While the Maryland General Assembly passed legislation in support of a partial state-use system in 1922, the prison administration continued to enter into contracts with private employers throughout the decade. As my second chapter reveals, increasing prison populations and decreasing revenues in the late 1920s and early depression years posed a different set of challenges for inmates, outside laborers, and prison administrators. The Hawes-Cooper Act's restriction of interstate prison goods together with the economic depression dwindled prison revenues. While Board of Welfare

²⁸⁸ On the project of including inmate and organized labor actions, see McLennan, *Crisis of Imprisonment*, 1-13, 71, 138-172, 237-239, 461-465. On Maryland Penitentiary, see Shugg, *A Monument to Good Intentions*, 73-133; Inskip, *A Penitentiary for the Free State*; Maryland State Archives, "Department of Public Safety and Correctional Services: Origin," Maryland Manual On-Line, June 5, 2017, accessed November 2018, <http://msa.maryland.gov/msa/mdmanual/22dpscs/html/dpscsf.html>; McKelvey, *American Prisons*, 255-256.

members struggled to manage growing deficits and crowded prison facilities, working men and women criticized state officials for attempting to maintain employment for its criminal population during a crisis of unemployment.

In the fall of 1932, a large demonstration of five thousand clothing workers in Baltimore was closely followed by a December strike in the Maryland Penitentiary clothing workshops. While prison administrators had dismissed earlier agitations in the prison system, inmates were very deliberate in centering their grievance over wage reductions. This thesis argues the importance of situating the actions of inmates within a broader labor history. As working men and women considered the abolishment of contract labor a significant part of their labor platform, the second chapter interrogates labor relations through the lens of prison labor negotiations. Inmates and laborers alike seized upon the prison labor system as a platform to challenge state authority. Ultimately, this chapter argues that the attempt of prison administrators to ameliorate inmate idleness in the prison system exposed their unwillingness to fully address the needs of organized labor outside the prison system.²⁸⁹

Finally, in the third and final chapter, I examine how prison officials adopted New Deal policies to both ameliorate prison budget deficits and appease working men and women agitating for the abolishment of contract prison labor. Both federal and state officials were appointed to investigate solutions to the problem of prison idleness and to do so without compromising job prospects for free industrial workers. Through an

²⁸⁹ On the importance of situating prison labor within a broader labor history, see Thompson, "Rethinking Working-Class Struggle through the Lens of the Carceral State," 15-45; McLennan, *Crisis of Imprisonment*, 1-13.

extensive public relations campaign, including a forum held in the Maryland Penitentiary itself, state commissioners primed voters and politicians for legislative change.²⁹⁰

In 1937, the legal establishment of state-use industries marked a victory in a decades-long struggle to curtail prison labor competition by labor representatives. At the same time, the adoption of the state-use system signaled the expansion of the New Deal project of work relief and federal aid in the criminal justice system. The work-education program developed by the Maryland prison administration was partially funded by a \$50,000 grant awarded by the Works Progress Administration. In this way state and federal officials together upheld the prison labor problem as one worthy of federal work relief. The heightened rhetoric related to prison idleness reveals the moral ideologies undergirding New Deal liberalism. The passage of the state-use industries bill in 1937 demonstrates how New Deal federal relief brokered a compromise between prison administrators and labor representatives. At the turn of the twentieth century, the Maryland penal system, steeped in a system of profit-making contracts, was viewed as a latecomer to northern progressive reform in the early decades of the twentieth century. However, by the mid-1930s, labor agitation together with the economic depression led state officials to point to the Maryland prison labor solution as an example of New Deal reform.²⁹¹

²⁹⁰ United States, Prison Industries Reorganization Administration, *Prison Labor Problem in Maryland*; “Group Reaches 7-Point Plan to Aid State’s Prison Idleness,” *Baltimore Sun*, November 22, 1936, “Maryland. Commission on Prison Labor, Vertical File, EPFL; Read, “Three Men on a Story!” *The Quill*, May 1938, “Convict Labor,” Vertical File, EPFL.

²⁹¹ On the Maryland penal system as an example of New Deal reform, see Johnson, “Plan Maryland As ‘Guinea Pig’ in Prison Work,” *Baltimore American*, November 15, 1936, “Convict Labor,” Vertical File, EPFL; Peck, “The Prison Labor Situation,” 237-239; Fitzgerald, “Prison Idleness—a Crime Behind Bars,” *Survey Graphic*, 27, no. 8 (August 1938): 421-424. McLennan argues that New York was held up as an example of penal reform in the New Deal Era, see *Crisis*

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Examining prison labor within the context of the labor movement expands the traditional narrative of prison reform. Rather than merely being an account of middle-class progressive reform, the inclusion of inmate and organized labor perspectives reveals how prison labor tapped into larger anxieties regarding unemployment and the responsibility of the state. Inmates and outside laborers successfully challenged the state's ability to provide sufficient relief to its workers. In turn, the state used progressive rhetoric of prison idleness to downplay the revenue making activities of the state. By documenting the transformation of the Maryland state penal system over the course of three decades, my thesis reveals how working men and women, both convict and free, seized upon the prison system as a platform on which to agitate for more equitable labor relations. This area of historical exploration—prison labor reform during the Interwar period—does not engage directly with mass incarceration scholarship, and yet is vitally necessary to the project of understanding the long-standing relationships and connections among state prison labor, corporate profit and incarcerated populations.

of Imprisonment, 418-420, 466, but my thesis reveals how Maryland emphasizes revenue generation in New Deal reforms.

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