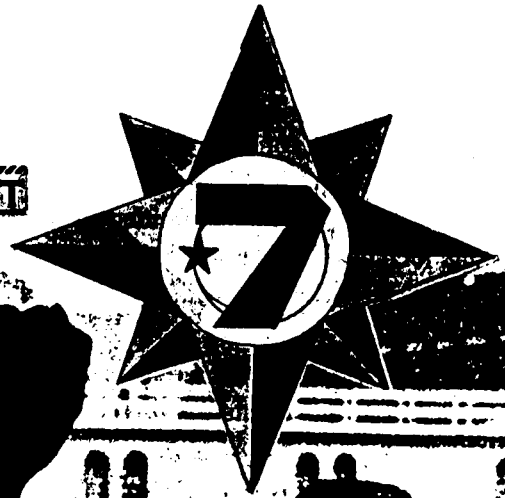


FOOD FOR THOUGHT

KNOW THYSELF
AND THY FATHER

ALLAH



From madhouse to--modern correctional facility

Fishkill Correction Facility

For 80 years, Matteawan State Hospital was one of the nation's most famous institutions for the "furiously mad. " It began to phase out in the 1960's when the courts restricted the state's power to imprison the mentally ill. For another decade, it went through a dizzying series of identity changes, seeming to be nine or 10 institutions coexisting, like multiple personalities, in one physical plant. Finally, at the end of the 1970's, Fishkill emerged from the confusion.

During colonial times, mentally ill persons might be fed, clothed, and sheltered (sometimes locked in attics or basements) by family or allowed to wander and beg on the streets as cranks and eccentrics. Unmanageable nuisances might be shunted off to poorhouses; if they threatened life or property, they might be sent to jail.

With industrialization and urbanization, these informal local care "systems" were less satisfactory. Then, in the early 19th century, physicians began to claim that medical science now possessed the knowledge to treat and cure mental illness as easily and surely, they sometimes said, as common physical ailments - in specially designed and managed asylums.

New York's first state institution for the insane, the Utica Lunatic Asylum, opened in 1843. Most patients were civil commitments, but Utica also received mentally ill patients from jails and prisons. Asylum officials could not handle the violent and escape-prone criminally insane. Moreover, the presence of criminals was felt to be unfair to civil patients, who had entered the hospital, often voluntarily, to be cured in a wholesome and tranquil environment not to be exposed to physical and moral harm by depraved cutthroats.

In an attempt to remedy the situation, a State Lunatic Asylum for Insane Convicts opened in 1859 on the grounds of Auburn. It would receive convicted persons who became mentally ill. But this did not wholly resolve Utica's problem. Unconvicted persons - those too insane to stand trial and those acquitted by reason of insanity - were still Utica's responsibility, and these persons could be every bit as troublesome in a civil institution as the convicted insane. Over the years, exceptions were gradually made to the principle that the convicted and unconvicted should be held separately. Piecemeal legislation extended the scope of the Auburn Asylum to include every category of the criminally insane; either sex, any crime, whether charged, convicted or not guilty by reason of insanity.

The prison asylum had few means to reduce its census. Recovered patients with pending charges were returned to the court; recovered convicts whose sentences expired were discharged outright. Patients with expired terms who were still in sane were often discharged to the custody of the county poor houses until 1889, when the State Care Act put an end to the practice. The Asylum was severely overcrowded. Patients were "doubled up," and there was no room at Auburn for expansion.

Matteawan State Hospital

In 1886, a legislative commission recommended the purchase of the 246-acre Dates Farm in the village of Matteawan for \$25,000, or just over \$100 per acre. The site was accessible by rail and offered good tillable land, pure water and pleasant scenery between the Hudson River and the Fishkill Mountains. An architect was hired to draw plans for buildings with "an abundance of light and ventilation" to accommodate 550 patients. In April 1892, the Asylum for Insane Criminals, with 261 patients, was relocated from Auburn to its new site. The following year, it was renamed Matteawan State Hospital,

But 550 beds were not enough. Seven years later, in 1899, another prison mental hospital was built on the grounds of Clinton. Dannemora would hold male convicts becoming insane while serving their sentences, and had the power to retain them if they remained insane at expiration of their sentences. Matteawan would hold unconvicted males as well as females in both categories.

Except for tighter security, Matteawan functioned the same as the state's civil hospitals. Until the 1950's and thorazine, doctors prescribed the program of "moral treatment" developed in the early 1800's. It consisted of kind and gentle treatment in a stress-free, highly routine environment. Patients who were capable were assigned to a work program (often called "occupational therapy"): cooking, maintenance, farming and making baskets, rugs, clothing and bedsheets.

Patients were given outdoor exercise in the courtyards twice daily and motion pictures were shown weekly. Radios and phonographs were available on the wards. Patients played softball, tennis, bowling, tennis, handball, shuffleboard, volleyball, chess, checkers, cards, gymnastics, ping pong and quoits (similar to horseshoes but with iron rings). At Christmas and other special occasions, there were teas for the women, smokes for the men and "vaudeville entertainments" staged by patients and staff.

By 1949, new treatments had been added to the traditional moral treatment (now called "milieu therapy"). Electric and insulin shock treatments were now being used extensively, hypnosis and group therapy were employed and three lobotomies had been performed.

From Matteawan's opening, the proportion of chronic and dangerous patients - who could never be released - steadily rose, and so did the hospital count.

Capacity was gradually increased to about 1,000, but overcrowding continued. In 1949, there were nearly 1,500 men and 250 women.

Outwardly, the madhouse atop Asylum Road was usually quiet. Its most notorious patient was probably George Metesky, the Mad Bomber. But Metesky caused no problems, and after his release lived uneventfully outside the state. Escape attempts offered occasional excitement. In 1933, four patients obtained pistols and held two attendants in a locked ward. State Police were called in and, when one of the patients pointed a gun, he was shot and killed by a trooper.

The End of the Prison Hospitals

By the mid- 1960's, the DOCS held approximately 3,000 patients at Matteawan and Dannemora state hospitals some serving sentence, some held past their sentences and many confined without ever having been convicted. Within a dozen years, all 3,000 would be gone.

A series of court decisions ended the relatively free and easy procedures under which Matteawan and Dannemora had operated. Simply put, everyone sent there stayed until the superintendent approved their release. In many cases, persons committed for minor offenses were confined for 30 and 40 years. Now, coinciding with a period in American history when faith in the judgment of "experts" was eroding, courts put a stop to the "unbridled discretion" exercised by mental institution superintendents.

First, the courts established that transfer to Matteawan or Dannemora would require the same procedures, including the right to a court hearing, as involuntary commitments of ordinary citizens to civil mental hospitals. A later decision established that nobody could be held in a correctional institution beyond their maximum sentence (if still dangerous, they could be committed to a civil hospital). Further decisions eliminated the transfer of "dangerous civil patients," and then of persons found not guilty by reason of insanity, to institutions where convicted persons were also held.

The effect of these decisions was to empty the prison mental hospitals. Dannemora was the first to go, in 1972. For another five years, Matteawan held convicted patients only, with all other categories of the criminally insane going to the Department of Mental Hygiene.

24-Hour Wonders: Classification Run Amok

The period 1966-77 was one of indecision and confusion as the Department struggled to decide what to do with prisoners formerly sent to Dannemora and Matteawan. New units and entire institutions were created, it seemed, every few months. They were easily set up because Matteawan's ward system had evolved to include self-contained units with their own kitchens.

The first new entry, in 1966, was originally called the Beacon Institution for Defective Delinquents, where inmates would be called "biddies" for years. Then, in a sudden show of official sensitivity, it was immediately renamed Beacon State Institution (BSI). BSI took the last defectives from Napanoch, whose population was also decimated by the court decision directing the release of inmates whose sentences had expired. A separate institution, Glenham Correctional Facility, was created also at Matteawan for "borderline" cases with IQ's of 70-85.

To take the unconvicted mentally ill persons who could no longer be legally held at Matteawan, the Mental Hygiene Department opened the Mid-Hudson Psychiatric Center on Matteawan's grounds.

Yet another mini-facility was created about this time. Fishkill Correctional Facility - no relation to today's Fishkill --was the name given to a female unit to relieve crowding at Bedford Hills. In 1972, the unit accepted eight women considered uncontrollable at Bedford, which at that time had no special housing unit. The "uncontrollables" sued DOCS for illegally transferring them without a hearing. The inmates prevailed. They were returned to Bedford and the Fishkill unit closed.

Emblematic of the vacillation at the institution was the now you-see-it, now-you-don't Center for Medical Services. In April 1973, DOCS Commissioner Russell U. Oswald decided to "abolish" the semi-independent Matteawan, Beacon, Glenham and Fishkill "facilities" and combined them in a "Correctional Center for Medical Services at Beacon." Not five months later, newly appointed Commissioner Peter Preiser erased this Center and reestablished Matteawan, Beacon and Fishkill as "new institutions." (Glenham, however, was not resurrected.)

The Beacon complex featured many other special units most of them short-lived:

- There were narcotics units- one for the Narcotics Addiction Control Commission commitments and one for criminally sentenced addicts, both segregated by sex.
- A Diagnostic and Evaluation Unit was created, where inmates suspected of mental illness would undergo assessment to determine final placement for treatment
- An Emotionally Impaired Unit was created.

One of DOCS' first work release programs was established here. But it nearly closed in the torrent of publicity when temporary release inmate and murderer Salvatore "the Cape-man" Agron failed to return from classes at New Paltz College.

Agron was sentenced to die in the electric chair after a highly publicized trial for the murder of two youths in a battle between his Puerto Rican "Vampires" and a white teen gang. The trial focused national attention on juvenile delinquency and teen gangs, and reminded many of the Leonard Bernstein musical, *West Side Story*.

Agron, who had worn a black cape during his crime, defied the state to "Let me fry." One week before his scheduled execution, Governor Nelson A. Rockefeller commuted his sentence to life. Nineteen years after the conviction, Governor Hugh Carey granted clemency with the unusual condition that Agron participate in an educational release program for a year prior to parole. He attended classes for several months, then one afternoon failed to return. A few weeks later, he was found wandering aimlessly in Arizona.

At his 1977 trial on the charge of absconding, Agron's attorney, William Kuntzler, successfully argued in court that temporary insanity had been brought about by the radically different treatment Agron received at the college by day and in the prison at night.

Agron's story still elicits interest. Noted Singer/composer Paul Simon made his Broadway debut earlier this year with his musical production "Capeman," a largely factual account of Agron's life. But many criticized what they viewed as a glorification of murder, the reviews were scathing, ticket sales failed to meet expectations and Simon's ill-fated musical closed shortly after its debut.

While work release survived the Capeman, another of the Beacon complex's special units did close due to the actions of one inmate. Robert Garrow fatally stabbed a 16-year-old boy in the Lake Pleasant/Speculator area in 1973. After eluding authorities in the Adirondacks for 12 days during one of the most extensive manhunts in state history, Garrow was shot by a state environmental conservation officer and captured. He was convicted of killing the teen, and later admitted three other killings:

In the belief that Garrow was partially paralyzed as a result of the gunshot wound, he was placed in the new minimum-security Elderly and Handicapped Unit at the Matteawan complex. Somehow he was able to fool the doctors for years, and probably found ways to exercise without being observed even by other inmates. In 1978, armed with a pistol hidden inside a Kentucky Fried Chicken basket and smuggled into the prison by his son, Garrow scaled a 15-foot-high fence topped with barbed wire. He then hid out on the grounds, eluding capture for three days until he was shot to death in a gun battle with prison guards.

The Elderly and Handicapped Unit was closed for reevaluation, then renamed the Unit for the Physically Disabled and re-located to Green Haven.

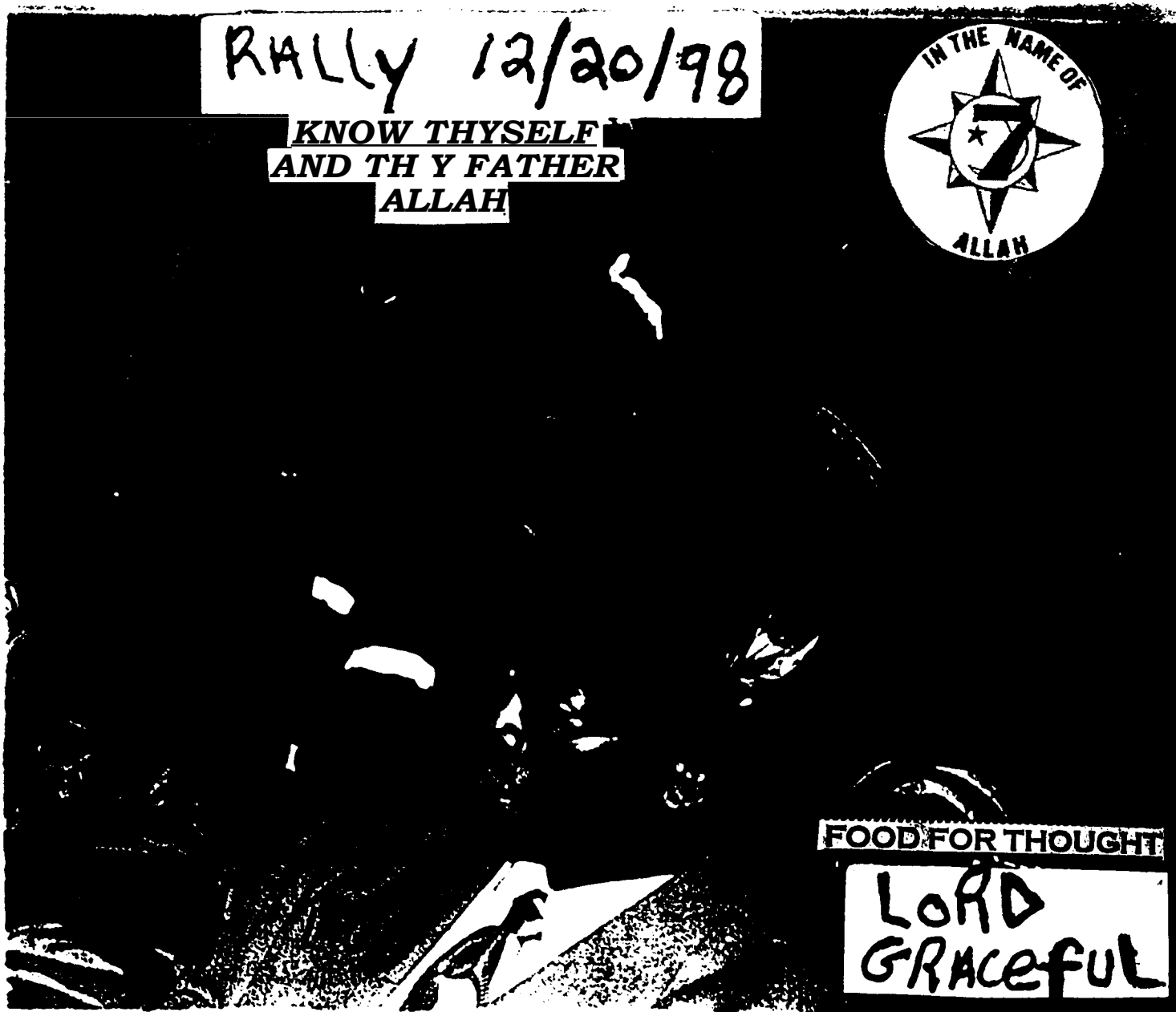
CNYPC Replaces Matteawan, Modern Fishkill Emerges

In settlement of a suit, the state agreed that the Department of Mental Hygiene should assume responsibility for all mentally ill persons, including sentenced prisoners. On January 1, 1977, Mental Hygiene opened the Central New York Psychiatric Center (CNYPC) a special forensic mental health facility on the grounds of the Beacon complex (CNYPC was relocated to a portion of Marcy State Hospital in September of that year). With the creation of CNYPC, Matteawan closed forever.

Out of the chaos of the 1960's and '70's, today's Fishkill emerged. Fishkill is a medium security facility in the DOCS system, but it includes a minimum-security work release component and a maximum-security S-Block. In addition, Fishkill recently became home to a Regional Medical Unit.

Fishkill has shrunk in size since it owned and farmed 900 acres in the state hospital days. Parts of its property were appropriated for the Beacon Correctional Facility for women (on the site of the former Beacon Regional Training Center for Correction Officer trainees) and Downstate, a reception and classification center which opened in 1979.

Among the programs operated at Fishkill is the Correctional Industries (Corcraft) program. Inmates manufacture beds, chairs and computer furniture for sale to state and local governments. They also fabricate to order heavy gauge steel specialty items, such as security doors and windows, for correctional and psychiatric institutions.



New York's first prison

Newgate

Newgate, New York's first state prison, is unremembered today. Unlike Auburn and Sing Sing, it planted no seeds for the correctional future. Nor did it last long. Newgate opened in 1797 and closed 31 years later when the new Sing Sing prison was ready to take prisoners sentenced out of New York City. Begun with high hopes as the solution to the problem of crime, Newgate's inadequacy to the task was apparent almost immediately. Its first steps proved to be fatal ones.

The Colonial Background

Newgate represented a rejection of the approach to crime and punishment that had prevailed in the colonies. Crime in colonial times was seen as sin; it had always been with us and always would be. Since the criminal's depravity was considered as natural and unerasable as a leopard's spots, reformation was not an aim of punishment. Punishment was to deter the offender as well as the crowds who gathered to watch.

Loss of liberty was seldom used as punishment: mere confinement was for paupers and orphans, debtors, the debilitated and insane and other nuisances. Confinement was also used to hold suspected wrong-doers pending trial. Once there was a finding of guilt, it was the duty of the community to either (1) shame the offender into acceptable behavior through branding, the stocks, the pillory, cropping their ears, or carting them through the streets; (2) scare them (and the spectators) straight, through fines or whipping or other tortures, or (3) eliminate them through exile or death. By the time the colonies won independence, Americans viewed vengeful retribution as a brutal remnant of monarchical tyranny. Free now to discard the outmoded laws and traditions of the homeland, New York and other former colonies could act on better ideas, and better ideas were in abundance. The Enlightenment of the Eighteenth Century had produced a habit of mind characterized by disdain for authority and traditional doctrines, a love of liberty, and a faith in universal progress.

In the field of penology, new ideas from Europe were widely known in the former colonies. In his 1764 *An Essay on Crimes and Punishment*, Italy's Cesare Beccaria had concluded that the indiscriminate severity and inconsistent application of the criminal laws in Europe were hindrances to law and order. The harshness of the laws promoted disrespect for authority, and people were reluctant to cooperate in bringing petty thieves to the gallows. The failure to distinguish degrees of wrong doing, according to Beccaria, was an invitation to more serious crime. To prevent

crime, Beccaria said, "see to it that the laws are clear and simple and that the entire force of a nation is united in their defense."

The Irishman Thomas Eddy

For New York to join the vanguard, all that was needed was someone to assert leadership. That someone was Thomas Eddy. Eddy was born in Philadelphia in 1758 to Irish immigrants. He later settled in New York City and, after achieving financial success as an insurance broker, was able to devote himself to his many philanthropic interests. He opposed imprisonment for debt, served on Quaker committees to aid American Indians, and helped found the House of Refuge for paupers and the New York Bible Society. In 1805, he helped establish a free school for poor children in New York City, a step toward a public school system. He was an active supporter of the New York Hospital and helped found the Bloomingdale Asylum for the Insane.

But Eddy was chiefly known as a penologist and was called "the John Howard of America" by his contemporaries. Prompted by outbreaks of disorder in the New York City jail, he traveled to Philadelphia in 1796 with General Philip John Schuyler, the father-in-law of Alexander Hamilton and a member of the New York State Senate, to examine the Walnut Street Jail, founded six years earlier by Quakers and already famous as the foremost correctional institution of the times. Eddy and Schuyler were fully taken with the Jail's enlightened philosophy, its orderly and humane management, and its claims of success in bringing about safer conditions on the streets of Philadelphia. On their return to New York, it was short work to persuade the State Legislature to rewrite the penal code and to establish prisons on the Philadelphia model.

The New Penal Code

Prior to Eddy and Schuyler's new penal code, 16 crimes were punishable by death in New York, including murder, rape, robbery, treason, burglary, the taking of goods from a church, forgery and counterfeiting. All other felonies, if committed a second time, were also capital. The new law, passed in March, 1796, created a schedule of crimes and punishments. Only treason and murder were retained as capital offenses. Other crimes formerly punishable by death were now punishable by imprisonment for life, with hard labor or solitary confinement as judicial options. Other felonies were punishable on the first offense by imprisonment up to 14 years, again with hard labor or solitary confinement available to the judge; for a second offense, the punishment was increased to life. Petty larceny was punishable by up to a year's imprisonment on the first offense but up to three years for a second offense. Sentences up to a year were served in county jails, longer sentences in the state prison.

Construction gets underway

The new law authorized two state prisons. One, intended for Albany, was never

built; instead, the whole of the appropriation was directed to the institution to be erected in New York City. Eddy and four other citizens were appointed commissioners to oversee its design and construction.

Newgate was erected in rural country ("pleasant, airy, and salubrious," as Eddy called the site in his 1801 book), about two miles above City Hall in what is now Greenwich Village. Construction was begun in the summer of 1796 and finished in late 1797. On four acres overlooking the Hudson River, the Doric-style building was of two stories with a cupola, surrounded by a stone wall ranging from 14 to 23 feet high. It contained 54 12-by-18-foot rooms designed for eight persons each; there were also 14 solitary cells, eight feet by six feet and 14-foot high, with windows eight feet from the floor, for a total capacity of 446 prisoners. A large room for a chapel was set aside, as were living quarters for the keeper and his family.. Another two-story building of brick, 200 feet long by 20 feet wide, contained the work-shops. There was also a garden "in excellent order," as Eddy wrote. 'The entire cost of the grounds, buildings, and a wharf on the river-front was \$208,846. The first prisoners arrived Nov.28, 1797

The structure itself differed little from existing institutions of the day. In particular, housing was congregate with two inmates to a bed. By 1801 Eddy realized this was a serious error: had the rooms been constructed for occupancy by a single prisoner, "the chance of their corrupting each other would have been diminished, and escapes would have been more difficult."

Administration and Staffing

Newgate's administrative scheme, virtually cloned on the Philadelphia model, would prevail in American prisons throughout the Nineteenth Century. Today, a prison is usually run by a warden or superintendent who reports to a Commissioner of Corrections who reports to the Governor. But today's system was 80 years away. It was not until 1847 that New York would arrive at the model now common among state correctional systems.

Responsibility for Newgate was placed in seven unpaid gentleman "inspectors" appointed by and serving at the pleasure of the Governor. One of the inspectors served as the Agent, or chief business officer, at a salary of \$1,500 plus lodging (Eddy was Newgate's first Agent). Also reporting to the inspectors were a principal keeper at \$875 per year plus lodging and board for his family and a resident clerk at \$500 a year. The principal keeper supervised a deputy keeper at \$400 a year and 11 assistant keepers at \$250 each "with diet, lodging, and washing."

Inmate pay maintenance, housing costs

On reception at Newgate, the new prisoner was stripped of his clothes, washed, and given the prison uniform: shoes and stockings, flannel shirt, and brown jacket and trousers for a first offender, with second offenders distinguished by "a dress one half red and the other half blue." A description of his appearance, crime, and

"whatever may enable them to form a judgement of the degree of his depravity" was entered into a book. "He is then asked what kind of work he is fitted to perform, or is inclined to undertake; and the next day commences his course of labor."

An account was set up for each new inmate. He was charged for his clothing, the expenses of his transportation to the prison, and fifteen cents a day for his maintenance. An inmate clerk kept a record of each prisoner's labor and earnings, which were credited to his account. The inspectors were authorized to pay the inmate at his release for earning in excess of expenses, but not mandated to do so. They would, according to Eddy, "take into consideration the character of the person before his conviction, his behavior during confinement, [and] the general disposition he has manifested. If, on the whole, it appears probable that he may make a bad use of the money, they give him one or two dollars only."

Often fooled "by those who promised to do well," they devised a scheme of conditional payment: most of the money due was withheld and the balance paid after three months if the former inmate produced a "certificate, signed by creditable citizens that he has ... behaved orderly, soberly, and industriously." The conditional payment is interesting in that it can be thought of as an attempt to retain control after release from custody.

Meals, coarse but nutritious, were taken in silence. At other times, the silent system that would be instituted at Auburn and Sing Sing was absent from Newgate. Decorum was required in the shops: "All swearing, singing, whistling, idle or indecent conversation, are strictly prohibited." Another leniency later dispensed with under the Auburn/Sing Sing system was visiting: well behaved prisoners at Newgate could be visited by their wives and relatives "in the presence of a keeper."

A program of education (from which Auburn and Sing Sing would retreat) was introduced by Eddy. During the winter, the "most meritorious" convicts were instructed two hours daily, by an advanced inmate in reading, writing and arithmetic. Four shillings a week, made up through over stints in the shops, were charged to each inmate for light, fuel, and writing implements.

Religious and moral instruction was provided every Sunday in a room accommodating 500 persons. A prisoner read prayers and led in the singing of psalms. Sermons were given by volunteer preachers "of every Christian denomination" from the New York City religious community. Each housing block "apartment" was furnished with a Bible and religious books.

The struggle to establish a work program

The work program was of critical importance to Eddy, who thought that "the most efficacious means of rehabilitation are to be found in that system of regular labor and exact temperance by which habits of industry and temperance are formed."

He also thought it essential to make the institution self-supporting, so that the taxpayers were not burdened with the expense of the prisoners' keep. These are themes that will sound across prison history to the present day.

Several of the prisoners were assigned to the vegetable garden, the kitchen, and prison maintenance duties; though they offset costs, these activities did not generate revenue. Productive work did not commence for two years, until the workshops were built. The first industry undertaken at Newgate was the manufacture of shoes and boots, "under the instruction of a prisoner sentenced for life, who was a skillful shoemaker." This was followed by the production of nails, barrels, linen and woolen cloth, cloth- woolen cloth, clothing, and wooden-ware, and later of brushes, spinning wheels, clothespins, bobbins, spools, butter churns, and whips. Female prisoners were employed in washing, spinning, sewing etc.

The opposition of private manufacturers and labor to competition from prison labor was evident immediately. Eddy was sensitive to the problem and, while decrying 'the selfish views of. . private interests' opposed to "the general good," saw fit to point out that the bulk of shoes worn by New York's citizens were made in New Jersey. Nonetheless, private interests prevailed upon the legislature in 1801 to require that Newgate's boots and shoes be branded "State Prison" to discourage their purchase.

Free labor fears intensified in 1802 when Newgate entered into a contract with an outside bootmaker for work to be done inside the prison. By 1804, in an attempt to limit prison production, the legislature stipulated that not more than one-eighth of the prisoners should be employed at shoemaking, excluding those who had learned the trade before their conviction.

Early opposition to prison industry was generally ineffective, but so was the prison industrial program. The prison staff had no expertise in business affairs, appropriations for materials were hard to come by, and, as a workforce, the prisoners were second-rate. they arrived in mixed states of mental and physical health, tended to have little work experience, saw no community of interest with their employer, and (sabotage and arson excepted) were not inclined to exert themselves.

Newgate quickly lapsed into annual deficits, exacerbated by the mercurial market and overcrowding, particularly with the crime wave after the War of 1812. In 1817, the Legislature determined that the State should no longer bear the risk of expenditures for raw materials and unsold inventories, decreeing that the risk should be transferred to the private sector; materials would be brought to the prison by entrepreneurs who contracted to pay a fixed labor charge for the goods produced by the inmates. Newgate's administrators complained, first, that it was difficult to find contractors and, second, that it made the prison dependent upon them (the failure of a shoemaking contractor in 1819 idled many inmates for months, with no income to the prison). In 1818, profits fell to \$16,000, far below the \$58,000 charges for food and maintenance alone.

The inspectors pleaded for a return to the state account system. By 1821, Newgate was defying or evading the law, with less than half the industries running on a contract basis. (It would be several years before Auburn would devise a prison discipline in which the contract system would thrive. Subsequent abuses and the unalterable opposition of private interests to anything that worked would lead to a constitutional amendment in 1894 banning all contracts and creating the state use system now in place in New York and most other jurisdictions.)

Troubles Bedevil Newgate: Overcrowding and Disorder

Newgate was not immune from politics. With the appointment of new inspectors, Quaker policies were outvoted and Eddy's control of the prison eroded. He resigned in January, 1804.

Not that Eddy's continuance would have long forestalled troubles: Newgate's flaws ran too deep. The congregate housing model of the old jails was unworkable, as Eddy quickly recognized. Many saw his faith, that enlightened sentencing laws would automatically produce a rational penitentiary system, as hopelessly naive. It was inevitable also that convicts and guards alike would adjust in unfortunate ways to the mild system established by the Quakers: as the novelty faded, keepers relaxed their discipline; inmates took advantage, provoking increasingly brutal countertactics.

Another unforeseen obstacle was the intractability of the industrial problem. Discord and confusion were inherent in the fragmented administrative scheme (amateur inspectors and a principal keeper independent of the agent or warden) And (overcrowding, as always, was beyond Newgate's control.

Newgate, designed for less than 450 prisoners, could not possibly keep pace with the growth in population of New York City in the early 1800's. A crime wave followed the return of soldiers to New York City after the War of 1812, with the number of convictions increasing from 295 in 1815 to 436 in 1816. Until further construction, there were only two remedies, both bad: Cramming the inmates into the available space, or releasing them by pardon. A "good time" law in 1817 permitted the inspectors to shorten an inmate's term by one-quarter, but this was a band-aid. By 1821, Newgate had 817 residents; without the exercise of executive clemency, there would have been over 2,000.

However necessary under the circumstances, the reliance on the pardoning power was decried by penologists everywhere. The pardon undercut whatever rationality Eddy's penal code revision had attained. Nine-tenths of all releases were by pardon rather than completion of the sentence (parole was many decades away). Mass releases twice a year disrupted prison industries and created disciplinary problems. Inmates expected to serve out no more than half their terms, and were outraged if held past that date; after the semiannual pardon-fests, disappointed convicts were prone to rampage and sabotage. Lawyers hung about the doors, bargaining with inmates, circulating petitions, and besieging the Governor. The

effects outside the prison walls were likewise unfortunate, as every pardon season saw 40 to 50 unreformed felons suddenly loosed upon the citizenry.

Newgate was also ill designed to manage special classes of offenders. Female prisoners were housed separately, but not separately enough. When a Swedish nobleman visited Newgate in 1819, he was told that the 40 women caused more problems than the rest of the inmates put together. Considered an economic drain, they were carelessly governed and fearless of discipline. They would catcall to the men and attempt liaisons: "The utmost vulgarity, obscenity, and wantonness, characterizes their language, their habits and their manners," wrote a former convict. "Their bestial salacity, in their visual amours, is agonizing to every fibre of delicacy and virtue." Many of the males, of course, were not so agonized, and the presence of the women was a continual management problem.

The insane and deranged were another group that plagued Newgate. One man thought he had dethroned Napoleon, won the victories of Perry and Macdonough, and fought for revolutionary causes in Latin America. "Poor creature!" observed the same former convict so concerned for his delicacy and virtue, "his history would fill an octavo."

Newgate was gradually coming to look, feel, and even smell like an old-style jail. Eddy's paternalistic visiting program collapsed. Visitors brought troubles: whiskey, tools, money, and unauthorized messages. Contractors for prison industries also smuggled alcohol and other contraband to induce the convicts to work. Around 1815, even the inspectors, in what sounds like caving in to extortion, agreed to reward industrious prisoners with a pint of "wholesome beer."

By 1815, clownish striped suits, foreboding the future, were introduced for Newgate's first termers; the second termers' jackets and trousers were brown on one side only; third termers were given a red, white, and blue cap with the numeral "3" on the front.

Jostling and disorder were common in the yard; Sundays especially were characterized by obscene singing, rowdy horseplay, and gambling. Insolence and idleness, filthiness, and possession of shivs were general. And with respect to the reformation of offenders, the common perception was that Newgate, like the jails of old, had become a school for crime.

Getting Physical: Rebellion and Repression

A 1796 law forbid the keepers from carrying arms inside the prison and from striking the prisoners. The only allowable punishment was solitary confinement on a restricted diet. The need for access to force was soon apparent. In 1799, several guards were taken hostage by 50 to 60 inmates; the mutiny was quelled only when guards opened fire, wounding several inmates. The next year, the assistance of the military was required to break up a riot; three or four ringleaders were injured, according to a newspaper report, and it was rumored that a keeper had

been knifed in the face. As a consequence of these incidents, together with several escapes, the Legislature in 1800 authorized the formation of a "State Prison Guard" to patrol the walls and pursue escapees. The Guard was under the jurisdiction of the mayor of New York City, an arrangement that did not sit well with Eddy, who must have felt like the ruler of an occupied country. Besides, Eddy was still confident that order could be maintained by the right sort of keeper, "with a heart warmed by the feelings of benevolence, but firm and resolute." Succeeding agents tried to gain control of the Guard, but it was not to be: its captain was an aged and crippled veteran of the Revolution, and legislators could not bring themselves to demote a man who had bled for his country's independence.

In 1803, 40 men broke from the housing area into the prison yard and started a fire; when 20 of them tried to escape over the walls, the keepers opened fire and killed four of them. The following May, a number of convicts escaped after locking several keepers in a building and setting it on fire; a remorseful convict mercifully opened the door, sparing the keepers' lives.

In 1817, perceiving that existing disciplinary sanctions had lost their sting, the Legislature prescribed the death penalty for any inmate who committed arson or assaulted an officer with intent to kill. But in June of 1818, a full-blown riot involving a majority of the population threatened the total destruction of the prison. Military force was brought in to quell the insurrection. Though about 100 ringleaders were placed in solitary, the convicts' behavior continued to be so menacing that the sentinels on the walls were authorized to fire at them.

Finally, in 1819, the Legislature legalized flogging at Newgate and Auburn (which had opened two years earlier). No more than 39 blows were to be inflicted, and only by the principal keeper under the direction and supervision of two of the prison's inspectors. The use of stocks and irons was also authorized. By 1823, punishments included chaining inmates to the floor on their backs for days at a time and a "Sunday Cell" in which a man could neither stand nor lie down.

The breakdown of Eddy's mild penitentiary regime was complete. All was in readiness for the emergence of the Auburn/Sing Sing system.

The End of the Dream

In 1824, a legislative commission was appointed to visit Newgate and Auburn and make recommendations for additional prison capacity. The commission recommended that Newgate, unfit for renovation and financially ruinous, be abandoned. When Sing Sing was completed in 1828, it took Newgate's last male prisoners; (temporarily contracting the females out to New York City). The State's first prison was sold to New York City for use as a jail.