Austin MacCormick liked to tell stories from the time he spent as a young member of the Boothbay Harbor volunteer fire department, entertaining audiences with tales of the ways in which the small-town firefighters used to attract notice. “We first chop a hole in the roof,” he explained, “and then someone kicks in a cellar window. This provides sufficient draft to make the blaze worthy of our attention.” Prison politics, MacCormick found, worked in much the same way. Without a blaze worthy of public attention, it was prone to inattention and drift. In his experience, there were no bigger blazes—or what policy scholars term “focusing events”—than prison riots. On a bitterly cold morning in December 1929, inmates of Auburn Prison launched a violent uprising, one that would give reformers the political opportunity they needed to initiate an ambitious restructuring of the correctional system for the adolescent male offender.

That the Auburn riots would be a political tipping point for reform interests in New York was not immediately obvious, nor is it self-evident in retrospect. The decade of the twenties had featured a rapid expansion of punitive crime-control policy, as popular sentiment and political expediency led New York to “get tough” with criminal offenders. Prison riots the previous summer at both Auburn and Clinton prisons had produced only a hesitant, unfocused response from Governor Franklin Roosevelt and the legislature. But the December riot shifted momentum in the public debate and provided an opening for the educational reformers. Roosevelt and Lieutenant Governor Herbert Lehman placed the direction of correctional reform in the hands of two successive commissions, both of which embraced a focus on reformatory construction and educational programming.

The consequences of Roosevelt and Lehman’s choice were real. New York constructed several new prisons—including Coxsackie—as the basis of a distinct
system for young male offenders, designed to deliver an ambitious program of education and vocational training. Inspired by Austin MacCormick’s work, correctional educators assumed critical administrative roles in the new prisons. They also established an administrative beachhead—the new Division of Education—within the Department of Corrections, from which they would dominate rehabilitative programming for the next thirty-five years. From within the prison bureaucracy, they advanced a range of ambitious plans to infuse reformist ideas throughout the prisons, including creating one of the nation’s earliest and most comprehensive prison guard training schools. And, finally, reformers succeeded in wresting from the criminal courts the control of institutional assignment, through the Youthful Offender Act and the creation of the Elmira Reception Center.

Coxsackie and the larger system for adolescent male offenders were fundamentally products of this reform moment. In effect, a rehabilitative regime assumed control over significant parts of the prison system and helped legitimate an impressive expansion of the correctional bureaucracy and infrastructure. The reformers’ victory was far from complete, however; they remained largely frozen out of the state’s “big house” prisons, and substantial elements of the reform program were never realized or were short-lived. But Coxsackie was, to a great extent, the realization of their ambitions. To judge what Coxsackie became in practice, one must return, first, to the moment of its creation.

The Pot Boils Over: The Auburn Prison Riot and Its Aftermath

The inmates of Auburn Prison awoke, on the morning of December 11, 1929, to weather that was bitterly cold, even by the standards of upstate New York. Despite the deep freeze outside, tensions inside the old state prison had reached a boiling point. All three maximum-security facilities for adult male offenders (the other two were Sing-Sing and Clinton) were experiencing varying degrees of crisis in prison management. The warden of Clinton Prison was shockingly blunt in his annual report at the end of 1928, warning the State that it was not a matter of if, but when, his prison would face a riot: “When the inevitable trouble does come, we will be prepared and trust that, with the aid of the machine guns, cyclone fences, etc., we will be able to handle the situation in a satisfactory manner.” The predicted violence broke out in July, with a significant prisoner uprising at Clinton. Within a week, inmates at Auburn Prison staged their own uprising. Learning of the destruction at Clinton through the prisoner grapevine, Auburn’s inmates did their best to recapitulate the effort, before their eventual surrender in the face of gathering forces of well-armed state troopers and na-
ional guardsmen. The rioters were placed in segregated cells at Auburn following the July riot; from among this same group, the uprising of December 11, 1929, would begin.

The wardens of Clinton, Auburn, and Sing Sing agreed, the crisis of prison administration had been brought on by two factors. The first was the complicated question of prison labor. Since the end of contract labor in New York State in the 1890s, the need to keep inmates busy and at work had been the central problem of administrators and would-be reformers. At Sing Sing, the highly idiosyncratic Warden Lewis Lawes had embraced “penal managerialism,” with a highly structured set of inmate privileges and rackets that were anathema to Austin MacCormick and like-minded prison reformers who as yet remained on the sidelines of state politics. Clinton and Auburn prisons were only lightly touched by Lawes’s managerial approach. Inmates languished in these large-scale disciplinary institutions, little expected but obedience to institutional rules, and little offered but strict discipline. The industrial labor regimes of years past had faded, leaving large numbers of idle prisoners with little more than resentment to fill their days.

Overcrowding was the second critical management problem facing New York prisons in 1929, and every warden could agree on the cause—more and longer prison sentences imposed by the courts under the so-called Baumes Laws passed by the state legislature. The Baumes Laws were named for Caleb Baumes, under whose leadership the New York Crime Commission had initiated a raft of highly popular “get tough” policies between 1926 and 1928. Most focused on ending the “breaks” that offenders supposedly got from the criminal justice system: convictions not appealed within thirty days would become irreversible; limitations were set on bail; and a provision was made for smaller and non-unanimous criminal juries. Above all, the commission successfully pushed for stricter sentencing, such as large increases in the mandatory sentences for burglary and armed robbery, and the most famous of the Baumes Laws—the “fourth strike” mandatory life sentence provision.

The philosophical principle behind the Baumes Laws was simple and well described by one district attorney: “The only cure for crime is the cure for sin. Crime is a concrete manifestation of sin.” The only logical response to criminal conduct was efficient arrests, prompt detention, immediate trials, successful prosecutions, and the imposition of a harsh sentence. Criminals, as more than one commentator explained, should be “put away and put away for good.” The Crime Commission itself praised the good effect the new laws were having, observing that they had pricked “that foolish bubble” that punishment was not
a deterrent to crime. As for prisons, the main thrust of the Crime Commission's work was to ensure that they did nothing that would coddle inmates, instead putting them to constant and hard labor while in confinement, as a means of demonstrating that crime did not pay.\textsuperscript{10} New York City police commissioner Enright echoed the condemnation of “too much prison reform” and “too much ease and comfort in the penal institutions.”\textsuperscript{11}

There was precious little ease or comfort to be found in New York’s state prisons, with the success of the Baumes Laws in stark contrast to the general failure of reform proposals in the twenties.\textsuperscript{12} The New York state legislature was not inclined to buck the public mood for getting tough on crime and criminals, and bills promoting rehabilitation went nowhere fast. A 1922 attempt to expand the use of parole and promote the early release of prisoners by virtue of good behavior came under withering attack. The district attorneys of New York State were among the most reliable critics of such legislation (and equally reliable supporters of the more punitive approach) and provided ample testimony against the bill at a public hearing in Albany. Although the 1922 bill finally secured a positive vote, the governor vetoed it.\textsuperscript{13} For E. R. Cass, secretary of the venerable Prison Association of New York, the state’s oldest and most important reform organization, these were the wilderness years, a time when “little hope was entertained by those interested in the administration of prisons and in court procedure for the enactment of progressive legislation,” and his organization spent most of its effort combating “reactionary and severe legislation which was introduced to cope with the so-called crime wave.”\textsuperscript{14}

As the Baumes Laws packed ever-larger numbers of prisoners into the aged Auburn, Sing Sing, and Clinton prisons, younger inmates fared scarcely better in the state’s two other, ostensibly reform-oriented, institutions for men. The state’s old “honor prison,” Great Meadow, was officially written off as a failure in the twenties; inmates spent the second half of the decade building a three-thousand-foot concrete wall to enclose themselves into the former prison without walls.\textsuperscript{15} The old Elmira Reformatory, opened in 1876, operated largely as a site of industrial labor and military drill, and it received unsparing criticism from prison reformers. A German criminologist, visiting Elmira in 1928, concluded, “It is nothing better than a poor prison, not in any sense a model educational establishment.”\textsuperscript{16} The most devastating review came from Austin MacCormick who found illustrated in Elmira every fault that had been charged with reformatories in general. Elmira was an “educational treadmill” designed to do nothing more than keep inmates busy. “Here then,” he concluded, “is the insti-
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The tensions of the tough-on-crime twenties came to a head on that brutally cold December morning at Auburn Prison. At around ten in the morning, the well-coordinated uprising began, initiated by a group of fifty inmates who had been held in solitary confinement in an “emergency isolation block” since their participation in the events of the previous July. At the “box office” that controlled the gates to the outside, an inmate with a gun nearly seized control, thwarted only by a last-second lockdown by a fleeing guard. The principal keeper was shot down outside his office, killed by several gunshots to the chest. Warden Edgar Jennings was taken hostage and led to the isolation block, where the July rioters were then freed.

Local officials, including Auburn mayor Charles D. Osborne (the son of Thomas Mott Osborne) and chief of police Chester Bills, called in state troopers and the national guard after receiving a distress call from the prison. Outside the prison, swarms of local residents gathered in the chill, many armed, some wearing hunting caps with licenses affixed, perhaps anticipating the response to come. The prisoners took eight hostages to bargain for their freedom, demanding safe passage from Auburn in exchange for allowing the hostages to live. Mayor Osborne apparently proposed to Albany officials that some consideration be given to the demands, in the interest of protecting lives. Lieutenant Governor Herbert Lehman (acting governor while Roosevelt was out of town), however, declared that on this “taxing and unhappy day” that “there will be no compromise”—Warden Jennings and the other hostages would simply have to take their chances. Meanwhile, the troopers and guardsmen were given simple instructions: “If they come out shoot them down; if they don’t come out, go in and get them.” As the day wore on, Lehman was impressed with the need “to return the prisoners from the yard where they were milling about to their cells as darkness was rapidly coming on.”

Accordingly, a plan was hatched to deceive the leaders of the revolt. State troopers set three cars, engines running, outside the front gate (which they left slightly open) and tricked the Catholic chaplain (whom the inmates had made a kind of go-between at the start of the standoff) into going inside to tell the hostage takers that their demands had been agreed to. Looking out the window of the principal keeper’s office, the hostage takers observed the cars and the entire group headed for the main gate. When two of the riot leaders made a fatal run for the cars, forty guns blazed away, ripping their bodies apart and killing them.
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instantly. The hostages and remaining rioters were attacked with tear gas, and they retreated. With darkness falling, and floodlights sweeping the grounds, Troop D of the state police led the final assault. With orders to shoot to kill, troopers rushed the building, gassing the guards and hostages, and gunning down six more prisoners, five by machine-gun fire.\(^{21}\)

For the inmates of Auburn Prison, the aftermath of the uprising brought a wave of retaliation. Authorities placed the prison on extended lockdown while inmates were beaten and tortured in bloody reprisals. In less than two months, three Auburn prisoners—William Force (already serving a life sentence for his role in the July riot), Claude Udwin, and Jesse Thomas (a fourth-strike prisoner)—would be sentenced to death for their roles in the riot, following a hasty and questionable criminal trial. The three were executed six months later in the death chamber at Sing Sing Prison.\(^{22}\)

The Auburn riot came to a violent end, but the drama upstate reopened the public debate over the Baumes Laws and punitive punishment. The riot itself became the basis for a hit Broadway drama, *The Last Mile*, which opened at the Sam H. Harris Theatre in February. Although playwright John Wexley moved the setting out of New York, the play’s stark and sympathetic depiction of prisoners being impelled to riot through the brutality of their keepers was unmistakably derived from the Auburn experience. The published play included a foreword penned by Lewis Lawes: “To me it is a story of those men within barred cells, crushed mentally, physically and spiritually between unrelenting forces of man-made laws and man-fixed death.” Several months later, MGM released a film adaptation of the Auburn story, *The Big House*, featuring another generally sympathetic tale of inmates facing repressive institutional conditions.\(^{23}\)

The newly energized debate in the wake of Auburn was given additional momentum with a second widely publicized incident, the Ruth St. Clair case. Exactly one week before *The Last Mile* opened, the twenty-nine-year-old shoplifting defendant faced Judge Max Levine for sentencing. St. Clair had three times before been convicted of theft, each a similar case of stealing clothing from department stores, and she was now the first woman in New York State to face the new fourth-strike provision of the sentencing laws, which mandated life imprisonment. In a moment captured by newsreel photographers, St. Clair pleaded for mercy in sentencing, as Judge Levine went ahead and imposed the life sentence. “I had no alternative under the Baumes law,” protested the judge, who declared that he would be “the first to sign a petition asking the Governor to commute or reduce sentence.”\(^{24}\)
At that, Ruth St. Clair fainted in the courtroom, and the movement against mandatory sentencing and multiple-offense laws gained a potent symbolic figure. The St. Clair case became an immediate cause célèbre and a test of one’s liberal mindedness (or toughness, depending on point of view) with regard to the problem of crime and punishment. All over New York City and, indeed, across the entire state, voices were raised in protest of this case (many doubtless moved in part by the fact that the defendant was an attractive, young white woman).25

The backers of the status quo aggressively defended their ground. In March, Eleanor Roosevelt presided over a public debate in New York City, in which one-time Osborne assistant Spencer Miller and ex-convict George Hudson debated Baumes Commission member Thomas S. Rice.26 “The sentimentalist,” Miller argued, “is not the man who would utilize science as an ally in dealing with the criminal but the man who is making illogical demands for severe dealing with him.” Rice claimed that New York City before the Baumes Laws had been “worse than a frontier mining town,” with criminals facing “joke sentences.” In the absence of frontier lynch law, Rice argued, the state needed the deterrent effect of harsh sentences. Rice went so far as to invoke the Ruth St. Clair controversy, defiantly asserting that he did not think “there was a more fit subject for the Baumes laws” than this young women who had been “an ingrate to her family.”27 And yet, for all its seeming moral clarity, Rice’s aggressive defense of toughness began to give way to the rhetoric of reform and rehabilitation, and at that point, Governor Roosevelt finally gave prison reformers their opportunity.

Choosing Reform: Roosevelt, Lehman, and the Elmira Project

Critics of Franklin Roosevelt often made the case that he was a politician of no great convictions, beyond furthering his own success as a politician. When it came to prison reform, Roosevelt spent much of 1929 seemingly determined to prove his critics right. That summer, following a post-riot inspection tour of Clinton Prison, Roosevelt blamed the Baumes Laws for the rioting while in the same breath affirming his continued support for the harsh sentencing provisions.28 Not content to contradict himself in the immediate instance, Roosevelt soon took to protesting that he had never made any criticism of get-tough sentencing laws. His eyes firmly on national politics and the Democratic nomination for president in 1932, Roosevelt and his office spent the subsequent weeks and months in a tough-on-crime mode. They assured the Lexington (KY) Leader that “sentimentality will have to be ruled out in dealing with such dangerous
parasites and the most severe measures taken to put the fear of the law into them. Punishment is the only thing they dread.”29 To the *Goshen Democrat*, Roosevelt’s office likewise averred that the Baumes Laws were an effective deterrent to crime.30

Not long after the July riots, in a “Dear Frank” letter, Felix Frankfurter urged Roosevelt to establish a “very strong” commission of inquiry into the riots and the future of prison administration in New York.31 Roosevelt replied that the world had already had altogether too many prison inquiries, “almost every year for the last twenty or twenty-five years.” “We have,” Roosevelt complained, “volumes of reports from expert penologists. Almost every penologist has an individual theory and it is difficult to get any unanimity of opinion.” Instead, the governor proposed having the Baumes Commission push for more prison construction, “to take care of the overcrowding.”32 The lack of enthusiasm produced not one but four ineffectual investigations into the July riots, shambling along, simultaneous, uncoordinated, and for the most part unfocused.

Roosevelt’s waffling and dissembling on the subject of the Baumes Laws and prison conditions were particularly surprising in light of his long connection with prison reform. He had been one of Osborne’s most important political allies more than a decade earlier and remained in close contact with the network of prison reformers.33 The two most important of his reform connections were New York industrialists Adolph and Sam Lewisohn. Both father (Adolph) and son (Sam) kept up a steady stream of correspondence to Roosevelt, following the July prison riots. From Adolph Lewisohn came copies of Lombroso’s *Criminal Man*—with its support for non-institutional responses to younger, non-dangerous offenders—and *Five Hundred Criminal Careers*.34 From Sam Lewisohn (an old Columbia Law School classmate) came commentaries on reform projects for adolescent boys in minimum-security facilities.35

Perhaps disingenuously, Roosevelt wrote to Adolph Lewisohn, “I honestly believe that we shall get some very constructive legislation this coming year. Those [July] prison riots accomplished more in one summer than many years of legislative hearings!”36 The following day, December 10, Roosevelt was in Chicago, delivering three speeches in one day—an act of political showmanship that quite unmistakably amounted to throwing his hat in the ring for the 1932 presidential nomination. As Roosevelt rode home on the train, his primary political adviser, Louis Howe, mimeographed copy after copy of the governor’s Chicago speeches to be mailed to Democratic members of Congress—and the Auburn prisoners began their revolt.37

The Auburn uprising of December 11 threatened to undo much of what Roosevelt had been trying to accomplish in laying the groundwork for 1932. At a
minimum, it made a more definite approach to the crisis of prison administration all the more imperative. Still, even at this juncture, there was confusion and delay. Eventually, in May, Roosevelt fired the incumbent commissioner of corrections, declaring, “New York State can no longer tolerate prisons like Dannemora and Auburn,” and hired Walter Thayer. Thayer was a dedicated liberal in prison politics, in step with the reformers; he had previously denounced New York prisons as “archaic, crowded, filthy; their inmates idle, disgruntled, inflamed.” The liberal press praised Thayer’s appointment, in the face of “such vestiges of medievalism as the Baumes Fourth Offender Act, which defies every principle of the newer criminology.” Thayer would be a champion of rehabilitative approaches until his sudden death in 1936.

Roosevelt also finally determined to follow Frankfurter’s advice from the previous summer and appoint a strong reform commission. The first versions of the proposed commission were focused almost entirely on the question of prison labor, and the commissioners were to come primarily from industry and organized labor (indeed, the commission was originally to have had two prison experts, two labor representatives, and two industry figures). Roosevelt wrote to Marshall Field in March, pitching the idea of his participation. We must keep prisoners “occupied,” and the solution to the “prison labor problem” was possibly “the establishment of trade schools rather than in factories to turn out finished articles . . . In my judgment, the right answer can only be found by a meeting of those understanding the needs of the prisoner, of those representing the State’s workers, and of those representing the manufacturing interests of our Commonwealth.”

As the process of actually naming the commission dragged on and on, however, negotiations between Roosevelt and the state legislature grew increasingly tense. So, at the end of July, Roosevelt jumped the gun and announced that Sam Lewisohn would head the commission, and irritated legislators simply acceded. The Commission to Investigate Prison Administration and Construction spent the next six months putting together their initial report. In their deliberations, the commission was greatly influenced by the work of the Osborne Association and Austin MacCormick (who was at that time completing The Education of Adult Prisoners), supported by the Prison Association of New York and its secretary Edward R. Cass, and given political weight by Sam Lewisohn (whose name was generally attached to the commission and its work).

The Lewisohn Commission immediately became the center of policy development in the state. Roosevelt praised Sam Lewisohn, his “old classmate,” calling him “the godfather of the finest constructive report and the finest prison
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policy that any State has ever had.” That report urged repealing the most punitive of the Baumes Laws, particularly the fourth-strike law (a repeal that happened in 1932). The commission attacked the “monstrous” old “battleship” prisons of the state, calling the 1929 riots the state’s “day of reckoning” for years of “harsh, repressive measures.” When the Lewisohn Commission laid out a vision for the new prisons it wanted for the state, it got right to the point: “The new prison policy which your Commission proposes for the State of New York, is the replacement of mass treatment and routine organization by a system of constant personal study, individual treatment and training of every prisoner.”

In 1932, the state legislature authorized a prison bond for the new construction of multiple institutions, smaller in size, to be used to house younger inmates and first offenders, and to relieve overcrowding at the existing prisons.

The Lewisohn Commission’s reports marked the beginning, rather than the end, of its work. The commission now turned its attention more directly to the question of prison programs, setting up an experiment in new educational programming at the Elmira Reformatory—the very institution where MacCormick had declared the obituary for the reformatory movement, but also the only reformatory institution available to the commission as a proving ground. Using its own privately raised funds, the commission was empowered to begin making programmatic reforms, with a particular focus on the younger male offender. To conduct the Elmira experiment, the commission hired a Teachers College Ph.D. candidate, Walter Wallack.

The Elmira experiment introduced much of what would become standard elements in the rehabilitative program of the thirties. A classification committee reviewed the program placements for each inmate at Elmira, with new arrivals to the institution being given a thirty-day “reception” period for this purpose. During the reception period, inmates were given a tour of the institution, in order to better express their preferences for assignment—in the classrooms, the traditional grade lines were eliminated in favor of students of varying abilities working together. The curriculum reflected the desire to integrate the vocational and the general, and social education courses were developed as well.

The educational program followed MacCormick’s goal of “adjustment to life” through its rejection of overly formal and structured educational programs. Wallack brought with him a pedagogical commitment to the project method, by which inmate-students would pace their own instruction and work on areas of interest to them. “The formal instruction which used to prevail,” according to Wallack, “was totally unfitted to help them face their problems on release.” Boys in Elmira were rebels against society, Wallack argued, and formal academic in-
struction disconnected from their real-world feelings and experiences would be a tremendous waste of time. Instead, one of the keys to the Elmira program was the attempt to cultivate a “community consciousness”—a sense of the common good to which they could contribute.49

Within Elmira, Wallack moved quickly to reorganize institutional routine and to bring existing staff on board with the new program. Inmates were given a vocational and classroom assignment, split between morning and afternoon (with the classroom assignment split into three fifty-minute periods). Teachers were made to attend a training class for institutional instructors, at which they were coached in the new curriculum and pedagogical approaches. Three “model” shop classes were set up (the machine, sheet metal, and carpenter shops), in which instructors were explicitly freed from other supervisory and maintenance responsibilities that were normally typical of a shop instructor’s assignment.50

The Lewisohn Commission presented its report on the Elmira experiment in February 1933. By statute, the commission ended its work on March 1, 1933. By the end of the year, however, Governor Herbert Lehman appointed a new commission with the explicit purpose of extending the Elmira experiment into a more broad-ranging revision of the state’s handling of the young male offender. Lehman’s decision reflected a general sense that the Elmira project had been a success.51

The focus of the new body couldn’t have been clearer—it was named the Commission for the Study of the Educational Problems of Penal Institutions for Youth—when it was placed under the chairmanship of N. L. Engelhardt of Teachers College. Writing to the members of what would generally become known as the Engelhardt Commission, Lehman made it clear that the Elmira experiments were to be the basis of the commission’s work, and that this work was to be extended in a tangible way into more of the prison system, with a particular focus on the young offender. The commission took this as a broad mandate, one that ultimately spoke to every aspect of prison administration: “The educational problem of penal and correctional institution is co-extensive with the entire life of the institution and cannot be met by any narrow, formal educational scheme.”52

The Engelhardt Program: Building New Prisons

As the Lewisohn Commission had done, the Engelhardt Commission pursued private funding for specific program development, this time on a substantially larger scale. The commission approached Frederick Keppel in late 1934, through Sam Lewisohn, to secure funding from the American Association for Adult Education and the Carnegie Corporation.53 The AAAE, in its response, wanted to be
sure that they weren’t simply helping to fund the Teachers College graduate program, but providing funds for specific program developments, ones that could then be transferable to other states. Toward that end, Walter Wallack aggressively promoted his work at Elmira, inviting the members of the commission, the AAAE, and Carnegie to visit this institution and inspect the educational programs.\(^5^4\)

The site of the Engelhardt Commission’s educational experiments was Wallkill Prison, the first of three reformatory institutions that the state would open up between 1933 and 1935. All three were designed by architect Alfred Hopkins and self-consciously embraced an idealistic notion of the rural idyll and an old-fashioned sense of place. Hopkins chose an English country appearance for Wallkill—one former inmate recalled that it “looked just like Oxford University.”\(^5^5\) Walter Wallack observed that the new prison, built without perimeter walls or fencing, bore “almost no resemblance in either its exterior or interior to the typical penal institution.”\(^5^6\) The premise of the arrangement was a greater freedom of movement for inmates—no plumbing in the cells, but rather a bathroom on each gallery that could be accessed from the unlocked cells. Inmate accounts seem to bear out that the Wallkill experience was different—George Malinow, transferred from Sing Sing to Wallkill in 1939, recalled that the switch was “like coming out of a desert into a lush rain forest.”\(^5^7\)

To administer the Wallkill experiment, the Engelhardt Commission recruited two more Teachers College doctoral candidates, Glenn Kendall and Howard Briggs. Kendall, who supervised the academic and social education programs at Wallkill, had begun his career at the Boys Industrial School in Kearney, Nebraska, followed by five years as a school principal and another four as superintendent of schools before heading to Teachers College and Wallkill. Howard Briggs had begun his career as an electrical shop teacher at the Irwin Avenue Industrial School in Pittsburgh before moving on to administrative positions in vocational education at El Paso and later Cleveland.

Programming at Wallkill was exclusively designed for education, extensive vocational shops and training, social education programming and both academic and commercial education. Kendall developed a course in modern social and economic problems, with lessons prepared in accessible, “peppy” language; the course was taught in the vocational shops, on a rotating basis. Specific units included “Modern Ways of Doing Business,” “Satisfying the Customer,” “History of Labor Organization,” and “Getting a Job Today.” The latter unit examined the difficulty inmates would have in securing a “Square Deal” after their release, honestly reckoning with the challenges to securing a job after prison—
not just “the first job needed for the [parole] Board” but satisfying and long-term employment. The results of the experiments were encouraging, but they also revealed the limitations of the reform program to that point. There were worries about whether teachers would take the new material and “kill it with old teaching methods.” More important, the commission determined to use the other reformatories under construction to sort and classify young men on the basis of educational ability.

Toward that end, the second of the three new reformatories was intended for younger male prisoners of borderline intelligence, of the sort that were thought to have had difficulty with the Elmira and Wallkill programs. Alfred Hopkins’ design for the Woodbourne Reformatory was perhaps his most distinctive; the architectural vision it embraced echoed nothing so much as a medieval monastery. Construction began on Woodbourne in 1932, under the auspices of the Works Progress Administration, and the first inmates arrived in 1935. In its first years, Woodbourne functioned as a receiving institution for the more “hopeful” cases among sentenced “defective” delinquents (those diagnosed with more serious intellectual deficiencies were given indefinite commitments to the Institution for Defective Delinquents at Napanoch), although it often received “normal” inmates because of prison population pressures.

Coxsackie was the third of the new reformatories constructed by New York and designed by Hopkins. Of the three, Coxsackie had the most traditional institutional look. A quarter-mile-long driveway, flanked by open fields and divided by a grassy mall, led visitors to the central administration building. The administration building (which also housed the reception cells) formed the west side of a courtyard, with a dining hall on the east, and two cell buildings on both the north and south sides, each with three cellblocks (two more cell buildings were added to the north side in 1940, making a total of eighteen cellblocks). Behind the dining hall were the vocational shops. As with the other two prisons, Coxsackie was constructed without a wall. Coxsackie superintendent Helbing, a veteran of more than thirty years in the New York prison system, observed: “I have spent all my life behind four stone walls twenty-two feet high. When I went to this institution without a stone wall, I wondered what was going to happen. But you see a different atmosphere in that institution today.”

**Staffing for Reform**

The Lewisohn and Engelhardt programs were important, but the most pressing matter for reform interests was securing a foothold within the state prison bureaucracy. Toward that end, the most notable development was legislative
support for a Department of Corrections proposal to create the position of director of education in 1935. The following year, the legislature funded two assistant director positions as well as several new teaching positions to staff educational programs at institutions throughout the prison system. Walter Wallack left his position at Elmira to become director of education, while Glenn Kendall and Howard Briggs left their Wallkill experiment to assume the two assistant director positions.62

The Division of Education became the center of rehabilitative programming leadership within the Department of Corrections, directing the educational experiments already under way and extending the reform influence into other institutions. As Wallack, Kendall, and Briggs saw it, “the relationship of the Division to an institution is very similar to that of a staff or supervisory department in a public school system.”63 The division gained authority over all appointments to educational positions in the state’s prisons, to prepare or approve all instructional materials, to oversee institutional program budgets, and to inspect and oversee educational programs. The three men logged thousands of miles and spent six months of the year on the road visiting each state institution, meeting with wardens and teachers, inspecting schools, and reviewing educational materials and records. The director of education position became the link between the division and institutions as well as between the educational program and other institutional dimensions.64

There were limitations to the influence of the Division of Education within the Department of Corrections. The division was largely frozen out of the maximum-security, old-line institutions for adult male offenders—Attica, Auburn, Clinton, Great Meadow, and Sing Sing. Albany-based reformers simply could not exercise effective influence over every institution in the “confederation of autonomy” that was the New York prison system.65 Raymond Corsini described Auburn prison, circa 1942, as “an old-line, repressive, unprogressive institution, with a minimal treatment program and a minimum in the way of professional staff . . . The warden, an ex-police chief, was almost completely unapproachable by the prisoners and discipline was very strict. The men were kept under constant surveillance and a comparatively large percentage of their week was spent locked in cells.”66

As the Division of Education struggled for influence at these prisons, its staff complained (to little effect) that institutional education directors were frequently shut out from assignment decisions, inmates were regularly and easily allowed to drop out of educational assignments, and the local prison administrators failed to provide institutional support for educational directors’ annual budget
requests. The same report concluded that no “valid” vocational training was offered at the high-security institutions. In fact, the Department of Corrections employed more than 75 percent of its civilian educational staff in just four of the state’s twelve correctional institutions. In the old-line, big house prisons, inmates taught other inmates in a handful of remedial courses, while everyone else worked on prison industries and maintenance. While Wallkill, Elmira, and Coxsackie enrolled 69, 89, and 86 percent of inmates in educational programs, Attica, Auburn, and Sing Sing enrolled just 18, 31, and 23 percent of their prisoners. Most of the Attica inmates assigned to “class” were “men assigned to the idle groups who were usually unfit for other services.”

Within “reform” institutions, the creation of service units was an attempt to strengthen the relative position of rehabilitative interests. The first such unit emerged at Wallkill Prison in 1936, followed somewhat later by Elmira and Coxsackie. The service unit—Walter Wallack selected the name because inmates were prone to shunning programs too closely connected with treatment—aimed to consolidate all prison services in a central location and to integrate those services with parole decision making. The unit became the surveillance apparatus for the reformers, collecting reports from classrooms, shops, and custodial personnel as well as helping to promote like-minded staff. Walter Wallack described the unit director as the “liaison officer of the Warden in his relationship to all activities which in any way relate to training, or the social and general welfare.”

Few efforts at directing the prison bureaucracy toward reform were more ambitious than the attempt to train new prison guards to become part of the educational program. Opened in November 1936, the Central Guard School remains one of the most innovative and pioneering aspects of New York’s reform regime. Begun at a time when formal job training for prison guards was virtually nonexistent in the United States, the Central Guard School put recruits through an eight-week residential training program and offered extensive in-service training for members of the existing guard force. It remains one of the most far-reaching programs ever designed to produce a custodial force oriented toward rehabilitative interventions.

The origins of the Central Guard School idea can be traced to the evaluative stages of the Wallkill Prison programs sponsored by the Engelhardt Commission. Presiding over a Commission meeting at Columbia University in 1935, Engelhardt had quizzed Walter Wallack and other representatives of the Wallkill program about the response of the guards to the new educational programs. Finding a general concern that prison guards were not adequately prepared to
accept, much less participate in, rehabilitative work, the commission created a committee on personnel training. As Wallack observed, “Inasmuch as the guard is the man who comes into closest contact with the prisoner, it is highly essential that he should be carefully chosen, that he should possess the right traits of personality.”72 The Division of Education followed up this interest with a proposal for a Central Guard School, responsible for training all new recruits.

The proposal likely would have gone nowhere, however, without a concurrent development in the state legislature, which finally adopted an eight-hour workday law for state prison employees in 1935 (effective July 1, 1936).73 For more than a decade, prison guards had been pressing for an eight-hour workday law; many worked twelve-hour shifts, seven days a week.74 In order to fulfill the law’s mandate, the Department of Corrections estimated that it would be necessary to hire approximately five hundred new prison guards in the coming twelve months.

The school opened with its first group of eighty recruits at Wallkill Prison on November 7, 1936, graduating the class the following June.75 The Division of Education placed the school under the supervision of Walter Wallack, who designed the training curriculum around the rehabilitative program. Prospective guards took a ten-course training sequence, with most of the courses designed to introduce custodial officers to the latest in modern penological thought.76 Supplementing the regular course sequence were a parade of well-known reform figures: criminologist Nathaniel Cantor from the University of Buffalo, Engelhardt from Teachers College, MacCormick from his position as commissioner of corrections in New York City. MacCormick advised the trainees to take an enlightened approach to their work, saving their prisons and themselves in the process: “You can brutalize yourself if you want to . . . but it won’t get you anywhere and it won’t get the prison anywhere . . . Be the right kind of guard, not just a club swinger.” Elmira superintendent Frank Christian warned the recruits to be mindful of prisoners’ humanity: “Don’t say anything to a man that will in any way humiliate him.”77 Reformers sensed that the school presented a unique opportunity to shape the future of corrections; in the words of Glenn Kendall, named the supervisor of general courses, the new venture into guard training packed “all the thrills of pioneering.”78

The Central Guard School is one of the great forgotten chapters in the history of prison guard–training programs. By 1940 two-thirds of the active guard force had been through the Central Guard School as a trainee or as part of in-service training.79 Did it work? Division of Education officials never examined (and there is no longer any definite way to measure) the question of how many
guards-in-training ignored or rejected the reform message drilled into them at the Central Guard School. Certainly many of the graduates received a different sort of on-the-job education as soon as they graduated and were assigned to an old-line state prison. On the other hand, the school functioned as a kind of classification and reception center, not unlike the one the reformers wanted for the prisoners. Prospective guards were given a battery of intelligence, educational, physical, and psychological tests. Their IQ scores, scholastic achievements, age, and parentage were all carefully recorded and summarized. Much as the service units did, the Central Guard School allowed reformers to identify and promote like-minded custodial personnel, and thus to perpetuate the reform leadership.

In the end, however, the fate of the Central Guard School illustrates just how tenuous the reformers’ gains could be. A round of late Depression-era state budget cuts led the department to shutter the school for the 1939–1940 fiscal year. The Division of Education secured temporary funding for the 1940–1941 fiscal year through the federal George-Deen Act, which offered states matching funds for job training in the public service sector. The permanent closure of the school arrived with U.S. involvement in World War II—wartime manpower shortages created a sudden demand for new guards, and the state found the Central Guard School an obstacle to filling the large number of new positions. Neither affordable nor immediately helpful to the Department of Corrections, the guard school closed in April 1942, less than six years after it had begun. To “keep the idea of training alive,” an introductory course consisting of seven correspondence units was compiled, but the Department of Corrections had no good way of ensuring that guards actually fulfilled even this limited training requirement.80 Well into the 1940s, the Division of Education looked forward to the “re-opening” of the Central Guard School, but not until 1965 would the state undertake systematic training of correctional officers again, and nothing on the scale of the Central Guard School would be attempted until after the Attica riots in 1971—indeed, current training requirements are not notably stricter.

**Youthful Offender Act and the Elmira Reception Center**

When the New York Department of Corrections (NYDOC) established its network of specialized institutions for the young male offender in the mid-1930s, it did so without any ability to control the assignment of convicted felony offenders to specific institutions. Instead, criminal court judges across the state were at liberty to sentence young men to whatever institution they saw fit, as long as the offenders met whatever basic age and offense guidelines were laid out by the legislature. This lack of control was a constant source of frustration for correctional
administrators, and it inspired the pursuit of an ambitious two-part reform: legislation that would allow them to take adolescent offenders directly from the courts and make institutional assignments from within NYDOC, and additional legislation that would authorize creating a distinct reception center where evaluation of newly received inmates could take place. By 1945, the correctional reform interests had succeeded on both counts, achieving the high-water mark in their campaign to remake the correctional system in New York.

The origins of this last project can be traced back to a 1935 decision by the chief city magistrate in New York City to allow a magistrate’s court in Brooklyn to give its exclusive attention to the hearing of criminal charges (both misdemeanor and felony) against boys ages 16 to 18, following years of agitation from the Criminal Courts Committee of the Brooklyn Bureau of Charities. The Brooklyn Adolescent Court, as it was known, was able to circumvent the absence of any legal foundation for this specialized court by extending the wayward minor designation used for juveniles to this older age group. The authors of *Youth in the Toils* proudly observed, “This court has exercised power and followed procedures which are frankly admitted to be extra-legal. The penal code has been ‘flung out the window’ and the protective wayward minor act has been substituted therefor.”

The Brooklyn experiment remained an isolated (though well-publicized) example until 1940, when New York district attorney Thomas Dewey promoted his own comprehensive plan for adolescents between 16 and 18, in which defendants would waive a public arraignment and trial in lieu of a wayward minor designation and supervision until age 21. The publicity-conscious Dewey proclaimed his plan the first of its kind in the country (which immediately drew protests from Brooklyn), as he posed for reporters next to a 17-year-old defendant who had been indicted for auto theft and was now being accorded the celebrity of appearing in court as the first case processed under the new rules. At the same time, however, Dewey called for a new and comprehensive policy from the 1941 state legislative session, to bring the handling of adolescent offenders into line with actual law.

That same year, the American Law Institute (ALI) published a model Youth Correction Authority Act. The ALI had committed itself to this project after receiving early copies of *Youth In the Toils* in late 1937, establishing a working committee on criminal justice comprising several notable figures in liberal correctional thought. Their plan featured the first comprehensive model of both a youthful offender designation and a centrally located reception center that would receive convicted offenders directly from the courts and hold the authority to assign them to an institution.
The Politics of Reform in New York

The ALI report received considerable attention in New York State, and a joint legislative committee (the Young Committee, chaired by Fred A. Young) was formed to review its recommendations and make a proposal for the state. The first recommendations went before the legislature in early 1942 and included establishing a Youth Court Division in the New York City Domestic Relations Court, where 16- to 19-year-olds would be designated as “youthful offenders.” The New York City model would then be employed throughout the state. Young’s bill sparked intense opposition. The New York State District Attorneys Association joined some legislators in denouncing the proposal as “pampering” and “coddling” serious criminals, while Mayor LaGuardia and the New York City magistrates objected to the cost of a new court (the bill, in its own way, sided with Dewey and against the chief magistrate in their ongoing turf war—Dewey broke from his fellow district attorneys to support the bill “in principle”).

The legislation was delayed less by the objections of coddling than by the conflicts between those who wanted a distinct youth court and those who wanted to continue a Brooklyn-style approach, in which youth were handled by regular criminal court judges under different rules. The Youthful Offender Act would not be signed into law until early 1943, after Dewey had taken office as governor. Dewey acknowledged that the final legislation was a compromise that did not provide for distinct youth courts, but it did allow 16- to 19-year-old criminal defendants to be designated as youthful offenders. This designation would spare adolescent offenders the lasting consequences of a felony conviction and would provide them with the “protective cloak” of the less-formal process that juvenile defendants typically received.

That protective cloak was a substantial one, at least in strictly legal terms. Defendants could be adjudged a youthful offender either directly by the judge or on the recommendation of a prosecutor or grand jury. Once that determination was made, the disposition of the case would not result in a felony conviction, and all proceedings and outcomes would be outside the public record. Youthful offenders would then receive an indeterminate sentence with a three-year maximum limit. As an ALI report later concluded, New York’s Youthful Offender Act probably established more legal fictions than any other legislation dealing with offenders over the age of juvenile jurisdiction: “that an arrest shall not be deemed a criminal prosecution, that an adjudication shall not be considered a conviction, and that a finding of guilt on a felony charge either may or may not be ‘certified’ as a felony.”

The youthful offender designation also gave courts considerable discretionary authority over adolescent defendants. In essence, New York State was placing
the young adult male in the same procedural category as juvenile delinquents and, in the process, rendering them just as vulnerable. In a telling letter, Austin MacCormick made just this case: “There is one point many people never think of: if you handle a case in juvenile court, you can get an adjudication of delinquency with very little evidence, even if it is a felony case which an adult could and would fight to the limit. If you put the case in criminal court, you run into the rules of evidence, clever defense lawyers, and frequently into juries more lenient than the juvenile court judge would be.”

Dewey’s election to governor in 1942 gave an important boost to the other component of the youthful offender reform package: a centralized authority within the Department of Corrections that would receive youthful offenders directly from the courts for assessment and institutional assignment. The department, particularly the Division of Education, lobbied hard for the creation of such an authority, “more keenly aware each year of the absolute necessity of scientific classification of inmates if education is going to be most effectively administered.” Dewey regarded the ALI “youth authority” model as the best opportunity to make something of a legislative mark in this field, and he supported the creation of an interdepartmental committee, which issued two reports endorsing the idea of a reception center to be housed at the Elmira Reformatory, for 16- to 21-year-old offenders committed to the Department of Corrections. The overlap between the proposed reception center and the Youthful Offender Act was not exact—the reception center would handle inmates up to age 21, and it would handle all inmates in that age range, not simply those who had been designated youthful offenders.

Dewey placed the proposal for the Elmira Reception Center (ERC) before the Republican-controlled legislature in the 1945 legislative session at just the right moment. He was near something of a political high point in New York, enjoying a streak of success with his legislative proposals. The reception center proposal also benefited from apprehension over a looming postwar juvenile crime wave, the subject of intense public discussion in New York during the war years. Dewey packaged the reception center legislation alongside a series of juvenile delinquency measures, most of which focused on prevention programs. Reformers within the Department of Corrections were savvy enough to sell the proposals in similar terms; Glenn Kendall warned that the ERC was “the final attempt by the State to understand and rehabilitate young offenders before they become seasoned to a life of crime.”

The Elmira Reception Center opened in November 1945, as a separate unit within the Elmira Reformatory, with a capacity of 352 inmates. The ERC staff
numbered seventy-four, which included twenty-two professional personnel, fifteen clerical employees, and thirty-seven guards, giving the ERC the highest ratio of treatment personnel to custodial personnel in the NYDOC. Each inmate received from the criminal courts spent sixty days in the ERC, undergoing a series of examinations. As it was originally constituted, the ERC program had four stages: reception (two to three days), orientation (two to three days), examination (seven to ten days), and program. Staff claimed that “a careful analysis can hardly be prepared in less than sixty days,” and that “under ideal conditions, three months at the reception center would be a more suitable length of time,” but any longer of a stay would meet objections from reformatory superintendents for cutting too far into the short sentences of most youthful offenders. The ERC operated a high-volume, high-intensity workload, with more than one hundred young men arriving each month—the center “celebrated” its twenty-five thousandth case in 1961 (the young prisoner asked, “If it’s such an honor, why don’t they send me home?”).

The public philosophy of the ERC was that the inmate should “make time serve him” by using these two months of assessment to explore his interests and capacities. In theory, the conclusion of this evaluation period would then produce a report indicating the optimal institutional assignment. Inmates were then shipped off to serve their sentences (about twelve to fifteen arrived at Coxsackie each week), accompanied by the full ERC report (averaging about twelve pages), which included specific recommendations with respect to subsequent institutional treatment programs.

A sign of the importance of the Elmira Reception Center for the reform regime in New York State was Glenn Kendall’s move from the Division of Education to lead the Elmira Reception Center (much as Walter Wallack had earlier been shifted to Wallkill Prison). Kendall was fully invested in the ERC and made it clear that the program there required ongoing promotion to politicians and to the general public “through talks, radio addresses, motion pictures, and other media in order that there will be the type of general understanding that will accept and support the work of the center.” At the same time, Kendall was realist enough to know that the ERC faced “serious hazards from some of [their] overzealous and overoptimistic, uncritical advocates . . . too much may be expected from classification itself, with too little effort in the total process of handling the offender.” The challenge of integrating the ERC within institutional programming in New York’s prison system, of defending it against the critics of coddling, and sustaining the integrity of its own processes would become Kendall’s consuming mission.
The Elmira Reception Center’s 1945 opening marked the final piece in the construction of a new system for the young male offender in New York. The reform project begun fifteen years earlier, in the wake of the Auburn Prison riot, had realized many of its ambitions. The educational reformers first brought together by Austin MacCormick and Sam Lewisohn had assumed control of the Elmira Reformatory and helped build and administer Wallkill, Woodbourne, and Coxsackie. The Division of Education gave the reformers a vital administrative foothold in Albany, and the appointment of institutional educational directors gave them a toehold (though no more than that) in the state’s maximum-security prisons. The opening of the Elmira Reception Center (also administered by the educational reformers) and the passage of a youthful offender law promised a future in which adolescent males could be rationally distributed within the Department of Corrections. Most notably, the reform project that had been explicitly endorsed by governors Roosevelt and Lehman seemed likely to continue under Governor Dewey, giving the reformers continued and critical executive support in state government.

Nonetheless, the reformers’ victory was far from complete, and it would be wrong to describe a “rehabilitative regime” in control of the entire prison system, even in this ostensibly most progressive of states. New York’s prison landscape remained dotted with big houses, holding the majority of the adult male prisoner population, which largely ignored reform interests. The coming of World War II further weakened the reformers’ position, with the closure of the Central Guard School and the movement of inmates from structured programming to wartime industrial and agricultural production. The new prison at Coxsackie, then, would operate within a criminal justice system (and a state political system) that challenged and even undermined the reformist premises upon which it was built.