THE legislation authorizing establishment of industrial activities varies greatly. Some of it is broad enough to permit practically anything desirable for education in trade skills, as for example the Illinois provision that prisoners may be employed "so far as practicable in occupations in which they will be most likely to obtain employment after their discharge." So also the Indiana statute specifies such "mechanical arts," "trades and handicrafts" as will enable the inmates of "reformatories" to become self-supporting. The Iowa statute is likewise an apparent grant of broad authority. The Alabama and Minnesota statutes provide that prisoners shall be employed in such industries as the proper officials see fit to establish. In other states the expressed authorization is more limited, and in Delaware there appears to be no clear statutory authorization of prison industries but, on the other hand, nothing to preclude their establishment.

In some of the statutes the purpose of the industry to be established is clearly expressed as rehabilitative. Thus in North Carolina prisoners are to be employed so far as practicable "on the work to which they are best adapted and which will make it possible for them to improve and acquire greater skill that they may earn a livelihood when paroled or discharged." In New Jersey, on the other hand, the expression is a colorless "shall be employed in such productive occupations as are consistent with their health, strength and mental capacity." In still other statutes the provision seems merely one of providing occupation rather than idleness. But in gen-

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eral it seems clear that there is ample statutory authority for the development of rehabilitative industries in the prisons and reformatories if the will to establish them is sufficient and if the necessary funds are obtainable. In this latter connection the Michigan statute is outstanding, though unique only in the amount stated, in establishing a revolving fund of $500,000 with which to purchase equipment and supplies.

**Alabama.** Code (1940) tit. 45, sec. 28. "The state convicts shall be employed at such labor and in such places and under such regulations within the state as may be determined by the director, with the approval of the governor."

**Arizona.** Code Ann. (1939) sec. 47-108. "The board shall require of every able-bodied convict as many hours of faithful labor in each day, during his term of imprisonment, as shall be prescribed in the rules of the prison."

**Arkansas.** Digest of Stats. (1937) sec. 12657. The board of penal institutions may establish in any state institution "such industries and factories as they may deem to be to the best interest of the State and the welfare of the convicts confined therein."

Sec. 12678 provides for factories where risks are not unduly hazardous and such as will provide "healthful employment such as for manufacture of cotton goods, furniture, brick, twine," etc.

**California.** Penal Code (1941) sec. 2701. The board of prison directors is authorized to produce in the prisons "such articles, materials and supplies as are now, or may hereafter be, needed by the State, or any political subdivision thereof" or for use in school or public institutions.

Sec. 2707. The board is empowered "to purchase, install, and equip, such machinery, tools, supplies, materials, and equipment as may be necessary."

**Colorado.** 4 Stats. Ann. (1935) ch. 131, sec. 94. The board of corrections can employ prisoners to manufacture, produce, or mine goods for state departments and institutions.

**Connecticut.** Gen. Stats. (1930) sec. 2017. County commissioners "may require all convicts in jails or workhouses to work ac-
cording to their ability.” There appears to be no similar provision concerning state prisons, but certain contracts for the labor of convicts are permitted by sec. 1980.

**Delaware.** Rev. Code (1935) 4145, sec. 28. Prisoners “shall be compelled to labor at some suitable employment eight hours each secular day unless physically disabled.”

**Florida.** Gen. Laws Ann. (1927) sec. 8663. The board of commissioners is authorized to set up industrial plants in all state institutions, “in a manner profitable to the State of Florida and of benefit to the inmates of such institutions.”

**Georgia.** Laws (1939) p. 108, sec. 7. Prison and parole commission can “establish such industry and manufacture such products as are permitted by law.”

**Idaho.** Code Ann. (1941 Supp.) sec. 20-705. The prison board may provide for production of “as wide a variety as possible” of such goods as may be needed in other state institutions, with such diversification and variety of products as to minimize the competition with private industry.

**Illinois.** Rev. Stats. (1935) ch. 108, secs. 76-85. (Jones Ann. Stats. 99.054-99.066.) Prisoners must work, and shall be employed “so far as practicable in occupations in which they will be most likely to obtain employment after their discharge from imprisonment.” The work “shall be directed with reference to fitting the prisoner to maintain himself by honest industry after his discharge.”

**Indiana.** 4 Stats. Ann. (1933) sec. 13-419. “In the employment, education and training of the inmates of the reformatory, the board of managers shall have full power to establish and introduce such trades schools as said board may determine for the training of the inmates in the mechanical arts. . . . Provided, That said reformatory shall not produce any schoolbooks and desks used by pupils for use, or which shall be used, in the common schools of the state. . . .”

Sec. 13-420. Provides that profits from such trade schools may be used as working capital.
Sec. 13–103. A “board of classification of industries” is created to determine what industries shall be operated in the institutions named in this section, to the end that unnecessary duplication of industries may be avoided.

Iowa. Code (1939) sec. 3757. Prisoners in penitentiary or men’s reformatory may be employed about the buildings “and in such industries as may be established and maintained in connection therewith.” Read in connection with provisions concerning the furnishing of articles by the prisons to other institutions, this gives the board of control broad powers.

Sec. 3764.1. Establishes a revolving fund from sale of prison products for the establishment and maintenance of prison industries.

Sec. 3723. The purpose of the women’s reformatory is to make its inmates self-supporting through practical instruction.

Kansas. Gen. Stats. Ann. (1935) sec. 76–2320. Prisoners “may be employed in such labor as will best contribute to their support and reformation.”

Kentucky. Carroll’s Stats. (1930) sec. 216a–4. The board of charities and corrections, “having in mind the welfare of the inmates of the several institutions under its control and the interests of the Commonwealth, shall encourage the employment in every proper way of said inmates in such ways as shall contribute to their physical, mental and moral improvement.”

Sec. 3828c–1 ff. The department of public welfare is required “to exhaust every resource at its command to provide employment for all prisoners in its custody, and thereby to raise revenue for the self-support of said prisoners and the state prisons and to prevent idleness, mutiny, and discontent therein.” It is authorized to acquire necessary equipment and materials for the manufacture of state supplies and to “establish industrial training in the several state prisons.” The sum of $50,000 is appropriated as a revolving fund for the purpose.

Louisiana. Code of Crim. Proc. (1932) art. 1437. Board of control may lease or purchase land for establishment of convict farms or factories.
Sec. 1472. Inmates of the Louisiana Training Institute shall “receive an educational, moral, industrial and farm training.”

**Maine.** Laws (1933) ch. 1, secs. 300, 304. The department in control shall establish “rules and regulations for the instruction and employment” of prisoners “for the purpose of securing their improvement and future welfare.”

**Maryland.** Ann. Code (1939) art. 27, sec. 762 (3). The board of corrections is authorized to equip penal and reformatory institutions with such plant, machinery, etc. as is necessary to supply all goods and produce required by other state institutions.

Sec. 762 (5). The board has power and authority to place prisoners at labor on state works “whenever in the judgment of said Board the same shall be expedient and proper, upon such terms as to it shall seem wise. . . .”

Sec. 762 (3). It is the duty of the board to diversify prison industries in such a manner as not to work a hardship on any one particular free industry.

**Massachusetts.** 4 Ann. Laws (1933) ch. 127, sec. 61. The commissioner of correction and superintendent of the reformatory shall endeavor to establish in the reformatory such industries as will enable prisoners employed therein to learn valuable trades.

Sec. 85. The commissioner of correction may, with their consent, contract to have women in the reformatory employed in domestic service upon such conditions as he considers proper, with reference to their welfare and reformation.

Sec. 51 ff. The heads of penal and reformatory institutions shall determine the industries to be established in such institutions. Such superintendents and instructors may be employed as are necessary to instruct the prisoners in those industries.

Sec. 62. Limits the number of prisoners who may be employed in the manufacture of particular articles.

Sec. 17636-6. (Mich. Stats. Ann. § 28.1526.) Prisoners shall be employed in tasks consistent with the penal and reformatory purposes of their imprisonment. They may be put at educational and rehabilitative activities whether productive or socialized, determined on the basis of individual needs and educability.

Secs. 17543-1, 17543-2. (Mich. Stats. Ann. §§ 28.1681, 28.1682.) Probation recovery camps may be established at which educational and instructive courses of vocational nature may be given which are "best suited to equip and train the inmates as good citizens."

Minnesota. 2 Mason's Stats. (1927) sec. 10815. Authorizes the manufacture of all kinds of farm machinery and parts thereof and sets up a $250,000 revolving fund for that purpose.

2 Mason's Stats. (1927) sec. 10810. Prisoners shall be employed in such industries as are from time to time determined by the proper officials and may be employed under the "piece price system" upon materials furnished by private persons. Sec. 10814 limits the number of prisoners who may be employed in a single industry.

Sec. 10829. Inmates of the reformatory shall "be instructed in trades or employments for which they seem best fitted."

Mississippi. 1 Code Ann. (1930) sec. 1921. "For use of the penitentiary" the superintendent may establish a blacksmith's shop, woodshop for the manufacture of wagons, etc., shoe and harness shop, saw mill and grist mill, brick and tile factory, and a tailoring shop.

Sec. 1923. Female convicts may manufacture clothing for convicts.

Missouri. 2 Rev. Stats. (1939) sec. 8987. The commissioner can let or purchase lands for farming, rock quarries, grazing, or for any or all purposes proper for the employment in useful work of prisoners in the penitentiary and for training them so that they may be of good health and character and competent to earn an honest livelihood.

Sec. 8988. The commission may provide plants, machinery, equipment and material for the manufacture of such articles as are needed in state institutions and for the manufacture of other articles, including shoes, furniture, desks, etc. which can be disposed of upon the open market.
Sec. 8992. The policy of the commission in the employment of prisoners shall be to train them so that they may be of good health and character and competent to earn an honest livelihood.

Sec. 9119. The department of penal institutions is to provide for teaching inmates of the intermediate reformatories in profitable and useful trades and to offer such employment in industries, agriculture, and other vocations as will enable them upon their release to more surely earn their own support and be self-reliant and self-supporting citizens.

Montana. 5 Rev. Codes (1935) sec. 12446. The board may cause prisoners to be employed in any mechanical pursuit and furnish them with material necessary therefor and may generally employ them in such manner as will best serve the interests of the state and the welfare of the prisoners.

Sec. 11573.4. The occupation of prisoners is to be diversified so as not to concentrate in any industry.

Nebraska. Comp. Stats. (1929) sec. 83-1012. The board of control of the reformatory for boys has power to engage in such trade and business, including manufacturing and farming enterprise as it may deem for the best interests of the state and for the advancement and reformation and instruction of the prisoners in useful trades.

Sec. 83-1102. Boys committed to the boys' industrial school "shall be instructed in the principles of morality and in such useful branches of knowledge as are taught in the public schools of the state. They shall also be instructed in the principles of the mechanical arts and such practical trades as are best suited to their age, strength, and capacity, and best adapted to secure them a livelihood after leaving the school."

Sec. 83-1202. Girls in the industrial school are to be trained in domestic duties and light practical industries.

Sec. 83-1406. In the reformatory for women, "employment of such women shall be for the purpose of teaching them a useful trade or profession and improving their physical, mental and moral condition."

Sec. 83-1302. The object of this institution is, among other things, to furnish the inmates "domestic, industrial and other training
to fit them for self-support; to procure them appropriate employ-
ment.”

Nevada. Comp. Laws (1929) sec. 11458. The board of com-
missioners may cause prisoners “to be employed in any mechanical
pursuits, and at hard labor, and may furnish such convicts thus em-
ployed with any material that may be deemed necessary,” and may
employ prisoners “in such manner . . . as will best subserve the
interest of the state and welfare of the prisoners.”

contracting of prison labor or products, “. . . except that conv­
icts may work for, and the products of their labor may be disposed
of to, the state or any political subdivision thereof, or for or to any
public institution.”

of all correctional . . . institutions within the jurisdiction of the
state board shall be employed in such productive occupations as are con­
sistent with their health, strength and mental capacity.”

New Mexico. Stats. Ann. (1941) sec. 42–1705. It is the duty
of the prison board to adopt such rules concerning prisoners committed
to their custody as will prevent them from returning to their criminal
courses, best secure their self-support, and accomplish their reformation.

171. Prisoners are to be employed “for the purpose of industrial
training and instruction.”

Sec. 183. It is the duty of the commissioner “to employ the pris­
oners, so far as practicable, in occupations in which they will be most
likely to obtain employment after their discharge from imprison­
ment.”

power to provide for employment of all prisoners, either in prisons
or farms owned or leased by the state, or elsewhere upon just and fair
terms. Sec. 7712 (a) provides for manufacture by prisoners of
automobile license plates. Sec. 7712 (b) provides for a shoe factory
in the central prison to provide shoes for inmates of various state in­
North Dakota. Comp. Laws (1913) sec. 11261. The prisoner is to be employed so far as practicable "on the work to which he is best adapted and which will make it possible for him to improve and acquire greater skill that he may earn a livelihood when paroled or discharged from the institution." Sec. 11270 provides for employment in the manufacture of brick. The laws of 1933 provide for a tannery at the penitentiary, for coffins to be manufactured at the penitentiary, and for license plates to be there manufactured.

Ohio. Throckmorton's Code Ann. (1940) sec. 2137. The superintendent of the reformatory for men may spend not more than 50 per cent of its gross earnings for equipment and maintenance of industrial training schools. These schools are to be so conducted that the inmates will be taught and trained in various arts of such character as to enable them to perform the skilled labor required at the reformatory and fit them for self-support when released therefrom.

Sec. 2148-12. The department of public welfare is authorized to establish educational and vocational schools at the reformatory for women wherein the inmates may be instructed "in educational and vocational lines of such character as may be required to fit them for self-support upon being released from the institution."

Sec. 1835-1. "The London prison farm shall be used for the better class of prisoners and devoted to the reformation and the industrial and vocational training of this class."

Oklahoma. Stats. (1941) tit. 57, sec. 132. "... Said board (of Public Affairs) shall have the authority to install and equip such business enterprises, occupations, factories, manufactories, farming and any other business not prohibited by the Constitution, as will employ the inmates of said institutions, and may employ such persons as are necessary for the construction and operation of any building, factory, shop, business or enterprise connected with said institutions."

Sec. 251. Authorizes establishment of a binder twine plant at the state prison.
Sec. 261. Authorizes farm implement factory at the state penitentiary.

Sec. 321. Tannery and harness and shoe factory are authorized at the state reformatory.

Oregon. 8 Comp. Laws Ann. (1940) sec. 127–1007. Oregon state board of control is authorized to install manufacturing plants to make such goods as may be needed by other state charitable and penal institutions. They shall manufacture "as wide a variety of products as is practicable."

Pennsylvania. Purdon's Stats. Ann. (1930) tit. 61, sec. 481. All male criminals between the ages of fifteen and twenty-five shall be committed to the Huntingdon Reformatory.

Sec. 482. This section limits the inmates between the above ages, to first offenders.

Sec. 511. The purpose of the reformatory is "to prevent young first offenders . . . from becoming criminals, and to subject them while in custody in this reformatory to such remedial, preventative treatment, training and instruction as may make them honest, reputable citizens." Inmates are to be instructed "in the rudiments of an English education, and in such manual, handicraft, skilled vocations as may be useful to each of the inmates after his discharge from the reformatory, whereby said person will be able to obtain self-supporting employment."

Tit. 71, sec. 602. The department of welfare shall have the power to establish and maintain industries in the penitentiaries and reformatories. Such industries shall be for the purpose of "printing, or of manufacturing and producing supplies, or for the preparation and manufacture of building material for the construction or repair of any State institution . . . manufacture and production of crushed stone, brick, tile and culvert pipe," or other things used in road building by the state.

Rhode Island. Gen. Laws (1938) ch. 64, sec. 6. "The department of public welfare shall cause such articles and materials as are used in the offices, departments or institutions of the state and of the several cities and towns to be produced by the labor of inmates in the public welfare institutions."
South Carolina. 3 Code of Laws (1942) sec. 5892. The penitentiary is authorized to establish a plant for manufacturing license plates and metal road signs.

South Dakota. Code (1939) sec. 13.4801. A twine plant revolving fund "shall be maintained . . . for the purpose of conducting the business of the Hard Fiber Twine and Cordage Plant at the State Penitentiary."

Sec. 55.1707. Penitentiary manufactures license plates and highway signs and other markers.

Tennessee. Michie's Code Ann. (1938) sec. 12205. "The commissioner of institutions, with the approval of the governor, is authorized and directed to employ and work at manufacturing articles of merchandise, in shops to be wholly controlled by such commissioner, such of the convicts as in his judgment it will not be safe, humane, practicable, or desirable to work outside the prison walls, that is, such prisoners as cannot with profit to the state, safety to the prisoners and the public be maintained and employed outside the prison walls, it being the purpose and intention of this law to reduce to a minimum the number of prisoners engaged in the manufacturing business in competition with free labor and manufacturers engaged in like business. . . ."

Sec. 12207. The department of institutions is authorized to manufacture automobile plates, and "kindred articles" at the penitentiary to supply the requirements of the state.

Texas. 17 Vernon's Civil Stats. (1925) art. 6166a. All prisoners shall "be given opportunity, encouragement and training in the matter of reformation. All prisoners shall be worked within the prison walls and upon farms owned or leased by the State; and in no event shall the labor of a prisoner be sold to any contractor or lessee. . . ."

Art. 6203c—Sec. 1. The board shall conduct prison farm units so that the prisoners may be "gainfully employed" in work that will be "remunerative to the State and beneficial to the prisoners."

Art. 6203c—Sec. 2C. The board is directed to "install emergency mechanical devices, equipment, and machinery for shops and indus-
tries now operated or that may be operated profitably in said Central Unit.”

Utah. 5 Code Ann. (1943) sec. 85-9-29. The warden can employ prisoners in “erection or repair of the buildings or walls of the prison, and in the operation and maintenance of the prison.”

Sec. 85-9-31. The board of correction shall determine “what lines of productive labor shall be pursued in the prison . . .” but for the purpose of competing as little as possible with private industry.

Vermont. Laws (1937) no. 165, sec. 5490. Commissioner may contract to any person or corporation, the labor of any prisoner for a period not to exceed five years. “He may purchase the material, supplies, machinery and appliances required for employing the convicts, and may employ all necessary superintendents, accountants and other help necessary for such enterprise. . . . He may conduct such manufacturing business as a financial enterprise, separate from the state prison, house of correction and women’s reformatory.”

Virginia. Code (1942) sec. 5009. “The convicts shall be kept to the hardest labor suitable to their sex and fitness, and such of them, as need it, instructed in some mechanical art.”

Sec. 2073. Persons confined in the penitentiary or on state farms shall be used so far as possible in the making of articles required by state institutions.


Sec. 10280-7. Prisoners in the reformatory may be required to work “in such manner as may be prescribed by the director of business control.”

West Virginia. Code Ann. (1937) sec. 2773 (f). The board of control is authorized to purchase “equipment, raw materials and supplies and to engage the supervisory personnel necessary to establish and maintain for this state at the penitentiary or any penal farm or institution now or hereafter under control of this board, industries for the utilization of services of convicts in the manufacture or production of such articles or products as may be needed for the construction, opera-
tion, maintenance or use of any office, department, institution or agency supported in whole or in part by this state and the political subdivisions thereof.”

**Wisconsin.** Stats. (1941) sec. 56.01. The state board of control may conduct various industries including the manufacture of license plates and highway signs. The board may lease or purchase lands for farming, limestone beds for the manufacture of fertilizer, and rock beds for road building materials.

Sec. 56.02. The board of control shall maintain a binder twine plant.

Sec. 54.01 (4). “Farming, forestry, quarrying” may, by implication, be carried on at the reformatory.

Sec. 56.07. “State board of control may maintain in the state reformatory a manual training school, and cause the inmates to be instructed in trades. . . .”

**Wyoming.** Rev. Stats. (1931) sec. 108-814. The board of charities and reform and warden shall direct that convicts shall be employed at such work as shall make it possible for them to acquire trade knowledge and skill in the industry for which they are most adapted, and at which they can best earn a livelihood when paroled or discharged.

Sec. 108-816. Wearing apparel and other articles used in the penitentiary are to be manufactured there and also such articles as are used by the state, including building materials for state institutions.

Sec. 108-911. Inmates of the reformatory may be employed in “agriculture, horticulture, or other mechanical labor, as a means of their support and reformation.”

**District of Columbia.** 42 Acts of Congress affecting the District of Columbia 473; Public Act No. 602, 76th Congress, ch. 333, 3d Session. With respect to the workhouse and reformatory of the District of Columbia a working capital fund of $30,000 is provided for such industrial enterprises as may be approved. A revolving fund is also created “for the purchase of raw materials and manufacturing supplies . . . and purchase of fuel for manufacturing purposes. . . .”

**Federal.** 18 U. S. C. A. sec. 744a ff. “It shall be the duty of the Attorney General to provide employment for all physically fit inmates
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in the United States penal and correctional institutions in such diversified forms as will reduce to a minimum competition with private industry or free labor.” The Attorney General “may make available the services of United States prisoners” for road building, reforestation, construction of levees and other public works. Also he “shall establish such industries as will produce articles and commodities for consumption” in various Federal institutions, and in so doing shall provide such forms of employment “as will give the inmates a maximum opportunity to acquire a knowledge and skill in trades and occupations which will provide them with a means of earning a livelihood upon release.” Various “working-capital funds” are provided. The President is authorized to create an organization to be known as the “Federal Prison Industries” for the purpose of carrying out these industrial policies.

The notion of rehabilitation through training in trade skills is, of course, not confined to any one country. The Cuban Criminal Code expressly provides, art. 48, that in all establishments subject to the jurisdiction of the Superior Council of Social Defense there shall be established a system designed to correct and rehabilitate the inmates through individualized treatment and compulsory work and education. The primary purpose, art. 50, of the education and work is to be modification of the diseased and antisocial tendencies, inclinations and predispositions which lead them to crime; the secondary purpose is to assist them in earning a living when returned to freedom.

So, too, the rehabilitation idea is clearly embodied in Swiss criminal law, although it is confused, or at least interwoven, with the punitive processes. The Swiss Federal Criminal Code of 1937, translated by Friedlander and Goldberg, 30 J. Crim. L. 1 (1939), sets up the customary type of penalties for crime. But it also provides that (Art. 43):

“If the offender has been sentenced to a prison term for a felony or misdemeanor, the court may suspend sentence and commit him to a house of correction for an unlimited period. . . . The committed person shall be trained for the kind of work to which he is suited, and which will enable him to support himself after release. The physical, mental and particularly the industrial development of the committed person shall be furthered by the instruction given.”