

Capital Punishment
 one cent instead of the previous six, newspapers now were available and affordable for the general public, and they were sold daily on street corners. As a result, the number of daily papers in the United States more than doubled between 1830 and 1840 (Masur 1989:114).

DOCUMENT 12: *An Account of the State Prison or Penitentiary House, in the City of New-York* (Thomas Eddy, 1801)

In New York, one of the strongest supporters of the prison reform movement was Thomas Eddy (1758–1827). Eddy, a Quaker of Irish descent, was a successful New York businessman who devoted himself primarily to philanthropic activities.

Influenced by the ideas of Cesare Beccaria, Charles-Louis Montesquieu, William Penn, and noted English prison reformer John Howard, Eddy was especially devoted to the cause of prison reform.

After visiting Philadelphia's new penitentiary at the renovated Walnut Street Jail in 1796, Eddy and his fellow activists were instrumental in obtaining legislative authorization for a similar penitentiary in New York—the Newgate Prison in Greenwich Village. Eddy acted for several years as an inspector and agent for the new penitentiary and helped supervise its operations.

However, soon after the turn of the century, it became apparent to many citizens in New York and elsewhere that the penitentiary system wasn't living up to its promise to reform criminals and prevent crime. In addition, the new penitentiaries already were becoming overcrowded, and costs were mounting (Masur 1989:88–89).

Eddy—who remained convinced that it was only a matter of time before society would begin to reap the benefits of the penitentiary—was concerned about the public's growing dissatisfaction with the new system, and he feared a call for the resurrection of the death penalty for many crimes.

In his 1801 report *An Account of the State Prison or Penitentiary House, in the City of New-York*, which included a detailed account of the prison itself, prison operations (including costs), and the treatment of prisoners and efforts to reform them, Eddy took the opportunity to address many of the criticisms against the penitentiary system, urging legislators and citizens to be patient and not to thwart the new reform effort in its infancy.

The work of reformation is slow, and must encounter many and strong prejudices, and the force of long-established opinions. It was prudent to listen to the voice of those who advised a forbearance of further change till experience had fully ascertained the advantages and defects of the new system. These will be gradually developed in the progress of the experiment; but many years are necessary to its completion. A slight acquaintance with the nature of man and the history of society is suffi-

cient to convince the considerate and dispassionate observer, that the full effects of an institution of this kind cannot be felt, nor the trial of its wisdom and efficacy be fairly and satisfactorily made, until after a long and persevering attention to its management and operations.

It is to be lamented, that many good citizens, feeling a just abhorrence at crimes, consulting the suggestions of virtuous indignation, rather than the principles of justice, become impatient that the alteration of the penal code has not yet produced greater and more decided effects, and diminished the number of the guilty. They, sometimes, even express a regret at the change which has been wrought in our laws, and returning to a system of accumulated severity and terror, wish to see every offence against life and property punished with death; as if crimes would cease with the extermination of the criminal. But let such turn their eyes inward upon their own hearts, and analyze the source from whence such wishes arise. Let them consider the effects produced on society and manners by the rapid increase of wealth and luxury, natural population, and emigration, which consequently augment the number of crimes, whether the laws be mild or sanguinary. Let them consult reason, and the experience of the most enlightened nations, which prove beyond all contradiction, that crimes are most frequent where the laws are most rigorous; that punishments *mild* and *certain* more effectually prevent crimes than those which are sanguinary and severe. Let them at least examine, before they condemn, a system sanctioned by different legislatures, prudent and enlightened, and applauded by the wisest and best men in all civilized countries.

Source: Thomas Eddy, *An Account of the State Prison or Penitentiary House, in the City of New-York* (New York: Isaac Collins and Son, 1801), 15–16.

DOCUMENT 13: *Report on the Penitentiary System in the United States (1822)*

Twenty-one years after Thomas Eddy argued that patience would prove the benefits of the penitentiary system (see Document 12), he and eight other members of a New York committee appointed to conduct a nationwide evaluation of the system concluded that the system had failed to fulfill the expectations of its founders and advocates.

In its lengthy report, the committee identified numerous defects in the system—including poor design of the prisons, failure to separate novice or nonviolent criminals from violent and hardened offenders,

overcrowding, frequent pardons, inappropriate diet, lack of a school for juvenile offenders, absence of moral and religious instruction, the frequent change of superintendents and governors, and too much regard to revenue.

But despite these failures, the committee maintained that the penitentiary system still could be modified and improved to meet the expectations that originally had been set for it—to reform criminals and reduce crime. Toward this end, it provided a series of recommendations that addressed each of the above concerns. Central to the reform plan was a return to the notion that solitary confinement was key to reforming serious and violent offenders.

In defending the recommendation to retain and improve the faulty system, the committee asserted that “the Penitentiary System, as it now exists, in the United States, with all its defects, is preferable to the former systems of punishment in this country.” Some of the committee’s final arguments—in which it also stressed the importance of serving as a role model to other countries undergoing penal reform—are excerpted below.

We are fully aware, that great consideration is attached to the Penitentiary System in the United States, by the enlightened men in Europe, who are now combining their exertions to produce a radical reform in Penal Jurisprudence. Nor are improvements in the execution of Penal laws confined to England. The Report of the Prison Society of Paris, shews that much is doing in France, to combine punishment with reformation. In Ireland, the labours of the Dublin Association, for the improvement of prisons, are working salutary changes. In Switzerland, some useful reforms are taking place. In Russia, an Association for the same purpose has been created: the location is at St. Petersburg, under the sanction of the Emperor Alexander, who, is giving force and authority to its proceedings, throughout his wide dominions. In Sweden, and Norway, information of the condition of all the jails is collecting under the patronage of the two governments, that the hand of correction may be successfully applied in the treatment of criminals after their sentence to public prisons. Let them not feel their prospects darkened—let not their efforts be weakened, by the partial failure of our own system. Not a fact remains on record—not a defect has been revealed, in the progress of thirty years, to convince us that it cannot be rendered all that it was ever expected to be. And the Committee do feel themselves bound to lay down the following broad positions:

First. That the Penitentiary System, as it now exists, in the United States, with all its defects, is preferable to the former systems of punishment in this country.

Secondly. That it is capable of being so improved, as to become the