

THE LAST PUBLIC ADDRESS

MADE BY THE LATE WARDEN

MORDECAI S. PLUMMER

WHOSE DEATH OCCURRED

ON DECEMBER 21ST, 1922

THIS ADDRESS WAS MADE AT A MEETING OF THE
MEMBERS OF THE
NEW CENTURY CLUB OF NEW CASTLE, DEL.
ON NOVEMBER 21ST, 1922

BOARD OF TRUSTEES
NEW CASTLE COUNTY WORKHOUSE



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DIED DEC. 21, 1922

THE HONOR SYSTEM

I inaugurated the "Honor System" or what may be termed self-government among the prisoners when I took charge of this institution on May 1, 1920. Its inception was based on a desire for increased opportunities to lend a helping hand to the driftwood of humanity. A force of friendship and fraternity to the inmates. A hope, a true impetus, a sufficient incentive to adjust themselves in the right way for future freedom. A vehicle of restitution, not a relinquishing of constituted authority but an aid to make it more effective. One of its main purposes is to teach the inmates to realize the human responsiveness of better days to come and to realize to the fullest extent the possibility of accomplishing something by good behavior both in and out of prison. It gives constructive treatment to the offender against society and teaches him to earn the remission of the penalty by future good conduct; it is a focusing, crystallizing effort towards those that err. It teaches him to accept the social judgment, the rights of individuals and their property, and his personal responsibility to society. That all relationships call for rights and duties and that they must accept the conclusions that have been prescribed for their conduct. They are taught, and it is emphasized, the doctrine of personal responsibility when they violate the social judgment and become wards of the state. That they owe obedience to their supervisory officials and their supervisory officials owe to them corresponding care and protection against all unnecessary repressive measures, cruel and inhuman treatment; and in this connection let me emphasize the fact that it is by his conception, his understanding of our idea and our treatment from the standpoint of justice and humanity, that the prisoner becomes imbued with the proper understanding of discipline. We owe every prisoner a real chance to regain the lost status of a man. Mold them into happy human beings, increase the percentage of human salvage and nurse them back to moral health. A prison should make a man and not break him.

It is my opinion, based on personal observation, that the old system of penology is a crime factory and makes men more intent upon breaking the law and makes them unfit for re-entry

into society, and therefore forces them to continue their evil careers. It so handicaps a prisoner that he cannot rehabilitate himself. It never teaches him how to relieve himself of the treadmill grind of prison life, as most jails are foul, leprous, and graves of blasted hopes, sepulchers of ghastly tragedies, where abnormal conditions exist and where men and women become mere elemental beasts.

Establish the Golden Rule in prisons (which is the very foundation rock of our "Honor System") and the prisoners will do their own reforming. Our "Honor System" teaches that if we dig deep enough beneath the stain and dross of crime we will find some gold worth redeeming.

A Parole Law

I beg to call your attention to the necessity for a parole law for the State of Delaware, such as was presented to our last Legislature by the Prisoners' Aid Society of Delaware. As the official duties of the Board of Pardons of this State are many, I doubt the advisability of having this Board to act in the capacity of the Board of Parole. I believe that it would be more beneficial and effective to have such boards separate and distinct, and that the Board of Parole be appointed by the judiciary of our State consisting of four members as follows: one from rural New Castle County, one from the City of Wilmington, one from Kent County and one from Sussex County, Delaware.

Throughout the early history of English jurisprudence and until comparatively recent times, the punitive side of the law was emphasized and little or no thought given to its reformatory side. Society is beginning to realize that while its crimes against criminals are great, its crimes against itself in its methods of dealing with them are oftentimes greater. The parole laws, the indeterminate sentence laws, laws giving judges the right to suspend sentence and executives the right to pardon and parole offenders, are all evidence of the growing belief that no laws, general in their application as all criminal laws must be, can be administered by the courts alone without working grave injustice in many individual cases. The exercise of clemency by the executives, through pardon, parole or remission of the penalty without any appeal or review of his action, is intended

to be the last resort to correct injustices that must arise in the administration of criminal laws, which by their very nature are fixed in their application. It has often been necessary to abate the cruelty of the criminal statute through the exercise of executive clemency. The very nature of criminal law makes such a power vested somewhere essential to relieve the rigor and the cruelty of the law. The judicial field is circumscribed by the regularity and the rigidity of the proceedings. The business of the judge is to strictly apply the law; and the proposed law advocated by the Prisoners' Aid Society of Delaware was intended simply to be an adjunct to the administration of justice, a constitutional part of the judicial system of our State.

A parole law has the two-fold purpose of ever keeping in mind the protection of society and the reform of the evil doer. It should vest in the Board of Parole the benign purpose of relieving the criminal from the rigors of the criminal law whenever the good of society and the welfare of the criminal demands such action. Under its provisions, mercy, propriety of a particular case, the prosecution, kind and extent of punishment, the condition, history and future of the convict and the security of the community, all become material, vital and capable of weight in each individual case before the Board of Parole. I thoroughly believe in the parole system. I believe the law should be administered carefully. It is in successful operation in thirty-four states of the Union. A true parole system does not condone the offense. It gives the prisoner the opportunity to earn the remission of the penalty by future good conduct. It is a custodian of mercy. Men on parole support themselves and their families and they are productive factors in society. In jail they are liabilities and very often their families become a burden upon the public. It reclaims a prisoner. It teaches self-respect and usefulness to those who have fallen into the hands of the law. It deals constructively with human beings. It does not differ essentially in its aims and functions from any of other great divisions of social work. It does not change the principles of justice, but merely the practices of penology. It insists that restitution is a part of justice. It is no theory of justice but a law to apply the old principles of justice as it were in a higher and finer degree to the individual convicted.

Correction and discipline are the very essentials of a parole law, and to be fully successful it must have the whole hearted

support of all the constructive influences of the State. I have absolute confidence in the regenerative influence of opportunity in 90% of men in jail. Release well behaved prisoners from the weary treadmill grind of prison and let them become an asset to society.

Religion and Personal Work

There is the paid and voluntary work done for the spiritual and moral uplift of the men and women incarcerated here. All denominations hold their services here at stated intervals. We feel that we have accomplished wonderful results among the inmates along spiritual lines with sincerity and a clear conscience and with an effort to fulfill a public duty—a duty we owe to humanity and brotherly uplift.

The church must not forget the prisoner. She must not forget the trials, the tribulations and suffering of those in prison. The greatest triumphs of the church were won by bringing the Gospel to bear on the outcasts and the lowest strata of society. There can never be any permanent reformation in the life of the law-breaker except through the reformatory influence of religion, whether Jew or Gentile. The church must represent religion commensurate with present day needs. She must show a large sympathy for the men in bonds in our prisons. Penology as a science treats of crime, but does not even pretend to cure it. It seeks to discover the causes that lead up to crime and the best it can do is to simply suggest reforms so that conditions can be made more just and humane. In the treatment of most prisoners God has been left out of the matter, and when this is so there can never be a cure. Nowhere else in the world is the power of religious kindness more quickly felt than in prison. Religion makes a prisoner a captive to your kindness. There is no remedy on earth for the law-breaker except the Calvary cure for crime. If the church shuns those in prison, what is to become of them? Prisoners must be taught the resistive grace and be fortified by religion, and unless backed by this remedy they will return to prison deeper in sin, misery and crime.

Ninety-five percent. of prisoners believe in God, but they have witnessed so very little of the Golden Rule practised that they reach the conclusion that it was only intended for those outside of prison walls. It is not a superhuman task to bring men in

prison back to regenerative influences that will cure them of their depraved tastes, desires and actions. I never met a prisoner that has not the milk of human kindness—dig deep enough and you will find it. With the many miseries and vices found in jails what on earth except religion can be the stepping stone of those steeped in crime? Some of the churches with their varying degrees of belief in the doctrine of man's depravity have not aided as they should have done the reform movements in behalf of their unfortunate brothers in prison. Let the church remember, and those connected with the direction of its affairs, and also those of the state who are responsible for the care of prisoners bear in mind, that religion in jails is just as necessary and essential for the welfare of society as it is to those on the outside—it is the clinging vine, the giant and protecting oak and the towering pine; and to their heart hunger it leads to a higher ideal of fraternity, sociability and friendship and the only true incentive for better days to come.

A Separate Prison for Women

I sincerely hope you will again use your best efforts to obtain a separate prison for women. Present conditions are a menace to the discipline and well being of the inmates of this institution. No law ever intended that men and women should be placed under the same roof in visual contact in prison. It is an obligation of the State to protect society from such a condition of affairs. It causes moral perversion, sexual deviation and degeneracy. As a first principle of moral education there must be separation of the sexes. In many states separation has been carried to the extent of having entirely separate buildings put up for female prisoners under different management for the two sexes.

It is my opinion that there should be a separate prison for women in Delaware under the supervision and management of a board of trustees, which board should consist of four women appointed by the members of the judiciary of Delaware; one from rural New Castle County, one from Wilmington, one from Kent and one from Sussex Counties; and further that the building be as remote as possible from the New Castle County Workhouse.

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Prison Labor

Enforced idleness I consider one of the worst curses that can be placed on a prisoner. It is absolutely ruinous to the discipline of a jail and a constant menace to the good order and proper regulation of its affairs. It causes mutinies, riots and jail deliveries. Constant employment for every inmate who is physically able to work keeps him in as cheerful and hopeful a frame of mind as is possible under the circumstances. Work for a prisoner at least eight hours a day is just as essential for his well being as is food and water to sustain his physical needs. It makes them more restful, happier and hopeful for the future. I do not mean all work and no play, but labor carried on under healthful conditions and with reasonable hours and no improper strain. Do not make the work distasteful, cruel or senseless—let it be wholesome labor and useful labor, whereby a prisoner can earn something by his labor for his family while paying his debt to society for violating its laws. At this institution the prisoners are employed eight hours a day and every opportunity afforded them to make money for themselves and their dependent ones. No problem confronts those in charge of prisoners greater in importance than the proper employment of the inmate body. Unemployment is ruinous not only to the prisoners but also to the state. Employment is a moral necessity to both the prisoner and the state, as he will otherwise degenerate and when released will be certain to prove a menace to society and become a greater burden to the state if he is allowed to pass the time in enforced idleness while incarcerated. The state should protect itself and save the man from the greatest of all curses in jails—idleness. Enforced idleness makes a prison a breeding place of degenerates and criminals. All of the inmates of this institution receive wages, which has proven an inducement to work and a valuable means towards discipline. Rewards for work have proven more efficacious here than punishments. In addition to our institutional work we have work on our two farms where farm produce is utilized in the direct support of the prisoners themselves, and the prisoners so employed are paid a regular wage each month, which has proven most satisfactory in every respect, wholesome, healthful and corrective to the prisoner.

Our Honor Court

Our Honor Court, consisting of eight members, does not allow our prosecuting attorney to make applications for the appointment of a particular case to be heard before a particular judge, nor can he move up his case so as to bring it before a judge of his own selection. All unfair discriminations are eliminated. It does not permit intemperate zeal on the part of the prosecutor, which I have found to be one of the besetting sins of some of our prison prosecutors. They often scent guilt, not innocence, and boast of conviction rather than express displeasure that an innocent man has been unjustly accused. The prosecutor being a quasi-judicial officer is required to protect the rights of the accused prisoner and not base his efficiency and distinction upon the number of prisoners he has convicted. Every safeguard is given the accused with the view that if he is convicted he will feel that he has received a square deal. The presumption of innocence exists, and guilt must be proved beyond a reasonable doubt.

The accused has the right to appear and defend in person or with counsel any charge brought against him, and in this connection we have two defenders called "Pro deo" lawyers who obtain the necessary evidence and witnesses in favor of the accused prisoner, which lawyers must properly present the case. We have free justice—the accused is not immured, and when he appears before the Honor Court his heart is not in despair, without friends or hope, nor does he have to struggle for the beneficent right of justice. We seek the ascertainment of truth in all cases irrespective of his race, religion or money. Equality before the law—democracy of justice, as it were, in jail. We carry to all who come before our Honor Court the inspiration of confidence and receiving a square deal.

Alcohol and Dope

No nation, no state and no people have a right to license crime producers and at the same time maintain and demand sobriety among the masses. I believe in preventive severity but stern justice.

Alcohol and dope, in my opinion, are the contributing causes for at least 60% of crime, but it appears that there is a quicksand

of disrespect for law by those now engaged in the traffic of same; and the church must be shaken out of its lethargy and put forth its efforts to eradicate these great evils which are undermining the character of thousands of men and women in all classes of society. In all exertions of duty something must be hazarded, and we must bear in mind that if we touch the true grievance there is danger that we come near to persons of weight and consequence who will be exasperated that the law implies authority, and punishment obviously implies law, and unless it be sanctioned by a penalty no law can have any binding force; and the penalty threatened must be of such a character as will tend to protect the law from violators. Persons engaged in the illegal sale of alcohol and dope at this time do not think they owe allegiance to the power and authority that punishes them, or that their nefarious business outrages every conception of right and justice to society. It is for the church people to demand that these two great evils cease to exist in our beloved state, and to stand up and demand the maintenance and preservation of great and needful laws and therefore ultimately for the good of those who are under its protection.

All are agreed that the one way to check crime is through vigorous and impartial enforcement of the laws. We must fully realize that in the great field of law enforcement, the difficulties are almost incredible. Not only are the dope peddlers and hootch sellers insolently bold, but law-abiding citizens find it convenient to forget the law—this is particularly true of the prohibition law. Such conditions have produced an almost endless chain of destructive and degrading practices. No one can undermine respect for law without being, to that extent, an enemy to law and orderly government. Our beloved country will endure on the rock of law enforcement alone, or it will perish in the quicksands of lawlessness. A citizen cannot choose what laws he will obey, and all good citizens must obey all the laws. No judicial or police department can save us from reaping the harvest unless they receive the active and sincere co-operation of all good citizens irrespective of their religious or political affiliations. No good citizen should encourage or tacitly countenance the lawless traffic of dope or alcohol. Persons of good repute in all parts of the United States are flagrant violators of the prohibition laws as well as the criminals. The burglar and the footpad exhibit essentially the same traits as the profiteer

who distilled gold from human misery; that the method of the footpad is more direct is but the chief difference.

I feel that it is proper to state that I occupy no ministerial position. I am only a warden. I make no claims to moral merit whatever nor to religious authority except it be the religion of the brotherhood of man. I wish to be taken as a man among men, feeling that I can shake hands with and style as my brother the most humble of men. If there may come from me a word of moral admonition, it springs not from a sense of moral superiority, but only from the depths of my experience by virtue of my present position and that of my twenty-five years experience in the service of the United States Government. I relate to you only my views and my opinion based on the circumstances of life. I have seen the ambitions of men defeated—I have seen him struggling for the beneficent right of justice—I have seen his aims and purposes frustrated only by a fortuitous combination of unhappy circumstances and conditions over which he had no control. I have seen his outstretched hands about to grasp the flag to victory and to seize instead the emblem of defeat. Oh how horrible is prison life even at its best—it is a pendulum swinging betwixt a smile and a fear—a barren waste and then nothing as they go forth to liberty and from the weary treadmill grind of prison—like the child blown bubble that but reflects the shadow of its environment and is gone—its happiness Dead Sea apples—its pain the crunching of cruel and inhuman treatment—unnecessary repressive measures—helpless pieces of the game of the old system of penology. It is so easy to be happy when life goes along like a song. There are those who will condemn him. They believe that he is reaping the reward of a misspent life. There are those who are dominated by mediaeval creeds. Them, I am not addressing. They are ruled by the skeleton hand of the past. They fail to see the character lived outside of their puritanical ideas. Ceremonious piety is not always the highest manifestation of a good Christian. The handclasp of friendship, cheer to a discouraged brother, quiet charity, a smile that shines through tears—those who try to smooth one wrinkle from the brow of human care or change a moan or a sob into a song—or to wipe away a tear, and to place in its stead a jewel of joy, is a public benefactor and a true Christian. Bear in mind, dear friends, the most hardened and depraved can be reached and reformed if they will.

Crime is the price of our civilization, the inevitable result of our struggle for existence. Punishment is a social necessity. Society must be protected from within and from without. I am absolutely opposed to sentimental leniency, but while undergoing punishment the criminal must be treated in a human manner—love, law, gentleness and firmness hand in hand. The only absolutely reclaiming force in the world for criminals is the Calvary cure for crime. No man is beyond the power of God's mercy. God rehabilitates the criminal in spite of society. There is no hope, no stimulus, no true incentive of the heart and soul for better things in our prisons with few exceptions—they are as cruel as the grave.

To you women of Delaware, irrespective of religious or political affiliations: we of the New Castle County Workhouse watch with eager eyes from the shadowed valley, with weariness of heart and soul, but always with forward look for the dawn of a new day for worthy prisoners. The cup of cheer, the kindred gleams of love and ministry to those who have traveled the long hard trail and are deserving. It is woman's heart that loves and strives to relieve suffering and bring into our lives the great warm sunshine of human happiness. Yours the faith unflinching, holding in respect virtue, love of home, of flag and of country dearer than life itself. It is your heart that feels the depths of mother love and finds unmeasured joy in reverent observance of laws beneficial to your beloved state and country. Without you God only knows what would become of our beloved America.

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