The Impact of Politics and Prison Industry on the General Management of the Kansas State Penitentiary, 1883-1909

Harvey R. Hougenc

Warden Henry Hopkins resigned his position at the Kansas State Penitentiary in April, 1883, having served at the Lansing institution since it opened as a temporary wooden stockade in 1867. His departure ended an era of progress in penal development that had moved the Kansas penitentiary to a position of leadership among prisons of the Western states. During the quarter century following 1883 the system at Lansing deteriorated, as politicians used the prestigious positions on the penitentiary staff for patronage and the institution's favorable financial reports as evidence of their efficiency in office. A succession of wardens, appointed for political reasons, concentrated on maximizing profits from prison industry, but neglected their administrative and disciplinary responsibilities.

Planners of the Kansas prison had looked eastward for an

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Title-page photo, copied from the Twelfth Biennial Report (1899-1900) of the Kansas State Penitentiary, Lansing, shows the prison front entrance.

example on which to pattern their penitentiary and selected the new Illinois prison at Joliet as their model. The prison industrial boom that took place in the belt of nine states from Massachusetts to Illinois after the Civil War also attracted the Kansans' attention. Many of the Eastern prisons had developed industries that rendered them entirely self-supporting, and some actually returned profits to the state. The Kansas planners quickly adopted the short-term goal of a self-supporting prison, and the ultimate goal of a profitable one. To build and develop a penitentiary that would fulfill the latter objectives, they needed an intelligent and aggressive taskmaster. They found their man in Henry Hopkins.²

Warden Hopkins left a substantial legacy to the Kansas State Penitentiary. It included a modern physical plant, remunerative prison industries, and an effective system of prison discipline. The massive physical plant was built by convict labor, supervised by prison staff members, over a period of 15 years. The imposing structure stood approximately one-half mile east of the Leavenworth, Lawrence, and Galveston railway, and in its pastoral setting resembled a fortified medieval castle. The main building, constructed of red sandstone, faced the railway, and bristled with turrets and false battlements. Its four-story center section housed administrative offices and the warden's family quarters; the north and south wings, offering a slightly lower profile, each contained a four-tier block of 344 cells. Behind the main building, a thick limestone wall, 22½ feet high, enclosed the 10-acre prison yard. Battlement-like guard towers, rising above the four corners of the wall, completed the picture of a grim fortress. East of the structure, farmland stretched over rolling hills to the bank of the Missouri river.³

The forbidding walls of the prison concealed several thriving industries. Located in shop buildings within the prison yard were wagon, shoe, furniture, harness, and marble slab factories, operated by labor contractors and employing about 350 convicts. The labor contractors were outsiders at the penitentiary—manufacturers, who established shop facilities on the premises, then purchased labor from the state at a specified rate per diem. The state furnished buildings, machinery, and utilities. The system could be lucrative for the contractor, but it enabled the state to

² Annual Report, Kansas State Penitentiary, 1863, pp. 3-5, 7-8. See also, McKelvey, pp. 59, 91.
³ Biennial Report, KSP, 1881-1882, pp. 7-8. See also, Annual Report, KSP, 1869, pp. 11-15.
and governed them accordingly; consequently the prison knew no mutinies, no savage punishment, no investigating committees, and very few escapes.” The writer may have been anticipating the problems in store for Lansing under the inept management of Hopkins’s successors.  

The Penitentiary act of 1863 had established the system for appointing the penitentiary staff. The law placed control of all key positions in the hands of the governor, but chief executives wisely refrained from using them for patronage during the period of building and development. With building complete and an industrial system that promised substantial returns, the situation at Lansing was ripe for political exploitation. Warden Hopkins had come to his office with experience as a guard in an Eastern penitentiary, military service as an infantry commander during the Civil War, and three years as deputy warden of the Kansas prison. Moreover, he held a deep and abiding interest in penal methods. His successors secured the wardenship on the basis of political connections and business acumen. The latter trait was important because business profits pouring into state coffers from the penitentiary could ease the burden on taxpayers and be cited as proof of a political administration’s efficiency in office. The cynical, free-wheeling business and political ethics of the “Gilded Age” quickly became the controlling factors at Lansing.  

Hopkins’s immediate successor, W. C. Jones, had the misfortune of being appointed by a Democratic governor, and was the first to feel the hot breath of politicians on his neck. Jones, who in accordance with the law was serving a four-year term as warden, failed to offer his resignation when his benefactor’s Republican successor took office. A committee, appointed by the Republican legislature to investigate alleged mismanagement, promptly found irregularities in the financial records of the institution. The committee chastised the board of directors and warden for laxity in supervising penitentiary affairs: “The discipline and management was in thorough order and the coal mine in so nearly a perfected state that the plans of the late warden had only to be carried out to assure financial success such as had hardly been dreamed possible in the history of prison management.” The blame for whatever vague indiscretions occurred fell on the chief clerk, but Warden Jones and the Democratic board of directors dutifully resigned, allowing the governor access to his spoils.

The pattern was established; politicians of both parties recognized official positions at the penitentiary as legitimate patronage, and incumbent prison officials usually offered their resignations in deference to new administrations. During the 25 years following 1883, nine wardens served at Lansing, and most of them made wholesale changes on the prison staff when they took office. Looking back over past decades, an observer commented in 1909 that "a sort of political chess game is played there [at Lansing] after each state election. The prison officers and their families are the pieces and it is often their time to move."  

In spite of the turmoil caused by frequent changes of key personnel, penitentiary profits soared during the 1880’s. In 1883, due to the cost of sinking an air shaft for the coal mine, prison expenditures exceeded earnings by $3,500. The following year, however, profits climbed to almost $26,000, marking the beginning of a period of great prosperity. Profits totaled over $235,000 for the seven-year period ending June 30, 1890. Prison industries at Lansing had no problem maintaining full employment during the severe business recession of the mid-1880’s. When the labor contractors reduced production in response to depressed markets, the penitentiary management simply shifted the excess factory workers to the expanding mining operation. The mine employed over 300 inmates by the end of the decade. Kansas taxpayers were pleased, but those who accepted the financial reports as proof of an efficient penal operation were sadly mistaken.  

Strict observance of the Auburn system required that each convict be billeted in a separate cell. The cells at Lansing had been designed with the Auburn system in mind, and were adequate for only one convict. When Hopkins completed the 688 cell structure in 1882, the prison was already filled to near capacity. Inmate population declined during 1883, but leaped upward to 751 in 1884. By 1890 more than 900 inmates were crowded into the penitentiary. Wardens and members of the prison board took note of the shameful conditions, but were not persistent enough to obtain funds for an additional cell house. In fact, they made matters worse by agreeing to take care of convicts from the Territory of Oklahoma.  

Confining felons from out of state had long been an accepted practice at the Kansas penitentiary. Even before the institution

11. Tables of earnings and expenditures in Biennial Reports, KSP, 1883-1884 to 1889-1890.  
officially opened, the board of directors suggested that "funds might accumulate, from the imprisonment of convicts from States and Territories west of the Missouri river, convicted of offences against the laws of the United States." The penitentiary had been accepting federal prisoners, both civil and military, since about 1870. Such arrangements were profitable because the penitentiary received a per diem rate for each prisoner, while simultaneously increasing its pool of income-producing labor. When Oklahoma officials suggested that Lansing might be a convenient place to lodge their convicts, the Kansans gladly obliged.\textsuperscript{13}

In 1890 the directors of the penitentiary entered into a contract with the territorial government of Oklahoma, agreeing to maintain its prisoners for a per diem rate of 25 cents. Initially the contract had but slight impact on the already overcrowded institution, accounting for only 18 of 943 prisoners by 1892. The number of Oklahoma convicts rose steadily, however, reaching 200 by 1900—a fifth of the total prison population. The arrangement satisfied the interests of both Kansas and Oklahoma, and the contract was renewed periodically for higher rates per diem. Convict labor commitments gradually adjusted to the increased inmate population, and the Oklahomans became an essential part of the labor force.\textsuperscript{14}

Despite the beefed-up work force, profits declined drastically during the 1890's. The prison's financial reports for the decade ending June 30, 1900, reflect profits totaling over $120,000. Had the reports been prepared according to the criteria applied during the 1870's and 1880's, however, they would have shown an operational deficit for the decade. Several factors account for the decline; the most significant was the business depression of the 1890's. During the hard times of the 1880's, the prison had maintained its prosperity because of the expanding mining industry. By the early 1890's the mining operation had reached a plateau, and when the labor contractors reduced production and cut work forces, there was no income-producing industry to absorb the excess workers. For the first time, Lansing faced the prospect of housing idle convicts. The penitentiary management responded to the crisis in a manner similar to business corporations of the day. They used the slack period to add to the institution's physical plant, and to prepare for expansion of state-operated industry. Hence, a second factor affecting Lans-

\textsuperscript{13} Annual Report, KSP, 1866, p. 7. See, also, inmate recapitulation tables in Annual Reports, KSP, 1871 to 1876, and in Biennial Reports, KSP, 1877-1878 to 1895-1896.

\textsuperscript{14} Biennial Report, KSP, 1891-1892, p. 9. See, also, Biennial Report, KSP, 1899-1900, p. 12; and Biennial Report, KSP, 1897-1898, p. 14.
ing’s financial reports: large expenditures for physical and capital improvements. Officials used the excess convict labor to construct several new buildings, including the sorely needed new cell house. Late in the decade, at considerable expense, the state added an elaborate brick manufacturing plant and a binder twine factory. Both enterprises commenced operation before 1900, but did not add substantially to prison income until after the turn of the century.\textsuperscript{15}

The political turbulence of the 1890’s also contributed to the decline in profits. In the election of 1892, a coalition of Democrats and Populists nominated Lorenzo D. Lewelling for governor. The coalition won the gubernatorial race, but the legislature remained Republican. The penitentiary reflected the confusion that reigned in Kansas politics during the ensuing two years. Governor Lewelling’s appointee, Seth W. Chase, became the fourth warden at Lansing in 10 years. Chase went far beyond his predecessors in exploiting the spoils system. He appointed his three sons, and a daughter to salaried positions on the penitentiary staff; a second daughter became a teacher at the prison school. Nepotism, however, may not have been Chase’s most serious offense.\textsuperscript{16}

In 1894 three former staff members brought charges of misconduct against Chase, accusing him of indiscretions with female prisoners, and of arranging an abortion for one of his alleged convict paramours. The accusers further charged that the matron who supervised the women’s ward was a “lewd” woman, and that she had secured her position at the prison by threatening to reveal her knowledge of Chase’s immoral conduct. Other allegations against the warden included misappropriation of funds, acceptance of rebates, and favoring of certain officers with free meals and goods belonging to the penitentiary.\textsuperscript{17}

Perhaps to avoid an investigation by the hostile Republican legislature, Governor Lewelling ordered his penitentiary board of directors to conduct an inquiry. When the hearing opened, J. F. McDonald, attorney for the plaintiffs, stated the allegations against Chase. The warden became incensed, and requested a private discussion with the aging lawyer. The two men stepped into an adjoining room, whereupon Chase reportedly assaulted

\textsuperscript{15} Biennial Report, KSP, 1895-1896, pp. 8-12. See also, Biennial Report, KSP, 1891-1892, p. 8; Biennial Report, KSP, 1893-1894, pp. 9-10; Biennial Report, KSP, 1897-1898, pp. 12-13, 15-17; Biennial Report, KSP, 1899-1900, pp. 14-19; and tables of earnings and expenditures in Biennial Reports, KSP, 1891-1892 to 1899-1900. In 1890 Lansing officials began including in their financial reports the value of labor expended on permanent improvements at the penitentiary.

\textsuperscript{16} “KSP Clippings,” KSHS library, v. 1, pp. 55-56.

\textsuperscript{17} Ibid., pp. 55-58.
McDonald, delivering “nine vicious blows back of the head.” Witnesses against the warden, shaken by the incident, reneged on their testimony. After Chase’s own witnesses corroborated his denial, the board of directors reported to the governor that the charges were unsubstantiated.18

When the Republicans recaptured the governorship in the election of 1894, Chase and the Populist board of directors refused to observe tradition and submit their resignations to Gov. Edmund Morrill. According to the law, Morrill had to show cause in order to remove them. A legislative committee had no difficulty gathering sufficient evidence to justify Chase’s removal, and Morrill relieved him on June 5, 1895. Chase, however, refused to surrender the penitentiary. After considerable difficulty, the new warden finally assumed his duties on June 21. By September the last of the Populist board of directors decided to resign.19

The Democrats and Populists revived their coalition in 1896, and elected John W. Leedy governor. This time the Populists made a better showing at Lansing. Leedy appointed H. S. Landis to the wardenship when the Republican warden resigned. Landis managed to maintain rapport with the labor contractors, a relationship which had suffered during the Chase administration. Moreover, he worked diligently to promote the addition of brick and binder twine industries to the institution’s manufacturing plant.20

Warden J. B. Tomlinson, appointed by Gov. William E. Stanley when the Republicans returned in 1899, was the only warden to publicly object to the pressures that went with his office. The warden’s business responsibilities, charged Tomlinson, “take too much time from the real duties of his position.” He also complained that his political superiors interfered in the general conduct of the prison, stating that the warden “should have the power to appoint and remove all officers without outside intervention. No officer should ever be appointed or removed for political or personal reasons.” Governor Stanley accepted the resignations of Tomlinson and the board of directors, which had supported the warden’s views, at the beginning of his second term as governor. Of Tomlinson’s staff, only Dr. C. E. Grigsby, the physician, Archie Fulton, the mine superintendent, and Don Storrs, an engineer, survived the transition to new management.21

18. Ibid., pp. 59-64.
Three wardens of the Kansas State Penitentiary. Above, left, Henry Hopkins (1837-1883), who served from the opening of the institution in 1867 to 1883. J. B. Tomlinson (1861-1922), above, right, held the office from 1899 to 1901, and William H. Haskell (1853-1918), right, was warden from 1905 to 1909.

Governor Stanley’s abrupt change in prison management actually marked the beginning of a period of relative stability at Lansing. In their effort to restore prosperity to the penitentiary, Stanley’s gubernatorial successors took pains to assure continuity on the board of directors and the prison staff. E. B. Jewett succeeded Tomlinson as warden, and when Governor Stanley retired from office in 1903, the incoming governor, Willis J. Bailey, retained Jewett and his staff as well as a majority of
Stanley’s directors. Jewett’s efforts to put industry back on a paying basis were complicated by legislation, passed under pressure from mining interests, which forbade the sale of penitentiary coal on the public market. The new law eliminated an important source of prison income. Jewett’s major accomplishment was to put the infant brick and binder twine industries on a paying basis.22

Edward W. Hoch, another Republican, took office as governor in 1905. Like Bailey, Hoch refrained from using penitentiary positions as political spoils. Warden Jewett resigned in September, 1905, and Hoch selected William H. Haskell for the wardenship. Haskell was a prominent Republican politician, but, as an incumbent member of the penitentiary board, knew the institution well. He realized the importance of stability to a profitable industrial operation, and retained Jewett’s staff almost in its entirety.23

Warden Haskell inherited an overcrowded prison. The third cell house, completed about 1889, had increased the institution’s capacity to approximately 1,000, but when Haskell became warden in 1905 inmate population was already nearing 1,200, and by 1908 rose to over 1,300. At the same time, the number of Kansas inmates at Lansing was actually declining, dropping from 818 in 1906 to 778 in 1908. The Oklahoma contract accounted for 536 of 1,314 prisoners by June 30, 1908—fully 40 percent of the total. As Oklahoma prepared for statehood, Kansas officials realized that the contract arrangement could not last forever. They were therefore reluctant to build additional cell space for their guests. Nevertheless, the penitentiary’s industrial commitments were planned and projected several years into the future on the basis of a continuing Oklahoma penal contract.24

Realizing that the sudden withdrawal of Oklahoma’s convicts would wreck their industrial system, Lansing officials became worried. In 1906 Chief Clerk John C. Brown told a newspaper reporter that “the four hundred prisoners belonging to Oklahoma are as a rule young and active men who are capable of doing almost anything required of them. . . . The way things are run now we are going to need more convicts when Oklahoma takes her prisoners.” Brown’s statement not only revealed the fears of the penitentiary management, but its basic attitude toward the

24. Ibid., p. 52. See, also, Biennial Report, KSP, 1907-1908, pp. 56-57; and Biennial Report, KSP, 1897-1898, p. 14.
inmates as well. Prison officials had come to view their charges as a mere commodity, an adequate supply of which was essential to the continuing quest for profits.\textsuperscript{25}

Under Warden Haskell, the penitentiary’s financial statements reflected substantial earnings for the first time since the 1880’s. Biennial earnings reported in 1906 exceeded expenditures by more than $67,000, and in 1908, by adding the value of certain labor normally not taken into account, the warden reported biennial profits of over $100,000. The board of directors claimed success in other facets of the prison operation as well, smugly stating that Kansas had taken “first rank in the nation as a secure and satisfactory place for the incarceration of those convicted of crime. We can safely affirm [that], although a place of restraint, it has been conducted on merciful lines as far at it is possible. . . .” Few would dispute the commercial success of the penitentiary, but the board’s claim to humanitarian accomplishment soon fell under heavy criticism.\textsuperscript{26}

The political shield that protected the Lansing system from public scrutiny did its job effectively during the 1880’s; all but a few Kansans were oblivious to the true state of affairs at the penitentiary. Critics of the institution grew more numerous after 1890, however, and their complaints began to attract attention. Mining and manufacturing interests as well as labor unions resented what they considered to be unfair competition from prison industry, while reformers faulted the institution for its political orientation and its preoccupation with profits. The convicts, who were the pawns of the system, found it difficult to obtain a sympathetic hearing, but several succeeded in getting their complaints before the public. Former Lansing employees also numbered among the dissenters. The increasing barrage of criticism gradually eroded the popular illusion that the Kansas prison was a leading institution of its kind.

Labor made its opposition to prison industry at Lansing a matter of record as early as 1873, when the Kansas Workingmen’s Council adopted a resolution calling for legislation abolishing the contract labor system and prohibiting public sale of prison made goods. Agitation by the labor organizations was weak and disorganized, however, and achieved no significant results until the 1890’s, when the Kansas Federation of Labor gained strength. At its fourth annual convention in 1893, the federation took a clearly defined stand on the Lansing industries, recommending

\textsuperscript{25} “KSP Clippings,” KSHS library, v. 1, p. 74a.

\textsuperscript{26} Biennial Report, KSP, 1905-1906, pp. 5-6. See, also, Biennial Report, KSP, 1907-1908, pp. 5, 13, 15.
“strong action relative to the employment of convicts at the State Penitentiary in lines of industry that are being pursued in the State.” The unionists complained that manufacturing of harnesses, horse collars, and shoes at Lansing had “resulted in throwing large numbers of our members out of employment,” and resolved to petition the legislature to abolish the contract labor system. They approved the mining of coal at the prison, but for use by state institutions only, and demanded that public sale of the excess be discontinued. Their petitions were brushed aside by the agrarian Kansas legislature until 1899, when, as a result of continuing pressure by unions and mining interests, the lawmakers finally passed the statute prohibiting the public sale of penitentiary coal. During the decade following the turn of the century, the Kansas Federation maintained its position against convict labor, but made no further significant legislative breakthroughs.27

While labor was leading the opposition to the Lansing system, an independent penal reform movement slowly took shape. It began as a one-man crusade by Frank Wilson Blackmar, professor of economics and sociology at the University of Kansas. As a sociologist, Blackmar viewed the state’s developing charitable and correctional institutions with interest. The penitentiary soon became a focal point of his attention, and what he saw there disturbed him. As early as 1893, Blackmar accused the state of placing profits ahead of prisoner rehabilitation, and called for a complete depoliticization of the institution.28

Firm in his belief that the prison could produce reformatory results if it were properly run, the scholar developed a master plan to correct the situation. The main elements of his plan called for a nonpartisan board of control, which would have supervisory responsibility over all state institutions, and a tough civil service law. Boards of control had already been employed by several states to shield charitable and correctional institutions from direct political influence. The civil service law proposed by the reformer would have required all applicants for institutional positions to be screened by competitive examination. The examinations, stated Blackmar, “would dispose of all ‘mere pegs to hang an office on,’ and all [political] bosses seeking ‘sops for

hungry incapacities.’” Once hired, employees would be paid a salary attractive enough to keep them on the job.29

To help secure his objectives, Blackmar founded the Kansas Conference of Charities and Correction in May, 1900, and became its first president. The organization brought together many of the state’s leading citizens, scholars, and institutional officials, and acted as a pressure group for reform legislation. By the time Edward W. Hoch became governor in 1905, the conference wielded considerable influence. Because of his administration’s progressive legislative record, Hoch was popular with the reformers. The statutes enacted, however, constituted little more than a first step toward fulfilling Blackmar’s grand design. One law passed in 1905 replaced the State Board of Trustees for Charitable Institutions with the State Board of Control, a bipartisan body, but failed to put the penitentiary and the state industrial reformatory under its jurisdiction. Another 1905 statute put all institutional employees under civil service. The civil service law forbade removal of employees for political reasons, but established no standards or central controls. It simply left screening and selection of personnel to the boards of directors of the respective institutions.30

Governor Hoch delivered the closing address at the eighth annual session of the Conference of Charities and Correction in 1907. When introducing Hoch, Rev. E. A. Fredenhagen, president of the conference, paid him lavish tribute, commenting on his “energetic and persistent efforts” along the lines of institutional reform, and concluding that because of Hoch, charities and correction in Kansas had reached a “higher plane” than ever before. Hoch undoubtedly deserved Fredenhagen’s praise, but neither the minister nor the governor was fully aware of the state of affairs at Lansing, where prisoners suffered abuse and exploitation at the hands of their captors.31

Two inmates had already succeeded in publishing their criticism of the Kansas State Penitentiary. John N. Reynolds’s A Kansas Hell came out in 1889, shortly after the author finished a 16-month sentence at Lansing. The second writer, Carl “Cork” Arnold, smuggled the manuscript for The Kansas Inferno out of

the prison in 1906, and had it published under the pseudonym “A Life Prisoner.” Preparation of a manuscript while an inmate at the Kansas State Penitentiary could only have been accomplished by a resourceful individual. With the help of an influential friend on the outside, John Reynolds persuaded the warden to allow him to study shorthand in his cell. This neat bit of deception enabled him to complete his book free from interference by the prison staff, none of whom read shorthand. He left the penitentiary with the completed manuscript in his possession. The ruse used by Carl Arnold is open to speculation. Arnold had been convicted of murder at age 17 and sentenced to hang, but the governor commuted his punishment to life imprisonment. Possibly because of his youth, the warden assigned him to the chaplain’s office as a clerk. He probably completed the manuscript for *Inferno* while performing duties for the chaplain, perhaps with the clergyman’s cooperation.\(^{32}\)

Both convict-authors attacked controversial elements of the Lansing operation: the coal mine, the contract shops, and the system of punishments that terrorized the inmates. Reynolds spent the first six months of his sentence as a coal miner. He decried the physical hazards of mining, but the moral atmosphere of the mine disturbed him more than did the dangerous working conditions. He charged that “in the darkness and silence [of the mine] old and hardened criminals debase and mistreat themselves and sometimes the younger ones that are associated with them. . . . These cases of self-abuse and sodomy are of daily occurrence.” Arnold cited the same problems when he wrote his account some 15 years later.\(^{33}\)

Arnold deplored the lack of supervision in the mine, but was equally sharp in his criticism of the “silent system” which was enforced above ground. “Conversation,” he declared, “is as necessary to [a man’s] mind as exercise is to his body. . . . After years of such mental isolation, his mind becomes weakened, and a prey to childish and irrational fancies.” He viewed the Lansing convict as a slave, exploited for profits by the state and private entrepreneurs, and for political advantage by whatever party held power. He told of a furniture manufacturer who employed about 115 inmates and estimated that the man reaped clear profits of


$127 per day. Why a private individual should be allowed to exploit the misfortune of others, or to take in profits that might have gone to the state, puzzled the writer.\textsuperscript{34}

According to Reynolds and Arnold, convicts received punishment most often for offenses associated with the prison industries. The management enforced the “task system” to ensure that each prisoner turned out his daily quota of work. Those who failed to complete their “task” usually were punished. The most severe forms of punishment described by Reynolds were the “dark cell” and the “water cure.” Convicts confined in the dark cells endured extremes of temperature as well as hunger, boredom, and deprivation of light, for the cells were unheated in winter and became “veritable furnaces” during the warmer months. Reynolds claimed that “the dark cells of the Kansas Hell [have] hastened the death of many a poor, friendless convict.” The water cure was “even more brutal” than the dark cell. Guards inflicting the water cure stripped their victim naked and tied him to a post, then turned a stream of water on him from a hose under high pressure. “As the water strikes the nude body,” declared Reynolds, “the suffering is intense. This mode of punishment is but rarely resorted to. It is exceedingly wicked and barbarous.” Apparently the water cure had been abandoned by the time Arnold wrote \textit{Inferno}, for he made no mention of it.\textsuperscript{35}

Arnold quoted a law forbidding corporal punishments, which had been on Kansas statute books since 1868. The law specifically forbade flogging and “binding the limbs or any member thereof, or placing or keeping the person in a painful posture.” He then proceeded to describe a form of torture even more bizarre than the water cure. This ordeal was known among the inmates as the “alakazan degree,” and consisted of shackling the victim’s wrists and ankles, then drawing them together behind his back. Arnold’s description is horrifying: “His feet are drawn upward and backward until his whole body is stretched taut in the shape of a bow. The intense agony inflicted by this method of torture is indescribable; every muscle of the body quivers and throbs with pain.” In this excruciatingly painful position, the victim was locked inside a coffin-like box, known as the “crib,” and left to moan out his misery to the walls of an empty cell.

Arnold condemned the prison system that did not reform its

\textsuperscript{34} Ibid., pp. 54-58, 69-70, 94-96.

inmates as a “monument to ignorance and futile methods, a public disgrace, and an unmitigated curse to society.” 36

As Arnold’s book came off the press in 1906, an Oklahoma ex-convict joined the campaign against the Kansas State Penitentiary. On August 31 Ira N. Terrill appeared on the streets of Topeka, where he addressed crowds of people in an effort to arouse sentiment against the Kansas-Oklahoma penal contract. Referring to the penitentiary as the “Kansas slave pen,” he made the interesting charge that since criminal sentences issued by the Oklahoma courts did not contain provisions for confinement “at hard labor,” it was unlawful to employ Oklahoma’s convicts in prison industries at Lansing. He threatened to sue the state for several thousand dollars as compensation for his labor at the prison. Terrill failed to carry out his threat, but his appearance was a signpost pointing the way to trouble. The Hoch administration was impervious to the eccentric Terrill’s charges, but a situation arose a few months later that should have caused the governor to take a long, hard look at his penitentiary.37

On February 11, 1907, Dr. C. E. Grigsby, former prison physician, gave the Topeka Journal information that put the penitentiary back on the front page. Grigsby charged that Haskell had demanded contributions from prison employees for the Republican campaign fund in an amount equalling five percent of their annual earnings, then used “petty annoyances” to coerce $3,700 from the reluctant staff members. The combined donations from employees of all other state agencies, complained the physician, had totaled only $500. Grigsby claimed that when he personally objected to the heavy assessment on grounds that the civil service law exempted state employees from political obligation, Haskell had dismissed him from his job as prison physician for spurious reasons. In addition to this two-fold violation of the Civil Service act of 1905, the doctor accused Haskell of reinstating the water cure. The brutal punishment, he charged, was administered frequently with the warden’s approval. Grigsby claimed that he had personally saved the life of one victim who had taken too much water in the nose and mouth.38

Warden Haskell indignantly demanded that the legislature investigate Dr. Grigsby’s charges. Haskell was an incumbent member of the state senate, and the doctor knew that a legislative

committee would be unlikely to find against the influential Republican. Hoch refused Grigsby’s request that the matter be looked into by an impartial commission, and directed the legislature to form a joint committee. The investigation was over almost before it started. After the physician stated his case under direct examination by his personal lawyer, Haskell’s counsel tied him in knots with an expert cross-examination. Grigsby admitted that he had attempted to coerce Haskell into reinstating him as prison physician by threatening to bring embarrassing charges against him, and that the individual responsible for monitoring punishment to insure that no convict’s life or health was endangered had always been the prison doctor. The cross-examination left the doctor so shaken that he refused to call his witnesses to the stand. Warden Haskell then denied that he had dismissed Grigsby for political reasons, but admitted that the water cure, which he described as harmless, was again in use at Lansing. The committee accepted the warden’s denial, and the hearing closed.

Kate Barnard, Oklahoma commissioner of charities and corrections in 1908 when she inspected the Kansas penitentiary where Oklahoma prisoners were confined. Her highly critical report led to an investigation which sustained her charges. Photo courtesy the Oklahoma Historical Society, Oklahoma City.

39. Ibid., February 19, 1907, p. 1. See, also, the Topeka State Journal, February 18, 1907, p. 3.
Before 1908 convicts and ex-convicts had been least successful among the various groups that were trying to bring pressure on the penitentiary, but Ira Terrill and his friends finally found a sympathetic listener in Kate Barnard, commissioner of charities and corrections of the state of Oklahoma. In August, 1908, slightly more than a month after Warden Haskell’s announcement of record profits, Miss Barnard made an unannounced visit at the Kansas State Penitentiary. After inspecting the prison and interviewing various inmates, she returned home and filed a report with the Oklahoma governor that was a straightforward indictment of the Kansas penal system. The document contained charges of political manipulation, staff incompetence, inadequate diet, dangerous and exploitive working conditions, and a hideous system of corporal punishment that was in direct violation of Kansas law. The substance of the report found its way to the front pages of the leading newspapers in both states. Hoch and Haskell issued an immediate denial, and the governor demanded an investigation by a joint committee representing both states.\(^{40}\)

Kate Barnard was an exceptional woman: 33 years old, striking in appearance, intelligent, aggressive, and politically powerful. She had risen from modest origins to her prestigious position through exceptional accomplishment on behalf of the poor and downtrodden. During the territorial days, Miss Barnard had performed charitable work among destitute rural immigrants and had helped organize the Farmer’s Union. At the same time, she effectively promoted the formation of labor unions in Oklahoma City. By 1907 her name had become a household word in Oklahoma. Before the first state elections, an alliance of farmers and laboring men formed around her, assuring a Democratic sweep of the balloting. Having been nominated for commissioner of charities and corrections, she led the victorious Democratic ticket in an all male electorate by more than 6,000 votes. Indeed, Kansas officials faced a formidable opponent.\(^{41}\)

The scandal had broken in December, 1908, an awkward time for Governor Hoch, who was due to retire from office the following month. He lost no time in appointing a five-man committee to investigate Kate Barnard’s charges. The group was heavy with

\(^{40}\) First Annual Report, Oklahoma Department of Charities and Corrections, 1908 (Guthrie, Okla., Leader Printing Company, 1908), pp. 4-16. See, also, the Topeka Daily Capital, December 12, 1908, pp. 1-2; the Topeka State Journal, December 14, 1908, p. 1; the Kansas City (Mo.) Journal, December 13, 1908, p. 1; and “Hoch Papers,” archives division, KSHS, letter from E. W. Hoch to Charles N. Haskell, December 22, 1908.

\(^{41}\) National Cyclopedia of American Biography, v. 15, pp. 110-111. See, also, “Julee Short Collection on Kate Barnard” (microfilm in archives division, Oklahoma State Library), Baptismal Certificate of Kate Barnard. Secondary sources disagree on Kate Barnard’s age. According to her baptismal certificate she was born in Alexandria, Neb., on May 23, 1875.
well. Added to the list was a resolution by the Kansas committee condemning the water cure, the alakazan degree, and the crib. In an editorial comment in his Emporia Gazette, William Allen White captured the essence of the report: “The substance of the report on the penitentiary is to the effect that the warden hasn’t done anything to be ashamed of, but he shouldn’t do it again.”

The Oklahoma committee forwarded its own separate report to Governor Haskell on March 1, 1909. Taking the earlier report of the Kansas investigators into consideration, they concluded that the Kansas committee was “as thoroughly convinced [as themselves] of the entire justification, in substance at least, of Miss Barnard’s charges.” They condemned Warden Haskell for allowing corporal punishment to be inflicted in clear violation of Kansas law, and chastised him for his “lack of zeal in learning his business.” Their other remarks were similar to those in Blackmar’s general statement and the Kansas committee’s list of recommendations.

Oklahoma withdrew the last of her convicts from the Kansas prison on January 31, 1909. With insufficient manpower to operate both state industries and the contract shops, the Lansing management abandoned the contract labor system when the contracts in force expired in 1909. The coal mine and brick plant continued to supply products for state institutions, and the twine plant continued to produce binder twine for sale to Kansas farmers, but working conditions for the convicts improved significantly, and brutal punishments were abandoned. When Warden Haskell resigned in June, 1909, the governor appointed an efficient, reform-oriented warden, who, except for a period from 1913 to 1915, remained at Lansing well into the 1920’s. Perhaps most important, the scandal served to focus the attention of many Kansas progressives on the penitentiary, and the lawmakers responded to constituent pressure by passing several laws that came close to fulfilling Frank Blackmar’s “grand design.”

Compared to other adult prisons in America, the Kansas State Penitentiary was worse than some and much better than many. The highly developed industries at Lansing at least kept politicians interested in the institution. In some Western states, where penitentiaries became a financial liability, the politicians simply abdicated all responsibility by leasing entire institutions to en-

44. Fourth Biennial Report, KSBH, 1907-1908, pp. 30-51. See, also, the Emporia Gazette, January 9, 1909, p. 2.