

CRIME AND PUNISHMENT IN EASTERN PENNSYLVANIA, 1903–18, PART 1

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ABSTRACT: During World War I, Eastern State Penitentiary Warden Robert J. McKenty sought to facilitate military service for felons paroled from his institution. At least 121 individuals—commemorated on a plaque located in the Prison Rotunda—were purported to serve in the American military despite clear restrictions against inducting former and current criminals. After assessing the nature of criminology and penology in Progressive-Era Pennsylvania, this article considers McKenty's views on redemptive rehabilitation both as a factor in the inmates' military service and as a validating marker in reclaiming their civic masculinity.

KEYWORDS: Conscription, World War I, Eastern State Penitentiary, Robert J. McKenty, Progressive penology and criminology, crime and punishment

INTRODUCTION

Philadelphia's Fairmount neighborhood is host to one of the city's favorite and more esoteric historical structures, Eastern State Penitentiary (ESP). Opened in 1829, the large Gothic-influenced prison continues to inspire and impress visitors, even more than forty years after it closed in 1971. Since it reopened to the public in 1994 as a museum and National Historic Landmark, ESP has drawn thousands of visitors behind its walls to gaze upon a structure in a state of controlled decay, a most fitting fate for a building dedicated to coercion, control, and the remediation of criminality in the Commonwealth of Pennsylvania. There are numerous exhibits and artifacts still remaining in the prison, and perhaps none are more central and little understood as the brass plaque commemorating the military experience of 121 former inmates in World War I. Hanging in the prison's central

panopticon, the memorial was intended to inspire inmates with the example of others who went before them and who, presumably, had successfully left their criminal past and renegotiated their entry into civil society through the selfless acts of service in the war. Yet the plaque, as with World War I itself, was soon forgotten and displaced in public memory by other events and artifacts of remembrance. Long abandoned and lost for several decades after ESP closed, the plaque today is a rather confusing memorial that attracts attention more for what it does not say. It clouds the commemoration by listing the veterans by their prison inmate numbers, rather than their names. Who or what is commemorated—the former inmates or the prison itself? And what of these inmates? What were their individual offenses, and how did they bypass the War Department's and the Wilson Administration's sanctions against including social and moral deviants in the wartime military? Some of these questions can be readily answered (and are, in this article) through a careful review of the surviving archival records associated with Eastern State Penitentiary. Names and experiences can be tied to prison inmate numbers, and through this process, the plaque comes to life (Figures 1 and 2).

It turns out that this is only a small part of the story, perhaps the easiest to reconcile. As a researcher digs deeper into the experiences of the 121 named inmates, the focus shifts from the individual acting in defiance of social norms to the context and nature of how Pennsylvanians defined crime and criminal conduct in the Progressive Era. The period between 1890 and 1920 was critical to the formation of criminology as a discipline and profession in the United States. Police departments, prison administrations, and the general public all negotiated the contours of moral law-abiding behavior and criminal activity. In the best progressive fashion, a new blend of expertise and moral bias combined to establish the tools and ideologies used to combat crime in the rapidly changing nation. The study of the plaque and its individual and collective members brings these systems into the fore. Individual offenders did not simply commit their acts and serve their time. They were residents of a complex narrative that compelled (mostly) young men into committing a singular act that could be tied to a wide range of social markers—desperation, boredom, rite of passage, conformity, etc.—beyond more deterministic factors like physiological or eugenic flaws or professional criminality.

This article, Part 1, attempts to reconcile the actions of the individual criminal (and the state in assigning sentence) with the complex explanative schemas presented in contemporary criminological studies to place crime in its proper historical context. Before addressing the larger experience of



FIGURE 1 The World War I memorial plaque in the central panopticon of Eastern State Penitentiary. (Photograph by the author)

the sampling of 121 inmates listed on the plaque, several case studies will be presented in detail. These vignettes not only provide details related to the individuals listed on the plaque, they will also offer insight into the nature of crime and criminal justice in Progressive-Era Pennsylvania.



FIGURE 2 Close-up of the plaque showing prisoner numbers. (Photograph by the author.)

The wartime dimension of the intersection of criminological discourse, deviance, penal policies of rehabilitation, and military contingency will be resolved in a subsequent article, Part 2, in the Fall 2017 issue of *Pennsylvania History*. As a general rule, the question of deviance as associated with military

service is usually considered, if ever, within the framework of individual moral, emotional, and/or physical flaws.¹ It will examine uses by the military as a vehicle for remediating and reclassifying individuals labeled as “deviant” by society.

CRIME AND PUNISHMENT: THE INMATES AND THEIR OFFENSES

The 121 individuals on the plaque present an interesting sampling of Pennsylvanian draft-age men and the relative state of Progressive-Era penology. Ranging in age from eighteen to forty-three as of 1917, the sampling’s average age is 23.9 years old. The prisoners came from all over the eastern half of the state, but just over one-quarter of the group—thirty-three men—came from Philadelphia. At least seventy-two on the plaque qualified as “urban,” coming from a city of at least fifteen thousand people, at the time of their arrest. In terms of race and ethnicity, the sampling is quite diverse and representative of the state’s population at the time. A fair proportion—forty-one men, or 33.8 percent of the total sampling—were either first- or second-generation Americans. The largest European ethnicity represented were Irish (fourteen), followed by eight Italians, four Russians, three Poles, two Germans, and three “Austrians.” This last classification is vague, as the individuals could be German, Croat, Czech, Slovene, or Serbian. The remaining immigrant/second-generation inmates were from various other nationalities, including Swedish, Canadian, Welsh, and English. An additional twenty-one men were African Americans, ten of whom came to Pennsylvania from southern states.²

The offenses (and the offenders) can be divided into four categories: (1) nonviolent, property-related crimes; (2) violent offenses against persons or property; (3) sexual-related crimes, ranging from violent nonvoluntary assaults to acts of mutual consent deemed at the time inappropriate and indicative of some form of antisocial depravity; and (4) murder. The majority of men, eighty-four in all, were convicted of nonviolent, property-related crimes: robbery, burglary, felonious entry, intent to steal, larceny, entering to steal, receiving stolen goods, horse theft, and breaking and entering. Thirteen were convicted of various violent crimes, including: assault, assault and battery, assault with intent to kill, and felonious assault. Nine men were convicted of sexual-related offenses, including: rape, attempted rape, statutory rape, assault with intent to ravish, sodomy, buggery, and pandering. Eight

men were convicted of a range of crimes that evade simple classification: arson, malicious injury to a railroad, and forgery. Finally, seven men were convicted of murder in the second degree.³

Such precise categorization was standard practice for Progressive reformers of all stripes. In the nascent field of criminology, however, American experts also embraced the positivism espoused by Italian pioneer Cesare Lombroso. By identifying a set list of individual biological anomalies, which he labeled as *stigmata*, positivist social theorists working in crime studies were able to create new bonds to restrain those communities deemed as marginal or lesser than the perceived white Anglo-Saxon heterosexual masculine-privileged norm. Imbued with scientific legitimacy on the basis of their statistical methodology, positivist criminologists were accorded great social and political authority and power to use their field as a tool to affirm a status quo firmly tied to whiteness, ethnic exceptionalism, and a heterosexual norm of behavior tied to civic expressions of masculinity.⁴

Thus, contemporary American criminology, following the examples set in continental Europe and the United Kingdom, maintained a clear gendered focus. Men were by their nature more prone to abhorrent behaviors and conducts that fostered crime, experts reasoned. Accordingly, criminal law and its enforcement were tied to a standard of prediction, prevention, and remediation on the purported basis of natural, i.e., *gendered* factors. Though in practice less uniform, especially in rural settings far from the urban centers of reform-minded politics, criminology acquired a progressive cast in the 1890s and 1900s exactly because of these associations between masculinity and order in the modernizing state. As mainstream society grew more complex following the tides of industrialization and commercialization, the need to maintain order—the “civilizing process,” as sociologist Norbert Elias described it—was paramount. Ethnicity and race were critical markers; subsequent generations of native-born and assimilated immigrant communities perceived new arrivals throughout the period as representing imminent dangers to normalcy and domestic stability. But gender pressures, especially as they related to young men from immigrant communities living on the margins of poverty in the Commonwealth, were the engine that drove policing in all communities save for those areas where African American neighborhoods threatened to overwhelm the notion of whiteness. Even here, race was another vehicle toward expressing gendered forces that threatened stability and the social order.⁵

Marginalized men who lived outside the constraints of law and custom in modern society were more likely to regress to violent and criminal conduct in

order to survive and prosper. Successive examples of unrestrained masculinity were cited as episodes of violent threats to the public good. These ranged from the Southern *rage militaire* that accompanied secession and war in 1860, to the real and imagined violence against race and female gender during Reconstruction to the mythology of a lawless masculine frontier, tamed only by equally violent men, and the growing specter of immigrant-fueled anarchist bombers. These mortal challenges to the prevailing sense of order established by elites in American society were born from many disparate conditions: poverty, regional and local deprivation, the collapse of long-held social norms, to name a few. These men also shared an outlook on society that rejected normalcy and stability as effeminate constraints that simultaneously discarded and unmanned them. Fueled by their failure to prosper and rise above their debilitated status, marginalized males lashed out against the society that denied them agency. Popular press accounts and pulp novels helped convey this imagery of maleness run amok; they also promoted the extension of strong legal and police protections over civil society that imbued so many masculine rituals and behaviors with the legitimacy of broad cultural acceptance.

Contemporary reformers and sociologists believed urban crime was different from that existing in rural or small-town settings. The social and physical environments of cities bred a different type of criminal, unique to the American urban landscape. Economic deprivation and squalid living conditions were definitely associated with this trend, although many researchers considered these more as symptomatic rather than causative factors. Ethnicity and the pressures of immigration across generations were considered more essential in creating and sustaining the urban criminal subclass. Accordingly, immigrant children living in urban slums were conditioned to delinquent behavior out of a desire to emulate local criminal role models. Such vulnerable youth were supposed to have broken with the cultural restraints of their parents' generation, often painted as antiquated relics of Old World deference to order. In their ethnic neighborhoods, petty criminality was not only a rite of passage for young boys, it increasingly became the norm. Social reformers working in slums in New York, Chicago, Philadelphia, and other industrial cities observed first- and second-generation children of immigrants normalizing criminal behavior as a defense mechanism to establish security and safety for themselves against rival groups from other neighborhoods as well as from the predominantly Irish American police force. Over time, young boys in street gangs grew into idle and embittered young men who accepted

simple street behavior, often criminal in nature, as the norm. Street fights and assaults—not rational discussion or remediation—were how disagreements were settled. A rudimentary yet rigid form of honor to one's gang of friends and cohorts drove many to walk a rigid line of conduct, based not on the law, but a moral code that was both less concerned with middle-class morality and yet stricter in its ties to the street. As English historian Christopher Hibbert noted in his 1962 study, *The Roots of Evil: A Social History of Crime and Punishment*, morality was inverted in the immigrant street: "The criminal activities of the gang became normal activities and the boy who did not join in them was the nonconformist. So gradually whole communities—and they were usually foreign communities—developed in which crime was an accepted activity. . . ."⁶

Sociologists and historians alike credit ethnic and racial antagonism with fueling crime in urban industrial settings during this time. Existing social networks that unified neighborhoods and spawned patronage and jobs were tightly wound around the context of ethnic identity and loyalties. Consider Philadelphia: Since the 1830s, for example, Irish immigrants fought pitched battle in the street and in the shadow theater of politics for safety and jobs. Local nativists and Know-Nothings fed the streets with wild rumors of Catholic plots against native-born American workers. Rumor spawned riots in Philadelphia's Kensington neighborhood in 1844, for example. Provoked by anti-Catholic rhetoric, nativist mobs repeatedly attacked the Irish community there over the summer, killing fifteen and injuring one hundred.⁷ The Civil War caused a brief downturn in ethnic unrest, if only because the unruliest political foes turned their anger against the Confederacy. After 1865, however, the dynamic of migration and respectability began to shift for the Irish immigrant. They still came by the thousands through 1915, but they were soon outnumbered by even more Italians and Eastern European Jews. Nevertheless, Irish gangs and political entities—often part of the larger urban political machine—retained influence and power in neighborhoods even as their identity and character changed. Ever the subject of crude jokes and racist attitudes even into the 1900s, the Irish became the self-appointed arbiters of Americanism for new arrivals. Rebranding their own struggle for acceptance as normative assimilation, Irish Americans embraced a particularly rugged and at times violent brand of American identity. Just as they had to pay their dues in the hard-knocks manner of the rough-and-tumble American city, so too would new arrivals. The Irish in this way became the enforcers of the ethnic and moral hierarchies that were at the core of American civic and

social identity. If the new immigrants dared to challenge the dividing lines on the street, then the Irish were prepared to meet them.⁸

The case of twenty-year-old Philadelphian Felix “Foot” McCrossin can be viewed in this light. He was convicted of second-degree murder related to his attack on candy seller John Aranyodi and sent to ESP. On November 16, 1901, Aranyodi, a thirty-one-year-old Hungarian immigrant, was confronted by McCrossin and two accomplices on Nobel Street between Thirteenth and Broad streets, in front of the Hoopes and Townsend’s storefront. Aranyodi worked as a candy seller, operating an increasingly lucrative stall at the junction of Broad Street and Montgomery Avenue, adjacent to Temple University. For six years, Aranyodi sold candy from his pushcart at the corner of Broad and Montgomery, and was considered a quiet, good-tempered man by his landlady. He had few friends, with no known family or female companions.

At first glance the attack was a simple case of robbery gone awry. The victim was walking back to his rented room at 725 Mervine Street after dark when he was confronted. Three attackers—William Tinen, William Massey, and McCrossin—followed Aranyodi as he walked west along Noble Street toward Broad. Suddenly McCrossin jumped ahead of him, spun around with a revolver, and demanded, “You son of a bitch, give me a quarter.”⁹ Aranyodi screamed for help before McCrossin pistol-whipped him across the face. As he fell, Aranyodi struck his head against the Belgian block curbstones. Between the blow and the subsequent fall, the victim suffered a ten-inch-long lateral fracture of the skull. The subsequent brain hemorrhage was listed as the official cause of death.¹⁰

Immediately after the attack, McCrossin took flight. Several months later, responding to a tip, two detectives paid a call to the office of Brig. Gen. Charles Heywood, the commandant of the Marine Corps, at Washington Barracks, Washington, DC. After presenting a photograph taken from the Philadelphia Police Department’s Rogues’ Gallery, General Heywood reviewed the recent enlistment rolls, and sent for Pvt. James Smith, who enlisted November 27, 1901. The detectives immediately recognized McCrossin, and took him into custody pending his extradition to Philadelphia.¹¹

McCrossin was in danger of being judged guilty of first-degree murder; multiple eyewitnesses not only placed him at the scene, he was clearly identified as the person striking the blow in an apparent robbery. His subsequent flight and enlistment under an assumed name all pointed toward his guilt. At his trial, however, McCrossin’s defense team undertook a novel tactic to redirect the question of primary guilt and to shift the onus onto the deceased

victim. Their attempts to revise the crime narrative took place on the first day of trial, when the defense attorney introduced a sexualized element to the testimony. While cross-examining David McBain, one of the prosecution's prized eyewitnesses, the defense won acknowledgment that the witness heard McCrossin mutter, "He is only a fruit, he will be all right when we get away."¹² The prospect of suspect masculinity on Aranyodi's part was further elaborated upon in redirects, as counsel would infer in noting that "This neighborhood [Nobel and Broad Streets] is noted for such persons, black or white. . . ."¹³

As the trial continued, the issue of sexual transgression and vigilantism became more pronounced. One of the arresting officers, Charles Sells, described how McCrossin and his friends came to target Aranyodi. Sells recalled that McCrossin said they were walking along Willow Street (a few blocks from Noble, East of Broad Street) when they discovered Aranyodi between two parked cars with a young boy:

A man came out from between the cars and he [McCrossin] walked up to him. He had the revolver in his hand, this way, and he told him that he wanted a quarter; he asked him for twenty five cents or a quarter. The man [Aranyodi] struck his right hand and struck the revolver away, and Felix up then with his fist and struck the man, and the man then fell down. Coming up on the cars he says that there was a young fellow between the cars, and he then says to one of his friends: "Why, that son of a bitch ought to give that boy twenty five cents," and "the fellow was nothing but fruit," and that is the reason he ought to give him twenty five cents.¹⁴

Never mind that the account McCrossin described to the arresting police days after the crime was completely different from the account given by several eyewitnesses. By introducing the prospect of Aranyodi being a sexual predator targeting young men, McCrossin's defense had recast the entire narrative of the crime. Felix McCrossin was transformed from a violent criminal who had skipped town to escape justice into a young moral vigilante who acted selflessly in the name of common decency.

The defense continued to recast McCrossin's actions, going so far as to introduce the context of local euphemism and slang to redefine Aranyodi's own identity. William J. Hughes was the friend McCrossin turned to for

disposal of the revolver with which he pistol-whipped the victim. At the time, Hughes said, McCrossin told him “he had punched a candy-man.”¹⁵ During the defense attorney’s cross-examination, however, the definition of Aranyodi’s occupation and his moral proclivities became intertwined:

Q. Have you ever heard the expression “candy-man” used before?

A. Yes, sir.

Q. How many times?

A. Every day more than four or five times.

Q. And are you familiar with the meaning of the term?

A. Yes, Sir.

Q. What is its meaning?

. . . .

A. Well, a “candy-man” means between the fellows around the corner a cock-sucker.

That is as near as I can get it.¹⁶

The District Attorney’s office did not reckon with the possibility of the ambiguity of language and class. Nor did the prosecution take into account the notion of distinct social moralities that, while not excusing the act of murder, could redefine the perception of intent for jurors. McCrossin’s attorney did not try to deny that his client had assaulted Aranyodi, nor that he had tried to boost him for small change. However, he argued that McCrossin was motivated by an upright and legitimate moral outrage, and took the only moral course available to him. The defense strategy worked. McCrossin was found guilty of second-degree murder, not the first-degree capital charge sought by the prosecution. While not enough to win McCrossin’s freedom, the defense argument, with its focus on aberrant sexuality and personal justice in defense of challenged masculinity, gave the jury pause enough to consider the nature of intent. The defense could not also adequately address the points of what McCrossin was doing with a revolver in the first place or of his flight to an environment that could likely remove him from the country for an extended period of time. What mattered in the eyes of the jury—comprised of white men of all classes and backgrounds, who, while different in many ways, shared a common perception of legitimate masculinity—was that McCrossin had done what any of them *might* have done in a similar circumstance. Felix McCrossin (Prisoner B1393) was

sentenced to twenty years in ESP, and fined \$1.00. He was released on good behavior on October 21, 1913.¹⁷

RACE, ETHNICITY, AND CRIME

Nonwhite American populations were identified by nativist whites as potential vectors of crime and deviance; positivist criminology clarified and reinforced these crude notions. African Americans and Asians in particular were infantilized and otherwise reduced to amoral types for whom social and moral deviance by “normal” Caucasian standards was biologically determined. The “primitive” and “simple-minded” nature of African Americans was presented as the root cause for an imagined predilection for insanity and crime. Despite clear evidence to the contrary, blacks were considered to be more likely than whites to commit criminal acts, ranging from petty misdemeanors to gross acts of murder and mayhem. Even the most charitable observers and advocates promulgated a sweeping list of dehumanizing negative associations to explain such behavior. Undeveloped genes; low physiological and mental status on the generally accepted racial hierarchy; collective racial cultural immaturity, thanks to the social stunting effects of over two hundred years of slavery; hypersexuality; extreme poverty and the primitive desire to copy or emulate the behavior and trappings of so-called “superior” white culture—all these and more were used to explain the imagined and real offenses taking place within African American communities. Such attitudes affected policing trends, legal recourse in the courts, sentencing, and incarceration, isolating and excluding African Americans from the flow of socioeconomic advancement taking place in the nineteenth and early twentieth centuries.¹⁸

This was no accident; historian Khalil Gibran Muhammad argues “statistical comparisons between the *Foreign-born* and the *Negro* were foundational in the emergence of distinctive modern discourses on race and crime.”¹⁹ Even though sociologists would eventually reject casual eugenics and pathology-based theories as applied to crime in immigrant and second-generation white communities, African Americans continue to suffer from crude racial analogies and biologically deterministic categorizations. This served a dual purpose. First was the question of validating whiteness as the cultural hegemonic norm in American society. Just as progressive social reformers sought to guarantee Anglo-Saxon social identity through the projected assimilation of new European immigrants, they also craved a defining boundary of racial preference that excluded nonwhites from responsible participation in society. The second factor at play was the need to preserve order and stability in the

multiethnic urban community. Cities were already regarded by the majority of the native-born Anglo, German, and increasingly Irish communities at large nationally as places of casual danger and veiled threat. While blacks were unfairly decried by many as the source of much urban crime (claims often fabricated despite evidence to the contrary), the real threat they posed was biological. Fears of miscegenation and racial degeneration came to dominate the discourse over the role of blacks in America's urban society, further marginalizing them. Even after many tenets of Lombrosian theory had fallen into disfavor, criminologists continued to emphasize an alleged "black pathology" rooted in racialized perceptions of inferiority and immorality.²⁰

Vocal proponents of social change and resistance to social bullying and repression felt the full weight of the law if they stepped across the invisible line of behavior accepted and tolerated by white society. At best, they would be harassed by the police. One need only examine photographic evidence of mob lynchings to understand the worst and all too common penalty meted out to black men.²¹ Worst of all, whites lynched blacks at the slightest provocation, with no evidence, and at times without a crime to justify their actions. Save for a rare few cases, the mob's actions were ignored, if not sanctioned, by the state. All things considered, even as dysfunctional as the criminal justice system was for African Americans (especially men), it presented real safety and a sense of security from the danger of white rage outside the courtroom and prison walls. Not to say that Progressive-Era prisons, including Eastern State Penitentiary, were safe houses for African Americans. They were often administered with a casual brutality outside the public gaze of the administration, which continued to dehumanize their residents. But when considered against the mob violence that all too frequently targeted black individuals and communities, the criminal justice system, for all the misjudgment and poor science the positivist criminologists engendered, was by far the preferred option for the accused.

Black offenders were treated in three different ways, each reflective of their ambiguous status as citizens in the eyes of Pennsylvania's white-dominated society. The majority were dismissed as natural offenders, driven by their race to transgress society's norms. Such was the way Edward Callahan (Prisoner B5817) was described in the *Reading Times* of June 2, 1911, as a simple horse thief. More emphasis is given to "clever work" of the white arresting officer, "Officer John Entriken, of West Chester," in tracking down the horse and its thief.²² In many of these cases, the only thing that prevented their being considered as occasional offenders was their racial identity. As black men, they were held accountable to a higher standard of morality while also judged against low expectations. More than anything, black men were expected to

present an overweening deference to whiteness, not only the legal and political establishment, but the casual expectations of a multiethnic white society that imposed the complex skein of racial stratification into everyday life. As Khalil Gibran Muhammad notes, "Beginning in the late nineteenth century, the statistical rhetoric of the 'Negro criminal' became a proxy for a national discourse on black inferiority."²³ Basic offenses that might otherwise be handled on the personal level were routinely blown out of proportion. Black misdemeanants frequently confronted excessive charges, or saw their misstep blown up into a felony charge, to placate society's insatiable need to establish firm control over its least understood and most abused members.

Many other predominantly young black men were thus described as being "led astray" by bad choices and companions into committing a singular miscreant act. Such young men were often treated as a subject of pity in the press not so much for their own sake, but rather for their family members, indirect victims of their prodigals' actions due to their incarceration, and drawn into the cycle of racialized criminality. This was certainly how Arthur William Douglas (Prisoner B5050) was treated in the press and by the court. In May 1909, the twenty-three-year-old was employed as a porter at the Wabash Hotel in Gettysburg. On the afternoon of May 21, Douglas had an argument with Charles Powell, the hotel's hostler, over work. The social distinction between a porter, who served the needs of the hotel's clientele, and a hostler, who worked in the stable with horses and other livestock, was rather significant among hotel workers. When Douglas, who was reportedly in a foul mood after drinking earlier in the day, refused to carry out some tasks for the hotel manager, Powell was brought in to do the job. Douglas took great offense at this action, which amounted to a crossing of a very clear line between the front of the house and the hidden world of service behind the scenes. Fearing that he would lose his position and status to Powell, Douglas confronted him twice in the hotel, and was thrown out each time. At this point, Douglas purchased a pistol at the nearby Colliflower Store and walked out to the hotel's stable, where he fired two shots at Powell, missing each time.²⁴

Douglas ran from the stable with Powell close behind. The two men brawled in the street by the hotel, throwing punches and Douglas fired two more shots at Powell. Bystanders intervened, pulling the two apart, just in time for the town constables to arrive and place both men under arrest. In the August trial, Douglas's attorney made a strong case for his client's reputation and character: he had lived in Gettysburg for the last twelve years and was well known as a young, earnest man who had exhibited (until his altercation

with Powell) temperance in judgment. This act was his first offense, the attorney argued, and was more than likely a result of the young man's drinking between the initial argument and his trip to the general store in search of a weapon. Character references were provided by his employers, who vouchsafed his character. A concluding petition from Douglas's parents asked the court for leniency on the grounds that Arthur was the sole financial and material support for them at their advanced age.²⁵

A third group were treated as professional miscreants, recidivists who were again cast on their path largely due to the "failings" of their race. One of the more seasoned burglars in the sample was Charles Brown, alias Charles Marlowe, alias Charles Showiah, an African American who lived with a female acquaintance, Adlean Mitchell, in Philadelphia. While he later pled guilty of breaking into and pilfering the Llanarch home of Dr. C. Nelson Smith while the dentist and his wife were vacationing in Bermuda, the circumstances of his arrest would today likely be dismissed out of hand. Disembarking from the local train at Philadelphia's 69th Street Station, Brown was denied exit from the platform by an off-duty Haverford constable moonlighting as a station security guard. Demanding that Brown open the overpacked and bulky suitcase he was carrying with him, the guard tussled with the man, who loudly refused the constable's demands, telling him "he would fight him to see who was the better man."²⁶ The fight was brought to an end as a crowd of onlookers joined in and subdued Brown, tying him to the station's iron fence. Constable Thomas was now free to open Brown's suitcase, which was filled with clothing and two watches, one gold with a chain and the other silver, belonging to Dr. Smith. When the dentist and his wife returned from Bermuda, they immediately identified their belongings, and reported that an additional \$310 worth of gold filling and plate were missing from the office attached to his home. Brought to trial a month later, Brown pled guilty to all the thefts linked to the Smiths, and received a sentence of three to seven years, and a \$25 fine.²⁷

JUVENILE DELINQUENCY AND RECIDIVISM

Juvenile delinquency was always treated with special care. Much of the crime in urban settings was blamed on youths run wild, whether alone or organized in gangs. The latter were especially associated with working-class immigrant communities, places where unemployed young men gravitated to each other out of boredom, spite, and fear of other neighboring gangs or the police. It

was a short jump for street gangs from loitering and other misdemeanors to serious felonies. Many gangs took to simple displays and tussles to defend their territory and reputations from outsiders, ranging from shouted obscenities to thrown rocks, manure, and snowballs. Others, however, graduated to open theft and burglary, ranging from armed robbery to burglary to stripping metal fixtures out of vacant homes and businesses. One form of theft especially popular with younger offenders was till-tapping, that is, emptying the cash drawer when the proprietor was distracted by other boys, though they also were adept at “grab-and-run” or “smash-and-grab” theft, both variants on grabbing merchandise openly displayed on tables or behind plate-glass windows. There were also the more violent gangs that openly preyed on visiting outsiders and local folk alike, not to mention engaging in open warfare with the police and other gangs.²⁸

Criminologists had mixed opinions when it came to juvenile offenders. Lombroso considered all children at heart to be potential criminals. They all were subject to atavistic behaviors and impulses, which they shed only as they matured after puberty. Many American law enforcement and criminologists balanced this biological view with a strong social outlook, crediting child rearing and environment as being equally important to the rise of the young delinquent. Yet they also rejected what they saw as “soft” remediation of young offenders at the hands of social workers and probation agents. It was far better to employ hard punishments and enforcement, moderated by direct intervention with salvageable youths, to address the perceived problem. Local police—“beat cops” patrolling assigned routes—were the first and best line of defense against juvenile crime. They knew the young men in their neighborhoods, and could take direct steps against the regular troublemakers and deter younger boys from following the example of their brothers, cousins, and older peers. Ultimately, in fact, most police took the line that a little delinquency was a good thing.²⁹ Young men needed rites of passage to make the transition from childhood to adulthood:

They believed that delinquency was normal behavior for adolescents and a reasonable response to urban life. According to this view, boys would be boys. From the police perspective, young offenders were best understood as rowdy street children or disruptive youth who broke the law, not as victims of their environments or as born criminals. To the police and many urban residents, delinquency was natural, if not desirable.³⁰

What remains, then, is defining when exactly a young offender was no longer a youth who could be salvaged and had become an adult offender. In practice, the age of responsibility varied across Europe, from nine years old in Italy to sixteen in the United Kingdom. San Quentin Prison chaplain August Drähms, author of an influential 1900 criminology manual, noted the American stance was vague at best, with the age usually set by the court.³¹ In Pennsylvania, the courts usually settled on between sixteen and eighteen years old. One thing on which all criminologists were united was a genuine concern over the incessant rise in juvenile crime. Between 1880 and 1890, Drähms reported, the ratio of juvenile offenders to the whole population of the United States grew from 229 per million (11,468 offenders) to 237 per million (14,846 offenders), a 29.46 percent increase. In 1890, the greatest number of juvenile crimes nationwide—excluding petty crimes against public policy like truancy, “incurability,” and vagrancy—were classified as being committed against property. Over the same time in Pennsylvania, 16.68 percent of all juvenile offenses were crimes against property, 150 in all.³²

Of particular interest to criminologists was the concept of redirecting young offenders from their path to become habitual offenders before it was too late. Again, there is no absolute consensus on the transitional point beyond which young people pass from simple misbehavior to criminal behavior. Drähms felt it was between the ages of twenty and twenty-four.³³ This left ample time for the state to intervene when the home environment was lacking. Here again Drähms expressed his anti-urban, nativist biases against recent immigrant families:

Urban centres, as in the creation of adult criminals, remain the most prolific sources of child contamination. . . . There are no *homes* here, properly speaking, only places for temporary shelter and promiscuous herding, the sole conditions under which thousands of our cities' lowest classes subsist, and where they raise their progeny in utter disregard of the decencies and moralities of life, oftentimes glad to be rid of the responsibilities by means fair and foul. These are the raw material that make roughs, and desperadoes, and city toughs, cast in the moulds of an implacable environment as cruel as the grasp of necessitarian law.³⁴

Deprived of even a base quality of life by their circumstance, young people living in tenements across the country were easy prey for the worst elements in society. Combined with the general lack of industrial training and good economic habits, there was little wonder that so many youths were given over to

a dark future in crime and depravity. Hence the reformatory, the state-administered home for juvenile offenders, as a venue not intended for punishment, but rather for interrupting the juvenile delinquents' slide into perdition, by redirecting them toward a meaningful skilled or semiskilled trade. Combined with moral instruction, practical education, and proper material and nutritional care, the reformatory was championed as the best vehicle to retrain dangerous malcontents into law-abiding, productive, moral citizens.

Returning to the Eastern State sampling, it is clear that only in rare cases were juvenile offenders sentenced as adults. Typically, they were remanded to one of the state's youth reformatories, either Huntingdon State Reformatory or the Philadelphia House of Refuge at Glen Mills. The youngest man sent to Eastern State was sixteen-year-old Carl Cedarholm (Prisoner B7268), charged with burglary from Tioga County. Property crimes such as burglary, robbery, and receiving stolen goods were the most common offenses committed by offenders twenty years of age and younger. They ran the gamut from pickpocketing (William Hahn, Prisoner B6336, age twenty), to stripping lead pipe from vacant homes (Robert Watson, Prisoner B7848, age twenty), to property theft (Harry Northeimer, Prisoner B6950, age eighteen).³⁵ Non-juvenile petty offenders were also treated rather harshly in comparison with the gravity of their offense. Frank Aspell (Prisoner B8601) was sentenced to one to three years in Eastern State after his arrest and trial for attempting to break into the coin box of a pay telephone in Germantown, Pennsylvania, on September 25, 1916.³⁶

Juvenile offenders sentenced to prison were in for a rough time. According to William Healy, director of the Chicago Juvenile Court's Psychopathic Institute, all inmates were susceptible to "psychic contagion" during their incarceration. This was not directly a result of the physical circumstances of the prison. In fact, most inmates described how the physical circumstances and surroundings were rather benign in comparison with the corrosive emotional distress experienced in prison. Picking up on themes described by Lombroso and other experts, Healy noted it was being compelled to associate with hardened criminals that provided the "powerful stimulus" that set first offenders, primarily young men, on a path to moral and physical corruption. Essentially, the collective atmosphere of despair and what Morris Ploscowe, writing in the 1931 Wickersham Commission report, would describe as "a milieu through the common unit of selection—the commission of a crime" established a venue where crime was idealized.³⁷ Thus incarceration failed as a deterrent, as "These distressing results are so contradictory to the intended effect of

legal treatment that the situation is nothing short of tragically anomalous.”³⁸ Several conditions acted to provoke this regression. Short sentences, even for young offenders, were considered ineffectual, as inmates considered them to be a manageable, but onerous, distraction with no practical deterrent effect. Such attitudes were deceptive, however, as they distracted offenders from the greater hazards of prison life. Surrounded by the worst possible companions at all times, young inmates were subjected to an incessant discourse of crime and dissipation. Indeed, Healy wrote, such discourse acted as a virtual contagion, polluting the younger offenders’ sensibilities and setting them on the path toward habitual criminality. New acquaintances with hardened inmates left young men not only with weakened moral constraints against future misdeeds, they also acquired new criminal skills to employ after their release. “During imprisonment the older man is on the lookout for future partners, and tries to enlist those who have intelligence and nerve. Perhaps the actual teaching of new recruits may not go on in custody, but the opening wedge is placed, and when acquaintances meet on the outside definite plans are formed.”³⁹

The prospect of juvenile offenders becoming career recidivists was taken very seriously by criminologists and prison administrators. Experts not only believed the environment in prisons and reformatories eroded the moral constraints of new inmates, but that they also served as professional academies of criminal knowledge and behavior. Consider the case of twenty-three-year-old burglar Harry Miller (Prisoner B7760). At his April 21, 1915, trial for burglary, Miller amazed the court with his tale of learning his trade in an ad hoc reformatory safecracking school. On April 19, Miller and Henry Bauhoff were caught in the act of breaking into the safe on the third floor of the James Bell Company at 2840 Germantown Avenue. They confessed to two other safecracking jobs in the city, and identified a third conspirator, fifteen-year-old Felix Henry. Safecracking was a highly specialized and high-status crime in the criminal underworld, one that required no small amount of training to pull off quickly and with minimal fuss. The expert safecracker employed a wide variety of tools and special drills to cut through the stoutest safe, using black powder and nitroglycerin only as a last resort. Miller admitted as much when he testified that he was taught how to break into safes without explosives while he served time in the Huntingdon Reformatory for Young Offenders. His tales of the reform school serving as a “school of crime” could have been taken directly from the leading criminology manuals, and fed the voyeuristic impulses and imagined fears of the daily newspaper readers. Despite his expertise, Miller had a heavy hand at his craft. The two

burglars were caught because a neighbor heard them through the walls as they battered at the safe. The younger boy was remanded to juvenile court, and Bauhoff and Miller stood trial for the three thefts they confessed to, receiving a one-and-a-half to three-year sentence in Eastern State.⁴⁰

These accounts, and those of the other men listed on the Eastern State Penitentiary plaque, provide a long-observed window into aspects of daily life in Progressive-Era Pennsylvania. From the most mundane details of small-town life and the petty crimes that were cast as the handmaiden of drunken idleness to titillating accounts of professional thieves, burglars, and arsonists; from accounts of the mentally unfit progeny of family lines soiled by generations of criminal activity to racially charged accounts of violent social misconduct, at times culminating in murder—the individual narratives associated with the plaque are quite revelatory. Moving beyond the crimes themselves, the reports associated with them give precise detail into the social fabric of early twentieth-century Pennsylvania. Crime itself was defined in two broad social categories: those that were the product of a single bad choice, perhaps the outcome of a series of poor moral judgments, but hopefully a singular mistake that could be corrected; and those that represented a more permanent moral failure that was beyond salvation. Not surprisingly, this type of classification reflected the progressive world view. Once the outlines of individual antisocial behavior were defined, it could be remediated and recast into a more acceptable form that aligned with the rest of American society. As this article concludes in the next issue of *Pennsylvania History*, the focus will shift to the wartime experiences of the 121 individuals listed on the Eastern State plaque, and how this was cast as part of a larger rehabilitative experience by the prison's warden.

(To be continued)

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NOTES

1. Monographs addressing deviance in the military are few and far between. Most recently several works consider the military's response, or lack of one, to negative behaviors in World War II (Mary Louise Roberts, *What Soldiers*

- Do: Sex and the American GI in World War II France* (Chicago: University of Chicago Press, 2013); Charles Glass, *The Deserters: A Hidden History of World War II* (New York: Penguin Press, 2013); Dale Maharidge, *Bringing Mulligan Home: The Other Side of the Good War* (New York: Public Affairs Press, 2013). As laudable as these works are, however, in the end they serve the same purpose of identifying specific acts such as rape, sexual assault, murder, and desertion, and focusing on perceived connections between military service and the individual or collective deviance. The work that most closely follows the approach I am employing, i.e., how the military identified alleged miscreants before induction, and how their subsequent military service was at the time viewed as an extraordinary rehabilitative/redemptive act, are Nancy Bristow's *Making Men Moral: Social Engineering During the Great War* (New York: New York University Press, 1996) and Jennifer Keene's *Doughboys, the Great War, and the Remaking of America* (Baltimore: Johns Hopkins University Press, 2003).
2. This information was gathered from the ESP Prison Population records at the Pennsylvania State Archives (PSA), including: Convict Registers, Descriptive Books, Lists, Registers, 1909–17, seven volumes within Record Group 15, Records of the Department of Justice.
 3. ESP Prison Population Records, Bertillon Handbooks: Box 2, *Discharge Book, April 23, 1895–June 18, 1922*, Nos. A8047, A8432, A9829, B101-10000, C1-2318; *Discharge Book, July 6, 1909–January 29, 1918, Medical, B5005-B8999*, Records of the Department of Justice (RG-15) PSA.
 4. For direct reference to Lombroso's usage of atavistic or degenerative physiological stigmata, see Marvin E. Wolfgang, "Pioneers in Criminology: Cesare Lombroso (1825–1909)," *Journal of Criminal Law and Criminology* 54, no. 4 (November–December 1961): 361–91, 370, 371, 375; Wayne Morrison, "Lombroso and the Birth of Criminological Positivism: Scientific Mastery or Cultural Artifice?" in *Cultural Criminology Unleashed*, ed. Jeff Ferrell, Keith Hayward, Wayne Morrison, and Mike Presdee (London: The Glass House Press, 2004), 67–81, 68, 69, 72. The most recent translation of Lombroso's signature work, *Criminal Man (Luomo delinquent)* eliminates direct reference to "stigmata" in favor of "anomalies," perhaps to help restore his reputation as a complex, multi-faceted scholar from its most recent state as a "simplistic biological determinist with reactionary ideas." Cesare Lombroso, *Criminal Man, Translated and with a New Introduction*, trans. Mary Gibson and Nicole Hahn Rafter (Durham and London: Duke University Press, 2006), 4–5.
 5. Martin J. Weiner, "The Victorian Criminalization of Men," in *Men and Violence: Gender, Honor, and Rituals in Modern Europe and America*, ed. Pieter Spierenburg (Columbus: Ohio State University Press, 1998), 197–212, 198–200; Bobby A. Wintermute, "'The Negro Should Not Be Used as a Combat Soldier': Reconfiguring Racial Identity in the United States Army, 1890–1918," *Patterns of Prejudice; Special Issue: Racialising the Soldier* 46, no. 3–4 (July 2012): 277–98, 283, 295–96.

6. Christopher Hibbert, *The Roots of Evil: A Social History of Crime and Punishment* (New York: Little, Brown & Co., 1963), 321.
7. Russell F. Weigley et al., *Philadelphia: A 300-Year History* (New York and London: W. W. Norton & Company, 1982), 356–57.
8. James R. Barrett, *The Irish Way: Becoming American in the Multiethnic City* (New York: The Penguin Press, 2012), 5–8, 11, 16, 25–31.
9. Philadelphia City Archives, RG 21.5, Clerk of the Court of Quarter Sessions and Oyer and Terminer, A-2751, January Sessions, 1902, #1, *Commonwealth v. Felix McCrossin*, April 24–26, 1902, 79.
10. *Ibid.*, 67.
11. *Ibid.*, 181–83.
12. *Ibid.*, 114.
13. *Ibid.*, 146.
14. *Ibid.*, 196–97.
15. *Ibid.*, 201.
16. *Ibid.*, 208–09.
17. ESP Prison Population Records, Bertillion Handbooks, Box 2, *Discharge Book*, April 23, 1895–June 18, 1922, Nos. A8047, A8432, A9829, B101–10,000, C1–2318, PSA.
18. Stephen Pfohl, *Images of Deviance and Social Control: A Sociological History* (Long Grove, IL: Waveland Press, Inc., 2009), 135–36; Roger Lane, *Roots of Violence in Black Philadelphia, 1860–1900* (Cambridge and London: Harvard University Press, 1986), 2–5; Wintermute, “The Negro Should Not Be Used as a Combat Soldier.”
19. Khalil Gibran Muhammad, *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America* (Cambridge and London: Harvard University Press, 2010), 6.
20. *Ibid.*, 6–9.
21. See James Allen and John Lewis, *Without Sanctuary: Lynching Photography in America*, 10th ed. (Santa Fe: Two Palms Publishers, 2000).
22. *Reading Times*, June 2, 1911, 5; ESP Prison Population Records, Bertillion Handbooks, Box 2, *Discharge Book*, July 6, 1909–January 29, 1918, *Medical*, B5005–B8999, PSA.
23. Muhammad, *The Condemnation of Blackness*, 8.
24. “Gun Play on Town Street,” *Gettysburg Times*, May 22, 1909, 1.
25. “Ten Prisoners Sentenced,” *Gettysburg Compiler*, September 1, 1909, 1.
26. “Police Say They Have Bold Burglar,” *Delaware County Daily Times*, August 22, 1912, 5.
27. *Ibid.*; *Delaware County Daily Times*, September 24, 1912, 5; ESP Prison Population Records, Bertillion Handbooks, Box 2, *Discharge Book*, July 6, 1909–January 29, 1918, *Medical*, B5005–B8999, PSA.
28. David Ralph Johnson, *Policing the Urban Underworld: The Impact of Crime on the Development of the American Police, 1800–1887* (Philadelphia: Temple

- University Press, 1979), 82–83, 125–26; Frank Morn, *Forgotten Reformer: Robert McLaughry and Criminal Justice Reform in Nineteenth Century America* (Lanham, MD, and Plymouth, UK: University Press of America, Inc., 2011), 104–5.
29. David B. Wolcott, *Cops and Kids: Policing Juvenile Delinquency in Urban America, 1890–1940* (Columbus: The Ohio State University Press, 2005), 20–25.
30. *Ibid.*, 20.
31. August Drähms, *The Criminal, His Personnel and Environment, A Scientific Study* (New York: The Macmillan Company, 1900), 271.
32. Drähms, *The Criminal*, 279, 280; Department of the Interior, Census Office, *Report on Crime, Pauperism, and Benevolence in the United States at the Eleventh Census: 1890, Part I: Analysis* (Washington, DC: Government Printing Office, 1896), 20; Census Office, *Report on Crime, Pauperism, and Benevolence in the United States at the Eleventh Census: 1890, Part II: General Tables* (Washington, DC: Government Printing Office, 1896), 530–39.
33. Drähms, *The Criminal*, 283.
34. *Ibid.*, 284.
35. *Philadelphia Inquirer*, July 12, 1913, 14; ESP Prison Population Records, Bertillion Handbooks, Box 2, *Discharge Book, July 6, 1909–January 29, 1918, Medical, B5005-B8999*, PSA.
36. “Arrested After Long Chase,” *Philadelphia Inquirer*, September 26, 1916, 8; ESP Prison Population Records, Bertillion Handbooks, Box 2, *Discharge Book, July 6, 1909–January 29, 1918, Medical, B5005-B8999*, PSA.
37. National Commission on Law Observance and Enforcement, *Report on the Causes of Crime*, vol. I (Washington, DC: United States Government Printing Office, 1931), 87.
38. William Healy, *The Individual Delinquent; a Textbook of Diagnosis and Prognosis for All Concerned in Understanding Offenders* (London: William Heinemann, 1915), 312.
39. *Ibid.*, 312–14, quote on p. 314.
40. Johnson, *Policing the Urban Underworld*, 56; “Taught How to Rob in Reform School,” *Philadelphia Inquirer*, April 21, 1915, 2; “Boy of 15 Held as Safe Looter,” *Philadelphia Inquirer*, April 22, 1915, 2; ESP Prison Population Records, Bertillion Handbooks, Box 2, *Discharge Book, July 6, 1909–January 29, 1918, Medical, B5005-B8999*, PSA.