



*“This Scourge Of Confinement”:  
James Morton’s Experiences of  
Incarceration in the Antebellum  
United States*

ANTEBELLUM PRISONERS WERE OBSCURE men and women. They appeared in historical records when they encountered the law that convicted them and the penitentiary that confined them. Official records stripped prisoners of their individuality by reducing them to a bundle of abstractions: name, age, sex, complexion, crime, length of sentence, place of conviction, distinguishing characteristics, and inmate number. Prisoners also appeared in annual reports presented by prison officials to state legislatures, wardens’ daily journals, cellblock logs, punishment logs, and the meeting minutes of reform societies such as the Pennsylvania Society for Alleviating the Miseries of Public Prisons. Through writing diaries, letters, poetry, and memoirs, prisoners reclaimed their individuality by presenting their own experiences in their own words. Viewing ante-

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bellum penitentiaries through prisoners' eyes makes clear how prisoners shaped life inside the nation's penitentiaries, interpreted incarceration, and were affected by the experience of incarceration.

The prison diary of James Morton, a prisoner at the Eastern State Penitentiary from 1846 to 1853, provides historians with a valuable window into the world of criminals inside and outside antebellum state penitentiaries. Morton was a confidence man who also served sentences at the Walnut Street Prison, Sing Sing Prison, and Vermont's Windsor State Prison. He forged checks and identities to exploit the cracks of the antebellum United States' "multifarious monetary system." He hoped to strike it rich to become a self-made man. He succeeded occasionally, but failed in the end. Although he achieved some notoriety during his own lifetime, few people know of his existence today. He would have passed into oblivion if his 1852–53 diary, written during his seventh and final year of confinement at the Eastern State Penitentiary, had not survived the ravages of time.<sup>1</sup>

Morton's unpublished diary is a valuable historical source. It is the only known surviving diary written by a prisoner confined at the Eastern State Penitentiary before the Civil War. It illuminates how he interpreted his life and how he thought incarceration had transformed his mind, body, and identity. Jennifer Lawrence Janofsky is the only historian who has written about Morton. After describing the diary and its contents, Janofsky suggests that Morton "likely structured his narrative to manipulate officials into relaxing his solitude." In Janofsky's reading, Morton's vacillation between "lucid and confusing moments" was a literary construct designed to "manipulate" penitentiary officials. Although Morton addressed a "reader," existing records make it impossible to determine if anyone besides Morton read the diary or if he expected anyone to read it at the time of its creation, though he may have realized that prison officials might read his writings. Morton's reference to a reader may have been an attempt by a man who had spent the last six years in solitary confinement to convince himself that he was not completely alone while inside his "grave-like" cell.<sup>2</sup>

Morton claimed that he did not write to manipulate an actual or imaginary reader. He wrote "to avoid that dreadful step" toward "insanity" that

<sup>1</sup> Stephen Mihm, *A Nation of Counterfeiters: Capitalists, Con Men, and the Making of the United States* (Cambridge, MA, 2007), 3.

<sup>2</sup> Jennifer Lawrence Janofsky, "There is no hope for the likes of me": Eastern State Penitentiary, 1829–1856" (PhD diss., Temple University, 2004), 243–44; James B. Morton, *Writings, 1852–1853*, Historical Society of Pennsylvania.

he feared. He wrote to remember who he was and to convince himself that he was alive. Jack Henry Abbott, writing of his experiences in state and federal prisons during the 1960s and 1970s, claimed, "Memory is arrested in the hole [solitary confinement]. I think about each remembered thing, study it in detail, over and over." Drawing upon philosopher and theologian Abraham Joshua Heschel, Abbott observed, "*being is memory*." Morton wrote to remember in hope of understanding his life, retaining his sense of self, contextualizing his confinement, and maintaining his sanity. These goals were at odds with the penitentiary's regimen of solitary confinement, which attempted to reform prisoners through reflection and penitence but annihilated them by isolating them, stripping them of their identities, and plunging them into an abyss of anonymity. While reflecting upon and writing about his plight, Morton came to see himself as a victim of a conspiracy perpetrated by the police, former criminal associates, and the Eastern State Penitentiary.<sup>3</sup>

Historians have begun to account for the actions and perspectives of antebellum prisoners. They have followed Walter Benjamin's maxim to "brush history against the grain" while reading official reports and prison reformers' writings to illuminate how prisoners contested discipline within antebellum penitentiaries. Scholars have analyzed prisoners' contributions to antebellum print culture—published memoirs and poetry—to illustrate how inmates attempted to shape public perceptions of the world hidden behind the penitentiary's walls. As historian Leslie Patrick observes, "putting the experiences of inmates at the center allows us to see beneath the self-interested pieties of reform and nationhood to the heavy toll that confinement enacted on the minds and bodies of its subjects." This essay's focus on Morton, his writings, his experiences, and his interpretations contributes to this historiography's efforts to place "the perspectives of those confined at its center." Morton and his unpublished diary demonstrate how prisoners contested penitentiary discipline, shaped life inside antebellum penitentiaries, interpreted their incarceration, and were affected by confinement. Morton's diary also illuminates how and why one white male inmate, during his final year of solitary confinement at the Eastern State Penitentiary, saw himself as a victim of a nefarious conspiracy that

<sup>3</sup> Morton, Writings; Jack Henry Abbott, *In the Belly of the Beast: Letters from Prison* (1981; New York, 1991), 46; Abraham Joshua Heschel, "Israel as Memory," in *Moral Grandeur and Spiritual Audacity*, ed. Susannah Heschel (New York, 1996), 40.

destroyed his life and threatened to extinguish all antebellum citizens' liberty.<sup>4</sup>

Morton's first known encounter with incarceration was at Philadelphia's Walnut Street Prison during the late 1810s and early 1820s. In 1790, Pennsylvanian politicians authorized the conversion of Philadelphia's Walnut Street Jail into the Walnut Street Prison. Until 1835, the prison confined convicted felons from throughout the state whom judges had sentenced to incarceration at hard labor. The prison employed a congregate model of incarceration in which prisoners, separated by sex, worked and slept in groups. While confined at Walnut Street, Morton labored alongside male inmates during the day at one of the prison's industries: shoemaking, nail production, or sawing and polishing marble. At night, he shared a room called an "apartment" with at least eight other men. Inside the apartment, Morton could conspire with other inmates to create and maintain a culture of opposition that challenged prison officials' goals.<sup>5</sup>

Guards were the prison's primary defense against convicts' conspiracies. Prison officials portrayed guards as upstanding citizens who provided prisoners with virtuous examples to emulate. Morton respected some guards at Walnut Street. He recalled more than thirty years later that Jacob

<sup>4</sup>Walter Benjamin, "Theses on the Philosophy of History," in *Illuminations: Essays and Reflections*, ed. Hannah Arendt, trans. Harry Zohn (New York, 1968), 257; Leslie Patrick, afterword to *Buried Lives: Incarcerated in Early America*, ed. Michele Lise Tarter and Richard Bell (Athens, GA, 2012), 284; Michelle Lise Tarter and Richard Bell, introduction to *Buried Lives*, 5. See also, Michael Meranze, *Laboratories of Virtue: Punishment, Revolution, and Authority in Philadelphia* (Chapel Hill, NC, 1996); Larry Goldsmith, "History from the Inside Out: Prison Life in Nineteenth-Century Massachusetts," *Journal of Social History* 31 (1997): 109–25; Goldsmith, "'To Profit By His Skill and to Traffic on His Crime': Prison Labor in Early 19th-Century Massachusetts," *Labor History* 40 (1999): 439–57; Leslie Patrick, "Ann Hinson: A Little Known Woman in the Country's Premier Prison, Eastern State Penitentiary, 1831," *Pennsylvania History* 67 (2000): 361–75; Myra C. Glenn, "Troubled Manhood in the Early Republic: The Life and Autobiography of Sailor Horace Lane," *Journal of the Early Republic* 26 (2006): 59–93; Rebecca M. McLennan, *The Crisis of Imprisonment: Protest, Politics, and the Making of the American Penal State, 1776–1941* (New York, 2008); Caleb Smith, *The Prison and the American Imagination* (New Haven, CT, 2009); Jennifer Graber, "Engaging the Trope of Redemptive Suffering: Inmate Voices in the Antebellum Prison Debates," *Pennsylvania History* 79 (2012): 209–23; Erica Hayden, "'She keeps the place in Continual Excitement': Female Inmates' Reactions to Incarceration in Antebellum Pennsylvania's Prisons," *Pennsylvania History* 80 (2013): 51–84; and the essays in *Buried Lives*.

<sup>5</sup>Negley K. Teeters, *The Cradle of the Penitentiary: The Walnut Street Jail at Philadelphia, 1773–1835* (Philadelphia, 1955), 45–47; Thomas L. Dumm, *Democracy and Punishment: Disciplinary Origins of the United States* (Madison, WI, 1987), 102–5; Meranze, *Laboratories of Virtue*, 176–84; Franklin Bache, *Observations and Reflections on the Penitentiary System: A Letter from Franklin Bache, M.D., to Roberts Vaux* (Philadelphia, 1829), 6–7.

Halloway, the head keeper, was "a man of much humanity—sound capability—excellent principles." Morton claimed that "the subordinate keepers were all of the same stamp" as Halloway. He argued that compared with other prisons in the United States at the time, Walnut Street was "the least bad." Despite its valiant guards, Morton alleged that members of the prison's board of inspectors, particularly Thomas Bradford Jr., were villains who conspired to destroy Walnut Street—that they intended to "Sap its foundations—prove it to be a nuisance—Conduct it loosely—let it shake its self to pieces." Morton asserted that these men "voted it beneath the notice of an Inspector to hold any sort of familiarity with prisoners, and also that it was efficient to keep up among them a Jealousy and enmity toward each other—under the pretense that such government prevents conspiracy against the prison."<sup>6</sup>

During the 1810s and 1820s, prison officials struggled to maintain order. Violence occurred daily. Prisoners assaulted guards and one another. They attempted to escape frequently. With ample opportunities to conspire with one another, prisoners were on the verge of taking over the prison. In hope of dividing inmates, inspectors bestowed privileges upon a handful of trusted prisoners who served as "runners," or messengers. One of these convicts was Harry Powell, a black man who had saved the life of a guard during an 1819 uprising at the prison. Perhaps as a reward for his actions, prison officials designated Powell the "head runner." According to Morton, Powell was given "a big-butcher-knife and authority to wear it suspended by a chain round his neck—and to use it in self defense against any prisoner who dares to lay hands against him right or wrong." Morton characterized the inspectors' tactic of dividing and conquering prisoners as a scheme that aimed not to instill order, but to foment disorder.<sup>7</sup>

Powell played his part and enjoyed his privileges. Morton described him as "the most saucy raskel that ever walked a Prison yard." Powell, whom Morton called, derisively, "My Lord-Negro," often insulted white prisoners by calling them "bold-faced convicts." Just as race divided Philadelphians, race divided prisoners. Morton seemed especially irritated by Powell's proud demeanor. "He strutted up and down the yard amongst

<sup>6</sup> Morton, Writings.

<sup>7</sup> Meranze, *Laboratories of Virtue*, 222; Teeters, *Cradle of the Penitentiary*, 100–103; Thompson Westcott, *A History of Philadelphia, from the Time of the First Settlements on the Delaware to the Consolidation of the City and Districts in 1854*, vol. 4 (Philadelphia, 1886), 860; Morton, Writings.

some six or seven hundred men, like a Cock-Turkey with his tail up—nor dare any thing in the shape of convict touch one of his feathers.”<sup>8</sup>

Powell’s strutting apparently irritated other prisoners too. On March 27, 1820, a fight occurred between Powell and a white convict named Peter Hedgman. Although the details are murky, it appears that Hedgman and Powell had an argument that turned violent. Hedgman attacked Powell. Powell defended himself, using “his lawful side arm” to stab and kill Hedgman. Morton viewed the argument and its aftermath as the trigger of the “greatest revolt and tragic end that ever took place in any Prison in our Country.”<sup>9</sup>

The next morning, an uprising began just after guards released prisoners from their apartments, where they may have conspired during the night. They searched for Powell, who sought protection from the guards. Rebellious prisoners outnumbered Powell’s protectors. They “dragged” Powell from the guards and pummeled him to “death before their very eyes.” He was no match for convicts armed with “clubs and iron bars.” White inmate Bill McIlhenney stabbed Powell in the head. With Powell dead, convicts rushed toward the exterior walls in hope of escaping. Guards fired on the prisoners, killing one and wounding two. Prisoners responded by throwing “stones and brickbats” at guards. Chanting “Liberty or Death!” they surged toward the gate that separated them from freedom. “A large bolt” thwarted their escape. Residents from the surrounding neighborhood began to shoot at the prisoners. A few hours later, guards, with the help of residents and the city’s militia, regained control of the prison.<sup>10</sup>

Prisoners’ successful takeover of the Walnut Street Prison pushed Pennsylvanians to consider abandoning the institution. A year later, the Pennsylvania legislature allocated money to build a new prison: the Eastern State Penitentiary. According to Morton, this was exactly what Bradford and his coconspirators on the board of inspectors wished. By “keeping up strife and bickering contention among Prisoners,” inspectors had destroyed the “good order” of the prison. Although Morton’s allega-

<sup>8</sup> Morton, Writings; Noel Ignatiev, *How the Irish Became White* (New York, 1995), 42–51; David R. Roediger, *The Wages of Whiteness: Race and the Making of the American Working Class* (1991; London, 2007), 105–6.

<sup>9</sup> Meranze, *Laboratories of Virtue*, 217–8; Morton, Writings.

<sup>10</sup> Morton, Writings; Westcott, *History of Philadelphia*, 860; Ignatiev, *How the Irish Became White*, 44; Teeters, *Cradle of the Penitentiary*, 101–2; Meranze, *Laboratories of Virtue*, 218–19; *Philadelphia National Gazette and Literary Register*, Apr. 5, 1820.

tion of a conspiracy may be far-fetched, the unrest that occurred at Walnut Street also occurred at other early national penitentiaries. At the first New York State Prison, commonly called Newgate, which was modeled upon the Walnut Street Prison, prisoners too formed a separate culture, rebelled, attempted to escape, and took over the prison. Just as Pennsylvanians responded to prisoners' actions by building new penitentiaries, so did New Yorkers. At practically the same time that Pennsylvania legislators authorized the construction of the Eastern State Penitentiary, New York legislators authorized the construction of two new state penitentiaries: Auburn and Sing Sing.<sup>11</sup>

Morton moved to New York City after his release from Walnut Street in the mid-1820s, where he continued to perpetrate forgeries. His schemes led to at least one sentence inside New York's Sing Sing Prison. Convicts from New York's Auburn State Penitentiary began building Sing Sing in 1825. They excavated marble from quarries along the west bank of the Hudson River, about thirty-five miles north of New York City. After three years of relentless labor, prisoners finished the penitentiary's initial four-story building, containing eight hundred cells. Each cell had walls three feet thick and was seven feet deep, seven feet tall, and three feet six inches wide. British parliamentarian William Crawford, who visited the penitentiary in the early 1830s, claimed that cells were "deficient in ventilation: they had a close and offensive smell." Cells were "damp in wet weather" too. At Sing Sing, Morton experienced what contemporaries called the Auburn or congregate system: prisoners labored together in silence under the threat of violence inside large workshops during the day and were confined inside individual cells during the night.<sup>12</sup>

Although it is unclear when Morton arrived at Sing Sing, it was probably during the mid-1830s. Upon arrival, guards would have ordered Morton to strip his clothes, bathe, and put on "the uniform of the prison." A convict barber cut his hair and, if necessary, shaved his face. This ordeal was potentially humiliating and traumatic. Former inmate Levi S. Burr, who also was incarcerated at Sing Sing during the early 1830s, claimed,

<sup>11</sup> Morton, Writings; Meranze, *Laboratories of Virtue*, 247; W. David Lewis, *From Newgate to Dannemora: The Rise of the Penitentiary in New York, 1796–1848* (1965; Ithaca, NY, 2009), 56, 52.

<sup>12</sup> *Philadelphia Pennsylvania Inquirer and National Gazette*, Feb. 2, 1846; Lewis, *From Newgate to Dannemora*, 136–40; William Crawford, *Report on the Penitentiaries of the United States* (1835; Montclair, NJ, 1969), 29.



“the barber pleases his keeper best, when he makes the subject appear the worst; consequently his head is often so much disfigured by clips and gashes in his hair, that he would hardly be known by an acquaintance.” After receiving a humbling haircut, guards would have recorded Morton’s biographical information in the inmate register. He would then hear the warden explain the penitentiary’s rules and regulations, and the consequences for violating them.<sup>13</sup>

During the 1830s and 1840s, the disciplinary regimen at Sing Sing made it a violent, stressful, and scary place. Reading, writing, and religion may have helped Morton survive. Although Morton wrote little about his incarceration at Sing Sing, it was perhaps here that he began to read and study the Bible for support, encouragement, and guidance. Many convicts turned toward the Bible while confined at Sing Sing. For instance, penitentiary chaplain John Luckey observed an inmate who “suspended” his Bible “by cords, from the top of his cell, in such a manner as to be constantly open; so that, when in his cell, he had nothing to do but cast his eyes upon its sacred pages, in order to peruse it.”<sup>14</sup>

Morton surely communicated with other convicts. He could whisper with convicts confined in neighboring cells. He could also use chalk or pencil to write messages to other inmates. In 1846, investigators from the New York Prison Association learned from “an adroit rogue in the Sing Sing Prison, that he could at all times send a message to an acquaintance and get an answer in twelve hours; and that to an entire stranger, whom he had never seen, and who had just been committed, he could do the same thing in three days.” Clever inmates who communicated with one another transcended what French visitors and prison reformers Gustave de Beaumont and Alexis de Tocqueville described as “the weakness of isolation,” forged links of solidarity, and subverted what Michel Foucault called “the primary objective of carceral action: coercive individualization, by the termination of any relation that is not supervised by authority or

<sup>13</sup> Levi S. Burr, *A Voice from Sing-Sing, Giving a General Description of the State Prison: A Short and Comprehensive Geological History of the Quality of the Stone of the Quarries; and a Synopsis of the Horrid Treatment of the Convicts in that Prison* (Albany, NY, 1833), 19. The register for the years of Morton’s confinement, mid-1830s to early 1840s, no longer survives. Crawford, *Report on the Penitentiaries*, 20.

<sup>14</sup> Jennifer Graber, *The Furnace of Affliction: Prisons and Religion in Antebellum America* (Chapel Hill, NC, 2011), 115; John Luckey, *Life in Sing Sing State Prison, as Seen in a Twelve Years’ Chaplaincy* (New York, 1860), 58.



arranged according to hierarchy." Convicts caught communicating faced brutal punishment.<sup>15</sup>

Violence compelled obedience from some prisoners; it frustrated, traumatized, and angered others. Burr depicted guards as cruel despots who ruled Sing Sing as "a *Cat-ocracy* and *Cudgel-ocracy*." Since guards acted with impunity and little oversight, Burr denounced them as vicious "Autocrats." Convicts suffered inside the penitentiary because "there is no eye to pity, no tongue to tell, no heart to feel, or will or power to oppose." He watched in helpless horror as a guard whipped one convict 133 times. "While the afflicted subject was begging upon his knees, and crying and withering under lacerations, that tore his skin to pieces from his back, the deputy keeper [Robert Wiltse] approached, and gave him a blow across the mouth with his cane, that caused the blood to flow profusely." Former prisoner James R. Brice described whipped inmates whose lacerated bodies were "as raw as a piece of beef." Ex-convict Horace Lane remembered, "There were so many heads cut open, and so many bloody faces." Morton declared that Sing Sing's guards "embodied the ferocity and brutality of the Barbary Pirate." He alleged that guards had "treated [him] like a dog." Convicts' bodies, "lacerated backs—broken heads and limbs," served as evidence of the brutality of Sing Sing Penitentiary.<sup>16</sup>

In April 1843, a physically and psychologically wounded Morton emerged from Sing Sing and returned to Philadelphia. Evidence from newspapers suggested that he continued to work as a forger. In early September 1843, he was arrested in Baltimore for allegedly committing "forgeries on several banks of Philadelphia; and in sums varying from \$800 to \$1600." According to the *Pennsylvania Inquirer and National Gazette*, Morton worked with a team of accomplices. "His mode of operations," the newspaper reported, "was by sometimes sending a boy, at others a man to

<sup>15</sup> Prison Association of New York, *Third Report of the Prison Association of New York* (New York, 1847), 60; Gustave de Beaumont and Alexis de Tocqueville, *On the Penitentiary System in the United States and Its Application in France* (1833; Carbondale, IL, 1964), 60; Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York, 1979), 239.

<sup>16</sup> Burr, *Voice from Sing-Sing*, 16–17; James R. Brice, *Secrets of the Mount-Pleasant State Prison, Revealed and Exposed* (Albany, NY, 1839), 52; Horace Lane, *Five Years in State's Prison; or, Interesting Truths, Showing the Manner of Discipline in the State Prison at Sing Sing and Auburn, Exhibiting the Great Contrast Between the Two Institutions, in the Treatment of the Unhappy Inmates; Represented in a Dialogue Between Sing Sing and Auburn* (New York, 1835), 12–13; Morton, *Writings*. For further analysis of Lane and his writings, see Glenn, "Troubled Manhood in the Early Republic," 59–93.

get the checks cashed, while he waited in the vicinity to receive the funds.” He apparently escaped conviction.<sup>17</sup>

Morton resurfaced almost two years later, when in January 1845 he was charged again with forgery. He allegedly cashed a forged \$500 check at the Manufacturers and Mechanics Bank. Supposedly, he gave the \$500 note he received to a woman who was arrested for attempting to exchange it at the Pennsylvania Bank. In December of the same year, he was arrested again for forgery. Two weeks later, police arrested an alleged accomplice, Asa R. Tomer, “on the charge of conspiring with James Morton, to defraud the Commercial bank of this city, by a forged check, offered at the counter of that Institution a few weeks since.” In late January 1846, a jury of Philadelphians convicted Morton of forgery and Tomer of conspiracy to defraud.<sup>18</sup>

The published record revealed why a jury convicted and judges sentenced Morton to the Eastern State Penitentiary: he was a notorious forger who, along with his accomplices, repeatedly passed forged checks and counterfeit notes at the banks and businesses of Philadelphia. Morton, however, penned a counter-narrative in his diary: he portrayed himself as a victim of the police and criminals he encountered while confined at Walnut Street or Sing Sing. He explained how he struggled against the intrigues, plots, and conspiracies his enemies hatched in hope of ensnaring him. Although he did not say how, he claimed that during the three years after his release from Sing Sing, he “lived in at least comfortable style if not elegance.” “This comfort,” he claimed, “created envy and malice among some of the police and other thieves—They demanded heavy tribute on penalty of the Solitary cells of the Penitentiary.”<sup>19</sup>

As Morton explained things, he could not reinvent himself without paying the bribes his extorters demanded. In time, he found it more difficult to satisfy his enemies’ demands. He stopped making payments. His extorters “growled and threatened.” They convinced “the banks” that “it would be to their advantage to put me out of the way.” Morton’s extorters used his reputation as a prolific forger and former felon against him. Despite serving sentences for his past crimes and living an honest life,

<sup>17</sup> *Pennsylvania Inquirer and National Gazette*, Sept. 9, 1843.

<sup>18</sup> *Philadelphia North American and Daily Advertiser*, Jan. 11, 1845. *Philadelphia North American*, Dec. 25, 1845, and Jan. 14, 1846.

<sup>19</sup> Morton, Writings.

Morton averred, he could not escape his past. His experience of imprisonment haunted his present and limited his future aspirations.<sup>20</sup>

Morton alleged that police officer William Buckley obtained "a secret promise of a reward of one thousand dollars for my conviction." Despite the price on his head, Morton declared, he "still supported the dignity and claimed the rights of an honest citizen"; he "depended on the laws of [his] country and took up [his] role of conduct accordingly." Morton recalled that during this trying time, his "friends [grew] cold" and enemies "[grew] fierce." He was arrested "several times" and "sent to jail." During the arrests, he complained, "several hundred dollars each time [was] extorted from me." When Morton could no longer pay, he maintained, his enemies went after his property. Buckley enlisted the aid of Joseph H. Johnson, whom Morton described as "a common well known thief and passer of spurious money," who "was at that time a fugitive from justice and wanted by the Sheriff of his own native county (Birwick)." Johnson, whom Morton referred to as "the tool," attempted to pass a forged check at the Commercial Bank of Philadelphia. When questioned about the check, Johnson claimed that he received it from Morton. Acting upon this information, the police arrested Morton, and, in his words, "the tragic farce commenced."<sup>21</sup>

Morton recalled his arrest with indignation, insisting that he had been caught in the web his extorters had spun. "Reader," he exclaimed, "this was done (not in Rome) but in Pennsylvania! Where was Torquemada?" At his preliminary hearing, Johnson was the prosecution's only witness. As he had done previously, Johnson stated that he had received the check "from the hand of Jim Morton." Under cross-examination by Morton's attorney, Johnson testified that he was an "honest man" who had never engaged in "criminal conduct" until he knowingly attempted to pass the forged check he claimed to have received from Morton. According to Morton, Johnson lied. Despite his attorney's efforts, Morton recollected that the judge "fully committed me, under five thousand dollars bail."<sup>22</sup>

Johnson's testimony led to a "bill of indictment" and Morton stood trial for forgery. Morton referred to his trial as "the first act of the second tragic farce in the play of Dirty Work." He considered the trial to be a mere formality and believed his fate to have been predetermined: "But mockery

<sup>20</sup> Ibid.

<sup>21</sup> Ibid. Morton perhaps was referring to the town of Berwick in Columbia County, PA.

<sup>22</sup> Ibid.

all! The die was cast, my doom was fix'd, My sentence past [*sic*]—Through base corruption—false report.” Morton claimed that Johnson continued to lie about the forged check during the trial. Morton’s memory of the trial and its outcome was seared into his mind. It was a significant turning point in his life. By the time he committed the experience to the pages of his diary, he had spent the last six years recalling it repeatedly.

The veracity of Morton’s claims does not matter. As literary critic Peter Brooks suggests, “we constitute ourselves as human subjects in part through our fictions.” What matters is that Morton claimed to believe he was innocent. In his diary, he saw and presented himself as a persecuted man, unjustly convicted, caught in a web of conspiracy spun by police and former criminal associates. He interpreted his confinement at the Eastern State Penitentiary through this conspiratorial prism.<sup>23</sup>

When Morton arrived at the Eastern State Penitentiary in January 1846, the institution was seventeen years old. It was an architectural marvel and one of the largest public works projects in the antebellum United States. It took six years and approximately \$432,000 to build. “The design and execution” of the enormous granite, gothic-style penitentiary, wrote prison reformer George Washington Smith, “impart a grave, severe, and awful character to the external aspect of this building. The effect on the imagination of every passing spectator, is peculiarly impressive, solemn, and instructive.” While the penitentiary’s exterior evidently impressed Smith, it enraged Morton. He denounced it “as the highest wall on the Continent, upon whose four towers, are the mighty monuments of power, feudal towers, frowning down upon the sons of freedom as they pass.” While Smith saw the penitentiary as a republican institution that protected citizens’ liberty, Morton viewed it as part of an aristocratic conspiracy that threatened citizens’ liberty.<sup>24</sup>

Morton would have found the penitentiary’s intake ceremony familiar. Guards interviewed him and a clerk recorded his history and a description of his body into the inmate register. According to the register, Morton was born approximately forty-nine years earlier in South Carolina. Although he claimed to have once worked as a locksmith, his tattoos—an anchor on his right arm and a crucifix on his left—suggested that he once worked as

<sup>23</sup> Ibid; Peter Brooks, “The Idea of a Psychoanalytic Literary Criticism,” *Critical Inquiry* 13 (1987): 341.

<sup>24</sup> George W. Smith, *A View and Description of the Eastern Penitentiary of Pennsylvania* (Philadelphia, 1830), 1; Morton, Writings.

a sailor. The crucifix may have served as a testament to his own sense of persecution and unjust suffering. The tattoos were visible reminders of his stormy life, past and present. A local newspaper claimed that this was his fourth incarceration, but Morton stated in his diary that this was his third time in prison, although his first time at Eastern State. The clerk recorded that Morton was literate, a "Moderate Drinker," and married. The clerk assigned Morton a new identity for the next seven years: prisoner 2073.<sup>25</sup>

The penitentiary's 1846 intake statistics put Morton into context. The institution had confined 2,176 men and women since it opened in 1829. Unlike Morton, most prisoners were single men in their twenties. More than half of the men and women sentenced to the penitentiary were under the age of thirty. Nearly 60 percent of male inmates were unmarried at the time of their convictions. Almost 48 percent of inmates were born in Pennsylvania. Only eight prisoners, including Morton, were born in South Carolina. Many prisoners were incarcerated for property crimes. Forgery, however, accounted for only 4 percent of total convictions. Larceny was the most common crime, responsible for 51 percent of all sentences. Judges sentenced black men to the penitentiary at a higher rate relative to their population in the state than white men; but white men comprised nearly 65 percent of all felons sentenced to the penitentiary. Approximately 62 percent of convicts allegedly "Drank to Intoxication." Officials classified 22 percent of prisoners, including Morton, as "Moderate Drinkers." As far as officials could tell, based upon the testimony of prisoners alone, nearly 72 percent of inmates were serving their first sentence at the Eastern State Penitentiary, or at any penitentiary for that matter. Men such as Morton, who claimed to have been imprisoned twice previously but at Eastern State for the first time, comprised less than 1 percent of the total prisoners sentenced. About half of all prisoners could read and write, but significantly, 23 percent could read only and 26 percent could neither read nor write. Although these statistics indicate Morton's uniqueness, they also suggest that Eastern State's convicts resembled the convicts he encountered while confined previously at Walnut Street and Sing Sing.<sup>26</sup>

<sup>25</sup> Descriptive Registers, 1829–1903, ser. 15.57, microfilm roll 400, Records of the Department of Justice, RG-15, Pennsylvania State Archives, Harrisburg, PA; Simon P. Newman, *Embodied History: The Lives of the Poor in Early Philadelphia* (Philadelphia, 2003), 119; *Pennsylvania Inquirer and National Gazette*, Feb. 2, 1846; Janofsky, "There is no hope for the likes of me," 244.

<sup>26</sup> *Eighteenth Annual Report of the Inspectors of the Eastern State Penitentiary of Pennsylvania* (Philadelphia, 1847), 41–45.

If Morton's experience was typical, after guards interviewed him, the clerk recorded his information into the inmate register, and the penitentiary physician evaluated his physical and mental health, Morton changed into the winter convict uniform of a "coarse woollen" shirt and trousers. In the summer, he would receive a "coarse linen" outfit. Guards then blindfolded him by placing a hood over his head. The penitentiary's first warden, Samuel R. Wood, believed that the hood had a "subduing effect" on prisoners. Although officials described the hood as a security measure, Morton probably found it terrifying. It prevented him from seeing other convicts, guards, the interior of the penitentiary, and from knowing exactly where his cell was located. It taught him, as guards guided him to his cell, that he was dependent entirely upon penitentiary officials and, in British novelist Charles Dickens's words, was fundamentally "alone in the world" for the next seven years. Dickens, who visited the Eastern State Penitentiary in 1842, described solitary confinement as being "buried alive; to be dug out in the slow round of years; and in the mean time dead to everything but torturing anxieties and horrible despair." Morton concurred; "there is a Sting in grave-like Solitary confinement which pierces with the most venomous thrust," he wrote.<sup>27</sup>

Once alone in his cell, Morton surely began to explore his surroundings. He would first notice the size of his twelve-by-eighteen-foot cell with walls eighteen inches thick. It was much larger than the cell he inhabited at Sing Sing. Eastern State's cells were larger than the ones at antebellum New York's penitentiaries because inmates labored inside them instead of inside workshops. From one of the cell walls hung a "simple bed" that Morton could stow during the day to provide more space to work at his assigned task. At a time when few American buildings had indoor plumbing, Morton's cell contained a sink and toilet. At the center of the cell's ten-foot barreled ceiling was an eight-inch convex window called a "dead eye." Penitentiary architect John Haviland claimed that the dead eye "would be found to give ample light to the cells." Morton complained that it allowed only a few rays of sunlight to penetrate his "damp and cheerless" cell. Attached to the rear of the cell, Morton had his own exercise yard enclosed by a wall ten feet high. The cell had double doors, the outer of

<sup>27</sup> Warden's Daily Journals, 1829–1961, Oct. 5, 1835, ser. 15.50, microfilm roll 7016, Records of the Department of Justice; Smith, *View and Description of the Eastern Penitentiary*, 7; Dumm, *Democracy and Punishment*, 111; Charles Dickens, *American Notes for General Circulation* (1842; New York, 1985), 148; Morton, Writings.

oak and the inner of grated steel, which connected it to the block's hallway. Along the wall that adjoined the hallway, Morton would receive his meals through a six-by-sixteen-inch slot. When opened by a guard, Haviland explained, the slot "closes the aperture behind, and consequently prevents the prisoner seeing the superintendent, or receiving anything but what is intended for him." Although Morton could not see penitentiary officials without their permission, they could peep into his cell through "a hollow cone of cast iron" whenever they wished to "command a view of the cell unobserved by the prisoner."<sup>28</sup>

Morton may not have seen another inmate while incarcerated at Eastern State. Isolation formed the foundation of the penitentiary's regimen, which contemporaries called the Pennsylvania, or Separate, System. Instead of asking guards to enforce isolation through the crack of the whip as at Sing Sing, Eastern State's officials hoped that the penitentiary's architecture would do the trick. Officials believed that solitary confinement would "break down" a prisoner's "obdurate spirit," allowing "the principles of this Institution" to "operate" on his "broken spirit and contrite heart." Officials asserted that the penitentiary's principles were ultimately benevolent and instructive. They taught a convict to acknowledge past errors and atone for them while making him susceptible to "religious reflection" and "industrious occupation" that not only "comfort and support his mental powers," but also prepared him for a law-abiding life after prison. The alchemy of religion and labor would "divest his solitary cell of all its horrors and his punishment of much of its severity." Officials argued that the experience of solitary confinement would allow an inmate to "acquire a new character" and metamorphose into a man who "may earn his livelihood by honest industry."<sup>29</sup>

Morton's perspective on solitary confinement differed from prison officials. He agreed that solitary confinement had transformative effects. He interpreted this transformation negatively. "In the gloomy Solitude, of a sullen Cell," he maintained, "there is not one . . . redeeming principle—The mind labors under despondency, and the imagination being left entirely to its own workings increases the horrors, which thoughts under

<sup>28</sup> John Haviland, *A Description of Haviland's Design for the New Penitentiary, Now Erecting Near Philadelphia: Accompanied with a Bird's-Eye View* (Philadelphia, 1824), 4–6; Morton, Writings; Dickens, *American Notes*, 148.

<sup>29</sup> *First and Second Annual Reports of the Inspectors of the Eastern State Penitentiary of Pennsylvania* (Philadelphia, 1831), 10.



such circumstances must unavoidably inspire.” He claimed that officials misinterpreted the negative psychological effects of solitary confinement as the “compunctious visitings of a guilty mind.” From Morton’s perspective, the principles of solitary confinement did not lead toward reformation. Solitary confinement debilitated him by pushing him to the brink of “insanity.”<sup>30</sup>

To relieve the pain of isolation, Morton may have spent considerable time reading inside his cell. The contents of his diary suggest that he read a wide range of books. In addition to his own plight, Morton chronicled the history of the Christian church from Adam and Eve in the Garden of Eden to Martin Luther in the age of the Protestant Reformation. Although it is not possible to determine his reading habits with precision, he would have had a significant number of texts at his disposal. In 1855, two years after his release, officials boasted that the penitentiary’s library contained “about 2000 volumes of English and German books,” primarily religious, historical, biographical, educational, and moral texts. Some convicts used these books for more than reading; they wrote notes to one another in the pages of the texts that they acquired. Penitentiary moral instructor Thomas Larcombe and teacher George Veff reported that “many of the books have been so much defaced, that they have been compelled to go over each book, and examine every page, carefully so as to detect any injury done to them in the future.”<sup>31</sup>

It is possible that Morton wrote notes to other inmates in the pages of the books that he acquired from the penitentiary’s library. He may have also communicated with prisoners in neighboring cells. Prisoners talked through water and sewer pipes by tapping codes. They attempted to chisel through cell walls in hope of seeing and communicating with neighboring inmates. Some prisoners climbed the walls of their exercise yards to speak with other convicts. Although it is not possible to determine if Morton engaged in these activities, he claimed to have had some knowledge of other prisoners’ activities. In a section of his diary addressed to penitentiary physician David W. Lassiter, Morton asserted, “In a solitary cell, some chew tobacco—some smoke—some eat opium—all of which either stimulates or stupefies! And perhaps both!” Other inmates “sing—some whistle,

<sup>30</sup> Morton, Writings.

<sup>31</sup> “Report, Moral Instructor & Teacher,” Jan. 31, 1855, box 2, folder 1, ser. 15.50, Records of the Department of Justice.

some dance, all of which do but derange more or less the health and vigour of the mind because they are performed and not produced by natural inclination." Still other convicts "sink under grief, and sit sullen, mute, and dumb. All of these I deprecate." After stating the actual or imagined actions of other prisoners, Morton shared his survival strategy: "I do as all others, who do the best they can—Noe more than this, Angels can."<sup>32</sup>

Reading and writing seemed to have been major components of Morton's survival strategy. His writing on the history of Christianity and its decay at the hands of popery helped him to contextualize and interpret his suffering. Morton alleged that Catholicism was "the greatest scourge to the human family, that ever disgraced the world." In his mind, the Roman Catholic Church, with the creation of the papacy, had strayed from "the true Roman Church." He identified with religious reformers who faced persecution for challenging the church and its teachings. He praised Peter Waldo, whom he called "Peter Waldus," for being "the most zealous successful reformer of the age." The medieval church persecuted Waldo and his followers, the Waldensians, as heretics. Morton admired the Waldensians' courage in the pursuit of religious truth and freedom of thought despite "the most furious persecutions, or the murders committed on them." Although persecuted in their own age, many of the Waldensians' "doctrines," he wrote, were later "adopted" by Protestants. He praised the Waldensians specifically because "they rejected all the Penitentiaries, and their absurd prescriptions."<sup>33</sup>

Morton even connected the creation of solitary confinement with the Inquisition. "Papal despotic power," he argued, had created the "Solitary System." The Inquisition was "the mother Institution of the Solitary Prison and from which that of Pennsylvania is a verbatim copy." He thought it "strange" that Pennsylvanians, and more particularly Quakers, had "follow[ed] the dictates of the agents of popery, and [lent] themselves to the wiles of Jesuitry in thus building prisons and establishing other Pontifical Institutions." He portrayed the penitentiary's supporters as deluded dupes

<sup>32</sup>There are numerous examples of prisoners attempting to communicate with one another. See, for example, Warden's Daily Journal, Feb. 2, 1834, Aug. 6, 1834, Jan. 27, 1835, May 14, 1837, Jan. 5, 1840, Apr. 12, 1841, Oct. 9, 1852, microfilm roll 1, ser. 15.50, Records of the Department of Justice. See also Reports, Overseers, 1829–1853, Apr. 7, 1838, box 1, and Reports, Board of Inspectors, 1843–1848, box 2, ser. 15.50, Records of the Department of Justice; and William Parker Foulke Papers, ca. 1840–1865, Jan. 18, 1846, box 7, folder titled "notebooks concerning prisons & prisoners," American Philosophical Society, Philadelphia, PA; Morton, Writings.

<sup>33</sup>Morton, Writings.

who were ignorant of the history of solitary confinement, its connection with the Inquisition, and the myriad evils it produced. "Is it not time for the Quakers to open their eyes?" Speaking on behalf of the penitentiary that confined him, he wrote sarcastically, "I am at best the Ghost of the Inquisition—the Bastille of France—and the Austrian dungeons combined—lit up—Newfangled and dubbed Penitentiary." In a section of the diary addressed to penitentiary moral instructor Thomas Larcombe, Morton wrote simply, "the cornerstone of this Prison was laid by the Pope of Rome, in proxy, and its religious instruction has been subservient to the designs of his papal holiness."<sup>34</sup>

Although Morton's depiction of the Eastern State Penitentiary as the product of a Jesuitical conspiracy or a pontifical plot was unique, he was not the only Philadelphian who expressed anti-Catholic sentiments at the time. With increasing numbers of Catholic immigrants arriving in the antebellum United States, it did not take long for allegations of transatlantic Catholic conspiracies to circulate. In the 1830s, three of the most popular books published in the United States were nativist, anti-Catholic texts: Lyman Beecher's *A Plea for the West* (1835), Samuel F. B. Morse's *Foreign Conspiracy against the Liberties of the United States* (1835), and Maria Monk's *Awful Disclosures* (1836). In May and July 1844, nativist, anti-Catholic violence ripped through Philadelphia's Kensington and Southwark districts, which Morton mentioned in passing, comparing it with the 1820 uprising at the Walnut Street Prison. In the summer of 1849, nativist and Irish fire companies battled one another in Moyamensing. In 1854, the year after Morton's release, nativist candidate Robert T. Conrad defeated Richard Vaux to become the mayor of Philadelphia. Vaux was a prominent lawyer, freemason, and politician who served on the Eastern State Penitentiary's Board of Inspectors.<sup>35</sup>

Just as Morton saw the destruction of the Walnut Street Prison, his conviction, and the construction of the Eastern State Penitentiary as products of conspiracies, he believed that a conspiracy threatened the United States. The conspiracy contained "four pillars" of "aristocracy": the Bank of the United States, public and Sunday schools, the abolition of slavery, and solitary confinement. As numerous historians have noted, conspiracy

<sup>34</sup> Morton, Writings.

<sup>35</sup> Richard Hofstadter, "The Paranoid Style in American Politics," *Harper's Magazine*, Nov. 1964, 80–81; Ignatiev, *How the Irish Became White*, 150–56; Tyler Anbinder, *Nativism and Slavery: The Northern Know Nothings and the Politics of the 1850s* (New York, 1992), 52–55.

theories circulated widely throughout the Anglo-American Atlantic world during the eighteenth and nineteenth centuries. Conspiratorial analysis helped some Americans to comprehend abstract social, cultural, economic, and political forces that reshaped and transformed the antebellum United States. Instead of thinking of conspiracy theories as "ideology" or denigrating them as a "paranoid style" of mind, literary historian Ed White suggests that they provide "a model of structural analysis from within that assesses and creatively directs innovations within ensembles, always attuned to the ways in which developing early citizens and noncitizens sensed the shakiness or restrictiveness, or potentialities of emergent social structures." In other words, "the conspiratorial project maps structures in order to determine the flow and texture of culture." In the case of Morton, a convicted and incarcerated felon who surely hatched his own conspiratorial plots when attempting forgeries, conspiracy theories illuminated his interpretation of his confinement and his explanations of social, cultural, economic, and political changes that occurred in the antebellum United States.<sup>36</sup>

Morton claimed that agents of aristocracy established both the first and second United States banks. He repeated the familiar arguments of opponents of the First Bank of the United States: that it "was designed, to sap the foundations of all other Banks, and bring all money'd Institutions within the grasp of Aristocracy!" As historian Gordon S. Wood notes, Pennsylvania "Senator William Maclay regarded the Bank as 'an Aristocratic engine' that could easily become 'a Machine for the Mischievous purposes of bad Ministers.'" At the time of the bank's charter, many Americans were "anxious about the dangers of monarchy and the kind of aristocratic society that accompanied it." Morton articulated similar concerns about the establishment of the Second Bank of the United States. He asserted that the Second Bank and its investors worked "to entangle us with, Pope, and Crowned heads, by the influence of Foreign Capitalists, as to give them a strong hold upon our Institutions. Religious—Moral, and Political, and eventually to sap the foundation of our constitution and overturn our Government." Morton's tirade echoed Andrew Jackson's arguments in his veto of the renewal of the bank's char-

<sup>36</sup> Morton, Writings; Ed White, "The Value of Conspiracy Theory," *American Literary History* 14 (2002): 26, 22. For an overview of historians' engagement with conspiracy theories, see White, "Value of Conspiracy Theory," 2–7.

ter in 1832. “Thanks to the Second greatest man that ever lived in our country (Andrew Jackson), it fell,” wrote Morton, “and none too soon.”<sup>37</sup>

Morton identified public and Sunday schools as the second pillar of the aristocratic conspiracy. Although he claimed that “Public Schools” were once “excellent Institution[s],” they had “been made subservient to the designs of the enemies of freedom.” He offered little evidence to substantiate his allegation. Promoted by voluntary associations and Whig educational reformers such as Horace Mann, common schools flourished throughout the antebellum North. According to historian Daniel Walker Howe, “the ideology of the American common schools included patriotic virtue, responsible character, and democratic participation, all to be developed through intellectual discipline and the nurture of the moral qualities.” The curriculum of most common schools also included “common religious instruction” rooted in Protestant beliefs. Many members of the Catholic minority in cities such as New York and Philadelphia objected to Bible reading and religious instruction in public common schools, leading them to create their own schools. Perhaps it was to these new schools or proposed changes in curriculum that Morton referred implicitly when he feared that education might soon transform liberty in the eyes of American pupils: “put a crown upon her head. A Truncheon in her hand—A Tiara on her Clergy—and chains upon her people.”<sup>38</sup>

According to Morton, another pillar of the aristocratic conspiracy was “the (humbug) Abolition of Slavery.” Despite admitting that the “Abolition of Slavery is indeed a humane and laudable Institution,” he argued that it had been “perverted, and brought into play against the common interest—peace and dignity of our country.” Therefore, “it deserves the contempt of each and every friend, of our country and should be spurned, as a monster who would give freedom to the negroes, in order to enslave the whites! And in the end, again enslave both.” Morton’s fears of conspiracy surrounding slavery were not exceptional. Abolitionists warned of a southern conspiracy to extend slavery to the West. Slaveholders feared an abolitionist conspiracy to destroy slavery and incite slave rebellions. It is probably fair to argue that abolitionists, enslaved people, and slaveholders engaged in conspiratorial actions to promote their own interests.<sup>39</sup>

<sup>37</sup> Morton, Writings; Gordon S. Wood, *Empire of Liberty: A History of the Early Republic, 1789–1815* (New York, 2009), 144, 146; Daniel Walker Howe, *What Hath God Wrought: The Transformation of America, 1815–1848* (New York, 2007), 379–82.

<sup>38</sup> Morton, Writings; Howe, *What Hath God Wrought*, 453–55.

<sup>39</sup> Morton, Writings; White, “Value of Conspiracy Theory,” 8–9.

There are a few explanations for Morton's thoughts on abolition. Morton's identity as a white man from South Carolina might suggest why he believed that abolition threatened the liberty of white men. Likewise, his denigrating description of Harry Powell suggested his anger when a black man stepped out of his perceived social place. While imprisoned at Walnut Street and Sing Sing, Morton encountered many men from the working class. These men may have shared their concerns of being reduced to "wage slavery" or "white slavery." Working-class men often articulated a "desire *not* to be considered anything like an African-American." As historian David R. Roediger observes, "the very structure of the argument against white slavery typically carried proslavery implications." Like many southerners, Morton believed that abolitionist "fire brands" aimed to foment "unlawful" slave rebellions. Morton's fears of transatlantic conspiracies may have led him to agree with the arguments of men such as James Kirke Paulding, who suggested that abolitionists were "not only stimulated by foreign influence, but by foreign money." Morton believed, again like many southern slaveholders, that abolitionism threatened the "rights—property and life of honest respectable Citizens of the South." In Morton's view, then, abolition was "not only treason against the Constitution—and Robbery according to the laws of the United States, but it is also Murder."<sup>40</sup>

Morton believed that individual slaveholders should decide whether to emancipate their human property. He argued that if abolitionists had not been so bold and forthcoming in their challenges to enslavement, "the melioration of the Slave's condition would follow, through the kindly feeling of the master, and in proportion as the Spirit of Philanthropy increased, so would the emancipation of Slaves." Morton favored states' rights; "Give to Southern States their rights—their whole rights—and no more than their rights," he wrote. He suggested admitting all future states into the nation as slave states and endorsed popular sovereignty. "Leave the question entirely to the Legislature of such state to admit or prohibit Slavery within its bounds," he argued, "as other States have done, this is no more than fair, however much slavery is to be abhorred, and deprecated." He thought that his plan would stop the "bickering contention" and conflict over slavery's expansion and future, which he claimed was ultimately the result of

<sup>40</sup> Morton, Writings; Roediger, *Wages of Whiteness*, 68, 76; James Kirke Paulding, *Slavery in the United States* (New York, 1836), 135.

a Jesuitical conspiracy that aimed “to split the union—beat out the Stars, and die the Stripes in blood.”<sup>41</sup>

Lastly, Morton identified “Solitary Prisons, and their appendages,” such as jails and houses of refuge, as another pillar of aristocracy. He claimed that penitentiaries were “designed to perform the same part, in the school of tyranny and subjection of liberty; that the Inquisition, and Bastille and Austrian dungeons did in their respective spheres of operation.” Unlike schools and abolition, “this pillar has not one redeeming trait, it is intrinsically bad.” Morton asserted that “Solitary Prisons” inflicted “ruinous effects upon the body—mind, and Soul of [their] victims.”<sup>42</sup>

Who better to know the despotic tendencies of antebellum penitentiaries than a prisoner? Incarceration regimens isolated the many—inmates—to allow the few—guards—to rule tyrannically. Penitentiary regimens stripped inmates of their individuality by dressing them all in the same uniform, by serving them all the same food, and by assigning them numbers for names. According to Alexis de Tocqueville and Gustave de Beaumont, who toured US prisons during the early 1830s, “all the convicts of a prison are treated in the same way. There is even more equality in the prison than in society.” Morton would have agreed with Tocqueville and Beaumont’s assessment that the “penitentiary system in America is severe” and “offer[s] the spectacle of the most complete despotism.” He had experienced multiple versions of the penitentiary authoritarianism that the Frenchmen observed. No wonder he feared that if the agents of aristocracy prevailed, the same regimens that he endured inside antebellum penitentiaries would spread beyond their walls to “sap the foundation and overturn the Government of the United States, and bury beneath its ruins Liberty from the face of the Earth.”<sup>43</sup>

Morton’s experiences at Eastern State Penitentiary led him to reflect, but not to repent. His reflections helped him to identify nefarious conspiracies: the destruction of Walnut Street Prison, his own conviction, the creation of Eastern State Penitentiary, and aristocracy’s threat to Americans’

<sup>41</sup> Morton, Writings.

<sup>42</sup> Morton, Writings.

<sup>43</sup> Beaumont and Tocqueville, *On the Penitentiary System*, 66, 79. For analyses of the links that Tocqueville made between the antebellum penitentiary and despotism, see Roger Boesche, “The Prison: Tocqueville’s Model for Despotism,” *Western Political Quarterly* 33 (1980): 550–63; and Richard Avramenko and Robert Gingerich, “Democratic Dystopia: Tocqueville and the American Penitentiary System,” *Polity* 46 (2014): 56–80.



liberties. Explaining and analyzing conspiracies allowed Morton to think that he could control events beyond his control. After all, during his seven years of solitary confinement, he controlled practically nothing about his existence, except the thoughts that he preserved in the pages of his diary.

His reliance on conspiracy theories to interpret his experiences could have been a consequence of long-term solitary confinement at Eastern State Penitentiary. Psychologists have documented numerous negative psychological consequences of solitary confinement. Individuals held in long-term isolation suffer from loss of appetite, sleep disturbances, anxiety, panic, rage, paranoia, hallucinations, and self-mutilation. They experience aggression, hopelessness, loss of control, and suicidal behavior. Psychologist Craig Haney asserts that "many of the negative effects of solitary confinement are analogous to the acute reflections suffered by torture and trauma victims, including post-traumatic stress disorder or PTSD and the kind of psychiatric sequelae that plague victims of what are called 'deprivation and constraint' torture techniques." A cursory glance at the warden's daily journals and penitentiary physicians' notebooks indicate that Eastern State's inmates exhibited the symptoms that Haney describes.<sup>44</sup>

Morton struggled just as the prisoners Haney analyzes did. He described experiencing "the Spell of sullen Solitude, whose grave-like gloom throws over the senses, a Sable pall, and conjures up to the imagination, sights, and sound whose monotonous chain requires no common share of fortitude and strength of mind to break." He observed "that the Sullen chain of monotony can be broken only at intervals, which when compared with that monotony, are but as flashes of light, amidst perpetual dreary darkness. I think! and think! and think again—But thought, and thought, and thoughts are vain! If there be a Spot on the face of the Earth where thinking is greater waste of thought, than in this prison, then I confess, that spot is unknown to me." Struggling against the psychological effects of solitary confinement and nursing feelings of hopelessness had "shattered" his "nervous system" and created a "nerveless state of mind." This was, he believed, the penitentiary's and its officials' aim. Morton thought that the penitentiary aimed to annihilate, not to reform, inmates.

<sup>44</sup> Craig Haney, "Mental Health Issues in Long-Term Solitary and 'Supermax' Confinement," *Crime & Delinquency* 49 (2003): 130–32. See also Stuart Grassian, "Psychiatric Effects of Solitary Confinement," *Washington University Journal of Law and Policy* 22 (2006): 325–83; and Grassian, "Neuropsychiatric Effects of Solitary Confinement," in *The Trauma of Psychological Torture*, ed. Almerindo E. Ojeda (Westport, CT, 2008), 113–26.

Its officials, he argued, desired to brainwash its prisoners, to instill in them: "It is our wish—our aim, and end, that you think only as we think."<sup>45</sup>

Morton became angrier as his release date inched closer. He mocked members of the Philadelphia Society for Alleviating the Miseries of Public Prisons as hypocrites. "There is much said about Philanthropy—about Religion—about Morality—about kindness—Sympathy—humanity toward dumb brutes—and Prisoners," he wrote, "but talk is one thing and practice quite another." He castigated the Eastern State Penitentiary: "Your base is untenable!—Your whole is incompatible.—Your operation in the retrograde—Your production is more evil than good." "Where," he wondered, "could the Shafts of vengeance be thrust into the heart—and Soul of man, with greater venom than here?"<sup>46</sup>

Morton's increasing anger and frustration may have been signs of what Haney calls "prisonization." Haney defines prisonization as "the shorthand expression of the negative psychological effects of imprisonment. . . . the process of prisonization involves the incorporation of the norms of prison life into one's habits of thinking, feeling, and acting."<sup>47</sup> After seven years of isolation, Morton depended upon the institutional structure and its officials for making his choices, supplying his food, and organizing his daily routine. Seven years of solitary confinement increased Morton's suspicion and distrust of others. To survive, Morton had to curtail and control his emotions. These experiences decreased Morton's sense of self-worth and self-esteem. He likely departed Eastern State Penitentiary with psychological problems such as PTSD that made the transition from incarceration to freedom challenging.

No wonder Morton viewed his pending release with apprehension. He feared that he would be "turned out far behind the age, a mark of the wicked rabble and scoffers of the world to gaze on." He worried that his poor health and "feeble condition render[ed him] unfit for the necessary qualification of shifting for [him]self." He feared that liberty would be short lived for an ex-convict like him who would "be in some measure

<sup>45</sup> Morton, Writings. For an analysis of solitary confinement and behavior modification regimens in twentieth-century US penitentiaries, see Lisa Guenther, *Solitary Confinement: Social Death and Its Afterlives* (Minneapolis, MN, 2013), 65–99.

<sup>46</sup> Morton, Writings.

<sup>47</sup> Craig Haney, "The Psychological Impact of Incarceration: Implications for Post-Prison Adjustment" (paper presented at the From Prison to Home: The Effect of Incarceration on Children, Families, and Communities conference, organized by the US Department of Health and Human Services, Jan. 31, 2002), accessed July 7, 2014, <http://aspe.hhs.gov/hsp/prison2home02/haney.htm>.

forced into the commission of crime, and sometimes without crime when he is remanded to Prison, where he is pronounced incurrible by those who had riveted the fetters."<sup>48</sup>

Morton's post-incarceration vision came true. After departing the penitentiary on January 31, 1853, he remained in the Philadelphia area. Less than six months later he was charged along with a man named John Brown, who was "well known to the police," for attempting to pass two forged checks at the Burlington Bank in New Jersey, across the Delaware River and about twenty miles northeast of Philadelphia. In October of the same year, Morton, whom the *North American and United States Gazette* called "an old convict," was arrested for "obtaining goods under false pretenses." He apparently obtained fourteen cases of boots and shoes on credit. He allegedly pawned the footwear and attempted to perpetrate the same scheme upon another firm. After these incidents, he fled to the Vermont-Canadian borderlands, which were known as a counterfeiting hotspot, where under the alias of "M. Matthews," an identity he had used previously, he was charged, along with two accomplices, for attempting to pass a forged check at the Rutland Bank. Morton and one of his accomplices, John Gill, alias Samuel Bercroft, attempted to escape to Canada. Although the men crossed the border, they could not outrun the law. In February 1855, a jury again convicted Morton of forgery and a judge again sentenced him to seven years confinement, this time at Vermont's Windsor State Prison, where he died two years later on September 9, 1857.<sup>49</sup>

Morton's incarceration experiences did not push him to repent or reform. Despite his stint at Philadelphia's Walnut Street Prison, he found himself imprisoned at New York's Sing Sing Prison, Pennsylvania's Eastern State Penitentiary, and later Vermont's Windsor State Prison. Even after seven years of solitary confinement at Eastern State, he maintained his innocence. Solitary confinement embittered Morton. He denounced his enemies, the perpetrators of an aristocratic conspiracy, and the penitentiary during his final year of incarceration. He wrote to maintain his identity, understand his predicament, and preserve his sanity. His writings allow historians to see the consequences of incarceration from the perspective of

<sup>48</sup>Morton, Writings.

<sup>49</sup>*Philadelphia North American and United States Gazette*, July 15 and Oct. 24, 1853; Mihm, *Nation of Counterfeiters*, 45–48. Entry for James Morton in Description Book One of Windsor State Prison, Vermont State Archives and Records Administration, Montpelier, VT. Thanks to Archivist Mariessa Dobrick for providing scanned pages from the prison's register.

a man who knew them best: a prisoner. From Morton's perspective, and surely from the perspectives of other prisoners, the celebrated penitentiaries of the antebellum United States appeared as despotic institutions. They rarely fulfilled their founders' promises of "reforming" convicted criminals or deterring crime. Indeed, according to Morton, that was not the goal. Penitentiaries were part of a nefarious, aristocratic conspiracy that aimed to destroy the United States. Penitentiaries were signs of a creeping despotism that threatened to extinguish the cherished liberty of all citizens.

The history of Morton, and by extension the histories of prisoners in the antebellum United States, highlight how prisoners shaped life inside penitentiaries, interpreted their confinement, and were affected by incarceration. Although Morton thought about sharing his vision of "an entire new System for reforming not only the Criminal, but the Morals of Society throughout," he did not. He knew that despite the penitentiary's failures, it "had always been offered as its own remedy." He also knew that Americans were reluctant to listen to actual prisoners, particularly those who warned of an aristocratic conspiracy. They preferred the abstract prisoners of their imaginations: silent, obedient, invisible. Consequently, antebellum Americans remained incarcerated by their penitentiaries that "tickle and gratify the few, and cause them to feel a power that they do not really possess."<sup>50</sup>

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<sup>50</sup> Foucault, *Discipline and Punish*, 268; Morton, Writings.