

Long Delayed Report On Prison Conditions Released by Pierce

(Continued from Page One)

the escape of four dangerous convicts on August 12, 1925, have this date completed such inquiry. We herewith respectfully render our report thereon, the report being divided into five parts as follows:

- (a) Circumstances of escape of the prisoners;
- (b) Physical aspect of prison in its relation to the secure confinement of all prisoners;
- (c) Prison personnel, methods and regulations;
- (d) Discipline, regulation and care of prisoners;
- (e) Conclusions.

Circumstances of Escape
Under sub paragraph (a) above we find that four prisoners—Murray, Jones, Kelley and Wilcox—all of them regarded as dangerous convicts but not identified or especially guarded as such at the prison, cut their way through the roof of the prison and gained the west prison yard in front of the warden's office. Two of them made their way to the point to the turnkey's office—Murray and shortly afterward Jones at which place there were three guards—Davidson, White and Nesmith. After a brief struggle, in which two of the guards apparently offered to take no part, the keys to the arsenal were taken from Turnkey Nesmith, the two convicts armed themselves with loaded state weapons and literally shot their way out of the prison, killing two guards, wounding a third and losing one of their own members—Jones, who was shot and killed as he left the prison grounds.

Of the three guards in the turnkey's office, Davidson alone showed resistance. Guard White left the room immediately upon the entrance of Murray, and Nesmith made no show of resistance. For a brief time—at least one minute—the three officers were in the room with one convict—Murray—who was armed with a small paring knife only.

Warden Dalrymple flees
It appears that when the convicts entered the main entrance leading to the turnkey's office, Warden Dalrymple who had seen Murray as he dropped down from the roof, emerged from his private office to the hallway and saw them about to enter the turnkey's office at which time they also discovered him. The warden promptly retreated from the building through the north door and ran from the prison grounds calling upon the guard in guard tower No. 1, who controls the gate, to open the gate. When the gate was opened the warden proceeded to his residence across the street immediately west of the penitentiary, and secured a shotgun and later made his way to the rear of the prison garage outside of the grounds and north of his residence where he took up a position behind an all barrel apparently with the idea of preventing escaping convicts from taking a prison automobile.

Upon equipping themselves with shot rifles, Jones and Murray opened fire through a north window of the turnkey's office upon guard tower No. 1, overlooking the main entrance and in which guard tower during this and subsequent exchanges of shot, two guards were hit. Guard Gardner entered guard tower No. 1 from the outside of the penitentiary by means of an interior protected entrance during the firing and secured a rifle. Guard Davidson appears to have been in the arm, out of the tower. We find that this guard, however, did not arm himself in the tower, although a weapon was available there and that he left the wounded guard—Holman, at the base of the wall outside and ran north toward the Oregon State Hospital. It appears that the wounded guard—Holman—was murdered by the convicts a few minutes later as they passed by this spot where he had been left reeling against the wall.

Reverting to the struggle in the turnkey's office, we find that Guard Davidson either fell or was knocked down by one of the convicts in that office and thereupon escaped from the building and ran to tower No. 1 where he secured a rifle. Guard Davidson appears to have left the tower after two other guards had been killed and made his way outside the grounds where he took up a position at a vantage and fired upon the convicts as they mounted the steps of guard tower No. 1 in leaving the prison yard. He apparently wounded convict Jones at this time and from a point of vantage emptied his rifle at them as they fled northward outside of the prison walls. Convict Jones was found dead following this exchange of shots.

It appears that at the time of the firing there were some eight or more guards at the guards' quarters outside and across the street to the west of the grounds or in the immediate vicinity thereof; that these guards were unarmed and apparently had no weapons at the guards' quarters, it being required that they keep arms at that place where a number of trusted convicts are employed.

Testimony Vague
Testimony is vague as to what happened among these guards as well as other details, but it is apparent that a condition of panic existed at the time. In fact, due to general confusion and excitement, minor discrepancies are to be found in all versions of the affair.

Guard Sandifer apparently entered tower No. 1 and then left, running north to the Oregon State Hospital, approximately one-third of a mile distant, where he arrived in a state of collapse, requiring medical attention. He says he was after a doctor to attend Holman when he was wounded.

guards returned to the prison and later joined in the pursuit.

Your committee was unable to interview Guard Savage who was reported as severely wounded.

We ascertained that there were no guard reserves available for this emergency and that the guard manning tower No. 2, past which the convicts fled, was killed in tower No. 1, having left tower No. 2 to go to the assistance of the guard in tower No. 1 which was the point of greatest danger at the time.

There apparently was no guard at tower No. 3 at the northwest corner, so far as we could ascertain the only shots fired at the convicts as they fled after leaving the prison grounds were those fired by Guard Davidson and shots fired from a shotgun by Warden Dalrymple who, however, was not within the range of effective fire for such a weapon.

Pursuit Is Slow
The convicts left the prison at about 6 o'clock p. m. and ran north approximately one-third of a mile where they appear to have secured an auto vehicle and immediately appeared. There is no evidence of pursuit during the time that they were running and in sight. Details of all witnesses called as to the time pursued was taken up, testimony varying from 10 minutes, which was the estimate of Warden Dalrymple to one hour, which is the estimate of two or more guards. The majority of the witnesses interviewed by us estimated the time at 30 minutes.

We find that there was no prearranged plan of meeting this or any similar emergency. The guards say they received no instructions covering their conduct in an emergency which was destroyed or placed under strict regulation as it now appears to serve no decent purpose at the prison and is a festering place for illness and worse.

Physical Aspects
We find that the prison as a whole is adequate for the housing of convicts now confined therein and will take care of any ordinary increase. The walls are securely built and the guard posts are arranged so as to give a clear view of vantage points within the prison yard. The roof over the main cell building is flimsy and easily sawed through, but such egress admits of escape only into the interior prison grounds which are protected by walls. The prison is not of a modern type but is not sufficiently vulnerable as to render escape an easy matter.

While the flimsy roof over the main cell building was a contributing factor to the escape of the four prisoners, we believe that there are several points of weakness in the structure of the penitentiary which ought to be remedied at once and that pending the completion of a special vigil should be exercised.

Most important of these improvements, in our opinion, is the establishment of a guard tower over the main gate from tower No. 1 is now exercised over a distance of approximately 75 yards and this tower is not practicable in any way. A main entrance tower would have circumvented the possibility of an escape of the type under consideration herein. It would also per-

mit a close surveillance of persons entering and leaving the prison grounds and would afford effective protection against escape from the west side of the prison. Unarmed guards who are in the guards' quarters outside the grounds would be available for duty if there were a main tower at the entrance where weapons could be had in the event of a disturbance or a break within the grounds.

We believe that a steel covering over the flimsy portion of the roof should be added or else the space over the cells immediately under the roof should be shut off with heavy wire screening so as to deny prisoners access to the flimsy roof. Steel-lined half doors should be placed at the entrance and exit of all guard towers so as to render it unnecessary for guards to expose themselves needlessly in an emergency.

The guards who were shot in tower No. 1, in our opinion, did not break or reward protection as the convicts who were firing at them.

In this connection we believe that the three oak trees in the west prison yard and from behind one of which Murray found adequate protection in his attack on guard tower No. 1 should be immediately cut down.

The east wall, along that portion parallel to the concrete work building inside the east prison yards, should be equipped with barbed wire net rising to a height of five feet above the wall, particularly at the point where the creek enters under the wall. Guard tower No. 4 at the southeast corner might be equipped with a small machine gun to prevent the possibility of an organized break from the main prison yard on the east side where large numbers of prisoners assemble daily.

The abandoned guard tower at the southeast corner is believed to be a point of danger in that it is easy of access from the outside. It is our belief that the entire wall with all guard posts could be readily taken from this vantage point before resistance could be organized. This tower by all means should be made secure against entrance by unauthorized persons.

The wooden shack in the east yard, commonly known as the "dog pen," should be destroyed or placed under strict regulation as it now appears to serve no decent purpose at the prison and is a festering place for illness and worse.

Prison Personnel
We believe a system that provides proper physical standards is mandatory and such a system is not to be used as wall guards, in addition to a strict physical examination should be given a test in marksmanship. No man should be employed as a wall guard who is not of the ages of 25 and 50 and of vigorous physical makeup, good eyesight and an expert rifleman. Older men should not be used as wall guards or in the turnkey's office.

Attention is invited to the fact that the ages of the three guards who were in the turnkey's office when Murray first entered alone were aged 58, 65 and 45, respectively. It is essential that all prison personnel be given practical instruction in their duties and that meetings or conferences be held with a reasonable frequency for the purpose of considering the details of their duties, planning concerted action in event of possible emergency and formulating a clear conception of the part to be taken by each man.

While prison breaks will differ in details, the underlying principals of coping with them when they occur are the same. We find that no such action has been taken. These guards should have distinctive uniforms and be imbued with a high sense of their responsibilities and properly trained under a system which affords more hope for advancement and reward for those who show capacity and ability in the performance of their work. There is not now any such system or any provision for the care of families of guards who might be killed in the performance of duty, nor any system of pension, advance grant or reward of any character, all of which are deemed necessary to a proper morale in an institution of this character.

Pursuit Plans Recommended
Instructions should include methods of pursuit in event of a successful break, a knowledge of the terrain for the prison, installation of alarm bells would also be helpful, this to include a telephone compilation enabling designated employees to telephone an alarm in event of escape, to all residents within a given area. Such a system, or any system of pursuit, is not now in effect.

We believe that the turnkey's office should be rendered less vulnerable than at present and that an able-bodied man should be placed on duty in the turnkey's office in connection with this office be so adjusted by the building of a steel cage if necessary and that the turnkey be armed or protected by a guard. We believe that a guard reserve to consist of two or more guards following their relief from other duties should be established in the turnkey's office. This duty should be rotated among all guards on duty at the prison. We believe that it is desirable that a inspection of wall guards as to their condition and the condition of their arms be made a part of the prison routine, to occur upon the posting of each relief. No inspection system of this character is in effect. No additional personnel need be required for this purpose in our opinion.

Prison Discipline
It seems to us that certain essentials of prison discipline are not maintained. During our visits we noticed considerable bodies of prisoners apparently unassigned to tasks, some of them in mid-afternoon diverting themselves with card games and checkers in the so-called "dog pen." This "dog pen" seems out of place, being a board shack erected near the entrance of the prison yard, admittedly for the purpose of providing a shelter, meeting place or club for prisoners. Prisoners and guards admitted that gambling in the "dog pen" was a common practice. There were evidences of fraternizing between employees and prisoners. There were evidences of conspicuous idleness, profanity and some obviousness among prisoners. There was admittedly little or no differentiation by uniform distinction between men known as desperadoes and the better class of prisoners. Desperate men should be segregated, never assigned to duty offering opportunity for escape or the securing of material usable as weapons. The immature prisoners should be kept separately and kept out of contact with hardened criminal types.

It seems to us that no prisoner should be given the privilege of designation of "straw" until he has served minimum sentence. A trustyship and all other privileges should be earned by rigidly stipulated probation.

There appears to be too much vagary of guards to discuss other employees with prisoners. Conversation between guards and prisoners should be strictly confined to the business in hand.

There appeared to be a general and rather flagrant lack of respect of prisoners for guards. Prisoners addressed did not come to attentive attitudes, often remaining seated while employees stood. A definite stiffening in the attitude of prisoners for guards seems imperative.

Conclusions
It is our opinion that the escape of the four prisoners was preventable had proper precautions been taken to prevent it and had a higher state of discipline and organized vigilance existed at the state prison.

It is our opinion that the effectiveness of the force of prison guards is further reduced by lack of harmony and by friction among prison officials. We find that the warden employed or retained all such employees of his own volition. Warden Dalrymple testified that he had never at any time received a suggestion or recommendation from higher authority in the matter of employment or retention of prison personnel, or their assignment to duties.

It is our opinion that there was not a proper appreciation on the part of all guards of the full requirements of duty.

It is our conclusion that while the present prison is of a more or less obsolete type and is a model in few respects, at the same time its replacement by a new building does not impress us as being an urgent necessity at the present time and that it will serve for a number of years with the small additions and improvements previously referred to herein.

It is our opinion that Guards Holman and Sweeney died courageously in the performance of their duty and that it is an obligation of the state of Oregon to make proper provision for the care of their dependent families.

We recommend, finally, a detailed study of all aspects of the present state prison, and the requirements of proper management, with the end in view of providing profitable employment for all able-bodied prisoners, and other needed reforms looking to the best interests of prisoners who are not confirmed criminals or mentally defective, as well as the best interests of the state. Such detailed study should be made by a person or persons thoroughly familiar with the approved practices of criminology and modern prison management.

Respectfully submitted,
JEFFERSON MYERS,
GEORGE A. WHITE.

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