

47th SPECIAL SESSION II

MINUTES OF MEETING
OF
JOINT SENATE-HOUSE JUDICIARY
COMMITTEE

The second meeting of the Joint Senate-House Judiciary Committee was called to order at 2:00 p.m., June 22, 1982, in Room 108 of the State Capitol Building by Chairman Mike Anderson, with Kerry Keyser of the House, as co-chairman.

ROLL CALL: Roll Call indicated all members of the Senate Committee were present; one member of the House Committee was excused.

SENATE BILL No. 2: Sen. Paul Boylan, District 38, was present to explain and present his bill. He said his bill would take supervision of the prison warden out of the Department of Institutions and instead he would serve at the pleasure of the Governor, attached to the Department of Administration for purposes of administration only. He said a warden couldn't manage the prison well under the present system, and mentioned a host of inefficiencies that he said presently exist at the prison farm in particular, all of which he felt could be solved to make the farm more productive, and help it to show a profit, or at the very least, to help it to break even.

He said the proper management of the ranch would not only increase productivity of the ranch, but felt that the jobs would be good therapy for the prisoners, would help occupy their time, help alleviate some of boredom and could bring some enthusiasm to the operation. He said he felt, from his recent observation and visit to the prison grounds, that no one has complete control over the internal affairs of the prison. He referred also to a letter he had received from a former inmate which specified many inadequacies, particularly at the prison farm, see Exh. A. Sen. Boylan said he felt the farm could stand considerable updating and improvement. He concluded his remarks by introducing Lee Heiman of the Legislative Council who had drawn up the bill and he said he would be present to answer any questions in its regard. Mr. Heiman said the first two sections of the bill were new; the remainder contained amendments but consisted of the present statutes dealing with the State Prison.

Following Sen. Boylan's presentation Chairman Anderson then called for other proponents; Rep. Ellerd of Dist. 75 was next to speak and expressed his agreement with Sen. Boylan's opinions and presentation and asked the committee to consider the bill favorably.

Sen. John Manley of Dist. 14 also spoke as a proponent of the bill. He spoke from experience insofar as the ranch management, as he said the ranch and prison are in his senatorial district and he was familiar with the operation of the ranch. He also agreed with Sen. Boylan that the ranch could be run much more efficiently and could be managed if not at a profit, then at the least, to break even. He too felt that prison labor could be bet-

ter utilized, not only to make the ranch more productive, but as Sen. Boylan had stated, it could provide therapy and serve as an incentive to the inmates. He said he felt the ranch operation 'is a joke and has deteriorated to the point where its benefits to the state are non-existent.' He felt, as the bill would provide, that if the ranch manager too, would operate under orders of the Governor, the ranch operation might get back on its feet.

At this point Chairman Anderson asked for further proponents and following, introduced a former inmate from the State Prison, now living in Bozeman, who spoke to the committee on conditions at the prison. He said he was present to answer questions from the committee, but he also spoke of the bureaucracy that is in existence at the prison citing examples of the nepotism that he claimed is most prevalent. He also told the committee that there were perhaps 20 inmates who were eligible for parole but cannot get out of the prison because they had no job to go to, and without employment, they could not be paroled. He said that was a need of the inmates, and if inmates could be paroled as they became eligible, it would reduce the overall prison population.

Following Mr. Price's presentation, the Chairman called for other proponents and there being none, permitted opponents to present their arguments.

Gene Huntington, representing the Governor's office, was first to speak, and he said SB 2 would erode many of the principles in the new constitution regarding state government. He referred to Article 6, Sec. 7 of the constitution and read from the statutes. He said that the statute also provides that state offices be organized by duties by departments, and read from reorganization recommendations from the 1971 Reorganization of Executive Branch. He felt it was necessary to keep functions of similar nature in the same department and too, he said, if the Department of Institutions did not exist, then something would have to be created in its place.

Sen. Boylan was then permitted to make his closing remarks and he reiterated his earlier statements, referring also to the fact that the legislature is perhaps facing a crisis at the prison. He felt the ranch work would alleviate some of the present tension at the prison and with good management, it might provide incentive for the inmates to be permitted to work outside, and make the ranch productive again. He also felt Montana could come up with a model prison and felt that money was not always the answer.

Chairman Anderson then permitted questioning by the committee members.

Rep. Matsko referred to a section of the bill, Sec. 8, asking about the sentencing of youth directly to the State Prison, directing his question to Mr. Heiman. The Chairman asked about substantive changes in the bill and Mr. Heiman stated the first two sections were new, comprising the bulk of the proposed legislation. Sen. Steve Brown asked about production figures for the ranch and Mr. Huntington stated a study made in 1958 had specified the ranch had three main objectives: To provide employment for inmates; To provide low cost food for other state institutions; and To make a profit. It was brought out through further questioning of Sen. Boylan and Mr. Huntington that there was an appropriations bill that specified the ranch either should show a profit or it would be sold.

Co-chairman Keyser referred to the 1957-59 riots at the prison and asked about the present chain of command. He asked if Governor Schwinden has ideas, under the present administration, if he would pass them down to Carroll South (presently Director of Department of Institutions) and then those directions passed down to the Warden, so there was no question about the supervisory chain. He asked if the Governor 'is calling the shots?' Mr. Huntington agreed that he is. Co-Chrm. Keyser also asked if the Governor is presently involved in the day-to-day operation of the prison and Mr. Huntington replied that he is, as a result of the crisis.

Chairman Anderson then asked if the Warden has the responsibility of the prison farm or if a state employee, a Mrs. Harris, as had been testified to, had that responsibility. Mr. Huntington replied that Mrs. Harris was in charge of the fiscal management only. The Chairman mentioned here that he had received the fiscal note for the bill and stated the increased expenditures under the proposed law would be \$7,956.

It was brought out that the Statutes contained a provision made by the Appropriations Committee that stated the ranch would be sold if it did not operate at a profit. Rep. Yardley said the Fiscal Analyst in 1979 had recommended the Legislature do away with the ranch as there was then no way to show if the prison was showing a profit or not.

Further questioning continued here by Sen's. Mazurek and Crippin who voiced their concern about only one individual being responsible and setting policy, and whether it might set up a 'one-boss' system. Sen. Boylan countered with the fact that all the Legislature does is appropriate money to run the systems in the

state, but then from that point, they must monitor the systems through appropriations and review periodically the statutes which govern them.

At this point Rep. Eudaily and Sen. Tveit then questioned the former inmate who testified earlier, asking about prison conditions, some security measures, as well as the lack of medical, counseling, similar services available to the prisoners. Sen. Olson then made the statement that the prison should have a full-time resident physician for the number of inmates the State Prison now holds. Two letters had been received by committee members from inmates and information contained in them was included in some of the testimony presented at this meeting.

Carroll South, director of the Department of Institutions, was present at this point in the meeting and addressed the committee members. He said much hinges on what is done by the Legislature concerning the proposed pre-release centers to be established, and/or enlarged in the state. Chairman Anderson questioned Mr. South in regard to management of the prison ranch, asking if the manager reports to him, to the Warden or to Ms. Harris on the policies, ranch operation and questions of sale of products from the ranch. Mr. South replied he set the prices on the ranch products; they are established by his office and with the aid of a committee: Rep's. Marks, Donaldson, Bardanouve and Conroy. Sen. Boylan asked Mr. South who hires the ranch superintendent and Mr. South confirmed that the superintendent is answerable to him. He said his philosophy for the ranch was to provide products for the various state institutions as well as having the ranch break even, financially. He further stated he supported keeping the ranch at this time.

Following additional discussion during which it was brought to the committee's attention that there were approximately 80 inmates presently working on the prison ranch, the Chairman asked the committee if they were ready to vote on the bill.

Sen. Halligan Moved SENATE BILL 2 DO NOT PASS. A roll call vote was taken and 7 committee members voted YES; 3 voted NO. Motion carried and SB2, by roll call vote, attached, went out of the committee with a DO NOT PASS.

Sen. Steve Brown then discussed having the staff counsel prepare a bill that would embody Sen. Boylan's bill and would not specify that the prison ranch would operate at a profit but

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that it might be used for rehabilitation and inmate betterment. He made a motion to that effect and this was carried, unanimously.

The letter referred to in Sen. Boylan's presentation of SB2, sent him by the former inmate who also appeared at this meeting, is attached, along with another letter written by an inmate at the State Prison.

Chairman Anderson then adjourned the meeting, to reconvene at the call of the chair.

A handwritten signature in cursive script that reads "Mike Anderson". The signature is written in dark ink and is positioned above a horizontal line.

Chairman

47th SPECIAL SESSION II

ROLL CALL

JUDICIARY

COMMITTEE

47th LEGISLATIVE SESSION -- 1981

Date 6-22-82

NAME	PRESENT	ABSENT	EXCUSED
BERG, HARRY K.	✓		
BROWN, BOB	✓		
BROWN, STEVE	✓		
CRIPPEN, BRUCE	✓		
HALLIGAN, MICHAEL	✓		
MAZUREK, JOE	✓		
OLSON, S. A.	✓		
TVEIT, LARRY	✓		
O'HARA, JESSE, VICE-CHRM.	✓		
ANDERSON, MIKE, CHAIRMAN	✓		

Each day attach to minutes.

SENATE COMMITTEE JUDICIARY

Date 6/22/82 SEIU. Bill No. 2 Time 3:45 P.M.

NAME	YES	NO
BERG, HARRY K.	X	
BROWN, BOB	X	
BROWN, STEVE	X	
CRIPPEN, BRUCE	X	
HALLIGAN, MICHAEL	X	
MAZUREK, JOE	X	
OLSON, S.A.		X
TVEIT, LARRY		X
O'HARA, JESSE, VICE CHRM.	X	
ANDERSON, MIKE, CHAIRMAN		X

N. Fjeseth
Secretary

7 3
Mike Anderson
Chairman

Motion: Do Not Pass

(include enough information on motion--put with yellow copy of committee report.)

7:00 AM

June 23 - Exhibit

Hiya, Sis -

Well, here's the second installment on your last letter - I guess my first one didn't completely answer it, in fact, I can remember some parts of it that I didn't answer - So, rather than risk being impolite to my favorite Sis, here goes:

I remember you asking about the possibility of their opening up the old Prison again - Well, they were talking about it, but only as an alternative - I guess the Administration had several different places in mind, but the latest is that Ted Schwinden has asked the legislature for almost ten million bucks to build a new Maximum Security Unit to house 120 of us - He'll probably get the money, but not for a year or more - Speaking for myself, I would rather have been left in the old one - I'll tell ya about the reasons when I see ya - This here is kind of a bad day, I got up an hour ago, and I heard a guard yelling for the sergeant in the block next to mine - Really a trip - at 6:30, I learned that a friend of mine, Frank Jones, had hung himself - He took the cops here until 8:00 to get a doctor over here, and they just now wheeled his body out - Real games - Frank was a youngster, not even twenty five, he was in Max for an attempted escape, and he got some press -

(OVER)

were from some people up front to snitch on whoever was involved - So I guess he chose not to snitch - God damn, this makes me mad, they don't have a counsellor a kid can talk to up here, if you want to see one, you have to put in a written request, and it may be two weeks before you see him - The same thing goes for the shrink - This place is known to cause bad mental problems, and the way it's set up now, you're put on a waiting list to see the psychiatrist, and it runs into months before he comes around - By that time, after putting up with the petty ass head games and all, a man is either bad violent or suicidal - If he gets violent, and thumps on a guard, he can wind up with up to twenty years on top of his original sentence - and getting suicidal doesn't do a damn bit of good - They just took Frank out; covered up with a blue blanket - Blue used to be one of my favorite colors - Look, you're more than a friend, right? O.K. - So here's what I'd like you to do - take this letter down to the Billings Gazette, and tell them what I've told you - Tell them that instead of spending 10 million dollars for a new Max, they should use the money for a Youth Offenders joint, for people from

eighteen to twenty five - Christ, the majority of the people in here are under twenty-five, so it'd sure help with the over-population, as well as being more able to help the weaker, younger inmates - A lot of them flat can't handle it, and they either turn into animals or pretty boys - Take this letter to the paper, and tell them what I said - tell them that these are only two of the problems, and that the riot last March wasn't caused by the "over-crowding", but more caused by the lies and the head games these people are running on us - This last one wasn't even organized, the next one will be worse - I'm not threatening, I'm just saying what I see - Would you do this for me? Tell them about you & Jerry too, maybe they'll understand how this place can warp some people -

I've gotta go, I don't be feeling too swell; I'm sad, mad, and what illusions I had, left, five years ago - let the papers read this letter, will ya? Thank you for your help, sis, you're sure helping me to keep cool!

I loves ya,

P.S. answer this, will ya? I'd like to be sure that you got it o.k.!

Dave

Well, here's another P.S. to a generally gloomy letter - The P.S. ain't much better - I was supposed to get out of Max today, the Sergeant approved it, the Committee approved it, and the Associate Warden approved it, but when it got to the Warden, he dis-approved it - He didn't give me a reason - So, I'll be here for another thirty days - How's that for a happy note? But I still loves ya, and I'll still be good - I'll just lay back and laugh at 'em - ~ I'll let ya know more when I hear more - Sorry 'bout the sad letter -

D.

June 23

E. Helit

MEMORANDUM

To: Senator Paul Boylan,
Montana State Legislature,
Bozeman, Montana.

This is in reference to the many news releases (to date) in connection with the so-called "overcrowding" at the Montana State Prison since the inmate uprising which occurred on Wednesday, March 24th.

As you already know, the situation has been labelled a "crisis" — which is nothing more (and nothing less) than a critical turning point in the progress of an affair or the culmination of a series of events. Because of its public impact, however, it has more factually become an effervescent political hot potato. Considering all of the "alleviating" proposals and counter-proposals from various state officials, it is a foregone conclusion that the state legislative body will be faced with the problem of what-to-do and how-to-do-it. It is with this in mind that I offer the following discussion on the basis of "for whatever it may be worth" to your line of thinking and action when the issue is spread before the special legislative session now anticipated.

If (I repeat, IF) the state's legislators are really interested in doing a constructive and economical service for the people of Montana, it should be uppermost in their minds that the whole problem is not singular in scope ("overcrowding"), but involves side issues of omnifarious description; i.e., of all varieties, forms or kinds.

Since it would be something like impossible to arrange this discussion in a synchronized or chronological order, I will do my analytical best to arrange it categorically so that one category of thought will substantiate or justify another.

First and foremost, the politics of the matter should be viewed with far-reaching thought — retrospective as well as introspective. Despite the outlay of their suave "dedicative" rhetoric (like "acting in the best interests of the public," etc.), it doesn't take a genius to figure out what Governor Schwinden and Carroll South are up to. And as for their acting in political

unison, there can be little doubt that Schwinden is stumping for South in their publicized concept of another complete penal institution — whether it's at the Glasgow base or any other site. In this instance, the expense of acquiring the site, modifying the buildings and grounds, furnishing the new establishment, etc., would amount to a mere bag of pennies as compared to what the duality would eventually become in terms of a continuing expense to the taxpayers. The staffing of another prison, by itself, would be cataclysmal in scope: one warden, a deputy warden, two associate wardens, one captain, five lieutenants, eleven sergeants, and a minimum of fifty correctional officers (guards) — all this being required just for the security aspects. The rest would mandatorilly follow: sectional managers, work supervisors, psychologist counsellors, analysts, accountants, clerks, secretaries, doctors, nurses, functional directors, etc. And here you would need to interject such items as patrol vehicles, construction of guardtowers, electronic cellblock monitors, and the like. Granted, the construction contractors and various types of entrepreneurs would have a heyday — all to the tune of tremendous outlays of public funds.

For South, this kind of "plum" would virtually put him out on cloud nine — A WHOLE NEW INSTITUTIONAL UNIT TO MANAGE, MANIPULATE AND CONTROL! And as for his operational budget, you would need to think in terms of at least doubling what he has now for the prison function. In due course, the cry of being understaffed, overworked and underpaid would be heard — resulting in a sizeable pay raise for South, and undoubtedly the hiring of at least one Assistant Director of Institutions.

All the above would be put to the public as the "necessary action to relieve the dangerous overcrowding at Deer Lodge." Such overtures should be viewed as so much political flatulency — simply because the alleged overcrowding problem can be economically corrected by the reorganization and efficient management of existing facilities. To explain this in colloquial terms without going into a point-by-point treatise at this time — if and when I get my book ready for publication on the whole subject, its title will be "LAW AND ODOR and HOW TO GO BROKE ON FORTYSIX THOUSAND ACRES WITH PUBLIC FUNDS AND SLAVE LABOR." It will deal extensively with the real prison situation as it now exists — waste, rip-off, payoff, graft, feedback, kickback, disorganization, mismanagement, and multifarious forms of skulduggery and debauchery too numerous to mention. The whole horrendous vested-interest system will be thoroughly explored and blasted.

While we are pondering the political aspects, let's look at a potential that would really benefit the people of Montana (as well as benefitting the institutional system itself) — A MOVE TO ABOLISH THE STATE DEPARTMENT OF INSTITUTIONS! Naturally, this would be a shocking overture — nothing less than a political bombshell. But if such a proposition is properly organized, coordinated and pursued, it will not only gain overwhelming support in the public sector, but will undoubtedly be wholly supported by the several heads of the state's institutional units.

The general idea, here, would be to abolish the "Department of Institutions," per se, and give each individual unit a status of autonomy; i.e., let each unit be directly responsive and answerable to the legislature. The abolishment of the existing "Department" would not only increase the effectiveness and efficiency of each unit, it would reduce the outlay of funds by MILLIONS of dollars annually — simply by not having to feed the middle-man bureaucracy. Each unit would operate with an allotted budget, unhampered by the red-taped purse-stringed Department of Institutions. It would, in simple terms, do away with the Helena departmental bureaucracy and give each unit its own professional base from which to administer its own peculiar brand of expertise and function. It would be goodbye to one of the state's foremost white-elephants. You have already seen the plaguing effects of other white-elantries, such as the Soil and Water Conservation Districts — nothing less than bureaucratic monstrosities. And, of course, the salaried administrators will all tell you how smooooooooooth the system is working. Actually, they are accomplishing nothing that could not have been properly administered by the existing Board of Natural Resources. ~~Their~~ travesties are nothing short of an abomination to the human intellect.

I can predict with reasonable accuracy that if the proposal to abolish the Department of Institutions is brought into open view and perspective, each institutional unit will support such a move with alacrity. And if the proposal is sensibly strong enough to be escalated into public hearings, you would get an avalanche of testimony which would reveal just how much of a plague and stumbling-block the Department really is — which, to a large extent, is exactly why there are deficiencies at the various units which have remained uncorrected for "x" number of years. And the most troublesome stumbling-block

is that South controls the purse strings — resulting in a bludgeonary type of bureaucratic manipulation. Politically, it goes even further. The heads of the various units couldn't brief the legislature in matters of truthful significance even if they wanted to. They must all take their cues from South, or ELSE! — (the "else" means perish). No one could be so naive as to not know what would literally happen to an institutional head if he dared to communicate directly with the legislature (or any of its functional committees) without prior briefing and approval by South.

Pursuing further the subject of political upheaval, this would be an opportune time to start the ball rolling with the idea of revising the status of the legislature itself — A MOVE WHICH WOULD REQUIRE THE LEGISLATURE TO BE IN PERMANENT SESSION; to be in recess when not in assembly rather than in adjournment from one session to the next. This, in purpose and scope, would solve the never-ending controversy of whether the legislature should assemble annually or bi-annually — the legislature itself would decide the next regular session whenever it goes into recess. Oh yes, there would be an avalanche of "politics as usual" to be reckoned with, but for the most part it would give the legislators an opportunity to do a better job in what they're for; namely to TAKE CARE OF THE STATE AND ITS PEOPLE! In principle, thought and activity, the public still looks to the legislature (not the quasi-judicials) as their political representatives and caretakers of their interests.

The upcoming special session to deal with the prison "overcrowding" should not, under any circumstances, allow itself to assemble for the purpose of rubber-stamping the package to be delivered by Schwinden and South — a surreptitious bundle all tied in yellow ribbons and neatly presented on the well-known silver platter. Legislators should condition themselves to Schwinden's timing technique in calling the special session. He knows only too well that many legislators are farmers — and JUNE is a crucial month in farm and ranch activity. For all legislators, JUNE is a family-activity month for such summertime activities as vacations, reunions, visitations, and the like. Schwinden and South obviously anticipate that the legislators will want to "get it over with" as quickly as possible and go home. But if this special session is allowed to become a farcial rubber-stamping spectacle, the state will suffer irreparable damage.

If I were a legislator, I would rigidly and diligently commit myself to the common-weal principle. I would, to the best of my human ability and sensibility, employ such God-given attributes as knowledge, wisdom, judgment, courage, energy, strength, patience, perseverance and endurance to see it through with determination and thoroughness; forsaking all personal desires, whatever they may be. I would outspokenly serve notice to the Helena bureaucracy that this would be a special session long remembered — that I do represent the people and am not about to sit still while they are gouged with a multi-million dollar expense under such an asinine pretense as "relieving the prison overcrowding."

Legislators should conscientiously remind themselves that the prison "crisis" did not suddenly occur overnight. What we have now is the result of many years of erroneous administration and management. First, you must take into consideration what the Roger Crist philosophy has done — it is plainly written in the prison's history. Crist was responsible for structurizing and administering the new prison as a bastille-type of establishment with lots of concrete cells, barred windows, clanking iron doors, barbed-wire fences, etc., to keep the inmates contained and rigidly regulated. Gradually, he eliminated such productive potentials as the hog farm, the poultry farm, the garden farm, and all productive activities which provided the inmates with some kind of work programming — they were all closed down during Crist's administration. Dilapidated as it is, the dairy managed to survive — (and here you will need to look into some unique commercial "arrangements" connected to the Cloverleaf Dairy of Helena which hauls a tanktruck load of milk out of the prison weekly (2500 to 3000 gallons per haul). No record of these "haulings" are kept at the dairy and no questions are ever raised.

In addition to the dairy survival, a very small percentage of the total acreage is worked to produce hay and grain for the dairy herd (and also the beef-cattle feedlot which supports the slaughterhouse activity). The slaughterhouse itself should be the subject of intense investigation — learn why no beefsteaks ever appear at the inmate's food service! About ten beef-cattle are slaughtered per week and the steaks must go somewhere. This "somewhere" is into the private dining rooms of prison officials, and into the hands of officials at the other institutional units. Granted, the "system of distribution" calls for paperwork exchange of funds from the other units to the prison — it would be of major interest to learn what those "exchanges" amount to.

There is an abundance of evidence waiting to be discovered which points to Crist having catered heavily to private enterprise (ostensibly for the lucrative kick-backs), setting up an expensive and wasteful situation which allowed more and more business establishments to feed their wares into the prison which had to be paid for with public funds. This philosophy of inmate-idleness, waste, erroneous judgment, schemes and connivances (stretched out over a decade or two of time) had its ultimate result — the legislature is now faced with the problem of correcting it from the core out.

As it is now, approximately five percent of that fortysix thousand acres is under some kind of production, with about three percent of the prison population participating in work programs. The Crist doctrine virtually eliminated all of the economical features of what that fortysix thousand acres was originally intended for. And there is no doubt whatsoever that it was intended to be not only a self-supporting prison but its potential was to be utilized to provide produce for all other institutional units.

As time progressed, Crist found himself saddled with the problem of an increased prison population, and the attendant problem of inmate-idleness — an unhealthy situation not only from the standpoint of discontent and emotional upheaval between the inmates, but one that called for continual increases of public funds in the effort to retard the inmate-unrest resulting from idleness and the constant harassment resulting from a voluminous set of prison regulations. Here again came more mismanagement. Instead of seeing the ultimate "handwriting on the wall" and accelerating production and inmate employment, Crist simply called for exercising facilities — a gymnasium equipped with basketball court, weight-lifting machines, punching bags, musical instruments, etc., and eventually acquiring television sets for the "day-rooms" between cellblocks. With the gymnasium came a SNACK BAR which is packed with softdrinks, crunchies, and a variety of goodies to whet the inmates' appetites during "gym-call." One of the special features of the snackbar is the sale of fresh fruit — a money-making scheme which explains why no fresh fruits are ever served during regular meal-times at the food service. Payment for the snackbar commodities are deducted from the individual inmate's financial account by the accounting office. For some inmates, the money in their account comes from supporting relatives. For others (and ironically so), payments for snackbar goodies come from the wages earned by participating in work programs — some inmates earn 50¢ a day, others

receive 75¢, and some others are allotted the maximum wage of \$1.00 a day, depending on the several 'categories' of qualifications which are spelled-out in the prison regulations. Only recently established, some dairy-working inmates receive \$3.00 a day (those who are assigned to the so-called dairy "school" — another farce which would merit a separate and lengthy analysis).

In this area of conjunctive thought, here you have inmates who, by virtue of their incarcerated status, are total wards of the state — but by unique institutional manipulation the state sucks up money for the inmate's keep from his supporting relatives, and receives back into the prison substantially all of the money earned by the working inmates — all this amounting to what we commonly understand to be a systematic ripoff technique. The CANTEEN SERVICE is another profit-making scheme at the expense of the supporting relatives and the inmates' earned wages. From this outlet the inmates are "privileged" to draw from a long list of merchandise (toiletries, cigarettes, tobacco, shaving gear and materials, confectioneries, cookies, crunchies, articles of clothing, stationery, postage-fixed envelopes, radios, television sets, etc. This warehouse-distribution type of enterprise is supplied by wholesale business establishments in the city of Deer Lodge (who also supply the gymnasium SNACKBAR), distributing the merchandise to inmates at retail prices (prices in excess of over-the-counter cost in Deer Lodge stores). The canteen is managed by a salaried civilian supervisor and all work is performed by inmates.

Returning momentarily now to the Roger Crist system of management. For him, the kind of activity needed to generate a productive institution (as well as providing various forms of vocational training for the inmates) was too cumbersome. He found it much more convenient and uncomplicated by simply applying to the state treasury for more money as he needed it. And considering the ease with which he succeeded, the legislature itself must share part of the responsibility for the continuation of prison mismanagement. As a consequence, the major portion of fortysix thousand acres went to pot — and some 700 inmates milled around twentyfour hours a day, playing cards, watching television, working out at the gymnasium, yakety-yaking with each other, eating and sleeping. After Crist left, acting warden Blodgett followed through in the same style of management — mostly non-productive. In the spring of '81, for example, Blodgett asked for (and received) an amount just short of ONE MILLION DOLLARS to cover a budget deficit until the end of the fiscal year. With South's expertise and

engineering, the legislature just smiled on him sweetly and acquiesced without so much as a whimper of opposition. It's anybody's guess what an audit-and-accounting sheet would reveal on layouts of public funds for the prison establishment over the past decade or two. Among other hair-raising factors, it would reflect the build-up of what the present state expense is to accommodate the prison population — TWELVE THOUSAND DOLLARS PER INMATE PER YEAR! Man — that is some kind of jurisprudence. One must realize, however, that a substantial percentage of that amount is sucked up by the bureaucratic Department of Institutions long before it is applicable to the per-capita cost of incarceration. It would be analytically safe to estimate that the actual cost per-capita would range somewhere between \$5,000 and \$6,000. From this it should not be difficult for anyone with a conceptual education to envision what is fed out to the institutional bureaucracy. So in measures of fairness, while we're lambasting WASTE at the prison level, we cannot escape the element of "legislative waste." After all, South and his coadjutors are only doing what any "dedicated" group of bureaucrats would do — building an oligarchal empire. And it should come as no surprise that they will keep on building it for as long as the legislature is willing to provide the funding.

The blame for the eventual "overcrowding" which resulted in the so-called CRISIS of March 24th cannot be attributed totally to prison faults. It is far from being that simple. One must project his mind and thought into the whole structure of the state's institutionalizing system with far-reaching comprehension. It is a many-tenacled monster of such design that it defies description. It consists of many parts — each part nourished and supported by a counterpart. Foremost is the body-politic (people, collectively) constantly crying out for protection from themselves. This activates the law-givers, the administering agencies, the monitors, the enforcement arms, the court system and all its paraphernalia, the deliver-uppers of those convicted and committed, the jailers, custodians of the institutionalized, the quasi-judicials, etc., not to mention the Montana Bar and a host of professionals (psychologists, psychiatrists, counsellors, etc.) who derive their income and livelihood from the activities of the over-all institutional establishment. All the above references are merely samples to stimulate thought — the list goes on and on. As previously stated, the vested-interest system as a whole defies description.

Much serious thought would be in good order with respect to the geographical location of the state's penal establishment. With respect to Deer Lodge, it's simply a matter of time-honored tradition — the prison is a conventional part of the community. The presence of the state prison is as commonplace to the atmosphere and environment of the Deer Lodge locale as the universities are to Missoula and Bozeman. The prison activity is not only an acknowledged way-of-life for the Deer Lodge people, it's an integral part of their daily lives and a major factor in the Deer Lodge economy. Individually and collectively their thought patterns regarding the prison are compatible and mutually understood. Whether or not they are assessed by outsiders as a peculiar breed of people would make little difference — and whether or not they are satisfied with their prison-oriented community remains a moot matter. Obviously they have no qualms about it — otherwise they would not have chosen to live there nor would they be employed at the prison. The fact still persists that for about one and a half centuries Deer Lodge has been known to be where the state prison is located.

Any political attempt to establish a prison activity elsewhere in the state will always be met with stiff opposition from the people of that particular community. For them, even the word "prison" is frightening and cause for alarm — they want no part of it. I can just imagine the public furor that would be forthcoming if, for example, word leaked out that the state government was planning to purchase the Boylan farm to set up another state prison. Conversely, if the state advertised its intent to expand on the Deer Lodge prison facilities, it would not cause so much as a raised eyebrow.

It is not difficult to see that past moves to spread echelons of the prison throughout the state have been political and bureaucratic in nature — halfway houses, probationary camps, rehabilitation centers, and the like, all of which have added to the Department of Institutions bureaucracy; not to mention the tremendous public expense involved. Keep this up and Montana will have a penal subsidiary in every major community. Take a look at what this does in costs of administering, staffing, provisioning, furnishing, guarding, transportation between units, etc. Undoubtedly, the foremost factor in originally acquiring that vast acreage in Deer Lodge valley was to avoid the scattering of penal establishments anywhere else in the state. But — when the cat's away the mice will play. Thus, while the legislature has been napping, the mice have taken over.

Now let's explore the depths of sensible reasoning — the individual with himself and individuals with each other. Initially, pose the question of why the prison is "overcrowded." No one (I repeat, no one) is capable of even coming close to providing an accurate answer to the question. Consequently, we must settle for the fact of the matter — IT IS OVERCROWDED! And, lest we forget, every part of the whole vested-interest system of institutionalizing has a stake in it some where, all the way from the governor on down to the most inferior employee.

Any attempt by the legislature to reduce the prison population will be met with all kinds of opposition and argument. A reduction in the number of inmates will cut into so many areas of interest that we couldn't even begin to list them — the number of prison officials on the state's payroll, the staff, the construction industry, the business establishments and entrepreneurs who sell their merchandise to the prison, etc. etc. etc. — not forgetting for a moment the many tenacled Department of Institutions. So, here again, we must settle for a proposition — find some way of reducing it in spite of the opposition or keep on building prisons. And it's in this area of entanglement that the legislature has its option — either deal with the situation with determination and vigor or fold up your tents and go home. No doubt, you will be encouraged by devious means to do the latter — the quasi-judicials will see to that.

Let us now think in terms of actually reducing the number of prison inmates by some means of an early-release program — consequently reducing the cost of providing for them. There is no doubt that a substantial percentage of the prison population could be released into any community today, and that community would be as safe tomorrow and the next day as it was yesterday and the day before — every bit as safe as its people are now from their next door neighbor. Certainly, there will continue to be crimes committed (where, in the world, are they not committed?). The world of crime didn't start yesterday, and the prospects of it stopping tomorrow are indeed remote.

Some of this year's crop of candidates for public office have advocated this very proposition. The libertarians, for example, have suggested a SIXTY PERCENT reduction by early release. My own percentage is EIGHTY — but let's work on the sixty figure and get a mental picture of the results that would come from it. In round figures, let's set the prison population now at 800. Sixty percent of 800 is 480. Subtract 480 from 800 and we get a remaining population of 320 — a

figure which falls well below that which the new prison was designed to handle. For those who may think that the sixty percent reduction is too great a risk, let's see what a FIFTY percent decrease would do — we'll have a remaining prison population of 400. Even if we get down to a FORTY percent reduction, we'll have a remainder of 480, which is still below the 500 mark of the prison's maximum capacity.

In the area of thought relative to prison population reduction, the legislature is faced with a two-proposition decision — either reduce the prison population and leave the prison establishment pretty much status-quo, or spend Schwinden's figure of some TWELVE MILLION DOLLARS for prison expansion (which, actually, will be chickenfeed compared to what the CONTINUING costs will be from year to year.

So as not to be misleading, it's a safe guess that of the FIFTY or FORTY percent discharged on an early-release program, some ten percent will be back in prison again somewhere on either new crime convictions or the well-known "pv bust" (parole or probation violation) — some inmates never will learn what it takes to stay out of prison.

Any way it's looked at, any move to reduce the prison population will be met with considerable "heat" — as previously stated, the whole vested-interest institutionalizing system is never geared to reduce anything. On the contrary, the general bureàucratic attitude of all parts of the system is to constantly increase — never to decrease. But, forsaking all else, it must be kept in mind that of the total prison population, some are basically good men and some are basically bad men. The general idea would be to do some serious and painstaking sifting and give the basically good men a reasonable chance to become useful citizens.

In a general way of thinking, this special legislative session should bring to light the urgent need for the State of Montana to establish a whole new concept of prison policy and management. It is essential that some kind of a legislative monitoring arm be established for the future — a committee which would be empowered to move freely around the prison (consistent with security) throughout the year, making timely reports to the legislature, thereby serving notice to the warden and his coadjutors that they are being watched. They, too, must be given to understand that they are subservient to law-and-order just like any other segment of societal activity.

While we're on the fringes of "law-and-order," it may come as some kind of a seismic shock that prison officials themselves violate more law in one day than some of the inmates violated in their whole lives prior to being sentenced to prison. This, of course, would be a voluminous subject all by itself — but here's how the prison establishment thumbs its nose at the state laws on nepotism:

While Blodgett was deputy warden (and acting warden after Crist left), his sister (Mrs. Munden) was employed as a clerk in the Records-and-Accounting department. Mrs. Munden is still so employed. Her husband is a book-keeper on the Superintendent-of-Ranches staff.

Captain Davies (Captain-of-the-Guard) — his wife is employed in the Records-and-Accounting department.

Warren Weer (ranch manager) is a cousin to Deputy Warden Gary Weer.

Lieutenant DeOtt — his wife is a supervisor at the food service.

Sergeant Cox — his wife is employed in the Records-and-Accounting department. Her father is a supervisor at the food service.

Bud Bruno (supervisor at the food service) — his son is a guard.

Guard Ebel — his daughter is a supervisor at the food service. His son-in-law is a guard. His wife works in the motor vehicle licensing department. His brother-in-law is a guard.

Dairy manager Bozlee (now retired) — his son is a Ranch Supervisor (hired on long before his father retired).

Sergeant McCalliston — his son is a guard.

Dick Wallace (supervisor at the DMC — vehicle maintenance shop) — his nephew is also a supervisor in the same shop. Another nephew (Logan) was formerly a supervisor at the hog farm and became a supervisor at the dairy after the hog farm was closed. Logan (no longer employed) is guard Stone's cousin. Stone's father was formerly a supervisor at the hog farm (now retired).

Three members of the Scharf family — Ed is the canteen manager, George is the physician's assistant at the infirmary, Cheryl is a secretary in the stenographer pool.

Two members of the Ridley family — Jan is employed in the Records-and-Accounting department, Debbie is employed at the food service.

Two members of the Davidson family — Noel is a Captain, Linda works in the business office.

Four members of the Jones family — Dan is a guard in the Reception Section of the maximum security unit; John is a supervisor in the bakery; Maggie is a records clerk; Sheila works in the mailroom.

Two members of the Munden family (Mrs. Munden's children) — Dale is an accountant for the Superintendent of Ranches; Dolores is a Records-and-Accounting department supervisor.

Paul Hultgren (a guard) — his brother, Gordon, is a supervisor at the dairy.

The above are merely samples — not a complete listing.

In addition to the outright and deliberate violations of the state's nepotism laws, the "bennies" system prevails in equal proportion — the "bennies" is that unique professional system of stealing which, under the law, constitutes theft. Here again, we have another voluminous subject all by itself.

And, briefly, therein lies the crux of one of the major points of attitudinal contention existing between prison officials and the inmates (the officials being there, ironically, to correct the inmates' way of life!). The officials simply remind the inmates (outspokenly or by innuendo) that they (the inmates) have violated the law, have been convicted and sentenced to serve prison terms. But when the officials violate the law it's none of the inmates business. And any "unruly" inmate who attempts to expose their corruptive practices — well, there are "ways and means" to discourage him from so doing. Here, we must interject some stark reality. Inmates are not anatomical "things" — they are people who observe and think. Maybe their thinking faculties are not as adept and intelligent as they should have been before being sentenced to prison — but they are people right on. The general idea with respect to the above is to pose a relevant question — who is telling who to "clean up their act."?????

Now we come to the question of what-to-do and how-to-do-it when the special session assembles to resolve the so-called CRISIS situation. I will repeat again, IF the legislators really are willing to clash head-on with the prison establishment, the Governor, and the Department of Institutions, those legislators who are mindful of their mandated commitment to serve in the best interests of the body-politic, should commit themselves to a MEANINGFUL session — a special session that will stay a special session for as long as it takes to comprehensively overhaul one of the state's most horrendous monstrosities.

At the outset, it would serve Schwinden and South properly if a motion were passed to DENY any new money for the prison establishment . Serve notice that there will not be any new prisons, nor will there be an expansion of existing facilities — simply because what we have now is plenty adequate with proficient planning, management and administration. The message? — CLEAN IT UP FROM TOP TO BOTTOM!

In one complete package, order the following to be done:

1. Reduce the present new prison population (by an early-release program) to a level well below its structurized capability.
2. Re-open the old prison and designate it to serve as the the over-all prison's maximum security unit. This facility would also serve as the "Reception Center," and as a sifting and clearing-house for transfers to the new prison facilities.
3. Permanently establish the new prison as the state's medium and minimum security facilities.
4. Designate one of the CLOSE units at the new prison as the state's prison for women — thereby permanently solving a very expensive problem of having to incarcerate women-inmates in the prisons of adjoining states.
5. Permanently the new prison as housing and accomodations for working inmates — and get with it in putting that fortysix thousand acres to work.

The above proposals, of course, are basic and skeleton in nature — each one will require extensive thinking and amplification. The "early-release" idea will be met with stiff opposition from the parole board — with accusations that you are usurping their duties. The old prison must not be permitted to function under the principle of "lock 'em up and throw the key away." There must be productive activities there too and not just a lot of cells for the inmates to look through bars twentyfour hours a day. Remember, a whole new policy of prison purpose and management needs to be set.

Here's a list of "whistle-blowers" who are capable of furnishing reliable information that should be listened to:

Don Smith — former Superintendent of Ranches. Don resigned and left the prison at the end of August, 1981. He has his own ranching operation somewhere upstate. Don will reveal, in specific terms, just how impossible it is to buck the Helena bureaucracy insofar as agricultural production on the prison acreage is concerned.

Ron Baylis — former Ranch Manager and Feedlot Manager at the slaughterhouse. Ron resigned and left the prison at the end of August, 1981. He now manages a large ranch outside of Missoula. His address is 7700 Old Grant Creek Road, Missoula, 59802 — telephone (406) 721-1210. Ron was also acting Dairy Manager after Bozlee retired. Ron will supplement many things that Don Smith has to say about prison management and practices.

James E. Ball (A015309), an inmate with about a year yet to serve. James is an ordained reverend of the American Fellowship Church. He is also a jail-house lawyer. He is well versed on all prison activities.

Bill Jackson, an inmate, and a long-term prisoner. Bill possesses a wealth of accurate knowledge of what goes on in all phases of prison doings.

Charley Millard, an inmate. Charley is the dairy's engineer — a long-term prisoner with 17 years yet to serve. Charley can talk long and loud on substantially everything that encompasses the prison management.

Some serious thought should be given to the prison's mail-handling system, especially the censoring and confiscation of inmates' mail. This is a major bone of contention with the inmates. Here again we find the prison engaged in illegal doings and in violation of the law. Mail censoring is illegal anywhere — but the postoffice department looks the other way and lets it alone as "untouchable." Mail surveillance is one thing, mail censoring is another, and mail confiscation is still another. AND WHAT IS DONE IN CONJUNCTION with the mail processing system is skulduggery of the worst order. Subpoena the mail room personnel, put them under oath for their testimony, and get the facts for yourselves.

If it is not possible to totally abolish the Department of Institutions at this session, at least take a step in that direction by giving the prison an autonomous status, separate and apart from the Helena bureaucracy, and you will soon see a marked change in the prison establishment.

In conclusion, I have only to remind you that by his very action the governor has opened the way for much to be done. That which I have written in the preceding pages would barely scratch the surface.


JOHN L. PRICE

June 6, 1982.

47th SPECIAL SESSION II

ROLL CALL

JUDICIARY

COMMITTEE

47th LEGISLATIVE SESSION -- 1981

Date 6-21-82

NAME	PRESENT	ABSENT	EXCUSED
BERG, HARRY K.	✓		
BROWN, BOB	✓		
BROWN, STEVE	✓		
CRIPPEN, BRUCE	✓		
HALLIGAN, MICHAEL	✓		
MAZUREK, JOE	✓		
OLSON, S. A.	✓		
TVEIT, LARRY	✓		
O'HARA, JESSE, VICE-CHRM.	✓		
ANDERSON, MIKE, CHAIRMAN	✓		

Each day attach to minutes.