

MINUTES OF THE MEETING  
STATE ADMINISTRATION COMMITTEE  
MONTANA STATE SENATE

February 14, 1983

The thirtieth meeting of the Senate State Administration Committee was called to order by Senator Pete Story, Chairman, on February 14, 1983 at 10:30 a.m. in Room 331 of the State Capitol in Helena, Montana.

ROLL CALL: Roll was taken. All members were present but Senator Stimatz who was excused with meeting conflicts.

CONSIDERATION OF SENATE BILL NO. 390:

"AN ACT REMOVING THE MONTANA STATE PRISON FROM CONTROL OF THE DEPARTMENT OF INSTITUTIONS AND ATTACHING IT TO THE DEPARTMENT OF ADMINISTRATION FOR ADMINISTRATIVE PURPOSES ONLY...."

SENATOR BOYLAN of Bozeman, Montana, District 38 introduced SB 390 regarding moving administrative control from the Department of Institutions to the Department of Administration. He stated that he was on the prison task force interim committee and became more and more involved with the prison and the inmates. The prison is a society in itself and with some of the laws in the legislature this time, he stated he believes the prison population will increase. He stated that the things that are bad are idleness, mismanagement and number three is overcrowding. He said that there are people there that are violent and some that are not and some that are rehabilitable. In interviewing the personnel, there is a lot to be desired. The communication is not good, like the industry and the ranch...the person who runs the ranch lives in Helena.

Senator Boylan said that they have a system in prison that they call kites. Whenever there is a problem, they send up kites. Everything is a big problem. They cannot seem to get to the warden who must authorize such things.

During the task force committee hearings, the warden was never by himself, he was always with the administrator of the Department of Institutions. He said that the way it is there could be another explosion soon.

Senator Boylan submitted a memorandum, EXHIBIT 1, which he said the committee would find very informative.

PROPOSERS:

JOHN PRICE, Bozeman, Montana, spoke as a proposer and stated that he is not as well acquainted with this committee as he has been with the task force and therefore felt they should know that he was an inmate at the prison for eight and one-half months. He said organizing a speech on prison matters is an exercise in futility. He said his issue is clear that he can see no other way of strengthening out a dangerous situation other than separating the prison from the Department of Institutions and letting the warden be the head of that prison. He stated that the document, Exhibit 1, is his.

Mr. Price said that the warden came in at a bad time but if you look at the whole situation you will see he has been absorbed by the department and the inmates know it, and it is extremely doubtful if he will ever be recognized as a leader. He stated that the flow that is going on now for total confinement for safety is the wrong road. The boiling point is mental but it could turn into physical violence.

He also said that there is a must and that is a legislative audit of the whole prison system. The hands-off policy has changed; if and when that legislative audit is accomplished, that is when the public will become aware of the prison affairs. This bill shows the shift to a board of correction, he said, and if you are going to do this you might as well leave it where it is.

Mr. Price also said that he has never known the Department of Health to inspect the prison and some of the places are unbelievable with filth and rats.

Mr. Price completed his testimony by saying that they need a Montana man as warden that has control.

OPPOSERS:

GENE HUNNINGTON, Office of the Governor, spoke as an opponent for three reasons. First it departs from the organization structure of state government since the executive reorganization used to operate state government; second, it would fragment the correction's function of the state of Montana which makes a bad correctional policy; the third reason would be is that

he does not think that this bill will serve the purpose that the proponents want it to.

He reviewed the organizational aspects by saying the current organization of state government is really set out in the constitution as an executive organization in the early 70s. In article 6, section 7 of the constitution provides 20 departments to provide an orderly arrangement of administrative organization of state of government. That is enlarged upon in 215-101 of MCA. Mr. Hunnington said that this bill would attach the prison which functionally clearly a correctional agency. The department of administration's function is to support other line agencies, it has no mission to provide services to the citizens of the state of Montana. He said in that same law it says that the governor is in charge. He named six principals that state government was to be organized by: (1) to keep to a minimum the number of state agencies, (2) the structure of the executive branch should be organized on a chain-of-command basis with the definite line of authority stemming from the central executive authority down through each department, (3) the function and the responsibility of state government should be assigned to the various departments on the basis of similarity of character, subject matter and kinds of staff required.

Mr. Hunnington said the second objection deals with correctional policy. He said no function has received as much study or as much been written on as the correctional function. He gave the history going back to 1958.

#### QUESTIONS OF THE COMMITTEE:

SENATOR TOWE asked Mr. Hunnington if we do not have corrections fragmented at the present time.

MR. HUNNINGTON stated that the separation comes in the Youth Court Act which treats people as not being juvenile delinquents. It is a gray area.

SENATOR TOWE asked Senator Boylan how he responds that his goals seems contradictory.

SENATOR BOYLAN said the department of institutions were just barely on board when they had reorganization to state government and he called Jim Crowley and asked why they did not get into the department of institutions and do more with it and they said that they did not have a track record at that time. He stated that he would not vote for the bill coming over from the House, but stated that he believes they need to go as far as his bill shows because they have some pretty mean boys over there.

STATE ADMINISTRATION  
February 14, 1983  
Page 4

He stated instances where even in emergencies they could not get to the warden.

SENATOR MARBUT asked what they do in other states. He also asked about line 4 on page 14 which seems to be more than change of departments.

SENATOR TOWE explained to the committee the law where a juvenile is tried as an adult.

SENATOR MARBUT referred back to the subject as to who is going hire the warden and talked about the document given them (Exhibit 1) which shows extreme dissatisfaction with the warden.

SENATOR BOYLAN said that they have to get someone with power and respect. He also said that they had a big doings in erecting the chapel at the prison and sometime after that he asked about it and was told that they were not in it yet.

SENATOR HAMMOND stated that is hard for him to understand why the prison is the same as other activities that are taken care of by bureaus and departments as it is a regimented society. He said that you need to remove the in-between people.

SENATOR MARBUT asked who hires the warden now, and it was told that Carroll South does and can hire anyone including a relative if they qualify. The governor hires Carroll South subject to conformation of the senate.

SENATOR TOWE said that they have to recognize that there is alot of criticism about Carroll South running the show.

MR. HUNNINGTON said that the governor knows this but feels that Mr. South keeps him informed. He said that they have seen policies moved from the valley to Helena and they do not think they will go back.

SENATOR TVEIT referred to the destruction of the farm land and voiced his disapproval of the present warden and said that he does not believe Mr. South knows what is going on therefore must have someone under him that knows less.

SENATOR MARBUT stated that under this bill the warden would have to be confirmed by the Senate.

SENATOR TOW commended Mr. Price for a nice job on his presentation.

STATE ADMINISTRATION  
February 14, 1983  
Page 5

SENATOR BOYLAN CLOSED on S.B.390 by saying there was a stabbing in the prison not long ago and that they are making it look like an animal but he asks, what was done to torment this man.

SENATOR HAMMOND stated that he believes the best point Senator Boylan makes is that the man as warden will have to be from Montana, respected and feared and live in that community.

SENATOR STORY advised that this bill will need a statement of intent.

The hearing closed on S.B.390.

EXECUTIVE SESSION:

Continued ACTION ON S.B.309.  
Amendments to S.B.309. EXHIBIT 2.

SENATOR TOWE MOVED THE FIRST 5 AMENDMENTS of EXHIBIT 2 as well as the one added on page 3, line 2, after the word "official" the added language "other than a legislator".  
MOTION PASSED.

MOTION WAS MADE BY SENATOR HAMMOND TO MOVE the 6th amendment of Exhibit 2.  
MOTION PASSED.

SENATOR TOWE MOVED the 7th amendment shown on Exhibit 2.  
MOTION PASSED. Senator Story opposed.

SENATOR MARBUT MOVED amendment 8 & 9.  
MOTION PASSED.

SENATOR TVEIT MOVED the amendment 10.  
MOTION PASSED.

SENATOR MARBUT MOVED amendment 11.  
MOTION FAILED.

SENATOR MARBUT MOVED amendment 12 shown.  
MOTION PASSED.

SENATOR MARBUT MOVED amendment 13 shown.  
MOTION PASSED.

SENATOR MARBUT MOVED amendment 14.  
MOTION PASSED.

SENATOR MARBUT MOVED amendment 15  
MOTION PASSED.

STATE ADMINISTRATION  
February 14, 1983  
Page 6

SENATOR MARBUT MOVED the title change.  
MOTION PASSED.

SENATOR MARBUT MOVED ALL THE AMENDMENTS STATED.  
MOTION PASSED.

SENATOR HAMMOND MOVED SENATE BILL 390 DO PASS AS AMENDED.  
MOTION PASSED.

ACTION ON SENATE BILL 171:

SENATOR TOWE addressed the committee and stated that he was stating a declaration of interest. He said that the Towe Antique Ford Collection was run by the Powell County Museum Foundation which operates adjacent to the prison who runs it by contract, they pay a fee to the Towe Antique Ford Collection which is non-profit and private foundation, both run by the same personnel. Senator Towe said he was a director and officer of the Towe Antique Ford Foundation but gains in no way but due to the name, he feels he has the right to vote. See attached letter from Representative Ellerd.

CHAIRMAN STORY stated that the chair also felt he has the right to vote.

After some discussion question was called.

SENATOR HAMMOND MOVED SENATE BILL 171 DO PASS.  
MOTION PASSED. Senator Manning voted no and Senator Towe abstained. EXHIBIT 3 shows the roll call vote.

ACTION ON SENATE BILL 390:

Discussion was held by the committee. Senator Towe commented and voiced that he doesn't like this bill and the abolishment of the department of institutions.

SENATOR HAMMOND MOVED that SENATE BILL 390 DO PASS.  
MOTION PASSED with a roll call vote. EXHIBIT 4.

The meeting adjourned at 12:30 p.m.

  
\_\_\_\_\_  
CHAIRMAN, SENATOR PETE STORY

## ROLL CALL

STATE ADMINISTRATION

COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date 2/14/83

SENATE  
SEAT #

[illegible]

Each day attach to minutes.

Feb. 14, 1983

COMMITTEE ON

## VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)



EXCERPT FROM THE "CORRECTIONS" VOLUME PUBLISHED BY THE NATIONAL ADVISORY  
COMMISSION ON CRIMINAL JUSTICE STANDARDS AND GOALS:

State  
Admin.  
2/14/83

FOREWORD

This volume is one of six reports of the National Advisory Commission on Criminal Justice Standards and Goals.

This Commission was appointed by Jerris Leonard, Administrator of the Law Enforcement Assistance Administration (LEAA) on October 20, 1971, to formulate for the first time national criminal justice standards and goals for crime reduction and prevention at the State and local levels.

The views and recommendations presented in this volume are those of a majority of the Commission and do not necessarily represent those of the Department of Justice. Although LEAA provided \$1.75 million in discretionary grants for the work of the Commission, it did not direct that work and had no voting participation in the Commission.

Membership in the Commission was drawn from the three branches of State and local government, from industry, and from citizen groups. Commissioners were chosen, in part, for their working experience in the criminal justice area. Police chiefs, judges, corrections leaders, and prosecutors were represented.

Other recent Commissions have studied the causes and debilitating effects of crime in our society. We have sought to expand their work and build upon it by developing a clear statement of priorities, goals, and standards to help set a national strategy to reduce crime through the timely and equitable administration of justice; the protection of life, liberty, and property; and the efficient mobilization of resources.

Some State or local governments already may have equaled or surpassed standards or recommendations proposed in this report; most in the nation have not. But in any case, each State and local government is encouraged to evaluate its present status and to implement those standards and recommendations that are appropriate.

The process of setting the standards that appear in the "Report on Corrections" and the other Commission volumes was a dynamic one. Some of the standards proposed are based on programs and projects already in operation, and in these cases the standards are supported with empirical data and examples.

The Commission recommends specific guidelines for evaluating existing practices or for setting up new programs. In some areas, however, the Commission was unable to be as specific as it would have liked because of the lack of reliable information. The Commission urges research in these areas.

The Commission anticipates that as the standards are implemented, experience will dictate that some be upgraded, some modified, and perhaps some discarded. Practitioners in the criminal justice field will contribute to the dynamic process as they test the validity of the Commission's assumptions in the field.

One of the main priorities of this volume—and of the Commission itself—is to encourage and facilitate cooperation among all the elements of the criminal justice system and with the communities they serve. Consequently, some of the subjects discussed in this volume bear a close correlation to standards in the other volumes. The Commission has attempted to maintain a consistent approach to basic problems, but different facets of common concerns are discussed in the volume that seems most appropriate.

The Commission has completed its work and submitted its report. The Commission hopes that its standards and recommendations will influence the shape of the criminal justice system in this Nation for many years to come. And it believes that adoption of those standards and recommendations will contribute to a measureable reduction of the amount of crime in America.

# MEMORANDUM

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

This is intended to comprehensively cover my views relative to the prospective and forthcoming legislation which will affect the administration, operation, management and funding of the state's prison system. Certainly, these views represent "the way I see it" — but nevertheless they are derived from a considerable array of tangible knowledge. As you already know, I not only had the opportunity to continuously observe the prison management and operations in motion for several months prior to the special legislative session in June, but I assiduously monitored all functions of the Legislative Task Force which was subsequently engaged in a study of the prison establishment.

Consistent with the capabilities (and limitations) of my educational background, I shall attempt to present a syncrastic picture of the situation; i.e., the amassing and blending of different and antagonistic parts into a whole. Hopefully, this will inspire an in-depth process of reasoning when legislation is in preparation to correct the existing problems. Far from considering myself super in any field of endeavor, it would, however, be my inclination to think extensively and unrelenting on any project or activity to which I am attracted.

First and foremost is the proposition that there are no "easy answers" — it would be sheer folly to attempt any kind of action with a "satisfaction guaranteed" label on it. By the very nature of our rapacious bureaucracy, you will undoubtedly be blocked and re-blocked in every effort to develop meaningful solutions. And, here, you must be mindful that whatever legislation is enacted into law, it will be another two years before the legislature can reconstruct it. Conjunctively speaking, it's more than an assumption that improper or inadequate legislation could have serious repercussions long before that.

The situation at hand is much more than a categorical "problem" — it's a package which we can justifiably label a dilemma! And regardless of the alternative selected, you will be dealing with traumatic conditions. Moreover, there is no singular malfunction to be reckoned with (such as the element of "overcrowding" which was ostensibly the conjured-up reason for the legislature being assembled into its special session in June).

To be sure, there was an overcrowded condition and a riotous disturbance in the cellblock on March 24, 1982, but that affair was merely the culmination of the deviate series of events which preceeded it — events as diversified in propensity as the stories on a totem pole. The whole situation is as far-reaching as the expanse of time and complex behavior which produced all the problems, combined, to create an incident of violent upheaval — the crisis.

In essence as well as fact, the legislature will indeed be grappling with a many-tenacled monster — a bureaucratic ogre that has been so gluttonously nourished during the past two decades that it defies any semblance of reasonable description. If I can accomplish nothing more by this presentation, then it would be my pitch to urge that individual thinking mechanisms be geared to think strenuously on the impacts likely to result from what is done (or not done) at the legislative level. To assume that the whole prison atmosphere is charged, short-fused and potentially explosive, would be in good order.

Lest we allow our naive minds to become even more naive, there is much to consider in the flow of political strategies during the past couple of years. These, in my opinion, served only to compound the problem of inefficient prison management that was already nearing the chaotic stage. In this connection, I am depicting the difference between an efficient management and the asinine bureaucracy which keeps it from being efficient.

If we prefer not to call conditions at the prison chaotic, how shall we describe it? — near-chaotic, abysmally disordered, malformed, ignorantly disoriented, or just plain discombooberated? Any way you look at it, it's obvious that conditions there were unhealthy enough for the governor to call a special session of the legislature to deal with it. So what did this special session signify? Besides the staggering expense to the taxpayers, it signified that something was radically wrong in the management and operations of the prison — so wrong that the governor didn't trust either the prison or the institutions department (or both combined) to straighten it out, and therefore placed the straightening-out process in the hands of the legislature. Conceivably, this could have been an unwise move. Somewhere in my counterpoised mind is the vision that a worse mess is in the making — worse for the prison environment and worse for the body-politic. And two "worses" do not equate into a betterment.

Actually, in retrospect, we should now be able to comprehend that the special-session move was politically innovated so as to take the governor "off the hook" because of the fear that the prison lid would blow and he would be left holding the well-known sack for inadequately responding to the situation (and it's common knowledge that the governor always prefers for someone else to be the sack-holder). This reasoning, however, was decidedly in good order, but for another reason. Based on the premise that if the prison management was so lacking that a cellblock riot did occur, it wasn't trustworthy to prevent a small insurrection either.

It is significant at the moment to dwell on the governor's most recent "State of the State" message to the legislature — no mention whatsoever of the prison "crisis" which prompted him to call a special session. We observe, however, that he obviously expects the legislature to allocate the umpteen millions for prison matters that are found in his budget. It's now getting close to the question of "who sold who a bill of goods" on how to handle the prison "crisis" to begin with? And yet, it was a bill of goods strong enough to call the legislature into special session despite the staggering expense to the taxpayers.

How could we possibly not connect this into the political move which brought Hank Risley in from Michigan to be the prison's warden? It would be hard to say (and even more difficult to find out) just what Governor Schwinden had in mind when he gave his institutions director (Carroll South) the go-ahead to steer Risley into the wardenship, with conceptual knowledge that it was bound to create an upheaval in the Deer Lodge community at large (and here I'm talking about the time-honored, fraternalized affiliate which has managed Montana's state prison for well over a century.

Whether good, bad or indifferent, the people who have been employed at the prison have resided in the Deer Lodge area (or somewhere in Powell County). Considerable amounts of their daily conversation has been pointed to prison affairs. And the warden, especially, has always been a public figure of no small stature — traditionally a long-time resident of the state, and who, by the very nature of his position and experience, possessed an abundance of first-hand knowledge of what he was dealing with.

This is not to condemn Hank Risley for his lack of know-how or expertise in Montana's prison matters or in Montana politics (and believe me, the Montana politocorum does play a highly significant role in the management and operations of its prison establishment. But the fact persists that Risley was totally unknowledgeable and ill-equipped to head-up the Montana State Prison. This would be comparable to a well-educated and highly-skilled Eskimo going to Florida to head-up that state's wildlife department. Despite his vast knowledge of the Arctic's wilderness, he would be at a loss to understand and manage its tropical counterpart. Michigan's penal system (with its 50,000 or so inmates) is by no means compatible with Montana's prison set-up, and it would be several years before Risley could become thoroughly acquainted with the difference. Besides that, Risley was never such a head-runner in Michigan's penological affairs as to qualify him to be a prison warden anywhere. So let's come down to some relative facts surrounding his appointment — it was Carroll South who didn't want a competent and proficient warden. South was after a "yes" and "me too" man.

Granted, after Risley was officially appointed, the way ahead was one of pretentious dimension. As is customary in political disjoiners of this type, Risley was accorded the usual "honeymoon" time. But the honeymoon is now long over, and the general consensus of opinion (both in public and prison circles) in assessing his ability and competence is that he was the poorest selection that could possibly have been made. This adversely reflects on Carroll South's competency as a DEPARTMENT HEAD by pursuing such a discernible route in selecting his prison warden to begin with.

To top this off, Risley has added insult to injury by declining to live at the warden's residence in the city of Deer Lodge — preferring to seclude himself at his lake spread on the prison acreage. This, in effect, tells the people of Deer Lodge that he does not wish to be counted among them. Really, that kind of attitude is neither healthy nor conducive to an amicable relationship with the fraternalized affiliate. And it's highly probable that there is no communication link between Risley's hide-away and the prison — indicating that he can be reached only by a guard dispatched by vehicle.

But ... let's face it. Risley wasn't brought to Montana to really be in charge of the prison as the warden is supposed to be. It was a foregone conclusion that he would be loyally subservient to Carroll South and the Department of

Institutions. This doctrine showed up clearly in every Task Force assembly from June through December. Risley stuck adhesively close to South, with Dan Russell hovering nearby to supply them both with his pre-arranged views, expertly tutored by Carroll South. An associate warden, Pat Warnecke, appeared for the first three or four meetings and then dropped. This was relatively easy to see through — Warnecke's qualifications and expertise stemmed from his initial position (July, 1979) as a Class II social worker in the prison's clinical services department. Later he became a counsellor in one of the medium-security wings, and still later was elevated to the position of Associate Warden of Treatment (undoubtedly a buddy-buddy appointment by former warden Roger Crist).

The one prison official who could have furnished the Task Force with a comprehensive and accurate description of the real prison picture was barred from attending any of the Task Force meetings — Deputy Warden Gary Weer, an official whose employment dates back to his position of guard at the old prison. South is not exactly a nit-wit — he knew all too well that Weer could not be tutored, coerced or manipulated.

My personal appraisal of Hank Risley is that (with or without his beard) he is a very insecure person with an inferiority complex pervaded by failure to be the master of his own convictions. This implies a personified weakness of character, stamina and endurance, almost to the point of inanity. He is noticeably lacking in organization and foresight. Being a prison warden requires that person to have considerable more qualifications and meaningful grit than Risley will ever have. Probably the strongest characteristic of an effective warden would be his LEADERSHIP qualities which would be respected by the inmates as well as his staff. Risley is generally known for his lack of such qualities. No one can be expected to respect their leader if, in fact, he is not a leader. A warden who has not earned the respect of the inmates he has to control puts the state in the position of expecting perpetual trouble and uprising.

I note by the deductive method that another tour of the new and old prisons by "about 50 legislators" (as the media had it) occurred on Friday, January 7th. The media failed to mention, however, that this group consisted of the forty new freshman legislators and a few of the older heads who were unable to tour the prisons in June. This recent tour had all the earmarks of a surprise that was not to be announced in advance — Carroll South presiding.

And how courteous it was of the warden to personally conduct this tour — one that is reminiscent of how the term "Cook's Tour" got its meaning. The tourists saw that which was prepared for them to see, when they were to see it. As could have been expected, the deputy warden was relegated to showing the dilapidated old prison. Any way, the touring legislators were described as having departed with the satisfaction that the prison was in "smoooooth" running order. I have since wondered how many of those legislators have kept abreast of the various incidents which have occurred at the prison throughout the summer — escapes, knifings, hunger-strikes, demonstrations, deaths, etc. If the news accounts of this tour were any where near accurate, it presents a sharp contrast to how the touring legislators saw it in June.

It is essential now to comment on the study performed by the Legislative Task Force. Within the meaning of the word "investigate" we could conscientiously envision the committee's work as an investigative venture. There was much inquiry, much evidence, much testimony, much concentration, and much mental agony with respect to what-to-do and how-to-do-it. But it's the RESULTS of the process that takes top priority. And here (like the governor assessed it), the Task Force must acquiesce to the report-card grade of "F" (which does not mean "fine"). It must be emphasized, however, that this grade is applicable only to the results (and had the governor or anyone else been a participating member, they too would share an equal portion of the grade).

Insofar as effort is concerned, all members of the Force are entitled to a much higher grade (even "A"). I knew only too well the arduous and brain-wracking work that lay ahead when their work began in June. If we were to apply a single word that best describes the whole entangled mess, SWAMPED would be my choice.

Rather than doing what it could and should have done (which was to recommend legislation providing for state policy and standards that would contain effective guidelines for the prison management to follow), the Task Force grandiosely dabbles in an attempt to restructurize the state's criminal justice system — as if that Brobdingnagial monster isn't enough of a curse to mankind as it is. Here's an example: the proposed BILL FOR AN ACT to create a CORRECTIONS COMMISSION, which would do nothing more than add another white-elephant to the one we already have; namely, the Department of Institutions. The bill is a 45-page document, with the commission's composition being sickening enough by itself — meaning

five more of the governor's cronies in swivel chairs and another three-story building to accomodate the lesser bureaucrats who would function parallel to that which is now in evidence at the Department of Institutions.

So let's assume that there was a legitimate need for the special session in June to begin with, and confine it to the issue of "overcrowding" by itself. The one simple solution didn't even get to bat, much less on its way to first base. This would have been legislation to provide for an early release program. As explained in my memorandum dated June 6th, the release of FORTY PERCENT of that prison population could have been justified. This would have reduced the population to less than 500 inmates, and there would have been no need to consider expansion of existing facilities. Certainly, this would not have been a permanent solution, but it would have been a start in the right direction to CAREFULLY restructurize the prison system so as to provide for efficient management.

The next step would have been to separate the prison from its bondage to the Department of Institutions — giving it a practical autonomy so that it could be efficiently managed. WASTE is what I am primarily talking about — its daily companion being asinine bureaucracy.

So how many millions of public funds have now been spent? And to do what? To do exactly what did not then (and does not now) need to be done — which is to provide for more concrete cells and iron doors (bricks, mortar and steel). I repeat, the millions spent so far is only to pave the way for the umpteen millions yet to be allocated.

Consider the prime example of how the legislature was sucked into believing that "emergency" funds were needed to expand the prison food service (and this was in June!) As of December 17th when I was at the prison to interview a group of inmates, a total of NOTHING had been done expand it. Oh, to be sure, the prison purchased an abundant stock of so-called "hot food trays" which are used to slip meals under the cell doors of inmates who are locked-up some 22 or 23 hours a day. Maybe this can be called "expansion" of the food service — your guess is as good as mine.



Why is this, you ask? The "why" can be easily understood by subjunctive reasoning. Funds allocated for expansion of the prison food service first goes to the Department of Institutions. When Carroll South decides to let go of it, then the food-service expansion project can proceed. One needs only to backtrack to the 1981 new guard-tower project to see a paralleled condition. The site for that tower had already been selected by the prison planners to compensate for the blind-area that could not be covered by the existing tower because that tower was not of sufficient elevation to begin with. Lo and behold, Carroll South decided that the site selected was not to his liking — so he selected the one on which the tower was constructed. The prison was forced to "go along" — it was either that or no new tower at all (Carroll South presiding). The outcome? — a new guard tower that still falls short of covering the blind-area. And now the prison wants a third tower. After that (in due course) will come the requirements for a fourth tower — then number five followed by number six.

The two examples cited above are by no means isolated occurrences of sculduggerous malfeasance. The whole prison history is literally FULL of them. One of the very important jobs that the Task Force could have done was to instigate a thorough audit of the prison's accounting system. This would have been a fertile field of inspectional endeavor for at least five top-notch CPA's. The findings would undoubtedly have improved the Force's report-card grade under RESULTS.

In assessing the whole package of events that have occurred to date (beginning with the prison riot of March 24, 1982), what we have tallied-up is something akin to what Shakespeare had in mind when he wrote his farce drama, "The Comedy of Errors." As is always the case when government nincompoopery reigns supreme, only the taxpayers bear the burden of loss.

So far, the public expense has been the cost of the special session, cost of the Task Force operations, cost of the study on rennovating the old prison, and the band-aid outlays from the special session to "correct" the immediate prison deficiencies. Staggering as this total may be, it's still not too late to thwart the avalanche of monetary outlays that are in the making.

If it might be possible that the whole configured situation has not yet totally reached the point-of-no-return, I would still see a thin-skinned merit in pursuing the prison problem at this legislative session as outlined below. Granted, this proposition is something like writing a treatise in 1950 on how to avoid World War II, but somewhere in my probing brain is the notion that it's worth the effort to present it for consideration. This is based on the intromittent thought that there is still much more homework to be done in research, study, comprehension and multifarious thinking before the legislature outlays the many millions that are now called for in pending bills.

The following multi-point program could turn out to be the best step in the most favorable direction at this time.

1. Separate the prison from its ties to the Department of Institutions, thereby establishing it as an autonomous state agency. A simple-worded one-page legislative bill can accomplish this — the implementing procedure would be formulated by the Department of Administration (or whatever state agency that may be designated to handle the transition).

SPECIAL NOTE RELATIVE TO THE ABOVE ITEM: If this initial step is not accomplished, you may as well forget the rest.

2. Cordially invite the present warden to seek employment elsewhere (a crafty way of saying "you're fired"), and take immediate steps to install a new warden who is capable in all respects of heading-up the prison establishment.
3. Immediately legislate an early inmate-release program so as to reduce the prison population to a number that is consistent with existing quartering facilities.
4. Cancel (or at least table) all plans and proposals to renovate the old prison or the construction of a new maximum-security unit at the new prison site.
5. Make do with existing cellblock and inmate-housing facilities, but provide adequate funding for the prison's associated units (located at sites other than Deer Lodge), the industries programs (including appropriate housing and facilities), agricultural production, upgraded medical facilities, hobbies, etc. This would include reinstatement of the hog-farm, poultry-farm, and garden-farm.

6. Direct that the prison management and operations shall basically adhere to the guidelines established by the National Advisory Commission on Criminal Justice Standards and Goals.

Item 6 is equally as important a MUST as item 1. It is a most needed development in Montana's prison establishment. Any one who would take the time and initiative to consult the Commission's volume entitled CORRECTIONS would surely understand the crying need for implementation of these guidelines in Montana's prison. As a starter in acquainting oneself with the powerful contents of this 636-page documentary, I am attaching the major portion of its FOREWORD.

7. By whatever language the legislature deems appropriate, press for a non-interference pact with the unions in matters relating to the prison's internal affairs — some meaningful provision which would discreetly invite the unions to BUG OFF in their constant harassment of what-can-be-done and what-cannot-be-done with inmate labor and associated enterprises. This is one of the worst stumbling-blocks there is in the prison's maintenance, educational, industries, productions and therapeutic programs.

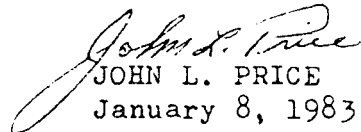
With respect to item 3 (and admittedly without accurate statistical knowledge to support it), it would be a qualified guess that the larger portion of the FORTY PERCENT reduction in population by an early-release program (explained on page 7) would be composed of inmates who have less than one year yet to serve. Really, would it be so difficult for the state to grant this one-year head-start on the road to rehabilitation? Magnanimous or not, it is the most feasible and economical way to correct the "overcrowding" factor. To state it bluntly, what we're contending with here is the alternative of fiscal sensibility — the option of either reducing the prison population to a number consistent with the prison's capability to handle it, or stick the state's taxpayers with a multi-million dollar package for new prison construction. And THIS in near-desperate times of a deteriorated economy (?????).

The most significant underlying causes of prison disturbances hinges not on the "overcrowding" bushwah, but in matters relating to idleness, unfairness, unwholesome treatment, antiquated and careless handling of the human entity. Both Carroll South and Hank Risley have repeatedly sounded their clarions for more total confinement; the so-called "safe" way to deal with the inmates. Actually, the instigator is Carroll South, "me-too'd" by Hank Risley.

Even now the number of inmates who are confined to their cellspace 22 or 23 hours a day is the surest way possible to invite a real catastrophic showdown. That kind of intolerable treatment is not only the wrong way to achieve tranquility, it's a hell-bent path to a disastrous explosion, ala-Attica! .Prison life must be balanced out with ACTIVITY, with as many inmates participating as is humanly possible under the security restrictions that must prevail.

If the Montana State Prison is ever to be an institution of palatable design, management and operation, there must be many revisions which will turn it from the direction it is headed. But the first and foremost step lies with the top governmental body in the state; the legislature. Policy and regulatory criteria must be established to determine how the prison is to be managed and operated, and the purpose for which the institution is intended. So far, neither the Task Force nor any other exploitive movement has met these needs.

Any attempt to describe what any one else could or should do in the position of warden would, at best, be speculative and presumptuous. I could, however, present a comprehensive listing of the revisions that I would view as essential, and which would be pursued if I were the warden.

  
JOHN L. PRICE  
January 8, 1983.

SENATOR REED MARBUT  
PROPOSED AMENDMENTS TO SB309

EXHIBIT 2  
State Administration  
Feb. 14, 1983

- 1) Page 2, Line 21  
after legislation  
insert before  
strike new language
- 2) Page 2, Line 25  
after line 24  
insert stricken language
- 3) Page 2, Line 25  
after or  
insert before
- 4) Page 3, Lines 1 and 2  
insert stricken language from (b) to  
official. on line 2
- 5) Page 3, Line 5  
after line 4  
insert new section (c) -- "lobbying shall  
not include the appearance by a  
public official before a committee  
of the legislature for informational  
purposes."
- 6) Page 3, Lines 14, 15, 16  
strike new language
- 7) Page 5, Line 19  
after fee,  
strike or  
after compensation  
insert , or reimbursement
- 8) Page 6, Line 22 and 23  
after line 21  
insert stricken language
- 9) Page 6, Line 23  
after such  
strike such
- 10) Page 7, Lines 9 through 22  
after line 8  
insert stricken language
- 11) Page 8, Line 23  
after conferring  
insert \$15.00  
after \$15.00  
strike \$25.00

12) Page 9, Line 1

after	conferring
insert	\$100.00
after	<u>\$100.00</u>
strike	<u>\$250.00</u>

13) Page 9, Line 24

after	each
insert	<u>official action</u>

14) Page 9, Lines 24 and 25

after	<u>action</u>		
strike	bill	through	in

15) Page 10, Lines 16 and 17

after	line 15
strike	all of lines 16 and 17





*The Big Sky Country*

EXHIBIT 3  
STATE ADMINISTRATION  
Feb. 14, 1983

MONTANA STATE HOUSE OF REPRESENTATIVES

February 3, 1983

Senator Pete Story, Chairman  
Senate State Administration Committee  
Capitol Station  
Helena, Montana 59620

Mr. Chairman:

On February 2, 1983 I attended the Senate hearing on Senate Bill 171 held by the State Administration Committee.

From my observations and listening to the testimony offered by opponents of this bill, it is my feeling that Senator Thomas Towe has a strong conflict of interest in this instance and that it would be in order for him to be disqualified from any votes on Senate Bill 171.

Please consider this letter a formal notification of my request that disqualification be observed in this case.

Thank you.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Robert A. Ellerd".

Robert A. Ellerd  
Representative  
District No. 75

RAE:mpb



ROLL CALL VOTE

EXHIBIT 3  
State Admin.  
2/14/83

SENATE COMMITTEE STATE ADMINISTRATION

Date 2/14/83 Bill No. 171 Time

SENATOR HAMMOND'S Motion <u>DO PASS</u>		
NAME	( YES )	NO
STATE ADMINISTRATION		
SENATOR H.W. HAMMOND	X	
SENATOR REED MARBIT	X	
SENATOR LARRY TVEIT	X	
SENATOR R. MANNING		X
SENATOR LAWRENCE STIMATZ		
SENATOR THOMAS TOWE	abstained	
SENATOR PETE STORY	X	

Leona Williams  
Secretary, Leona Williams

Pete Story  
Chairman SENATOR PETE STORY

Motion: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

## ROLL CALL VOTE

SENATE COMMITTEE STATE ADMINISTRATIONDate Feb. 14, 1983 Bill No. 390 Time 12:15

NAME <u>STATE ADMINISTRATION</u>	YES	NO
SENATOR H.W. HAMMOND	X	
SENATOR REED MARBITT	X	
SENATOR LARRY TVEIT	X	
SENATOR R. MANNING		X
SENATOR LAWRENCE STIMATZ		
SENATOR THOMAS TOWE		X
SENATOR PETE STORY	X	

Leona Williams  
Secretary, Leona Williams

Pete Story  
Chairman SENATOR PETE STORY

Motion: On Roll Call - Unanimous

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

# STANDING COMMITTEE REPORT

FEBRUARY 14

19 83

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration SENATE Bill No. 309

Respectfully report as follows: That SENATE Bill No. 309

introduced bill, be amended as follows:

1. Title, lines 8 and 9.  
Strike: "DELETING" through "LEGISLATION;" on line 9.
2. Title, lines 11 and 12.  
Strike: "AND FROM" through "OFFICIALS" on line 12.
3. Title, line 14.  
Strike: "REPEALING SECTION 5-7-213, MCA;"
4. Page 1, line 25.  
Following: "interests,"  
Insert: "to require elected officials to make public  
their business interests,"

XXXXXX  
DO PASS

CONTINUED..

5. Page 2, line 19.  
Following: "~~includes:~~"  
Insert: "includes:"
6. Page 2, line 20.  
Strike: "is"  
Insert: (a)
7. Page 2, lines 21 through 23.  
Strike: "by" through "to" on line 23  
Insert: "before"
8. Page 2, line 25.  
Following: "and"  
Insert: "or before a public official acting in his  
official capacity; and"
9. Page 3  
Following: line 4  
Insert: "(b) the practice of promoting or opposing official  
action by any public official other than a legislator.  
Lobbying does not include the appearance by a public  
official before a committee of the legislature for  
informational purposes."
10. Page 3, lines 13 through 16.  
Strike: ": or" through "committees" on line 16.
11. Page 5, line 19.  
Following: "fee,"  
Strike: "or"  
Following: "compensation"  
Insert: ", or reimbursement"
12. Page 6, line 23.  
Strike: "Such"  
Insert: "If such payments are made solely to influence  
legislative action, such"
13. Page 7.  
Following: line 19  
Insert: "(3) If such payments are made to influence any other  
official action by a public official or made to influence  
such other action and legislative action, such account-  
shall be made:  
(a) before February 16th of the calendar year following  
such payments and shall include all payments made during  
the prior calendar year; and  
(b) before the 16th day of the calendar month following  
any calendar month in which the principal spent \$5,000  
or more and shall include all payments made during the  
prior calendar month."

14. Page 7, line 20  
Strike: "(3)"  
Insert: "(4)"
15. Page 7, line 21.  
Strike: "and"  
Insert: ", "
16. Page 7, line 22.  
Following: "{3}{a}"  
Insert: ", and (3)(a)"
17. Page 9, line 1.  
Strike: "\$250"  
Insert: "\$100"
18. Page 9, line 24 and 25.  
Strike: "bill" through "in" on line 25  
Insert: "Official action"
19. Page 10.  
Strike: line 16 and 17 in their entirety.  
Renumber: subsequent section.

And, as so amended,

DO PASS.

# STANDING COMMITTEE REPORT

FEBRUARY 14 19 83

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration SENATE Bill No. 171

Respectfully report as follows: That SENATE Bill No. 171

DO PASS