Educators Kit

Old Prison Museums Lesson Plans

Directions: Read the following essay then answer the questions.

Conley's Legacy

Frank Conley was born on February 28th, 1864 at Havre de Grace, Maryland and was the youngest of seven boys. As a young man he left his place of birth and found himself in Montana Territory. Conley ended up spending 35 years of his life at the prison in Deer Lodge, from 1886 until 1921. However, he did not serve a sentence for any criminal act. Conley was there because he wanted to be.

At age 22, Conley was an under sheriff in Custer County. He arrived in Deer Lodge in March of 1886. His task at the time was delivering Fred Choate, E.L. Hallenbeck, and Lincoln Lee to the penitentiary. These men had been convicted of assault, forgery, and grand larceny. Once the men had been turned over to the custody of the federal prison, Conley learned of a job opening as a guard. He took the position, beginning his legacy at Montana's prison.

Four months after Montana was granted statehood on November 8, 1889, the federal government gave control of the prison in Deer Lodge to the new State. The first course of action for operating the prison was to create the State Board of Prison Commissioners. The members were the governor, secretary of state, and the attorney general.

The commissioners had a large problem to deal with. The new State had little money and the prison in Deer Lodge was in desperate need of structural improvement. The problem was made worse by the daily cost of housing the inmates. This had been the financial responsibility of the federal government while Montana was a territory. The board decided the best course of action was to take bids for an independent contractor to operate the prison. In February 1890, the contract was awarded to Thomas McTague and Frank Conley at the rate of .70 cents per inmate, per day for the first one hundred people.

The partners had total control over prison operation. Conley controlled the daily lives of the inmates, while both men jointly oversaw the faculty's administration, discipline, purchases and construction of buildings as they saw fit. The commissioners only maintained the right to inspect the prison at any given time.

The State renewed this contract several times. McTague and Conley almost lost control in 1908, to F.A. Henderson and Jack Wyman from Butte who underbid them. The State was forced to give the contract back to McTague and Conley after conducting an inventory of the property and equipment necessary to operate the prison. The State's holdings filled one page, most of which were buildings. McTague and Conley's holdings filled several pages and was worth several thousands of dollars. Neither the State, nor Henderson and Wyman, could afford to buy-out McTague and Conley. The State also officially made Conley the prison warden, a position he held until 1921.

Conley oversaw many improvements to the prison during his time as warden, as well as altering the State's position on inmate rehabilitation. He accomplished most of the improvements to the prison by using his rehabilitation methods.

Conley felt the worst thing was for inmates to sit and do nothing. Conley thought he could also correct their deviant behaviors by making them work, and work hard. Existing structures at the prison required renovation along with the need for new facilities. The State didn't have the money to do either. The men being housed at the prison needed to be rehabilitated. With this in mind the State board and Conley ignored organized labor groups and put the inmates to work by having the men within the prison rebuild it.

The inmates' first project in 1893 was the prisons stonewall. The wall replaced a 12-foot high wooden fence that was easily blown down by gusting winds. The prison was also in desperate need of more cells, so the next item on the list was to build a cell house, completed in 1896. In 1907 the women's quarters was built which allowed Conley's staff, for the first time, to separate the women from the men that were housed in the cell house.

The population of the prison continued to grow and more cells were needed. In 1912 the external wall was extended and a new cell house built. This structure contained 200 cells and was equipped with indoor plumbing, electricity, and a mass controlled locking system on the cell doors. The old 1896 cell house lacked all of these features. Another building that was constructed, thanks to the financing of W.A. Clark Jr., was a theater built in 1919. This was the first theater within the walls of a prison in the United States. In addition to these building, the inmates constructed storage facilities, both on the prison site and at the prison ranch.

The use of convict labor was not restricted to just the prison. The inmates worked around the city of Deer Lodge as well as other locations throughout the State. Convict labor was used to build roads in the Deer Loge Valley, around Flathead Lake, and other county roads. The inmates erected several State buildings at other locations, including the State Mental Hospital at Warm Springs and a Tuberculosis Sanitarium in Galen.

People who had nothing to do with the State's prison were also able to take advantage of the inmate labor thanks to Conley, especial people around Deer Lodge. It was a win-win situation for all, storeowners had an endless supply of cheap labor and Conley bought all the goods he needed for the prison from these same storeowners.

The town's business people were very supportive of Conley and the prison for these reasons. Inmates worked around the city on public grounds keeping and road repair. Convict labor was also used on local ranches. McTague and Conley themselves owned and leased approximately 23,000 acres of ranch land in the Deer Lodge valley. All of their ranch hands were inmates, raising hogs, poultry, beef cattle, dairy cattle, grain, hay and vegetables. McTague and Conley sold everything they produced back to the State to sustain the prison population.

Private ranchers and businesses that used inmate labor had to pay for their services. Anyone who wanted inmates to work for them had to pay McTague and Conley. This meant that Conley and his partner were getting paid twice for each inmate that was working in or outside of the prison. Men that worked on the grounds at the prison, and prison ranches (owned by McTague and Conley), saved the two partners operating costs. This increased their profit margin for operating the prison. Men that worked for the city, business owners, or ranchers had to pay McTague and Conley. This also increased the partners' profits. They received a set amount per day for housing the men from the State. Then they received a set amount per day from the business owners "employing" the inmates. This money that went straight into McTague and Conley's pockets. It seems that for McTague and Conley crime certainly did pay!

The State Board of Prison Commissioners advocated the use of inmate labor. Several prison reports state that the inmates were very capable in the work they were performing. The State also acknowledged the men did as good a job if not better than any civilians that might have been hired. These statements were published before the use of inmate labor was made legal in Montana. State law allowing the use of inmates to fill various job positions was not put into place until 1909.

As the prison became successful, Conley became rich and very politically influential, both at State and at federal level. (In addition to being the State prison warden he was also the mayor of Deer Lodge.) Some of his allies were:

- William Andrew Clark, a self-made multi-millionaire and United States Senator
- W.A. Clark Jr., William Andrew Clark's son and founder of Los Angeles Philharmonic Symphony
- William McAdoo, Secretary of the Treasury
- Samuel V. Stewart and Edwin L. Norris, Montana governors
- William F. Clancy and Edward Harney, Montana judges
- Cornelius Kelly, John G. Morony and J. Bruce Kremer, Executives of the Anaconda Copper Mining Company

All of these men were present at a lavish party Conley hosted at his Deer Lodge residence in 1920 for Franklin D. Roosevelt, "FDR". The event was in support of FDR's vice presidential candidacy. Conley also had connections with Theodore Roosevelt.

Some of Conley's friends made donations to the prison too. One benefactor donated musical instruments. Conley let the inmates utilize this gift by allowing them to create a concert band which occasionally performed for public concerts. After the Board of Prison Commissioners established a school within the prison in 1895, William A. Clark donated 4,700 books to the school. This would remain the bulk of the schools inventory for years as Conley spent very little to extend the program. W. A. Clark Jr. also donated the funds in 1917 to build a theater. This was one project Conley did support. Once the theater was constructed he used it as an incentive. If inmates didn't behave as he thought they should, he would revoke their privilege of attending the theater.

Eventually, people began to question Conley's operation of the prison. One open critic was US Senator Thomas Carter. A journalist made it known to him that "Conley seems to be the real boss of Deer Lodge, and his methods have made him many enemies in the town."

Former inmates reported questionable acts to the State board, including Conley and McTague's use of inmates as private cooks. Free labor for various construction projects around town was offered on occasion. Apparently, Conley's brother James took an inmate with him on a fishing trip as a private servant. Conley was also accused of not giving free suits of clothes to inmates when released from the prison at the end of their sentence, whilst submitting claims to the State that he did.

Conley was also accused of being too excessive with discipline for behaviors that he felt inmates needed to be punished for. Guards were told to punish inmates for "dancing in cell," "talking at table," and "refusing to work." More serous misbehaviors were "possessing a knife" and " assault". The punishments for these offences could range from a week to ten days in a blackened cell on bread and water, up to 75 days in the blackened cell on bread and water. Conley controlled all matters of discipline and ruled the prison with an iron fist.

The manner in which Conley lived didn't help either. He frequently held lavish parties for area company executives. The food was produced at the prison ranch and was prepared and served by inmates. When Conley traveled it was by limousine, which was chauffeured by an inmate. Conley also purchased vast amounts of real estate in the valley, as well as racehorses and purebred livestock. The inmates eventually built a racetrack just outside of Deer Lodge, as ordered by Conley. On McTague and Conley's ranch the inmates also built a logging camp, a sawmill, icehouses, a brickyard, two summer homes, a lake, a trout hatchery and a private game reserve. Conley accomplished all of this even though his yearly salary from the State never exceeded $4,000.

All of Conley's actions, professional and personal, became an embarrassment for the State government. In particular Conley's abuse of the prison, its ranches and free inmate labor to further his own personal wealth. Documents proved that Conley operated

all of his ranches with inmates. These men were not paid and the State was not reimbursed either. Outside of the prison, Conley offered the use of inmate labor to replace workers on a strike organized by the Butte Miners Union in 1914. This was an effort to help his friends in the mining industry. The use of prison labor for prison operations also angered the working classes and organized labor unions. They saw this as State jobs being taken away from them. Newspapers around the State published articles on these contentious topics, adding to the State government's embarrassment.

Against the recommendations of Montana Governor Dixon's advising staff, (the State's attorney general and financial campaign supporters), the governor ordered T.H. MacDonald to investigate Conley. The investigation focused on the warden's finances, the prison's administration and purchasing contracts made by Conley. MacDonald agreed to this reluctantly, but after five months he reported there was evidence that Conley used his method of operating the State prison to better his personal wealth. MacDonald reported that Conley, in one way or another, took money, goods or services to the value of about $200,000 from the State. After reviewing the report, Dixon ordered the attorney general to conduct a full audit and to take legal action against Conley. The audit covered Conley's control of the prison from 1908 to 1921.

The document listed some of Conley's suspected corruptions:

- Gutting the penitentiary's warehouse, garage, and machine shop just prior to his removal
- Appropriating beef, assorted groceries and produce, cream, and butter for his private use to the amount of some $8,330
- Using over half a million tons of State coal for his private residence: a gas, oil and maintenance bill of over $12,000 per year on the vehicles
- Using the prison's ranch to feed his private dairy herd and employing free inmate labor to care for and feed his livestock
- Selling to the State (for prison use) dairy products and beef produced by the herd, at market rates
- Selling pork to the prison from his own herd, which had been fed on prison swill[1]

In the State's case against Conley, they sued for $200,000 worth of money and property. In reaction to this, Conley's lawyer, former Montana Attorney General C.B. Nolan, filed a counter suit for $120,000 in unpaid claims. Judge A.J. Horsky heard the case in a Helena district court without a jury. Conley's defense noted that the arrangements he made were oral and difficult to prove specifics. All of the witnesses substantiated this. Conley himself took the witness stand for two weeks, during which time he explained that he hadn't broken any written laws and that he always kept the State informed of the prison's administration and operation.

Judge Horsky decided the main issue was whether Conley had violated any written laws, not whether he had illegally taken State funds or property. The State had never

[1] Edgertons p93

clearly defined the administrative relationship with Conley after 1908, other than naming him warden. The lease had been terminated but the State retained Conley and the personal property he was using to operate the prison. Conley was acquitted since no written laws had been violated. The judge also dismissed the majority of the counter suit, awarding Conley only $632. Judge Horsky also ordered the State to pay for the cost of the trial. The judge noted in his closing statements that Conley had always acted in the best interest of the State of Montana.

This marked the end of the States relationship with Frank Conley. Conley remained in Deer Lodge after being removed from his position of warden. Conley had first been elected mayor in 1892, a position he held for 37 years until 1929. Conley died in Butte on March 5th, 1939 after a month-long illness.

Even in death, Conley's connection with Deer Lodge and the Montana State Prison has not been completely broken. Of the existing structures at the site of the Old Prison, only two were built after Conley's dismissal. The street to the south of the museum parking lot is named after him, and ironically, in the 1970's the State built the new Montana State Prison west of Deer Lodge on ranch land that was formerly owned by Conley. This includes his private man-made lake, named Conley Lake.

Whether you feel Frank Conley was good or bad for the prison system that developed in Montana, he was definitely the man most responsible for it. Whilst under his control, Conley shaped and created a self-sufficient prison system that became a model penitentiary for the rest of the United States.

<u>Bibliography</u>

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OLD PRISON MUSEUMS

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Conley's Legacy: Questions

Directions: Write a short answer to each question

1. Conley held a party at his home in Deer Lodge in 1920. Who was it for and what was the occasion?

2. How long was Conley in control of the prison's administration?

3. Where and when was Conley born?

4. What other public job did Conley have while he was the prison warden?

5. When did Conley first arrive in Deer Lodge and why?

6. What was Conley's annual State salary as warden?

7. When was Conley removed from his position as warden, and by whom?

8. Who was Conley's business partner?

9. Conley believed convicted criminals could be rehabilitated by having them do what?
10. When Conley and his partner where awarded the contract with the State to operate the prison, how much did they charge to house each inmate who was serving time?
11. Why was Conley removed from his position as warden?
12. Who was ordered to investigate the administration of the prison for the years that Conley was the warden?
13. How much did the government accuse Conley of taking from the State?
14. Who was Conley's trial lawyer?
15. Who was the judge that presided over the State vs. Conley, and where was the trial held?

16. What were some of the offences Conley was accused of?
17. Conley's lawyer filed a counter suit for what amount?
18. Which of Conley's personal friends donated funds to build a theater at the prison?
19. What was Judge Horsky's ruling in the trial against Conley?