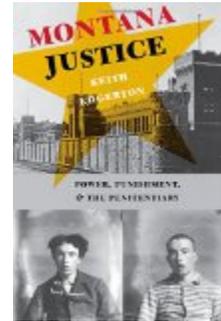


# H-Net Reviews

in the Humanities & Social Sciences

Keith Edgerton. *Montana Justice: Power, Punishment, and the Penitentiary*. Seattle: University of Washington Press, 2004. xviii + 181 pp. \$22.50 (paper), ISBN 978-0-295-98443-8.

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## A Good Book about a Bad Place

Author Keith Edgerton's photograph on the back cover of *Montana Justice* shows him smiling. Is he merely posing, or has he reason to be glad? Has he found justice in Montana? No. Has he found a prison system that treated its wards decently? No. Has he shown that the Montanans have given their penitentiary anything more than sporadic attention? No. One can only guess that Edgerton smiles because he has finished a depressing, but necessary task. Now he is free to till some happier historical ground as he enjoys the applause of scholars and citizens who owe him thanks for his careful study of a place many would rather forget.

Edgerton centers his study on the penitentiary from its 1871 founding until 1921. When the federal government built the territorial prison in 1871 at Deer Lodge, a small town southwest of Helena and northwest of Butte, it was heralded as a mark of civilization, an antidote to the lynching mania that characterized Montana in the 1860s. How uncivilized the place was slated to become became apparent in July 1871 when the first nine inmates occupied its six-by-eight-foot cells.

The nine were the first of four thousand who during the next half century would live in cramped quarters, subsist on a monotonous and unhealthy diet, suffer punishment and torture from their jailers, and hope for the day of their release. Anxious to be tough on crime, judges and juries crammed Deer Lodge. In 1885 the U.S. Attorney General forbade jailing more felons at the overcrowded facility and the territorial governor pondered housing inmates in tents during the winter. By com-

muting sentences and pardoning prisoners, governors reduced the prison population. The blessing of reduced sentences, however, was not unmixed because the state pardoned sick and dying convicts to avoid paying for their care.

Edgerton gathered information on the race, class, and gender of the penitentiary's inmates. Of the sixty-three women incarcerated between 1878 and 1910 nearly a third had their occupation listed as "demimonde," demonstrating that prison officials could write a little French when it suited them. As to race Edgerton writes, "the experience minorities had with the Montana criminal justice system and particularly with the prison [during the territorial period] appears not to have been racially based or biased overall, a circumstance similar to what scholars elsewhere have discovered" (p. 58).

In late 1889 Montana achieved statehood and early in 1890 the territorial penitentiary became the state penitentiary. Unwilling to manage the institution directly, the state contracted with Frank Conley and Thomas McTague to run it. The state agreed to pay "\$.70 per prisoner per day for the first one hundred, and \$1.00 for each prisoner above that number" (p. 70). Conley and McTague turned that arrangement to their advantage by using prison labor to expand the penitentiary. A larger prison could hold more prisoners and make more profit. For some reason Conley's use of convict labor did not anger Montana's powerful unions. Edgerton writes, "this stood in marked contrast to other states where big labor challenged and vigorously opposed the use of inmate la-

bor” (p. 174).

Conley parlayed his pelf into a 23,000-acre ranch that sold food to the prison. With political power to match his money, he reigned as supreme as any feudal lord or antebellum plantation owner. The state ended the lease arrangement in 1908, but Conley maintained control of the prison until 1921 when he was fired by Governor William Dixon.

During Conley’s long tenure, African Americans, Hispanics, homosexuals, socialists, and members of the International Workers of the World, suffered from his biases and racial attitudes, as did Germans during World War I. Sometimes Conley’s paternalism softened the harshness of prison life, but the warden, a giant of a man, could be vicious. For prison reform he had scant use, although he did allow a library, a little schooling, and music

instruction.

Edgerton too easily concludes that the creation of the penitentiary led to the virtual end of lynching. In Montana, as in many other Western states, lynching declined after penitentiaries were built, but it still occurred even in the twentieth century. That lynching persisted, however, reinforces one of Edgerton’s main points that Montanans practically never were willing to spend much money on criminals.

Although Edgerton essentially ends his story in 1921, he touches on the troubled history of Montana’s prisons during the rest of the twentieth century. A bloody riot in 1959, an uprising in 1991, and the expansion of the prison population in recent decades suggest that Montana, like much of the rest of the country, has made little progress in dealing with its social outcasts.

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