AFRICAN AMERICANS AND MONTANA’S CRIMINAL JUSTICE SYSTEM
A HISTORICAL TIMELINE

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Claude Adams before intake process at Deer Lodge Penitentiary, ca. 1900. MHS 950-006. Montana Historical Society Research Center Photograph Archives, Helena, MT.
May 26, 1864: Montana Territory created by an Act of Congress via the Montana Organic Act
- The decision as to which federal laws were applicable was left to Territorial courts—the U.S. Supreme Court took over the “task” when it came to African American rights.

Secretary of the Interior makes contact with Detroit House of Correction and Iowa Penitentiary to house territorial prisoners with sentences of 2+ years

Helena, MT, established as a gold mining camp

African Americans limited from being witnesses at trial
- Cannot be witnesses against white litigants, only against members of their own race

Racial exclusion from jury services
- Only those who could vote could serve on a jury

Racial restrictions on school board elections:
- 1864-5 Council Journal (C.J.) 57, 109-110, 123
- 1864-5 House Journal (H.J.) 135
- 1864-5 C.J. 209, 27
- 1864 T. Laws 443 (Only white males allowed to vote in school elections)

First wave of postbellum African-American migration west
- Attempt to pass an anti-miscegenation law (House Bill 27) fails

- Congressman Benjamin Wade claims the Montana Territory to be in a “state of anarchy”

1867

- African-American men vote for the first time in Helena, MT

- Congress passes Territorial Suffrage Act, giving African Americans in territories the right to vote

- Helena Election Riot of 1867
  - Montana Territory’s leading city, Helena, decides to experiment with black voting in city elections; encouraged by the Republican administration in Washington
  - “Gangs of Democratic roughs circulated through town warning African Americans from the polls and threatening violence should they attempt to vote.”
  - An African American murdered in Helena, MT, “on mere suspicion that he intended to vote in that day’s election.”
    - Killer jailed by Deputy Marshall X; when murderer broke jail no reward offered for his capture, and the incident was shrugged off

- Territorial Governor Green Clay Smith suggests to the legislature that a penitentiary site be established to save expense to the counties, the territory, and the government.
  - Virginia City newspaper supports this, pointing out that the more convicts within the prison, the more self-sustaining, and more able to produce revenue for the state
    - suggesting the need for a more complete penitentiary system, specifically one big enough to enforce adequate amount of labor

- Proposed bill forbidding whites to cohabit with Native Americans, Chinese, or “persons of African descent”
  - Marriage/cohabitation of whites with African Americans or Chinese viewed as an, “evil and disgusting violation of natural law”

- By 1867, punishment as a means of raising revenue for the state and offsetting costs of incarceration to the new territory (and others) was becoming alluring.
A black clergyman, Mclaughlin, with several black families, organizes a church society in Helena, MT.
- Prospers in Helena throughout the 1870s

1869

- Department of the Interior administration changes
  - Initially created to oversee and administer the expanding territorial empire, the Department of the Interior was tasked with governing and administering institutions, like the developing prison institutions, within the western territories.
  - January 1867: the Department of the Interior is tasked by Congress with the administration of the Territorial Penitentiaries Act
    • $40,000 would be financed per facility within the territories by way of internal revenue within the territories (1865-1868)
    - $40,000, even in the 1860s, was not nearly enough money to build and operate a prison facility—
      the prison system, from the beginning, was expected to pay for itself
  - With the administration change, communication between the Interior Department and Montana prison contractors became worse and, after two years of unproductive development, the Department of Justice was created
    • The Department of Justice was put in charge of all territorial penitentiaries
      - By 1871, all authority had been transferred to the new department
      - Federal marshalls would be in charge of the new penitentiaries and would appoint wardens as needed

1870

- Helena, MT’s last lynching
  - Vigilantes dispatch two suspected criminals in front of the Helena courthouse
- Census:
  - 183 African Americans, 20,595 Total Population
Background on Lynching and Vigilantism:

- Vigilantism was rampant in the United States territories\(^{11}\)
  - territories were removed from the constituted power of the courts and government and vigilance action was put into the hands of the people

- The economic costs and immediacy of the Civil War took attention away from Montana Territory, leaving the issues of law enforcement up to civilians when dealing with civil and criminal disputes\(^{12}\)
  - Gold played a pivotal role as a profit motivator for vigilantism within mining communities; it was not uncommon for criminals to steal gold in whatever ways they could

- In a single month in 1864 in Montana
  - local vigilance committees publicly hanged 25 suspected criminals\(^{13}\)

- By the late 1860s
  - the federal government established judicial influence in Montana territory
  - political officials and wealthy entrepreneurs saw the benefits of establishing a prison system in Montana and lobbies for the U.S. to fund and construct a federal prison\(^{14}\)
VIGILANTISM & LYNCHING

• The three main factors that upheld vigilantism, according to author Mark C. Dillon, were:
  1. the value and importance of gold
  2. insecurity in transporting wealth by horse/stage coach
  3. the absence of effective police, prosecutorial, and judicial resources

• The Territorial Penitentiary Act was passed in Congress in 1867, permitting Nebraska, Colorado, Montana, Arizona, Washington, and Dakota territories to construct their own penitentiaries

• By the late 1860s and 1870s, the U.S. Congress appropriated money for the construction of penitentiaries throughout western territories in response to vigilantism

• The Prison System’s impact on Vigilantism
  - With the establishment of the Montana territorial prison, vigilantism virtually disappeared
  - After statehood, physical structures for punishment grew rapidly

• Lynching throughout the United States
  - disenfranchise and the spread of Jim Crow segregation laws increase the number of lynchings in the 1890s
  - the gains of Reconstruction (especially the 13th, 14th, 15th Amendments) altered social dynamics throughout the South (and the rest of the country) and whites responded with public backlash in the form of lynching
  - In the early 1900s, we start to see a noticeable migration in African Americans out West

• Lynching in Montana
  - Lynching was a common form of vigilantism justice and as African Americans traveled westward escaping the horrors of lynchings and racial injustices of the South, they were often framed as criminals and publicly dealt with via lynchings or hangings
1871

- Movement from vigilance to sanctioned incarceration with the completion of the penitentiary

- Deer Lodge Penitentiary is completed. July 2, 1871: first 9 inmates are received:
  - 2 Chinese immigrants
  - Miner from Wales
  - 2 former slaves
  - 4 white men

1872

- Montana territorial legislature passes a law segregating black children in public schools

- Helena, MT, has largest African-American population in Montana

- Justice Department starts reconsidering federal government’s involvement in financing western penitentiaries
  - Justice and Interior Departments take steps to turn over financial and administrative operation of penitentiaries to respective territories (Idaho and Colorado penitentiaries were costing more than anticipated)

1873

- Montana Territory assumes control of prison

- Deer Lodge economy proves too weak to be self-sustaining

- Warden C.B. Adriance keeps inmates employed through furniture building and woodworking

1874

- Montana legislature petitions Congress to reassume management of Deer Lodge institution because it is too burdensome. Congress assents.
DEER LODGE
MONTANA

ESTABLISHMENT OF DEER LODGE PENITENTIARY

• Samuel T. Hauser and associates (fellow investors and wealthy entrepreneurs) see the benefits a territorial penitentiary would provide and attempt to capitalize on the opportunity.26

• Hauser purchases property in Argenta and begins lobbying for a prison; soon thereafter relocated to Deer Lodge Valley, “where whites were well established with farms and ranches.”27

• Deer Lodge noted as a “ burgeoning population center.”28

• Political and economic advantages of settlement in Montana would lead to statehood for the Montana Territory, as well as less federal intervention in Montana’s affairs.29

• Deer Lodge Penitentiary is the 2nd western territorial penitentiary to open under the 1867 Congressional Act.
African American Female Prisoners

DEER LODGE PENITENTIARY

DISPROPORTIONATE CRIMINALIZATION BASED ON RACE

- According to Edgerton, the racial and immigrant composition at Deer Lodge Penitentiary “closely mirrored the general population” prior to Montana receiving statehood status.
  - Prison census between 1871-1885: 41 out of a population of 382 (11%) were categorized as ‘Chinese’, ‘Negro’, ‘Indian’, or ‘Mexican’.
  - African Americans made up approximately 2.3% of the Prison Population between 1871-1885.
- Though there was a general mirroring of the racial/immigrant composition in prison, African Americans made up a higher percentage of the prison population than was reflected in their general population in Montana (0.89% in 1870 and 0.88% in 1880).

BEFORE STATEHOOD

- Before statehood, Montana Territory was essentially too poor to keep individuals incarcerated for long (because of lack of funds, space, and staff).
  - The governor pardoned individuals regularly in order to clear additional space.
  - Though there was racial discrimination present within the system it was not reflected to the degree that took place after statehood.

AFTER STATEHOOD

- Systemized incarceration on the basis of race increased in Montana prison after the state received more funding and financial support from the federal government.
- Beforehand, the prison couldn’t financially afford to racially discriminate to the degree most other penitentiary systems were across the rest of the country.

(Continued on Page 20, 'Montana, Before and After Statehood')
African American Female Prisoners at Deer Lodge Penitentiary

- Though the prison make up was majority male there were females incarcerated at Deer Lodge Penitentiary.
  - After statehood, not only did the number of women prisoners in Deer Lodge rise, but the number of African-American women incarcerated rose to make up a significant and disproportionately high percentage of female prisoners.  
    - Female prison census, 1888-1910:
      - 23 African American women among the 60 female prisoners (of which, ten were white and 27 remain unidentified)
      - Most African American women arrested were “young, uneducated women with negligible resources."

(Continued on Page 20, “Montana, Before and After Statehood”)

- Throughout the West black women made up a disproportionate amount of the female prison population, with charges often connected to the domestic services they performed.
Establishment of Deer Lodge Penitentiary

• Personal incentive to attract more investment to Montana\(^{37}\)

• Hauser makes note that, “the labor of convicts could be made profitable”\(^{38}\)

• Deer Lodge, MT, proved to have “more mines and agricultural activity” than Argenta and was growing in size\(^{39}\)

• Prisons were viewed as a necessary institution for territories in order to solve issues of crime and “minimize the increasing expense of confinement”\(^{40}\)
  - Hauser saw the opportunity to lobby for the building of a penitentiary, mainly based on the notion that there would be money in it for him\(^{41}\)
The pro-African-American leaders in Congress, despairing of the 14th Amendment because of what the courts were doing to it, “took up the matter themselves and passed the Civil Rights Act of that year.”

- By 1883 the U.S. Supreme Court ruled that this act was unconstitutional—this then opened the door for legalized segregation.


- July 1st, 1875, Helena Weekly Herald, “Two Murders”: William Stears is sentenced to hang on August 14th.

- August 13th, 1875, Bozeman Avant Courier, “New Trial for Stears”: Supreme Court grants Stears a new trial because they never said which degree of murder he was charged with.

- September 23rd, 1875, Helena Weekly Herald, “Sterres”: Stears is found guilty of first degree murder during his second trial and he is sentenced to death on October 28th.


- Helena school board reorganized their schools, establishing the South Side School for the 19 school-aged African-American children in Helena.

THE STEARS TRIAL

- A historically significant legal case on the trial and conviction and execution of William H. Stears, in August 1875, for the murder of Franz Ward, a charcoal burner in the Ten-Mile county, Lewis and Clark county.

- The first execution for murder in the Montana Territory, upon the verdict of a lawful jury and sentence of a lawful court.

- Joseph K. Tool, the prosecuting attorney for the county, acted in Stears’ defense.

- Trial Result:
  - guilty verdict, followed with death sentence
  - verdict did not specify the degree of the crime committed, and was therefore, “uncertain for the reason that under such an indictment murder in the first or second degree, or manslaughter, to be included”.
  - on appeal, the verdict was set aside (probably because it did not prove to be very concrete)
  - all of this suggests that the court did not have concrete evidence that Stears did indeed murder Ward.
1876

- Petition protesting segregation laws in Montana presented to Territorial Legislature
  - Signed by 106 black and white Helena residents
  - Legislature rejects petition
  - Black community continues to protest (including editor of Helena Daily Herald)

1877

- Asylum is built in Warm Springs, MT
  - MT territory contracted with penitentiary-affiliated physicians (A.H. Mitchell and Charles Musigbrod) for a site that addressed psychiatric problems of Montana Territory’s mentally ill
  - Built 15 miles south of the penitentiary
  - Managed by private individuals until 1912 (made a lot of money off of the high numbers of patients and the cost-saving measures of overcrowding)
  - Asylums proved to be “another attempt by the state to impose regimentation and order upon the disordered for which it cared”46

1879

- The black fraternal order, The Lodge of Good Templars, is organized by 20 Helena African Americans

- The South Side School, in Helena, MT, is maintained with only nine pupils attending47

1880

- Census:
  - 346 African Americans, 39,159 Total Population
TRANSFORMATION IN HOW MONTANA DISPENSED CRIMINAL JUSTICE

- U.S. economic boom (fueled by the railroad and the mining industry)

- Courts were incarcerating more individuals; it was cheaper for Montana to house prisoners during this time

- Warden Frank Conley and his partner Thomas McTague had the power to lower the rates for prison finances charged to the state
  - By 1893, the rate was dropped to $0.40 a day, per person

- Republican statesmen pushed their desire to build a strong party in the South and were unsuccessful, thus the appeal of the West was strong\(^48\)

- By 1890, black settlers were living in every Montana county and by 1930 eleven of the state’s fifty-six counties, “had been entirely cleared of African Americans,” while few remained in the remaining counties\(^49\)
Between 1880 and 1900

- Following emancipation in 1865 slavery went by another name: convict leasing
  
  - Mainly practiced in southern states, convict leasing provided prison labor to private parties (plantation farmers, corporations, white-owned companies powered by manual labor, etc.) and served as a new social order that upheld slavery
  
  - The goal of convict leasing was to separate the races, uphold white supremacy, and create economic development statewide for the white community
  
  - Convict leasing was used as a means of exploiting the penal system in order to enforce “racial subjugation and control”

- 3,011 African Americans are lynched across the U.S., a majority of these in the South

- Racial injustice escalates to the point that an author labels it “cradle to grave” segregation
1881
- U.S. Marshal’s servant, William Woodcock, sues Butte restaurant under 1875 Civil Rights Act after he was asked to move tables

1882
- Referendum passed to end segregated schools in Helena, MT
  - This was due to “lower voter turnout, reluctance to continue the high taxes caused by the system, and a heavy turnout of black voters”; Helena votes 195 to 115 against mandating the dual school system

1883
- U.S. Supreme Court faces matter of African-American rights in territories when the Civil Rights Act comes up on appeal in United States v. Singleton
  - Court postpones decision and contents itself with the assertion that Congress had plenary powers in the territories, suggesting that the act could be made applicable there if not in the states
- Territorial legislature repeals segregation law for entire territory
- William Woodcock wins lawsuits over Butte restaurant and receives $500
- Governor John Crosby takes office and addresses Montana’s prison congestion in Deer Lodge
  - Crosby recommends to Congress that Montana, “authorities contract with authorities in older states for the keeping of its long-term convicts – at a saving of expense and under better discipline”
- Montana legislature passes a bill prohibiting racial segregation in schools
  - Throughout that difficult ten-year period, Helena’s African-American population “stood on their rights and demanded integration in the schools.”
1884

- August 9th, 1884, *The Glendive Times*, “Locals Itemized”: “A colored cowboy” named Austin shot a man named Dempsey of Miles City. There was an attempted lynching. “Negro has no business here,” newspaper reports.

- Congress allocates $15,000 for enlarging prison and Governor Crosby authorizes funds to be used to construct central offices and warden’s quarter.69

1885

- U.S. Attorney General intervenes and orders halt to further increase in incarceration in Montana until the Department of the Interior can complete the construction of the penitentiary (began in 1870)

- Following the Attorney General’s intervention, Congress allocates another $25,000 for Deer Lodge Penitentiary construction.60

1886

- Capacity of prisons in Montana triples

- U.S. penitentiary at Deer Lodge officially completed
  - By the end of the year, Deer Lodge Penitentiary exceeds capacity
1887

- White mob from Sun River, MT, lynches a young black soldier from Fort Shaw

1888

- Reverend James Hubbard establishes the Saint James A.M.E. Church in Helena, MT

SAINT JAMES A.M.E. CHURCH

32 African-Americans attend the 13th convention of the Montana Federation of Colored Women’s Clubs outside of the St. James African American Episcopal Church (A.M.E.), Helena, MT, 1933. MHS Pac 96-25.4. Montana Historical Society Research Center Photograph Archives, Helena, MT.
Transformation in Montana’s Incarceration

- **Before Statehood:**
  - Montana Territory incarcerates its inhabitants at the 3rd highest rate per capita in the nation
  - Montana territorial government used prison as a cheap means to attempt to instill in its lower-class criminals self-discipline and labor habits (though this was generally the case in prisons across the country)
  - 1871-1885: Of the 29 individuals who were convicted for murder, only 1 served complete sentence
  - uneven and inconsistent punishment
  - Nonwhites received gubernatorial pardons at about the same rate as the general prison population

- **After Statehood:**
  - Physical structures within the prison grew rapidly
  - Number of women prisoners in Deer Lodge rose
  - Montana incarcerates a “significant and disproportionately high” number of African American women
  - Systemized incarceration on the basis of race increased in Montana prison after the state received more funding and financial support from the federal government; beforehand the prison couldn’t financially afford to racially discriminate
  - Ranching property was purchased west of Deer Lodge (eventually growing to 23,000 acres). Inmate labor was used to harvest grain and vegetables, and to raise cattle, chickens, and hogs.
1889

- Montana becomes 41st state

- Board of Prison Commissioners enters into a contractual lease agreement with Frank Conley
  - The state owned the land, the prison, and the property, but Conley and McTague ran the prison, earning $0.70 per prisoner per day for the first 100 prisoners and $1.00 for every prisoner per day above 100 prisoners. The state immediately benefits from this arrangement because the Montana governor no longer held responsibility over incarceration
  - At this point only two individuals (McTague and Conley) were in charge of Montana criminals at Deer Lodge, meaning they were also the only ones in charge of setting the fee per prisoner (and with the economic boom of the 1880s, it became cheaper to house prisoners and, thus, make more money off of them).

- Montana constitution creates a Board of Prison Commissioners
  - Board of Prison Commissioners includes: governor, secretary of state, and attorney general
  - No longer any warden at the institution (the U.S. supplied one to Montana between 1871-1890).

1890

- Robert P. Falkner (University of Pennsylvania professor) proposes a new method within the prison system
  - This new method was able to account for new offenders who had served a short sentences but had not been released before the census enumeration.
  - Falkner concludes that the 1890 census distorts criminal tendencies of different groups
    - According to Falkner, "blacks were shown to have committed more crimes than their total share and immigrants fewer.

- By 1890, black settlers were living in every Montana county.

1892

- Conley and McTague purchase ranch outside Deer Lodge and use inmates to raise produce to feed prison population.

- Commissioners justify increased labor at the prison, with the belief that industry was “one of the first lessons that should be taught in prison”— work was viewed as one of the main ways of reforming those “uncivil” citizens imprisoned.
• **1884**  
  - Conley becomes a member of the Central Montana vigilance committee

• **1886**  
  - At 22 years old Conley becomes Deputy Sheriff of Custer County, MT

• **LATE 1886**  
  - Conley takes a position as a Prison Guard at the Deer Lodge Penitentiary\(^72\)

• **1890, AFTER STATEHOOD**  
  - Frank Conley ascends to the position of Warden of the Montana State Prison in Deer Lodge, MT.  
    • United States turns over the federal penitentiary at Deer Lodge to the new state, and the Board of Prison Commissioners enters a contractual lease arrangement with Frank Conley and his business partner, Thomas McTague.\(^73\)
• Under Frank Conley, the prison population increased alongside inmate work productivity
  - In most 19th century prisons in the United States, wardens and prison administrators would utilize physical labor as a means of punishment and reformation

• Inmate labor not only benefitted the penitentiary’s profits in this sense, but it also boosted the Montanan economy
  - Prisoners at Deer Lodge Penitentiary were being utilized for their free labor and were quite literally building their own prison.74

• Conley took advantage of prison labor to build and expand prison grounds as well as run eleven separate ranches and farms to produce food for the prisoners.
  - In addition to prison-related buildings and production, Conley used prison labor to build 11 buildings for the Montana State Hospital, 4 buildings for the Montana State Tuberculosis Sanatorium, and over 500 miles of roads in the state.75
• Correspondence between Conley and others reveals Conley’s racial bias, along with his tendency to deny parole and the release of individuals he unilaterally deemed threats to society. To his Chief of Police, Conley often wrote of African Americans in a derogatory and racist manner:
  
  • referring to Charles Smith, an African American man accused of burglary, as a “bad nigger that needed to be taken care of”76

  • in a letter to a woman in a romantic relationship with a black man, Conley wrote of the man as “a half-baked nigger that [he] wouldn’t waste any time with”77

  • regarding the local African American mail carrier (working outside the prison), Oscar Johnson, Conley learned that Johnson had sent a white woman a note to set up a date. To this, Conley responded, “If [Johnson] had been successful in getting [the woman] to keep the appointment, I feel sure I would have had a rape case on my hands.” Conley then reassigned Johnson back inside the prison.78
African-American inmates at Deer Lodge Penitentiary, from left to right, starting at top left: Edna Roberts (1929), Dominic Lewwues (1934), Hugh McNorton (1909), William Collins (1940), Clifford Franklin (1936), Anna Young (1932), Sam Salvatore DiPasquale Jr. (1945), George Cooley (1930), Alexander Diggens (1933), Junius Foster (1917), Christ Porter (1938), Florence Miller (1918).

1892

- January 1, 1892
  - Black community of Great Falls, MT commemorates the anniversary of Emancipation Day by giving a grand ball and banquet
    - 200+ African Americans attend

- Ida B. Wells publishes *Southern Horrors: Lynch Law in All Its Phases*
  - Wells’ findings defied most whites’ understanding of lynching—before her “few white people questioned the claim that the ‘majority’ of lynchings in the country were ‘undoubtedly’ the result of rape committed by black men”
  - Wells is described as “the first authority among Afro-Americans on lynching and mob violence,” by the *Colored American Magazine* in 1902

1893

- African-American Emma Wall and her white husband, John Orr, marry in Glendive. A mob forms and gives them 24 hours to leave.

- Deer Lodge penitentiary population at 300+

1894

- Ida B. Wells publishes *A Red Record: Tabulated Statistics and Alleged Causes of Lynchings in the United States, 1892-1893-1894*
  - a 100-page pamphlet describing lynching in the U.S. since the Emancipation Proclamation of 1863
  - Wells notes that, since slavery time, “ten thousand Negroes have been killed in cold blood, [through lynching] without the formality of judicial trial and legal execution.”

- First African American elected into public office in Montana — William M. Morgan, elected as constable in Great Falls, MT

- First African American-published newspaper in Montana, *The Colored Citizen: Devoted to the Interests of Colored Americans*, published in Helena, MT, primarily to sway black voters to vote for Helena to be named the state capital

- Helena’s African Methodist Episcopal Church hosts denomination’s western regional conference
The First Great Migration (1890s - 1920s)

- Began as a steady flow, as opposed to the major surge that was seen years later in the Second Great Migration (which began in earnest during World War II)
  - About a half million African Americans moved out of the South between 1915-1920
    - African Americans moving to the western region numbered fewer than 100,000
    - The West experienced a modest migration during the First Migration, but nothing compared to the northern migration

- 1890
  - With the shift from slavery to freedom with the Emancipation Proclamation, a new array of social issues and debates on racial equality were born—black criminality emerged, “as a fundamental measure of black inferiority”
  - Backlash to the newly freed African Americans in southern states forced many African Americans to leave the South. This, on top of the abundance of economic opportunities in the North and West, played a large role in the First Great Migration
The First Great Migration

• **EARLY 1900s**
  - In the early 1900s, most African Americans in Helena were part of an established, middle-class community (supporting W.E.B. DuBois’s assertion that the “Talented Tenth” would establish and help raise up the black community).  

• **UNTIL 1910**
  - More than 90% of African Americans lived in the American South
  - As of 1900, the number of southern-born African Americans living outside the South was about 335,000

• **1910–1930**
  - New York, Chicago, Detroit, and Cleveland saw African-American populations double, while the demographic shift in the West was smaller and more steady

• **MONTANA-RELATED MIGRATION**
  - Montana sees its first noticeable wave of African Americans (still relatively small) migrating to the state from 1865-1880, but the rise in the black population in the state grew noticeably throughout the 1890s, reaching an all-time high of about 1% of the population in the early 1900s.
    - The Montana city to see the largest African-American population increase was Helena, reaching 2% of the population in 1890 and 3.4% of the population in 1910
  - African Americans migrating to Montana during the period of the Great Migration were largely coming from areas of the lower South, Kansas, Missouri, and Kentucky (areas known for being particularly violent and hostile towards the African-American population as they struggled with rights owed to them during the Reconstruction period)
1895

- The Board of Commissioners establishes a school in the Deer Lodge prison
  - “a half-hearted attempt to assimilate foreigners”97

1896

- Frederick L. Hoffman publishes *Race Traits and Tendencies of the American Negro*
  - Hoffman’s book is the first book-length study to include nationwide analysis of black crime statistics, making it, arguably, the most influential race and crime study of the first half of the 21st century94
  - Reveals how racial criminalizations, linked to crime statistics, helped usher in “the age of Jim Crow”95

- Hanging of William Biggerstaff (African-American) for murdering Richard Johnson (African American from Helena)96

1897

- August, 5th, 1897 - *The Butte Weekly Miner*, “Nearly Bled to Death”: African-American Douglas Walker stabs Tom Baird (white man) and goes to county jail.

- December 9th, 1897, *The Butte Weekly Miner*, “Requisition for Johnson”: A Missouri man fled to Missoula with a white woman he eloped with. He was caught in Missoula and he was to be returned to Missouri. He was arrested for kidnapping.

- December 16th, 1897, *The Butte Weekly Miner*, “No Danger of Mob Law”: Follow-up to Johnson case. He was tried in Missoula for adultery and pleads guilty. The governor of Montana asked the governor of Missouri for assurance that Johnson would be protected from mob violence once returned.

1898

- December 15th, 1898 - The Butte Weekly Miner, “Montana State News”: African-American lawyer to represent an African American arrested for burglary charges — this is the first time in Montana this has happened

1899

- The Butte Weekly Miner, “The Silver Bow Bugle”: Canceling of lynching for Silver Bow
- The Anaconda Standard: Montana Methodist Conference denounces lynching

1900

- National Prison Association formally adopts philosophy of indeterminate prison sentencing across the U.S.  

- Helena’s black community lists:
  - 2 fraternal orders
  - A literary society
  - A women’s benevolent association
  - A theatrical troupe
  - A nine piece band
  - A local baseball team

- Census:
  - 1,523 African Americans, Total Population: 243,329

**Indeterminate Prison Sentencing**

- Also known as *indefinite sentencing*, indeterminate prison sentencing is the process of incarcerating an individual with no maximum limit to their sentence

- According to General Roeliff Brinkerhoff of Wisconsin, in 1886, indeterminate prison sentencing within the criminal justice system “assumes, as a principle, that a person convicted of crime is morally diseased,” and should be sent to prison for as long as it takes to “cure them.”
1901

- September 14, 1901: Theodore Roosevelt becomes the 26th president of the United States (after president William McKinley was assassinated)
  - Roosevelt has to play into the popularity contest of the presidency in order to ensure an “earned” presidency—needed Republican support
    - Booker T. Washington as chief advisor of Roosevelt
      - “The president’s relationship with the black community was conducted through Washington”
- African-American newspaper, *The New Age*, begins weekly publication in Butte, MT
- Roosevelt selects Edgar S. Wilson as United States Marshal for the Southern District of Mississippi, on recommendation by Booker T. Washington
  - To the black community the appointment of Wilson was looked upon as an effort to “formulate a lily-white Republican party in the South”
  - Handing over federal offices to whites (Democrats, in this case) over blacks (Republicans, in this case) on the part of a Republican administration
• POLITICS
  - Both politically and socially, Washington preached a philosophy of self-help and accommodation in regards to racial uplift, with an emphasis on economic opportunity.
  - Washington worked closely with presidents William Howard Taft and Theodore Roosevelt as their advisor on racial matters.
  - Washington generally believed that confrontation, with regards to racial equality, was too aggressive an approach for the African-American community to achieve civil rights; his work emphasized, “industry, thrift, intelligence, and property.”

• EDUCATION
  - Tuskegee Institute
    • Washington is perhaps best known for his school, the Tuskegee Institute, which was built as a vocational school for black individuals to learn labor skills, such as farming and other trades typical of rural South manual labor.
    • An emphasis was put on labor and tactile skills within the institution, an emphasis that was criticized and refuted by such leaders as W.E.B. DuBois.
• CONTROVERSY

- Washington’s stance on racial uplift suggested submission and accommodation. This stance proved to be controversial within the black community because it suggested African Americans should settle for less with regards to work and education.

- ‘The Atlanta Compromise’

  - an agreement struck in 1895 by Washington and southern white leaders that advocated for African Americans to, “dignify and glorify common labor,” that attempted to ease whites’ fears about black desire for social integration and racial equality\(^\text{105}\)
  - the agreement called for the white community to take responsibility for improving social and economic relations with the black community and guaranteed the black community’s loyalty to the white community with this new compromise

- It is thought that part of the reason presidents Taft and Roosevelt took on Washington as their advisor was Washington’s acceptance of racial subservience\(^\text{106}\)

• RELATION TO MONTANA

- Washington lectured in Billings, Bozeman, Butte, and Helena on black and white relations in the U.S. Washington continued to emphasize accommodation between the races in his speeches throughout Montana, saying, “I believe there is room enough, justice enough, and good sense enough to enable the two races to live here side by side and work out their own destinies.”\(^\text{107}\)

- Booker T. Washington’s ideas and speeches featured prominently in the *Montana Plaindealer*

  - Run by Joseph B. Bass, the *Montana Plaindealer*, an eight-page paper that covered local, regional, state, and national news relating to the black community, often touted progressive ideas rooted in Washinton’s self-help principles\(^\text{108}\)

- Bass did push back against some of Washington’s accommodationist politics, referring to Democratic State Senator Charles S. Muffly as, “the Ben Tillman of the Northwest” for proposing a bill to ban interracial marriage\(^\text{109}\)
1906

- *The Montana Plaindealer* starts publication in Helena, MT (1906-1911)
  - From 1906 to 1911, *The Montana Plaindealer* serves as the voice of Helena’s African-American community, and as the only African-American paper in the state
  - J.B. and Charlotte Bass run the newspaper

- Atlanta Race Riots
  - President Roosevelt refuses to intervene

1907


- February 1st, 1907, *The Montana Plaindealer*, “Jim Crow Legislation”: Senator Havtand, a Democrat from Silver Bow, introduces a bill that bans African Americans from wearing Elks emblem.

1908

- Joseph B. Bass, editor of *The Montana Plaindealer* (newspaper in Helena from 1906-1911), protests the growing tendency of Helena’s restaurants to deny service to blacks
  - *Helena Montana Plaindealer*, July 17, 1908, December 18, 1908

- The Afro-American Building Association of Helena incorporated, “for the purpose of buying real estate and erecting buildings in the city”  
  - Portland, Seattle, Spokane, and Helena had chapters of the National Negro Business League, a Booker T. Washington-sponsored group that promoted and encouraged black-owned enterprises
Western black newspapers were a common and crucial point of information for African-American communities across the West. Such newspapers provided information on local, regional, state, and national news that pertained to the black communities in certain areas (news that often got overlooked or was not acknowledged by white-led newspapers)\textsuperscript{112}

- newspapers offered a platform to explore the conditions within their communities and work towards positive change, in particular economic and political conditions that directly affected the African-American community\textsuperscript{113}

Between 1880 and 1914 there were 43 African-American newspapers in the west, three of which were in Montana\textsuperscript{114}

**Black Newspapers in Montana**

- **The Colored Citizen** - 1894, Edited by J.P. Ball, Jr.
  - Helena’s first black newspaper
  - mainly campaigned for Helena’s selection over Anaconda for Montana’s state capital

- **The New Age** - 1902-1903, Edited by John W. Duncan and Chris Dorsey
  - Butte’s first black newspaper
  - represented the interests of Butte’s African American community

- **The Montana Plaindealer** - 1906-1911, Edited by Joseph B. Bass
  - Helena-based newspaper, documenting racial discrimination on a national level
  - emphasized economic opportunities for African Americans in Helena and across Montana

- July 31st, 1908, *The Montana Plaindealer*, “No Jim Crow Laws for Montana”: Montana Supreme Court decides that a law prohibiting black Elk members from wearing their insignia for their order in the state was unconstitutional.


1909

- Joseph B. Bass, editor of *The Montana Plaindealer*, unsuccessfully fights anti-miscegenation bill introduced into state legislature
  - The bill is then passed and signed by the governor in March 1909
  - Side note: Black communities in the region were usually exhorted by their leadership and by ambitious and exploitative white politicians to take an active role in local and regional politics—they usually took the form of voting ‘en masse’ for sympathetic white office seekers, but their small numbers “limited the impact of the black vote.”

- January 5th, 1909, *The Montana Plaindealer*, no title, Jim Crow signs up on Main Street (most likely in Helena, MT); only place African Americans are allowed is poker halls.

- May 28th, 1909, *The Montana Plaindealer*, “The Gambling Issue,” Follow up to the January 15th talks about how African Americans have been “Jim Crowed” from all places, but poker games. This is detrimental to African American individuals because it creates debt for them and ruins their families.

The Muffly Bill

Charles S. Muffly

- Democratic Montana State Senator from Winston, MT

- 1907
  - Proposed a bill, later known as the Muffly Bill, that prohibited mixed racial marriages
    - the proposed legislation failed, but the bill was introduced again by Muffly in 1909 and passed

The Muffly Bill

- Becomes law on March 3, 1909

- The law was put forward as “An Act Prohibiting Marriages between White Persons, Negroes, Persons of Negro Blood, and between White Persons, Chinese and Japanese, and making Marriage Void; and prescribing punishment for Solemnizing such Marriages”

- Throughout the country anti-miscegenation laws were prevalent, proving to be in line with Jim Crow segregation laws (yet another way the legal system worked to discredit and isolate the African-American communities across the country)

- The Muffly Bill received fierce opposition from black communities in Montana, specifically from the African-American newspaper, The Montana Plaindealer
  - Editor Joseph B. Bass proclaimed, “Montana has joined the Jim Crow Colony alongside of Mississippi, South Carolina, Texas, and Arkansas”
  - Helena’s white-run press, The Treasure State, stated, “the black man is not the equal of his white contemporary...and Jim Crow laws won’t hold him down if he deserves to rise.”
  - To which Bass replied, “Just as well to tell us even if you are in prison, if you deserve to be free you shall be.”

- The Muffly Bill remains in law for four decades (until 1953)
RESPONSE TO THE MUFFLY BILL

- In response to the Muffly Bill, *Plaindealer* editor Joseph B. Bass and others form the Afro-American Protective League in an attempt to bring political pressure in defense of black rights.\(^\text{121}\)

THE LEAGUE

- The league identified and protested the racial discrimination of African Americans with regards to the justice system.\(^\text{122}\)

- African Americans were constantly facing charges (throughout the state) for gambling, disorderly conduct, “lewd acts,” and occasionally “white slavery,” while whites often escaped punishment for similar conduct.\(^\text{123}\)

- The Afro-American League’s powerful and necessary presence in Helena’s black community eventually led to the formation of The Colored Progressive League (September 1911).\(^\text{124}\)
  - With over 60 active members, The Colored Progressive League, “pledged itself to defend African-Americans unjustly harassed by racist authorities.”\(^\text{125}\)
  - Sadly, both leagues lost footing in the subsequent years as Helena’s black population declined (most likely due to the World War I draft and stronger economies elsewhere in the West)
1910

- NAACP founded in response to “increasing racial violence in the first decade of the twentieth century and to the outcries of local black activists” \(^26\)

- Census:
  - 1,834 African Americans, Total Population 376,053 \(^{127}\)

- May 27th, 1910, The Montana Plaindealer, “Race Problem in the West,” an article written by a high school student in Great Falls, MT.

1911

- September 13th, 1911, Daily Missoulian, “Five Socialist Policemen Bounced by Butte Council,” Frank Cassel (African-American) is appointed as city policeman. The Butte City Council rejects his appointment, along with 4 other officers.
  - Side note: a few days prior, the New York police force appointed its first African-American police officer \(^{128}\)

1912

- Roosevelt enters presidential race as leader of the Progressive Party and establishes a “lily white” party in the South \(^{129}\)
  - Roosevelt excludes southern black delegates from participating in the Progressive Party Convention \(^{130}\)
• Attention placed on individualized treatment

• Until the 1890s, judges sentenced individuals to fixed terms for specific crimes based on severity of infraction, regardless of individual’s character or past record\textsuperscript{131}

• Judges bound by codified set punishments—\textit{Laws, Memorials, and Resolutions, of the Territory of Montana, Passed at the Seventh Session of the Legislative Assembly}\textsuperscript{132} - indeterminate sentences gradually came to replace fixed sentences

• The poor state of prisons and mental institutions caught the attention of progressive reformers, such as President Theodore Roosevelt

• Goal: reformation of the criminal
1913

- Booker T. Washington lectures in Billings, Bozeman, Butte, and Helena for accommodations between blacks and whites.\(^{133}\)
  - “I believe there is room enough, justice enough, and good sense enough to enable the two races to live here side by side and work out their own destinies.”\(^{134}\)

- Theodore Roosevelt mentions ideas about punishment and penology in “The New Penology”

- A mob lynched African-American construction camp worker J. C. Collins for killing Sheridan County Sheriff Thomas Courtney and Deputy Sheriff Richard Burmeister. Collins killed them when they attempted to apprehend him for assaulting the wife of a fellow camp worker.\(^{135}\)

1914

- November 3, 1914—Montana men voted 53 to 47 percent in favor of equal suffrage. That year, Montana (and Nevada, which also passed a suffrage amendment in 1914) joined nine other western states in extending voting rights to non-Native women (Indian women would have to wait until passage of the 1924 Indian Citizenship Act to gain access to the ballot).\(^{136}\)

- Montana women gain suffrage

- World War I begins

1915

- Montana adopts indeterminate prison sentencing practices by legislative fiat
1919

- 50% of Montana farmers lose their land over the next six years.\textsuperscript{137}

1920

- Census:
  - 1,658 African Americans, 548,889 Total Population

- Deer Lodge Penitentiary hits a $138,000 budget deficit and Governor Dixon used this as an excuse to remove Conley as warden.\textsuperscript{138}

- Under Conley, the prison cost Montana $342,428 to run.\textsuperscript{139}

1921

- Henry Baker is appointed Postmaster of the Capitol building in Helena, MT— the first black person appointed to a state office in Montana

- Frank Conley’s dismissal from Deer Lodge Penitentiary
  - Prison largely disappears from public eye for the next 40 years.\textsuperscript{140}

- M.L. Potter named new head of the Deer Lodge Penitentiary
  - Under Potter, the prison costs Montana $177,478 to run.\textsuperscript{141}

- Ku Klux Klan forms in Montana and peaks at 5,100 members.\textsuperscript{142}

- March 13th, 1921, Great Falls Tribune, “Negro Minister Rearrested on Money Charges.”

- The Montana Federation of Colored Women’s Clubs is founded, joining together ten organizations.\textsuperscript{143}
1920s-1950s: Deer Lodge Penitentiary undergoes a transformation

- Attention placed on individualized treatment

- The governors didn’t take the business of running the Deer Lodge prison seriously
  - Though Conley was a corrupt, intolerable man who was in it for the money he did have exclusive financial and administrative control of the prison and he “implemented policy, lobbied for new building projects, formulated budgetary needs, etc.”144
  - With Conley, prisoners had the opportunity of outside employment once they were released from the penitentiary

- After Frank Conley was forced to step down individuals like Warden Faye O. Burrell ran the prison

- 1953-1958 — Burrell’s administrative incompetence demonstrates the type of administrating that was being done throughout prisons across the United States through the 1930s-1950s145
1922

- Governor Joseph M. Dixon delivers welcome address to the second annual convention of the Montana State Federation of Negro Women’s Clubs in Helena, MT.

1927

- Tenor Taylor Gordon, a White Sulphur Springs native, sang spirituals with baritone/pianist J. Rosamond Johnson at Carnegie Hall. He later wrote a best-selling memoir, Born to Be (1929), detailing his Montana boyhood, participation in the Harlem Renaissance, and advancing critical appreciation of the spiritual as an art form.

1930

- Census:
  - 1,256 African Americans, 537,606 Total Population

- The Great Depression
  - legislative appropriations from the cash-starved state, Montana, decline
  - legislation enacted to protect organized labor, prohibiting open sale of inmate-made goods

- November 2, 1930, Helena Independent, “Colored Walsh for Senator Club”: A rally in Helena for “members & sympathizers” advocating for white U.S. Senator Thomas J. Walsh’s re-election

- Prison census: 710 (the highest since the antisedition hysterics during World War I)

- 16% of Montana African Americans live in Great Falls, with only 12% in Helena, MT.
• Started in 1929, by the International Association of Chiefs of Police

• 1930
  - FBI tasked with collecting, publishing, and archiving uniform crime statistics for the nation

• Became the most authoritative statistical measure of race and crime in New Deal America

• African Americans left behind in this federal government “breakthrough achievement in crime reporting”

• The purpose of the Uniform Crime Reports was to determine necessary system revisions based on which kinds of crimes were being performed and by whom
1930

• The Association of Southern Women for the Prevention of Lynching (ASWPL) is founded by Jessie Daniel Ames in Atlanta, Georgia, to lobby and against the lynching of African Americans

1931

• Prison census: 684 (continues to decline until the 1960s)\textsuperscript{154}

• Legislative committee tours Deer Lodge prison, shocked by the “eyesore” of conditions and infrastructure
  - Committee appropriates $300,000 to “gut the structures, using inmates to perform the remodeling”\textsuperscript{155}

• March 25, 1931 - The Scottsboro Men (nine young African-American men) are arrested in Alabama for being falsely accused of raping two white women on a train. The controversial case to follow would become nationally renowned.
  - The case addressed issues of racism within the court system and the right to a fair trial

1932

• Franklin D. Roosevelt is elected the 32nd President of the United States
  - Roosevelt takes office the following year in the midst of the worst economic crisis in U.S. history
1933

- The New Deal program begins across the country, including Montana

- About 1,000 African Americans move to Montana to work in the Kootenai National Forest as part of the Civilian Conservation Corps (CCC)
  - Concerns at the local and national levels over integrated CCC camps led to their departure in 1934.157

1935

- According to the Montana Historical Society, almost 25% of Montanans received some sort of government aid156

- African-American Naseby Rhinehart accepts position as athletic trainer for the University of Montana. Rhinehart held the position for 47 years158

- The Butte Colored Giants baseball team won the championship for the first half of the Montana State Baseball League’s split season.159

1937

- World War II begins

- A Montana legislative committee considers a civil rights bill “relating to the discrimination between citizens in regard to certain services and employment,” but it does not pass. The Dunbar Art and Study Club of Butte, an African American women’s organization, helped lobby for its passage.160
1939

- Nazi Germany invades Poland

- Daughters of the American Revolution prohibited contralto Marian Anderson from singing at Constitution Hall in Washington, D.C. She performed at the Lincoln Memorial instead.

1940

- Between 1940 and 1943, Montana’s population drops by 16%.161

- Census:
  - 1,120 African Americans, 559,456 Total Population162

1941

- U.S. declares war on Japan after it bombed Pearl Harbor; Montanan Jeannette Rankin cast the sole vote in Congress against the declaration163
• In order to help meet the war effort’s copper quotas, the U.S. military furloughed a battalion of southern black miner-soldiers to Butte. 8,000 white Butte miners subsequently walked out citing safety issues even though the black soldiers were experienced miners.\textsuperscript{165}

• Helena native and registered nurse Octavia Bridgwater enlisted in the Army Nurse Corps. Bridgwater was one of only several hundred black nurses permitted to serve in the segregated armed forces, and attained the rank of First Lieutenant.\textsuperscript{164}

• Malmstrom Air Force Base was built near Great Falls, MT. It became a conduit for African-American migration to Montana.\textsuperscript{166}

• Montana Supreme Court upholds the anti-miscegenation law
1943

- African-American Phillip Coleman was hanged as the last legal hanging in Montana. His partner, Lewis Brown (white) was only given a life sentence.167

1950

- Census:
  - 1,232 African Americans, 591,024 Total Population168

1951

- House Bill 58 - the 1951 legislature considers, but does not pass, an anti-discrimination bill aimed at fair employment practices

- House Bill 391, 1951 - the legislature considers a bill “to guarantee full and equal enjoyment of all places of public accommodation.” This still does not pass.169

1953

- State repeals Anti-Miscegenation law; African Americans seek the “full and equal” enjoyment of public places in Montana

- Interracial Committee appointed to study matters of racial discrimination, mostly at Malmstrom Air Force Base170
1954

- Supreme Court outlaws school segregation with *Brown V. Topeka Board of Education* decision
  - In 2004, The Sentencing Board notes that while many institutions during this time had become more inclusive to African Americans and other minority groups, the American criminal justice system had taken “a giant step backward”\(^{171}\)

- U.S. Prison Census:
  - 98,000 African Americans incarcerated, 182,901 Total population of incarcerated individuals\(^{172}\)

- Excavation begins on Berkeley Pit in Butte, MT

1955

- House Bill 52, an anti-discrimination bill in accommodations law (similar to the 1951 House Bill 391) passes, though virtually all the original language and all penalties for non-compliance get stripped from the final version.

- Legislature appropriates $105,000 to build minimum security building outside of Deer Lodge Penitentiary
  - F.O. Burrell, current warden, spends only $125 of this money while prison population grows\(^{173}\)
1959

- April, 1959, Deer Lodge Penitentiary Inmate Rebellion
  - Group of inmates overpowered guards, captured rifles, took 25 hostages, and killed Deputy Warden Rothe
  - Montana National Guard storms the prison
  - Forces issue of long-overdue prison reform into contemporary political conversation
  - Increase in legislators' awareness of the Deer Lodge prison and its host of problems

- Montana property owners are most heavily taxed of all western states

1960

- Census:
  - 1,467 African Americans, 647,767 Total Population

- $5 million bond issue made it to the ballot for voters to decide whether the state should levy bonds financed by increased property taxes to construct a new facility at Deer Lodge
  - 70% of electorate opposed—Montanans just didn’t believe that criminals in Deer Lodge, “deserved the comforts of a new facility”
  - Governor Aronson—totally clueless as to the problems of the prison outbreak and its failing, claiming, “I’ll never know just exactly what caused it…probably a lot of men want[ing] individual TVs in the cell, etc.”
  - Reality: prisoners had appalling conditions (two disturbances in 3 years)

1961

- Teenager Russ Williams, African American, dies from an accidental shooting. Williams had been senior class president, a member of the National Honor Society, and chosen by the faculty to be a member of the schools “3-7-77” honorary service club.

- January 12, 1961 - Charlayne Hunter, 18, gets withdrawn from classes at University of Georgia for her own protection when students stage an uprising against the racial integration of the university.

- A Freedom Rider bus is firebombed near Anniston, Alabama
1962

• Ozark’s Club, in Great Falls, Montana, burns down
  - Owned by former boxer, African-American Leo LaMar, Ozark’s Club was well-known for its live music, exotic dancing, and interracial crowds.179

1964

• Senate Majority Leader, Mike Mansfield of Montana, helps pass the Civil Rights Act180

• U.S. Prison Census:
  - 126,600 African Americans incarcerated, 214,336 Total population of incarcerated individuals181

1965

• Marches in support of civil rights take place in Billings and Missoula in response to attack on civil rights marchers in Selma, Alabama182

1970

• Census:
  - 1,995 African Americans, 694,409 Total Population183
1971

- Montana secures $3.8 million in federal revenue-sharing funds to construct a new prison

1972

- The Montana Constitution establishes anti-discrimination rights for all
  - Constitution of Montana, Article II, Declaration of Rights, Section 4

1973

- African-American Alma Jacobs is appointed as State Librarian (a post she held until 1981)
  - “I think a person, whether he is Negro or whatever, is entitled to his own life, without being dumped into a group with predetermined characteristics.”\(^{184}\)

1974

- Montana Human Rights Act passes, addressing illegal discrimination
  - Title 49, Chapter 2 of Montana Codes

- Geraldine Travis, of House District 43, in Great Falls, MT becomes the first African American elected to the Montana legislature.\(^{185}\)

1975

- Prejudice in Billings, MT stimulates the formation of the Phyllis Wheatley Club, named after the early American poet
  - Phyllis Wheatley Club formed first as Red Cross assistance during the war
  - A local notes, “The black person can be found in all levels of society here in Billings.”\(^{186}\)
1975

- *A Billings Gazette* article explains the “invisibility” of the black community to Billings’ non-black community
  - “Let one black man commit one crime and we are all pegged as thugs” – young African-American teenager
  - “Most black families exist quietly in Billings. We try to cooperate with whites and other ethnic minorities.” – Rev. Bob Freeman, pastor of Wayman African Methodist Episcopal Church

1977

  - A state legislator charges that the emphasis in treatment of inmates at Montana State Prison is on punishment, not rehabilitation
  - Representative Geraldine W. Travis, D., a Great Falls member of the Montana Crime Control Board, made nine recommendations to help correct what she called, “flagrant abuses” of inmate rights that transcend all limits of human respect and dignity.”
  - Each of Travis’s allegations were rebutted by Warden Roger Crist, also a board member
  - There was no further discussion of the matters by the board
  - Travis’s allegations were based on interviews with black prisoners and, as a result of the interviews, Travis had a list of recommendations for the prison

1980

- Census:
  - 1,786 African Americans, 786,690 Total Population

- The Atlantic Richfield Company (ARCO) closes their smelting and refining operations in Great Falls and Anaconda, MT; three years later it ended mining in Butte (though it was later resumed on a small-scale basis).
  - ARCO had an influential impact on the Montana economy; the closing of ARCO set the stage for the downsizing of the mining industry in Montana and ultimately effecting the diversity of the workforce in Montana
1990
- Census
  - 2,381 African Americans, 799,065 Total Population

1992
- The Great Falls chapter of the NAACP hosts a rally on the steps of the Civic Center to protest both the verdict of the Rodney King trial and the rebellions in Los Angeles that followed.

2000
- Census
  - 2,692 African Americans (though 4,441 claim African-American heritage), 902,195 Total Population

2010
- Census:
  - 4,027 African Americans (though 7,917 claim African-American heritage), 989,417 Total Population

2017
- Wilmot Collins elected as Montana’s first black mayor to take office in Helena, MT
5 Montana Post, March 17, 1866.
6 Edgerton, Montana Justice, 20; Rocky Mountain Gazette (Helena, MT), April 30, 1870; Daily Herald (Helena, MT), April 18, 1870.
7 Edgerton, Montana Justice, 29-31.
8 Congressional Globe, 39th Cong., 2d sess., Appendix, Laws of the United States, Chap. 9, Approved January 22, 1867, 180; Edgerton, Montana Justice, 30.
11 Edgerton, Montana Justice, 21.
17 Ibid.
18 Flamming, Douglas. African Americans in the West (Santa Barbara, CA: ABC-CLIO, 2009), 96.
19 Ibid.
20 Ibid.
21 Montana State Prison Records, 1871, Montana Historical Society (MHS); Edgerton, Montana Justice, 35.
22 Ibid.
24 Congressional Globe, 42d Cong., 3d sess., 1874, 409-10; Edgerton, Montana Justice, 40.
25 Montana Penitentiary, November 17, 1873, Montana State Prison Records, 1869-1974, MHS.
26 Edgerton, Montana Justice, 26.
27 Ibid., 27.
28 S.W. Batchelder, C.S. Ream, and William Sturgis (Argenta, MT) to Secretary of the Interior, April 18, 1867, Territorial Papers; Edgerton, Montana Justice, 27.
29 Edgerton, Montana Justice, 26.
30 The Statistics of the Population; Edgerton, Montana Justice, 60.
31 Ibid.
32 Based on the census from the years 1871-1885 and the Statistic of the Population; Montana State Prison Records, 1869-1974, MHS.
33 The Statistics of the Population; Edgerton, Montana Justice, 60.
36 Ibid., 189.
37 Edgerton, Montana Justice, 26.
39 Ibid., 27
40 Ibid.
42 Catalogue of the Helena Graded Schools (1875), 8; Smurr, “Jim Crow Out West,” 173.
44 Ibid.
45 Edgerton, Montana Justice, 66
46 Catalogue of the Helena Graded Schools (1879-80), 8; Smurr, “Jim Crow Out West,” 173.
50 Ibid.
51 Ibid.
52 Ibid.
56 Smurr, “Jim Crow Out West,” 154
59 Spence, Territorial Politics, 268; Edgerton, Montana Justice, 42.
60 United States Statutes at Large, 23, 510, as mentioned in Edgerton, Montana Justice, 43.


Edgerton, *Montana Justice*, 73; *Silver State Post* (Deer Lodge, MT), May 20, 1908.


*Great Falls Tribune* (Great Falls, MT), January 3, 1892.

Muhammad, *The Condemnation of Blackness*, 60


*The Glendive Independent* (Glendive, MT), August 12, 1893. The tone of the article is encouraging such publicly humiliating and heinous acts. The article is blatantly racist and has a cruel and mocking tone.

*Montana State Prison Records*, 1893, MHS.

Muhammad, *The Condemnation of Blackness*, 60.


Flamming, “Seeking Freedom in the West, 1890-1920.”

Ibid.


Muhammad, The Condemnation of Blackness, 35.

Ibid.

Anaconda Standard (Anaconda, MT), June 10, 1895, 7; Anaconda Standard (Anaconda, MT), April 5, 1896, 5; Great Falls Weekly Tribune (Great Falls, MT), April 10, 1896, 2.

Edgerton, Montana Justice, 83.

Proceedings of the Annual Congress of the National Prison Association of the United States, 1900 (Pittsburgh: Shaw Brothers, 1900), 373.


Ibid.

Ibid.


Frusciano, “Theodore Roosevelt and the Negro in the Age of Booker T. Washington,” 8-9, 17, 19; Roosevelt’s ‘merit system’ in race relations was almost entirely politically charged. Roosevelt is quoted as admitting “as a race and in the mass Negroes are altogether inferior to whites” and asserted that he would never ask “the Negro to be allowed to vote,” though he did wish the “occasionally good, well-educated, intelligent and honest colored men and women be given the pitiful chance to have a little reward, a little respect, a little regard if they can by earnest useful work succeed in winning it” (Roosevelt to Owen Wister (novelist), April 27, 1906, Letters, V, 228). Booker T. Washington’s ideology of accommodation and self-help underscored Roosevelt’s racial attitude in upholding only the part of the African American community willing to work blue collar jobs and stay out of the way of the white male worker. For more information check out George Sinkler. The Racial Attitudes of American Presidents: From Abraham Lincoln to Theodore Roosevelt (Garden City, NY: Doubleday and Co., Inc., 1972), 4-18, and Theodore Roosevelt to L. J. Moore, February 5, 1900, Elting E. Morison, ed., The Letters of Theodore Roosevelt, 8 vols. (Cambridge: Harvard University Press, 1952).

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Taylor, “The Emergence of Black Communities in the Pacific Northwest: 1865-1910.”


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Montana Prison Convict Register, March, 1879 through November, 1910” and “Descriptive List of Prisoners Received at State Prison, July 1, 1871-October 1, 1885,” Montana Prison Records, MHS, Helena, Montana.

Lang, “Helena, Montana’s Black Community, 1900-1912,” 198-216.


Muhammad, The Condemnation of Blackness, 29.

Montana State Census Records, 1910, MHS.

The Butte Miner (Butte, MT), July 7, 1911.


Ibid., 13.

Deer Lodge: James H. Mills, 1872., lists territorial crime laws and punishments, most of which were state modified and adopted in 1899.


Billings Daily Gazette (Billings, MT), March 4-5, 1913; Bozeman Daily Chronicle (Bozeman, MT), March 4, 6-7, 1913; Anaconda Standard (Anaconda, MT), March 6-7, 1913; Butte Miner (Butte, MT), March 6-7, 1913; Helena Daily Independent (Helena, MT), March 8, 1913; MHS.

Wibaux Pioneer, April 18, 1913, p. 2; Yellowstone Monitor, April 10, 1913, p. 1; Poplar Standard, April 10, 1913; Culbertson Searchlight, April 11, 1913.


Ibid.

Edgerton, Montana Justice, 91.

Ibid.

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Ibid.


Montana Federation of Colored Women’s Clubs, Montana Federation of Colored Women’s Clubs records, 1921-1978, MC 281, MHS.

Edgerton, Montana Justice, 99. From 1921-1958 the wardens were M.L. Potter, J.W. Cole, Austin B. Middleton, Theodore Bergstorm, Dudley Jones, John Henry, Lou Boedeckers, F.O. Burrell, and Willliam Bensen (a range of county sheriffs to road engineers and a postmaster from Baker, MT, even a cattle rancher).

Edgerton, Montana Justice, 99-100; “Transcript of Hearing, Board of Prison Commissioners, September 25, 1957.” Montana State Prison Records, MHS.

“African Americans in Montana Timeline,” 1922, MHS.


*Montana State Census Records*, 1970, MHS.

Alma Smith Jacobs, vertical file, MHS.


Meyers, “Black Billings.”


*Montana State Census Records*, 1970, MHS.

“African Americans in Montana Timeline,” 1970, MHS.

*Montana State Census Records*, 1980, MHS.


“African Americans in Montana Timeline,” 1980, MHS.

*Montana State Census Records*, 1990, MHS.
Additional Reading

For more information on Montana’s criminal justice system and its’ history look into:


For more information on Black westward migration look into:


FOR MORE INFORMATION ON THE DEVELOPMENT OF THE UNITED STATES’ CRIMINAL JUSTICE SYSTEM AND THE HISTORY OF RACE-BASED PROSECTION LOOK INTO:


