

HISTORY OF THE NORTH DAKOTA STATE PENITENTIARY

The following material is taken from the published reports of the state agency in charge of this institution including the report of the Warden of the institution.

According to the Warden's Report submitted to Gilbert A. Pierce, Governor of Dakota Territory in 1886, "The bill providing for the establishment of the Bismarck Penitentiary was enacted by the Territorial Legislative Assembly, at Yankton in 1883, and fifty thousand dollars was appropriated for this purpose."

A board of six directors was appointed by the then Territorial Governor N.G. Ordway.

Forty-three acres of land was donated by the city of Bismarck located on the line of the Northern Pacific Railroad, two miles east of the business center of the city.

A central building with one cell wing containing seventy-two cells was erected. The central building contained the Warden's Office, apartments for guards, an officers' dining hall, a prison chapel, a prison barber shop, a prison kitchen, and a storeroom. After the completion of the building, the prison was placed under the first Warden, Dan Williams, in September, 1884. In 1885 additional appropriations were made to build a boiler house and laundry, put in steam heating and plumbing, construct a temporary yard wall, build stables, and to construct a sewer and cesspool, as well as furnish and equip the facility.

Warden Williams' initial report points out that the first prisoners were received in July, 1885. Thirty-five men were transferred from the Penitentiary at Sioux Falls. Sixty men were reported received from the courts of Northern Dakota Territory, and at the time of the report the Penitentiary had 52 inmates. He further reports, "Of course the glaring need at present is work for the prisoners, and the carrying out next year of the extensions and permanent improvements, which are required here, would provide valuable employment for our idle prison labor." He was also concerned about the possibility of having to put more than one man into a cell and requested additional cells. In making his request for a Warden's residence he provided the following paragraph:

The Warden and his family are occupying one small room, which is needed for other purposes. Suitable appropriation for a Warden's residence should be made without further delay. At present a public official detained here on business overnight, or any other guest, can only be accommodated in a cell or in any empty unfinished room on the upper floor.

Of a historical technical interest is the Warden's request for electric lights (page 18).

I believe that the safety and convenience which would result, will warrant an appropriation for lighting the Penitentiary with electricity, particularly under the law that does not allow insurance to be carried on public buildings, and, if insured, the rates would be lower than with the building full of kerosene lamps.

Warden Williams' request for a workshop is made as follows (pages 19-20):

No matter what industries may be taken up at this institution, a good, substantial and roomy workshop will be needed. At present there is no

building for a workshop either large or small. I improvised a small shop, where three or four carpenters and cabinet makers could work on the furniture we have been making for the Penitentiary, by building a raised platform in the boiler room over the coal bins, but the space is small, and the coal dust does not help good work; it also increases the danger from fire. A good brick or stone building, about 40x80 feet, two or three stories high, should be erected.

He also made a request for a hospital and suggested that the hospital include in the rear a place for female prisoners. He concludes his request by saying that, "A female department would be a valuable addition to the institution. The female prisoners could make all the wearing apparel for the men."

The need for funds to establish a library was also made.

He reported that they had no escapes, "except in the case of the prisoner Mitchell, who no doubt was of unsettled mind; and he was recaptured and returned to the prison the second day after his escape, without expense to the Territory."

The Warden and the Board of Trustees in 1890 made a request for a hospital building and a women's facility. They also suggested that the possibility existed for the state to use inmates for mining on land acquired from the federal government for it was reported to contain deposits of coal. This early report also refers to the desirability for a paroling policy and the shortening of sentences for good behavior. They were disturbed by the short sentences given to inmates sent to them and suggested, "that provision should be made by law, fixing a minimum term of confinement thereto at not less than one year."

The farm operation at the prison was considered an important

enterprise and repeated requests were made to the legislature to purchase additional land. Through the years considerable land had been rented by the prison for its farming operation. The Biennial Report ending June, 1914, reports that, "The total acreage of the institution is now some three hundred ninety-three acres."

In 1892 the State Legislature made possible the entering into a contract with a private firm supplying inmate labor. Bids were received and a Mr. C.O. Smith of Casselton was awarded the first contract. Twenty inmates were to be supplied at fifty cents per day for a five-year period. These men were then employed at the Penitentiary in the making of harnesses. This provision was abolished in 1897.

Early in the development of the Penitentiary, the Board of Trustees suggested that certain state lands be set aside with coal deposits to be mined by prison inmates. Not until the Second Annual Report of the Board of Administration in 1920 (pages 15-16) is the subject again mentioned.

The state is one of the greatest users of coal within the state--the amount consumed by the institutions under the care of the Board alone being between 65,000 and 75,000 tons each year. By the adoption of grates and furnaces to the use of lignite coal, practically all of our institutions are now using this fuel almost exclusively. However, as we are running a serious risk due to strikes and other industrial causes, the adequate and economical way of dealing with this matter would seem to be by a state-owned and operated coal mine, or mines, located at strategic points in the state from which all our institutions could be supplied. This would not alone reduce the risks now incurred by strikes and labor troubles, but would, we feel confident,

effect a great saving in expense.

It is reported that the state of South Dakota has a state-owned coal mine within the borders of North Dakota at Haynes in Adams County, and it would seem that North Dakota should exhibit as much vision in this respect as its sister state.

As early as 1890, a Rufus Ullum was employed at the prison as teacher and librarian.

The position of Deputy Warden was created in 1887, and appointed to this post was C.W. Haggart who had served seven years as Chief Deputy Sheriff of Cass County and was appointed Warden in 1891. It is in his report in which he points out that Chapter 92 of the North Dakota Session Laws of 1891 provides that, "The board of directors of the Penitentiary of this State, with the consent of the Governor, who shall be ex-officio president of said board when considering the parole of prisoners, shall have power to establish rules and regulations under which any prisoner may be conditionally released from confinement." Warden Haggart also reports that a two-story frame building to house the harness manufacturing previously mentioned, where inmates labor was contracted, had been built.

In regard to a chaplain he reports, "In accordance with your expressed desire no particular clergyman has been regularly employed, services are being conducted each Sunday by one of the different pastors of the city congregations." In 1894 an attempt to get a full-time chaplain failed for the 1896 report indicates that the requested funds for a chaplain, matron, teacher-librarian, and for books for the library were vetoed by the Governor. A more or less voluntary type of chaplaincy program was carried on

in the prison until 1959 when Rev. N.E. McCoy was made the regular chaplain. However, he lives in Jamestown and comes to the prison one day of the week and coordinates the arrangements for Sunday services by the local clergy who rotate every month.

LIBRARY

Also in the 1892 report, the statement is found (page 18) that there never has been an appropriation for library purposes. Books have been donated as the report states, "by charitably disposed persons". From the information available, this has been the general practice for the most part until recently when federal funds were made available through the State Library to purchase new books. However, in the Second Biennial Report of the Board of Control of 1914 (page 182), we find the following:

At the time of taking the fiscal inventory and accounting, made necessary by the change of administration which took place on May 1, 1913, Mr. B.I. Keating, Deputy State Examiner, discovered that the sum of \$1,106.59 which sum had accumulated for years past as donations to the Library, given by friends and visitors, had been deposited to the credit of the Penitentiary in the General Fund of the state. Mr. Keating recommended, and the Board of Control, with the concurrence of the proper state officers, returned this money to the Library fund. With this means at our disposal, we appealed to Mrs. Budlong, the State Librarian, for assistance in remodeling, reorganizing and systematizing the Library by modern methods. Mrs. Budlong cheerfully gave many days of her valuable time to this work, and with the assistance of the librarian, we now have in working order, a well-selected, well-directed, well-conducted and cheerfully placed Library in the south end of the new cell house. In behalf of the management and the inmates, I wish to acknowledge our debt of gratitude to Mrs. Budlong for the wonderful improvements made by her assistance, and under her direction.

In his 1920 report to the Board of Administration, Warden Stair says that, "We are in need of new books for the prison library. I think that if our leading dailies of the state would print a general appeal to the public we could obtain through donations all the books we have room for."

Warden John J. Lee in his report of June, 1926 (page 541), reported that the system of charging fifteen cents from visitors to help the library fund had been continued and from the money considerable number of books were purchased. "...We find that it has worked no hardship on the visitors to donate fifteen cents for this purpose. All whom we have talked with about this have stated they were glad to help this worthy cause."

FEMALE PRISONERS

In the Warden's Report to the trustees in 1890, he states:

At the time of the division of the territory of Dakota and the admission of the states of North and South Dakota, there were four convicts in the Penitentiary at Sioux Falls--two males and two females--from the now state of North Dakota. In May of the present year they were transferred to the State Penitentiary at Bismarck. Previous to said transfer no female convicts had ever been imprisoned at Bismarck. As a consequence it was necessary to employ a matron.

This marks the beginning of North Dakota's problem in taking care of its limited number of female prisoners. Repeatedly, requests were made for a separate female facility. Throughout the history of the North Dakota prison they were always kept in make-shift quarters. The 1904 Warden's Report requested a female facility saying that "the two female convicts are kept in improvised quarters in the main building". The 1914 report by

the Warden to the Board of Control (page 184) relates:

The Matron's Department is very cramped and inadequate for the accommodations even of the few women sent to the Penitentiary. There are accommodations for three, and last year there were six female inmates; three of them being compelled to sleep in the halls, which makes the department very crowded and unhealthful. In case of necessity the women have to be locked in little, narrow, dark cells, which are exceedingly unsanitary and poorly ventilated. The quarters in which the women are confined must be enlarged and properly ventilated. If these rooms are built over and enlarged, and improved, they would answer the purpose for some years to come. The women are employed in household work and making shirts and sheets for the inmates. Their conduct is good in most cases, and they generally respond to the efforts of our capable matron in learning useful household work and sewing.

In the 1928 Ninth and Tenth Annual Reports to the Board of Administration (page 340), Warden John J. Lee states:

The female inmates of the North Dakota State Penitentiary have always been kept in very small and inadequate quarters, only five cells and a narrow corridor. And in order to accommodate as many as twelve female prisoners, part of the old, vacated officers' quarters has been altered and taken into use for this purpose. But the place is both inconvenient, unsanitary and unsafe. A separate building to house the female prisoners is badly needed. Employment for the women inmates should also be provided for. At present they have to spend most of their time in idleness except for what little fancy-work they can do for themselves.

Warden O.J. Nygaard reports in the Thirty-Fifth and Thirty-Sixth Annual Reports (page 253) an interesting temporary solution to the female population at the Penitentiary.

In August, 1953, the eight women inmates of the Penitentiary were transferred to the State Hospital in Jamestown for employment. This transfer became necessary when the

building then housing the women inmates and other departments was removed to permit construction of a new building. Seven of the women were returned to temporary quarters at the Penitentiary in October, 1954; the eighth woman having been discharged by expiration of sentence.

Also this report indicates that the top floor of the officers' quarters was remodeled to house the females. They were housed in these quarters until the Forty-Second Session of the North Dakota State Legislature passed a law making it possible to contract with other governmental agencies for the custody and treatment of prisoners. With this authority the state did contract in 1971 with Nebraska to house our female inmates in their facility in York, Nebraska. A similar contract has been entered into with South Dakota. As of 1973, North Dakota female prisoners have been cared for in both York, Nebraska, and Yankton, South Dakota.

FARMING

From the very beginning North Dakota prison administrators have been interested in the development of a farming operation.

Warden C.W. Haggart in an 1892 report said, "We think that with a farm properly equipped and with the harness shop in operation, all the labor of the institution can be profitably and economically employed; and in two years it can be made largely self-sustaining."

The 1894 report indicates that the prison had 9 horses, 12 cows, 70 hogs, and 200 chickens. The 1910 report relates that the Penitentiary had 79 cows and 192 hogs. Most of the wardens consistently requested that the state purchase more land for the

Penitentiary farming operation. The 1928 report by Warden Lee devotes considerable space to the farming operation (page 340).

Farming operations have been more than doubled in the last four years. By the purchase of additional land, the prison farm has been increased from 961 acres to 1,349 acres. 148 [sic] of the land lately purchased is river bottom land covered with heavy timber and brush. Part of this land had been cleared and seeded to alfalfa. Forty-eight acres more were cleared last winter and seeded to alfalfa this spring. We cut from these forty-eight acres approximately 300 cords of wood. When this land has all been cleared and brought into condition to produce alfalfa, it will supply the institution with all the hay needed for the dairy cows.

Section 11, township 138, range 80 adjoins the Penitentiary farm on the south and is one of the finest sections of land in Burleigh County. Every foot of it is tillable. 240 [sic] acres of this section has been purchased for the institution and the balance of the section should, by all means, be added to the prison farm. We hope that the next legislature will take favorable action on the appropriation that will be requested for this purpose. A large percentage of the original Penitentiary farm is not tillable, but this whole section, except for about twenty acres in the northeast corner, used for a railroad right-of-way, is under cultivation.

I believe in the expansion of farming, dairying, and gardening at the institution, as it is our only source of income. The twine plant is a separate institution although under the same management. But the earnings of the twine plant revert back to the twine plant operating fund. Farming, dairying, and gardening give healthy employment to the inmates. We raise our own potatoes, corn, oats, speltz, beets and all kinds of garden stuff. The feed raised on the farm is fed to our cows, butcher cattle, and hogs. We furnish our own milk for the institution and butter for the officers, and at present we are selling milk. All this helps to cut down the cost of maintaining the institution. With the splendid new dairy barn just completed, we are in a position to raise the calves from our best cows and within two or three years, we will have

every stall in the barn filled with high-class cows, equal to the best herd in the state.

Including owned and rented land, we have into crop this year 1,506 acres of oats, speltz, rye, wheat, flax, millet, corn, potatoes, mangles, beans, and garden. This increase in farming operations has made it necessary to buy extra equipment, and for that purpose, we purchased in the spring of 1928, a tractor and four-bottom plow, which cost us \$1,685.00 In addition to this we had to purchase planters, cultivators, mowers, and binders.

The Twenty-Ninth and Thirtieth Annual Reports of the Board of Administration of 1948 (page 235) reports 460 dairy and beef cattle, 204 hogs, and 1,636 herd of poultry.

The First Biennial Report of the Director of Institutions ending June 30, 1970, indicates that the Penitentiary owns 1,431 acres and leases 875 acres and \$13,504 was earned by the Penitentiary from the sale of agricultural products. In 1973 a large dairy operation is carried on and a large beef herd is taken care of by the Penitentiary. Poultry and hog operations were discontinued a few years ago. Some of the prison land is irrigated. In 1972 the farming operations of the Industrial School were transferred to the Penitentiary.

BRICK MANUFACTURING

N.F. Boucher in his report of 1894 requested that, "the Capitol Commission be asked to turn over to the management and use of the Penitentiary the brick machines and other fixtures and paraphernalia now in their hands." This was apparently done in that for many years the Penitentiary did operate a brick factory. Many of the prison buildings were constructed from bricks made by the

inmates. The wall was also built by prison labor and prison-made bricks. The 1904 report made by the Warden states that the Penitentiary furnished the bricks and inmate labor to complete the north wing of the Capitol. This he claimed was done to the detriment of the prison, in that they were thus not able to complete important projects for their institution.

F.O. Hellstrom in 1908 reports that the old brick yard was moved from its location west of the city to a new site on prison grounds. The Third Biennial Report of the Board of Control relates that new brick-making equipment was installed. However, Warden Lee reports in 1926 that the brick yard had not been in operation for four years and that it took considerable work to place it in operating condition. In 1930 the report suggests that paving bricks for highway use could be produced. Then in 1940 the Board of Administration reports that the brick yard north of the State Penitentiary proper has been operated periodically until a few years ago, when deposits of desirable clay were exhausted; and they made the recommendation that the place be abandoned and dismantled. This recommendation was accepted and brick manufacturing came to an end at the Penitentiary.

TWINE FACTORY

The 1898 report makes the recommendation that a joint legislative committee be appointed to investigate the matter of installing a "binder twine and cordage plant". In 1900 the Twine Factory was put into operation and served for many years as the chief source of labor for the inmates. In 1910 it was suggested

that rope-making machinery be added to the Twine Plant which was later done. In 1970 the Twine and Cordage Plant burned.

VOCATIONAL OPPORTUNITIES

In 1908 Warden Hellstrom suggests the establishment of a furniture building shop, but nothing of the kind ever developed. It was always a concern of the wardens that enough work be available for the inmates. The 1910 report contains a formidable and interesting list of suggestions made by the Warden among which are: the manufacturing of school and office supplies, a foundry, and a briquetting plant. An interest in the vocational development of the inmates is expressed by the Board of Control in their Second Biennial Report with the period ending June 30, 1914 (pages 64-65).

Insofar as is practicable every activity of the institution is made educational. Thus blacksmith shop not only does the actual blacksmithing needed but in so doing it teaches the blacksmith trade to the inmates employed therein. When these men leave the Penitentiary, they are competent to earn the regular wages paid skilled blacksmiths. In like manner, the carpenter and woodworking shop, machine shop, shoe and harness-making shop, paint shop, print shop, barber shop, tailor shop is being used to turn out skilled workmen in these different trades. The men assigned to the farm work, gardens, dairy, hog house, cattle and poultry departments are getting a training that, when they leave the institution, will make them valuable workmen, drawing good wages, to the farming interests of North Dakota. The brick workers and masons have so appreciated what is being done for them that they have organized a special class in practical brick laying. Practically all construction work about the institution is done by the inmates and is the best visible evidence of their skill. The kitchen and bakery, the work of which is done by inmates,

have turned out several men who are now earning honest livings as cooks and bakers. The same is true of the laundry. In the boiler house and engineer room, inmates have become so expert that they have readily secured similar employment at the expiration of their sentence. Upon entering the Penitentiary each man inmate is asked whether or not he has any trade such as is carried on in the institution; if he has, he is put to work at it, to the benefit of the Penitentiary and himself. If he has no trade and expresses a preference to learn one, he is given an opportunity to do so.

Unfortunately, the binding twine plant, wherein a large percent of all the men are employed, does not offer much of an opportunity to teach helpful trades except in the machine shop and warehouse. While this industry is undoubtedly of great financial benefit to the farmers of the state, and does not compete with any private enterprise within the state, it is not ideal for the purpose of benefitting the men themselves beyond teaching habits of application. The time is doubtless coming when North Dakota will choose between making the Penitentiary less of a commercial proposition and more of a humanitarian one. On account of the heavy investment already made and the value of the twine plant to the state, the present Board and Warden have carried on this industry at maximum capacity, even to the extent of running the factory more hours of overtime than ever before in its history. But if the twine plant, instead of being enlarged, was gradually eliminated and was operated only during the winter months when other profitable employment could not be had, and the men were employed at road building and practical trades, it would inure more to their personal welfare.

The concern about keeping the inmates productive is again spelled out in the following year's report by the Board of Control of State Institutions of 1916 (pages 63-64).

However, as the population of the Penitentiary increases, as it is likely to with the increase of the population of the state, further employment will have to be provided. That those interested may be informed and thus better

fitted to judge as to what kind of employment would be the most suitable, we will append the following list of employments found at the penitentiaries of some of the different states, all of which have the usual work of the institution necessary to their upkeep, and the feeding and housing of the inmates in addition to this:

- Minnesota--Makes binder twine, farm machinery, and shoes.
- Iowa--Labor on public buildings, manufactures furniture and tools.
- Wisconsin--Makes binder twine, hires to contractors in knitting industries getting sixty-five cents per day each.
- West Virginia--Has contract system getting from fifty-two cents to seventy-five cents per day each.
- New York--Manufactures men's clothing, shoes, hosiery and underwear, wagons and carts, mattresses and brushes, mats and matting, and does a large amount of commercial work in the printing and stationery department.
- Nebraska--Makes brooms and furniture and operates a farm. Contemplates the manufacture of twine, as further contracting of prison labor has been abolished by statute.
- Indiana--Contracts labor of inmates to higher bidder.
- Oregon--Farms, makes brick, does some work on public highways. Part of inmates idle.
- Colorado--Works on public highway, mostly in mountainous parts of the state where construction is too expensive for local authorities.

All agree that labor is essential to the inmates as well as to the state. All condemn the contract system. Many do not favor road work in northern latitudes because a large part of the time it is impossible to live outside and do such work. Many favor manufacture of some article or articles in ready demand, preferably something giving the least competition to free labor, and a valuable training to the inmate. All agree that outside employment for those worthy is very beneficial to the men.

Warden Lee reports in 1926 that the Penitentiary operates a

tailor shop where most of the clothing for inmates is made. He also relates that shoes are repaired as well as harnesses and that they had lately begun to manufacture brushes and brooms for their own use; and recommends that they equip their shop with the needed machinery in order to be able to manufacture shoes for their own use.

Although none of the above tasks are not done today, the Penitentiary inmates still mend their own clothes in the tailor shop and do make the coveralls and some white uniforms for the kitchen crew. The maintenance and repair of the institution is still carried on with considerable inmate labor. Contrary to the past where inmates provided the labor to build buildings for the institution, some inmates were used to knock down and clean out an old building partially destroyed by fire in which had been housed the large oil barrel used by the Twine Plant.

TAG PLANT

In 1930 the Warden requested a cheese factory and an "auto vehicle license plate plant". In 1934 the report is made that the License Tag and Road Sign Plant has been established and that all of the 1934 license tags for North Dakota were made in this newly acquired Penitentiary industry. We are told that in 1942 the sign and tag operations were reduced due to the war efforts. However, in 1948, Warden Nygaard points out that they have received many requests for metal signs and markers from individuals but that by law they are not permitted to sell to private individuals and requests the law be changed so that they be permitted to do so.

This is still an unresolved issue even today. There is always a concern about the state becoming an unfair competitor with private enterprise. In March of 1953, the Tag and Sign Plant was destroyed by fire, and a new plant was promptly built and in operation the following year. For the immediate future, the sign production is to be upgraded and enlarged. Some of the Tag Plant equipment has already been moved to another area providing more space for the Sign Shop.

COFFIN MANUFACTURING

The report for the two-year period ending June, 1934 (page 79), by Warden G. Patterson relates:

The inmate population of the Penitentiary has decreased very much the last year, and we no longer have the problem of providing work for idle prisoners. For this reason, and also because we have no available building in which to put the machinery and stock, we have not begun the manufacture of coffins as contemplated by the last legislature. I plan, however, on getting this industry started on a small scale this fall, so that we can report to the next legislature our actual experience in making these coffins. We have also done nothing about establishing a tannery, because the appropriation made for this purpose is entirely inadequate to buy the machinery and provide a building for the plant.

Subsequent to this report no further mention is made of a tannery; however, the coffin-making did flourish for a time. Warden Patterson's report of 1936 (page 156) states that, "The coffin factory is making coffins for sale both to the public and to the various counties for relief purposes." Ten years later in the 1945 report (page 214) Warden Nygaard under the

heading "Casket Factory" relates that there are no demands for prison caskets. In 1965 the legislature repealed the section of law which required the Penitentiary to manufacture coffins and also at the same time the tannery legislation was repealed.

BOOK BINDERY

In the 1958 report the recently appointed Warden Reidman makes a request for a "book salvage project". In the 1960 report the statement is made that, "New equipment has been installed (book repair shop) and we expect to be in full operation shortly after the first of the year."

The Tag and Sign Shop, the book binding operation, and farming can be considered the three remaining industries of the prison. Using inmate labor in the maintenance and administration of the institution is also a major source of jobs for the inmates. The increasing requirement of inmate time for treatment and educational programs has seriously taxed the inmate time available for these industries and the other required institutional tasks traditionally performed by the inmates. There is an effort to utilize the existing industry and institutional tasks such as maintaining the plumbing, the janitorial duties, and food service as an integral part of a training program. This, however, has a number of built-in problems. If you are to operate an industry at normal efficiency, you cannot stop the operation for a required period of verbal instruction. A food service training program has been fairly successful but has not been without its share of problems. Hopefully in the future a more compatible relationship

can be worked out between the ongoing industries and institutional required maintenance tasks and a sound educational training program.

PHYSICAL PLANT

It seemed like a constant struggle by the administrators to get the physical plant of the Penitentiary constructed. Some of the requests for buildings took many years before they became reality. It seemed that often the farming requirements for buildings had precedence over those for the benefit of the inmates and staff. As already indicated, the prison had a small and unpretentious beginning.

Many of the requested projects, in time, due to technology, became obsolete. For example, one of the first reports by a warden reads, "Attention is specially called to the necessity existing for some provision being made for the storage of ice at the prison. This would necessitate the construction of an ice house. The expense of such a structure would be comparatively trifling, as the State has at its command the necessary skilled and unskilled labor. The outlay therefore would be only for material." In this same report a request is made for an engine and dynamo and the necessary fixtures to furnish the Penitentiary with electrical lights. The need for a hospital facility and the improvement of the cesspool condition was also stressed.

Warden Haggart in his 1891 report recommends an electric light plant suggesting that it could also be connected to the Capitol. He also reports that, "A greater portion of the yard

wall has been doing duty for about eight years, and a good many of the posts are becoming rotten and unsafe, and I do not believe that it would take a very heavy wind to blow down the older portion of it."

Warden Boucher in his report of 1894 requested better facilities for the guards who he claimed have to use the same bathtubs as the inmates.

In the 1895 report Warden Wilson continues the request for a Warden's residence and a brick wall to replace the wooden wall, a part of which did blow down. The wall at this time consisted of pine planks, pine stays, and cedar posts. He continues the request for a dormitory for the guards. He points out that at that time there were eighteen guards and "for their accommodation there are but four rooms, thus placing from four to five in each room". He adds that the problem is further complicated by the recently passed legislation which requires the Deputy Warden to reside at the Penitentiary.

The 1898 report repeats the request for electric lights. "...the danger of using kerosene oil for lighting purposes in an institution of this kind should fully satisfy anyone that it is not only dangerous but very inconvenient and a serious drawback not only for lighting up the several buildings and adjoining grounds, but giving the inmates a chance to escape."

In 1897 the legislature did appropriate \$3,000 to build a Warden's residence and in June of the same year construction commenced.

An electric light plant was installed in 1900; but at this

time no hospital facility was available.

Prior to 1902 the building of the brick wall had begun and was completed in November of 1903.

After repeated requests for a hospital facility in 1906, construction was undertaken and was redesigned to include forty cells in its basement to alleviate a crowded condition in the cell house. The Warden reported that twenty inmates were housed in a room originally intended to be used as a chapel. During the previous winter he had 79 inmates crowded into this room. He also reported that a food service facility was needed and through the emergency board a three-story building was constructed with the first floor as kitchen and storeroom, the second floor as dining room, and the third floor to be used as a chapel.

Warden F.O. Hellstrom in his 1908 report indicates that construction of a 160-cell cell house had commenced and will include plumbing and will do away with the night bucket. He also repeats the request for officers' quarters. "The institution being located over two miles from the city of Bismarck, it makes it very inconvenient to those officers who have families and are compelled to travel back and forth between the city and the institution." Warden Hellstrom in this same report (page 15) was also concerned about a separate facility for those sentenced for execution and containing a permanent gallows. He pointed out that on the 23rd day of October, 1908, an inmate was sent to the prison to be executed.

The 1910 report indicates that an 80-foot steel tower and water tank were added to the premises. Also two barns were added

and a telephone switchboard and local telephone exchange had been installed.

The Deputy Warden's residence was built in 1914 with Hebron brick. Penitentiary brick was exchanged for Hebron pressed brick. The former Deputy Warden's quarters in the main building will be used for female prisoners.

In 1916 a two-story laundry building was constructed as well as a hog house. A special section in the main building was prepared for the incorrigible criminals.

Warden F.S. Talcott in the 1918 report (page 46) recommends the construction of a "Colony House" outside of the prison walls.

The purpose of this building is to house and feed the men working outside the walls, who will not be permitted to pass within the walls, for any purpose, and only returned inside in case of breach of discipline. The advantages of this system are numerous. First, in the hours of labor, the men working outside would then be able to perform, it can be safely computed, at least 25 percent more hours of work than when these men are obliged to return to the cell house, for the prison count at morning, noon, and night. Second, the continual temptation for the men on the outside to pass contraband articles to the men on the inside, would be removed. This traffic is not only annoying and detrimental to discipline, but sometimes dangerous, as the men working on the outside cannot be watched carefully enough, at all times to prevent their communicating with irresponsible parties. The effect would also reflect and have great bearing on the conduct of the men working within the walls.

When this building is provided, then and then only, can a grade system of prison discipline be established and enforced. As long as many of the men are required to carry on the work outside of the wall, more or less trouble is sure to arise and cannot be prevented. The sooner this building is erected the better

for those in authority and for the prisoners themselves.

Warden L.L. Stair in 1920 in the Second Annual Report to the Board of Administration (page 261) repeats Warden Talcott's request for a colony house or dormitory for honor men who work outside the walls.

The Board of Administration in their Seventh and Eighth Annual Reports (page 8) to the Governor make the following interesting observation:

The population at the Penitentiary at the present time is 291. The Board of Administration feels that the time is near at hand when a new prison wall should be started, with the idea in view of completing a new prison unit by the end of the next ten years, or sooner. The condition of the present wall and cell house is well understood by those familiar with it. The hodge-podge arrangement of the old Penitentiary within the wall; the constant fire risk at the Twine Plant and indeed, in the whole structure, makes a complete and adequate survey of the present prison arrangement and future needs imperative. The Board's best judgement is that a good block of land south of the Northern Pacific tracks should be purchased in the near future, with the ultimate goal in mind of constructing a new prison wall. We do not have in mind that it will be necessary to abandon entirely the present unit, but it could be continued, and a division of the industries--between farming on the one hand, and the manufacture of twine and other products on the other hand, be made in the two units, and yet have them both under the same supervision and management.

Warden John J. Lee in his report in the Seventh and Eighth Annual Reports of 1926 (page 539), requests again an officers'

building and another building outside the wall for the farm crew.

The present officers' quarters have been condemned by the State Fire Marshall as unsafe and a dangerous fire trap. A new, modern, fireproof building should be erected a short distance [sic] from the Penitentiary to house the officers at the institution. There should be included in this building officers' reading and recreation rooms.

In 1928 a fireproof officers' quarters was completed (Ninth and Tenth Annual Report, Board of Administration, page 10). "A \$50,000 fireproof building for the officers' quarters at the Penitentiary has been completed and is in use at this time."

In the Thirteenth and Fourteenth Annual Reports of the Board of Administration, 1932, Warden Turner reports that 440 inmates were at the Penitentiary on December 10, 1931, and that it became necessary to double up inmates in a single cell in the east half of the new cell block and indicates that the increase in population is due to the depression and unemployment. He also requested that the gateroom be remodeled with electrical equipment.

From the beginning of the prison, almost every report deals with the serious problems of getting rid of the sewage. In one of the early reports to the Board of Trustees, the Warden states, "The present method of cesspools is necessarily only temporary, and a constant menace to the sanitary condition of the prison." A number of prison physicians' reports make mention of the potential health hazards in the existing method in which the prison was disposing of its garbage and sewage. In the Fifth and Sixth Annual Reports of the Board of Administration, 1924 (pages 391-392), Warden Lee discussed the problem:

I want to call your special attention to the Penitentiary sewer which at present time discharges into what we call Hay Creek, with the result that Hay Creek nearest the discharge and practically all through the Penitentiary farm is becoming very foul, especially during the hot summer months. This Hay Creek, as it is called, is no more than just an ordinary ditch cut through the Penitentiary farm for the purpose of carrying off the surplus snow water in the spring during the floods. Therefore, during the dry warm season of the year there is nothing in the ditch accepting the sewerage from the Penitentiary, so you can easily imagine what a stench this causes. It makes it very unsanitary in this immediate neighborhood and it is a wonder that the health department has not condemned this system long ago. I believe that ~~an appropriation should be asked for~~ sufficient funds to build a septic tank or else arrangements be made with the city of Bismarck to connect up the Penitentiary sewer with the city sewer if such an arrangement would be possible. I am unable at the present time to make any estimate as to cost of this proposition but regardless of cost it must be taken care of sooner or later, and the sooner it is done the better for all. It also happens that the cows go into this ditch a distance off and drink this filthy water which makes it dangerous for those who have to use the dairy products from the herd. I recommend that an estimate of installing this tank or connecting with the city sewer be laid before the budget board which may result in the necessary appropriation to complete this work.

In 1936 Warden Patterson reports in the Seventh and Eighth Annual Reports of the Board of Administration (page 157) that:

The extension of our sewer system to connect with the City of Bismarck sewer, for which the last legislature

appropriated money for buying the materials and for which the government is paying the labor cost, is nearly completed. When finished, this will be a wonderful improvement for the institution and mark the end of the present unsanitary and disagreeable condition of our sewer emptying into a dry creek near the buildings.

Warden A.J. Loudenbeck in the Ninteenth and Twentieth Annual Reports of the Board of Administration, 1938 (pages 187-188), makes the following recommendations for new improvements:

Wrecking of the old cell block and building a new cell block, which when completed will contain one hundred and twenty (120) cells and be modern in every respect. The old cell block was built in 1888 and has no sewerage system, cells are small, doors are small, ventilation poor and is in a generally deplorable condition. I would ask that the Board and the members of the legislature make a careful inspection of the unhealthy condition in which inmates have to live in this cell block and consider carefully the importance of confining these inmates in a healthy atmosphere. Might I add that a blueprint of such a cell block has been prepared for your inspection and the estimated cost would be approximately \$393,000.00 when completed.

The laundry must have new equipment as to washers and mangles if the proper degree of cleanliness is to be maintained. The equipment now being used is too badly worn out that it is almost under constant repair and we are handicapped at times to the extent that we have to have some aid from the Training School in order to get the laundry finished. An estimated cost for this equipment is from \$1,300.00 to \$1,500.00.

Our gardening project is quite a business and as you will see by the enclosed report is a great source of

savings to the institution, but we work there under cramped and unsanitary conditions as to housing the inmates who spend about eight months of each year there. An inspection of their sleeping and housing quarters there make plain the dire need of a new gardeners' building. I would recommend that a new building be erected and use our own labor and dimension lumber from our saw mill, which would be a great saving. Material needed to complete this building would be cement flooring, paper under siding, siding and shingles. This building should be large enough to house from eighteen to twenty people.

The dairy barn needs new shingles. This barn is 38'x130' with a connecting room 50'x30'. Also the east barn, which is 40'x130' with a 20' lean. It will require approximately 10,000 shingles to repair both. The warden's residence must be re-shingled as the roof is leaking in about thirty places and lets in rain. This will require 14,400 shingles. All composition roofs must be protected with at least two coats of good quality gilsonite roofing which would require thirty-five (35) barrels for two coats. Rubberoid is very worn in places.

Remodeling the gateroom. The gateroom should, for safety's sake be generally remodeled. Old partitions should be removed and replaced with bars so the turnkey could have an unobstructed view of all three gates leading from the cell house to the outside. The gates should be electrically operated and a turnkey's cage be so installed to furnish him complete protection and make it impossible to be approached or molested from the outside and also prevent a break through the front gate.

I would like further to call your attention to the outside walls, which are badly in need of repair.

Ten years later Warden Nygaard includes in his report the following (pages 278-279 of the Twenty-First and Twenty-Second Annual Reports of the Board of Administration, 1940):

There are several matters of major importance requiring early attention and additional appropriation before they can be undertaken. Some of these projects have been called to the attention of previous boards and budget committees over a long period of years. They are as follows:

1. The prison wall is in very bad condition due to settling at the base. In many sections of the wall there exists a real danger due to warping and there is a threat of collapse in many places.
2. The old cell block still presents a problem that has existed for many years, the lack of plumbing and modern features which result in an unhealthful and unsanitary condition.
3. The plumbing in many parts of the institution, as well as the plumbing installed in the new cell block is in bad condition due to the effects of age, rust and corrosion and much of it should be replaced very soon.
4. The present water supply system is quite unsatisfactory and a complete survey should be made by competent engineers for the purpose of making such recommendations as will correct existing faults.
5. Suitable quarters should be provided for the housing of inmates employed at the prison garden. The present quarters are entirely inadequate, unsanitary, and are a real fire hazard.
6. Suitable quarters should be provided for the farm crew which is composed of first offenders and other inmates who can be quartered under minimum

security. These men are now kept in the old Administration Building in crowded quarters that are entirely inadequate, and where there exists a constant danger from fire due to the nature of the construction of that particular building.

The 1946 report (page 212) points out that a 50,000 gallon steel water tank was added to the premises of the Penitentiary and that plans are being made to build a new administration building.

The dog kennel was converted to a six-stall garage according to the 1948 report.

Warden Nygaard recommends the construction of the new administration building with added facilities including a new kitchen in his 1950 report, and in 1956 he reports that the new administration building was built.

In the 1958 report Warden Riedman points out the need for a new cell house and repairs on the prison walls. The 1960 report informs us that the new cell house was under construction. Warden Riedman in his 1964 report requests money for a new book salvage building.

It should be obvious that many details in the construction of the entire Penitentiary plant through the years could not be included in a report of this nature; but the attempt was made to record some of the major achievements which were accomplished, as well as call attention in passing to some of the proposals which never did see the light of the day. The 1973 Legislature with the assistance of the North Dakota Combined Law Enforcement Council did approve the construction of an Educational and

Recreational Building within the walls which should aid the educational program and provide needed recreational and athletic activities for the inmates, during all seasons, but of significance during the long winter months. Formerly no indoor space was available for recreational and athletic activities.

STATE FARM

In part, some of the requests for facilities made by administration of the Penitentiary were realized in the creation of the State Farm.

The Twenty-Seventh North Dakota Legislature under Chapter 229 provided for the establishment of a correctional institution for male violators of the law to be known as the "North Dakota State Farm". It further provided for the transfer of buildings and equipment used by the Federal Emergency Relief Administration as a "Transient Camp" to the Board of Administration. The Twenty-Third and Twenty-Fourth Annual Reports of the Board of Administration, 1942 (pages 5-6), report:

The location of this Transient Camp was entirely unsuitable for the operation and maintenance of a State Farm, so the Board has negotiated for the purchase of several hundred acres of land along the Missouri River bottom from the North Dakota Water Conservation Commission, which can eventually be irrigated from the Missouri River. The clearing of this land will furnish employment for inmates and provide much of the wood needed for fuel and for the construction of barns, repairs, etc. An opinion was obtained from the Attorney General holding that the appropriation was available for the purchase of land. It is the present intention of the Board to have several buildings moved from the present site

to this newly purchased land. Consultation with a committee representing the State Judicial Council has been had with reference to this purchase of land and change of site.

Considerable delay has been experienced in getting the buildings moved and in readiness for occupancy by the institution. It had been planned to have much of this preparatory work done by inmates of the State Penitentiary and under supervision of Penitentiary guards. However, war conditions and the late and backward farming season made it impossible for the Penitentiary to spare inmates for this extra work as the number of inmates who can safely be used outside the Penitentiary walls has been greatly reduced, many having been released to enter the armed services, while others were paroled for the purpose of relieving the farm labor shortage during the harvesting and threshing season. However, during the winter season this condition should be somewhat alleviated, and we hope to carry out our plans during the winter months.

According to the 1944 reports of the Board of Administration, Mr. E.F. Diehl was appointed Manager of the State Farm with the Warden of the Penitentiary serving as Superintendent. The first commitment to the State Farm was received in September of 1943.

The 1946 Twenty-Seventh and Twenty-Eighth Reports state that Mr. Diehl resigned as Manager of the State Farm and John L. Monroe, the former State Penitentiary gardener, was named successor. A sawmill operation had also been established in 1946.

D.H. Begeman was appointed Manager of the State Farm by Warden Nygaard, according to his 1948 report. In this same report the Warden writes that in the five-year period of the operation of the State Farm only one man had escaped. However,

in his 1950 report, Warden Nygaard reported that while a number of State Farm inmates have left the premises in escape attempts only three are at large at this time. In his 1952 report, Warden Nygaard states that since September, 1943, a total of thirty State Farm subjects have, by various means, escaped from the premises--all but four have returned. In 1960 Warden Riedman requests a new modern building at the State Farm to house the inmates and reports in 1964 that the State Farm building was completed. The 1968 report shows Jasper Kleinjan as the Manager of the State Farm. The Manager's residence at the State Farm was built in the biennium of 1944-1946.

The 1973 Legislature authorized the building of a kitchen and recreational facility at the State Farm. The former kitchen had been a remodeled building among those moved to the site from the former "Transient Camp".

INMATE WELFARE

All of the reports by the wardens reveal a concern for the inmates' welfare and, at least according to the language used in their reports, a rather modern concept of the problems of rehabilitation is noted. It is also interesting to note how these prison administrators--the wardens and their boards--were persistent in recommending legislation to implement a system of parole and for flexible and more uniform sentencing procedures.

One of the early Boards of Trustees prior to 1890 suggested, "...that provision be made for paroling certain convicts to good behavior during imprisonment, after having served the minimum

term imposed by law for the crime committed." They also recommended legal provisions for shortening the term of commitment on account of good behavior while imprisoned. This same board expressed a concern, as already mentioned, about the short sentences the inmates have been given noting that some have been given as short as two months. "The Board respectfully suggests that provision should be made by law, fixing a minimum term of confinement thereto at not less than one year." A shorter term appears to the Board altogether out of proportion to the expense of commitment to the prison. It is believed that other adequate means of punishment by shorter terms of imprisonment may be provided by commitment to jail.

The report for the year ending October, 1894, of the Board of Trustees and the Warden (page 16) discusses the fact that a parole law has existed for four years and only four inmates were released thereunder and that pardons and commutations were granted to thirty-nine inmates during this period. The pardons apparently were often not based upon the good behavior of the inmate as provided by parole and, therefore, did operate as a disciplinary problem for the prison. He does, however, report that the last session of the legislature did fix the prison term to be not less than one year. The Trustees' and Warden's Reports for the period ending June 30, 1898, continued the discussion of this problem expressing a concern that the prison did not have an input into the granting of pardons, "...would respectfully recommend that a rule be established under which no convict eligible for a parole can receive a pardon without a recommendation from the

management of the institution, which could entitle him to be paroled". In this same report the Warden writes, "...it would in my judgement be to the advantage of the institution and its inmates as well as the state if there were more 'paroles' and fewer 'pardons'." It is also interesting to note, although it is difficult to precisely know what the details of his recommendation were to contain, he makes the following recommendation: "Most of the states have laws for the 'classification and grading' of the inmates of their penal institutions, and I would respectfully recommend the passage of such a law in this state." He also talks about the need for laws to provide some after-care for inmates who have been released.

One may question Warden Boucher's good intentions when one is aware that a legislative investigation of his administration among other things reported (Report of Examination of State Penitentiary and Twine Plant, North Dakota, March 1, 1897 - December 31, 1908, page 41):

Your committee finds that during the administration of Warden Boucher corporal punishment was frequently inflicted on inmates in violation of the statute.

That the most common manner of inflicting such punishment was by suspending persons, with handcuffs attached to their wrists, from a hook in an adjustable rack, and while thus suspended, whipping them on the bare back with a heavy strap of sole leather or belting.

Your committee further finds that under the administration of Warden Boucher, officers of the institution frequently committed assaults of a dangerous and unjustifiable character upon inmates of the institution and seriously beat, bruised and wounded

them to a degree far beyond what was necessary in the maintenance of discipline.

That under the administration of Warden Boucher an insane inmate was retained in the institution for a considerable time, to wit: about three months immediately preceding the close of his administration, without any attempt to have him committed to the insane asylum, and such inmate was so neglectfully cared for as to shock the ordinary sense of decency and bring reproach upon the administration of a public institution charged with the care of such persons.

Warden Boucher in his report of 1897 did talk about using humane means in dealing with the inmates but adds, "...I find that this (humane treatment) succeeds in a great majority of cases; when it fails, then the use of as harsh means as may be found necessary to attain the end sought is, in my judgement, justifiable in all cases."

In their report of 1900, the Board of Trustees (page 6) suggests that a law be passed to hire a man who could assist in obtaining employment for the released inmates, and to visit paroled men and investigate alleged parole violations; but they add that, "It might be better for the present that a small appropriation for such purpose be made, the same be expended by the Warden under the supervision of the Board."

In his report of 1904, Warden Boucher reports that he would like to see more inmates paroled but was unable to do so saying, "There is no provision in our law for properly investigating as to the environment in which they would be thrown if paroled, or for watching over them while on parole." He also requested

legislation providing for the indeterminate sentences.

There is indication in this 1904 report that the press and others have been criticizing the operation of the prison which eventually resulted into a rather extensive legislative investigation, cited above, for Warden Boucher (page 14) as stated as follows, "I ask that I be judged in my official relations to this institution by what I have done or left undone; in other words, by my record in such official capacity, but I strenuously object to having what misinformed, uninformed, or malicious persons say I have done or failed to do in such official capacity being accepted as true and considering such as official record."

Warden F.O. Hellstrom in his report of 1908 said, "I believe that a parole officer should be appointed to have in his immediate charge all paroled inmates, and to whom they report." He agrees with the concept of the indeterminate sentence but reports that it is not effective in that no one is authorized to determine when a person is to be released. He suggests that the authority should be with the prison. He also recommended the suspended sentence. His report also noted that over fifty pardons were granted during the period of the report. In Warden Hellstrom's 1910 report, we find that a new parole procedure was established creating a "Board of Experts" including the Warden, Chaplain, and Doctor who were to set up rules for parole and that on July 1, 1909, the Board of Trustees of the Penitentiary elected J.C. McAndress as Parole Officer. He noted that since the organization of the Board of Experts, eight men have been successfully paroled and that six men were also under their charge who were

placed on probation under the suspended sentence law.

Aside from the above, the physician's report of the same year states, "...As the obtaining of employment outside is one of the essentials of parole, and only an able-bodied person is able to get such employment, it has lessened the number of chronics on the sick list."

As a part of the reports on the Penitentiary, the Second Biennial Report of the Board of Control, 1914, includes a report from W.O. Dopking to the Warden stating, "This terminates the fifth year of the working of the Parole Law."

Warden F.S. Talcott in the 1918 report repeats a former concern expressed by the prison administrators that, "There should be a greater uniformity of sentence for similar crimes, if prisoners are to show respect and confidence in the justice of the law." This problem has not diminished in the current scene of criminal justice.

In the 1926 report, the Board of Administration (page 10) requests a full-time male and female parole officer for the Penitentiary, the State Training School, and the State Hospital. The Warden's Report of the same year points out that the Pardon Board is also the Parole Board and consists of the Governor, the Attorney General, the Chief Justice of the Supreme Court, and two members appointed by the Governor. Warden John J. Lee adds that, "...A man charged with crime appearing in court for sentence can be given a suspended sentence by the judge and be paroled, as we call it, 'from the bench'." These men, when accepted by the Pardon Board, automatically come under the jurisdiction of the

Warden of the Penitentiary. He continues to note further that all parolees have to make a report to the North Dakota State Penitentiary the first of each month until their sentence expires and that 92 percent of the parolees, "have made good".

Warden A.J. Loudenbeck reports in 1938 in the Nineteenth and Twentieth Annual Reports of the Board of Administration (page 186):

The conduct of the inmates has been remarkably good, very few having been reported for infractions of the rules and in most cases, all that has been necessary to do, was to call the inmate's attention to what it means to him, if he does not make a special effort to conduct himself in such a manner that he will be entitled to time off for good behavior. Strict discipline is demanded of both officers and inmates. Our experiences have been that by treating the inmates fairly, discipline can be more easily maintained. When the inmates are discharged from the institution, we try to impress on their minds the importance of keeping good company and not getting discouraged. I believe that most men, who are discharged, leave with good intentions, but on account of lack of self-control and proper guidance and economic conditions in general, they quite often are not able to resist temptations, when just a little aid at the proper time would have pulled them through.

Penitentiaries and reformatories will never bring us the proper results until some arrangements are made to care for those who have been so unfortunate as to have been confined in one of our penal institutions. We believe that it would be money

well spent if the state employed two full-time parole officers to supervise those on parole and to keep in touch with them after they are released from prison. If only a small reduction in recidivists could be obtained by this policy, we would have increased the standards of morality in our state and save money. Under this system more prisoners could be paroled with safety to the public, and thereby, reduce the expenses of the institution to that extent. I would strongly recommend two such parole officers and urge you to cooperate with me in making this recommendation to the next legislature.

In 1940 Oscar Nygaard repeats the need for "...the employment of one parole officer whose duties would include periodic visits to all persons paroled." It is interesting to note the active role the Penitentiary administrators played in getting a parole system established.

STAFF WELFARE

One finds a repeated concern expressed by the prison administration for adequate pay and benefits for the employees of the prison. The 1898 report reads, "...We recommend that an appropriation be made sufficient to increase the pay of guards to an amount commensurate with the service performed." The report further points out that the wages of the employees is twenty to thirty percent lower in North Dakota than at most other institutions of this kind. One is made aware in this report of the demands placed on the officers of the Penitentiary by the following statement: "Officers who are required to work from 13 to 15 hours per day need to be well fed and it is to be the interest of the state that they should be."

The 1900 Warden's Report states, "...I find it difficult to get and keep the grade of help that for the good of the state, the institution and the inmates, ought to be employed; the standing of an institution is determined and controlled largely by the character and ability of the subordinate officers employed; a fountain cannot rise above its source." Later the report adds, "...In many of the best institutions in the country officers must bear an examination and be up to certain standards, physically, mentally, and morally; some system of this kind would be a blessing to this institution and its inmates."

The Warden in the 1903 report again makes his plea for better wages. "It is a difficult matter to get and keep guards in all respects efficient at the wages which are now paid, which are little, if any, higher than those paid to ordinary farm hands [sic] and laborers, and it is certainly true that the average farm hand [sic] or laborer will not make a good guard."

The Warden in his 1910 report says, "I still believe that the minimum paid to employees should be raised and that old officers and employees, who continue from year to year should have a raise."

The Board of Control in their report for the period ending June 30, 1916 (page 60), grapple with the problem of adequate staff.

However, it is now the general opinion that the primary purpose for which criminals are committed to the Penitentiary is not alone to punish the one committed, but also to protect society from a repetition of the crime and if possible to secure the reformation of the criminal. While it is too much to expect that

such a reformation will be possible in every case, and in granting additional liberty to the inmates it was foreseen that there would be severe criticism from some quarters, and without doubt some of the inmates would prove unworthy, notwithstanding, we feel that it is a greater benefit to the State if a good percent of those committed can be discharged with a new view of life and a determination to again attempt to become useful citizens, even if in a few cases some prove unworthy and abuse the privileges granted. And those, who by their conduct prove unworthy and cannot be trusted, should come under the supervision of more experienced guards. Such guards as are necessary to handle this class of inmates cannot be had at salaries now provided.

In 1918 Warden F.S. Talcott simply reports (page 42),
 "...The salaries paid the officers and employees of the Penitentiary are, in most cases, inadequate to provide the actual necessities of life for the officers and their families."

Warden John J. Lee in his report for the period ending June 30, 1924, in the Fifth and Sixth Annual Report of the Board of Administration (page 389) expresses a concern about the long hours of work required by the guards.

The system of twelve-hour shifts for the guards is used at the North Dakota State Penitentiary, which is a longer time than that of any other institution in the United States, to my knowledge. I consider that the tower men have the most strenuous job at the institution for the reason that they are placed in a small room where very little exercise can be had and to stay there, especially during the night for twelve hours is too long. The same condition, I feel, exists with the men in the cell house and I believe that it will be for the best interests of the institution that the tower and cell house men would be given eight

hour days. In order to accomplish this change, it will be necessary to increase the salary appropriation. I recommend that the tower and cell house men be given an eight hour day.

However, in 1928, he had to repeat his plea for shorter work days (Ninth and Tenth Annual Reports of the Board of Administration, page 348).

Employees are still required to be on duty twelve hours a day. I suggest that favorable consideration be given to an eight hour day for the employees of the North Dakota State Penitentiary. I also want to call your attention to the fact that something should be done for the man who has spent twenty-five years or more as guard at this institution, and then on account of age, or for some other reason, becomes unfit for such service. I recommend that provision be made to let such person retire on half pay.

Due to the depression, it became necessary to reduce the salaries by 10 percent (Thirteenth and Fourteenth Annual Reports of the Board of Administration, 1932, page 5).

In the charitable and penal institution, many are employed at rather low salaries; and some of those whose incomes are lowest have dependents to support. Therefore, in making salary reductions those who were receiving \$70.00 or less per month were generally omitted from the ten percent reduction. The salary schedules for doctors in these institutions have generally been considered low to secure the quality of professional services needed. Therefore, the doctors were also exempted from this salary reduction for the time being.

In 1942 the Board of Administration in their report (page 3) stated that, "The administrators of our institutions are facing a most difficult problem due to the constant turnover of employees

because of the low salary schedules, as contrasted with the marked increase of wages throughout the nation and particularly in war industries." Again in 1944, Warden Nygaard (page 239) requests reducing the working hours from twelve to eight. Not until July 1, 1945, as reported in the Twenty-Seventh and Twenty-Eighth Annual Reports of the Board of Administration (page 211), the Warden writes that as of the above date, "practically all custodial officers were placed on an eight hour work day [sic] basis." He adds, "The change from a twelve hour work day [sic] to an eight hour work day [sic] has not only had a salutary effect on the personnel but has also resulted in better service to the institutions."

The Board of Administration in their 1950 report (page 5) expresses the following concern:

The more adequate appropriations granted by the 1949 Legislative Assembly have had a somewhat stabilizing effect upon the employee situation in the institutions and the turnover has been somewhat less than in previous bienniums. Also there have been fewer unfilled positions although there are still many vacancies due to inability to attract qualified personnel for certain key positions. However since the beginning of the Korean War situation in June, living costs and wage increases in private industry have already made it apparent that the institutions will again be faced with the same employment difficulties experienced during and immediately following World War II, when it was impossible to maintain adequate and competent personnel, because our budgets would not permit paying salaries comparable to those paid in other fields of employment. If this condition continues to become more aggravated until and during the 1951 Legislative Session,

then substantial increases for payrolls and other operational costs should be provided in excess of those requested. If this is not forthcoming then serious curtailment of proper care and treatment of the State's unfortunate wards will result.

In 1960 Warden Riedman in his report, Forty-First and Forty-Second Annual Reports of the Board of Administration (page 249), expressed a concern that some of the personnel have left their employment at the Penitentiary to work in other fields of law enforcement that pay more and have less hours.

To maintain a competent qualified staff at the Penitentiary has been a constant problem which even now is crucial if the Penitentiary is to fulfill its obligation to society as a correctional facility rather than as a mere holding agency.

Warden Lee in the 1928 report recommends that one-half pay retirement be given to a guard who has worked 25 years at the Penitentiary. In 1962 Warden Riedman also requests a retirement system in order to be able to compete for staff with police systems who do have a retirement system.

INMATE REHABILITATION

All along one can detect a concern for the welfare of the inmates and to provide the conditions which should improve the changes for the incarcerated to return to society with some positive gains in order to adjust to society and not find himself in difficulty with the law. In the early reports, emphasis was on providing the inmates with labor. One of the first reports by a warden pointed out that even, "The land cultivated as a

garden has been donated by individuals" and adds, "It is not believed that such generosity will be continued."

The Biennial Report by the Trustees and the Warden (page 10) for the period ending June 30, 1900, indicated that, "...Considerable number of the inmates have been maintained in idleness during the winter months, in violation of the law, to the detriment of the state and to the physical, mental, and moral harm and disadvantage of those of the inmates who have been unemployed." On the basis of such concepts the farming operation, industrial developments were established and expanded at the Penitentiary. Men, not even in a penitentiary or better, said particularly in a penitentiary cannot exist by labor alone. The need for books, magazines, and newspapers was expressed in the first reports.

The Board of Control in their Second Biennial Report (pages 64-67), 1918, relates the various activities provided for the welfare of the inmates and the philosophy upon which these changes are based.

Backed by this public opinion and the legislation resulting therefrom, the Board and Warden of the Penitentiary have gone as far in the conduct of the institution as conditions would seem to warrant. Government of the prison is based upon the policy that it is an institution where men are received and given a period of mental, moral and physical training, so that when they leave they may be better in every respect than when they entered it. In other words, that from the training given them in the institution, they may be enabled to take their place in society, properly equipped to earn an honest livelihood, and thereby become useful and respected citizens of

the state. To begin with the inmates are called "men" and treated as such just so long as they respect the treatment accorded them. Every man is placed on his own footing and encouraged by every opportunity to build himself up and not down. The degrading stripe has been abolished, except for the man who violates his honor by attempting to escape, who thereupon is compelled to wear a striped suit with a yellow streak up the back. The honor system is in force throughout the entire institution, and the man who is not benefitting thereby has no one to blame but himself in that he must have violated his own honor before being deprived of his privileges.

When not employed during regular work hours, every opportunity is afforded the men for clean, wholesome and helpful recreation. The institution library, remodelled, rebuilt and catalogued under the direction of the State Librarian, is available to all who have not abused their privileges, and on the shelves may be found the very best literature and books of instruction. The numerous calls from the men [sic] for dictionaries, encyclopedias, school books, and technical works on various subjects are an encouragement toward establishing a complete library of this character. An efficient orchestra and a band composed of inmates is maintained, and the desire to learn music, with the pleasure it brings, is such that the men have themselves heretofore paid the salary of an instructor. Also, they have paid for a moving picture machine and the weekly entertainment provided through well selected films, offers the imprisoned man the best medium for keeping posted on the world's progress while he is virtually removed from it. A debating society offers an opportunity for helpful discussion on all live topics, and the regular Sunday services, conducted by Protestant and Catholic Chaplains, is devoted to the religious welfare of the men. There is a base ball [sic] diamond within the enclosure and the frequent games that

are played are greatly enjoyed by all. Field day sports, quoits, and other outdoor games are very generally participated in.

Local talent entertainments as well as those by traveling troupes and lectures are staged from time to time in the general auditorium. Prominent men of the state have shown a ready response to invitations to talk to the men on various subjects of interest and value to them.

One of the reforms introduced during the past year, while it may not appear so to those not familiar with prison conduct, is nevertheless a step further than has been taken at other penitentiaries in this country. Ordinarily it is the custom to feed the men on narrow bench tables, placed parallel and close together. Silence is maintained during meal time. This system has been discarded at the Bismarck Institution and the men all take their meals family style, on good sized tables, covered with white table clothes. They are also permitted to speak when necessary.

When a man is about to leave the Penitentiary, every effort is made by the Board and Warden to secure employment for him with some reliable person. Employers throughout the state can render a real practical help to these men by offering work to such of them as the Warden recommends.

Legislation enacted by the last Legislative Assembly has greatly benefitted the men and thereby exerted a helpful influence in the administration of the institution. The daily wage has been increased and as a result the earnings of the inmates have gone to build up a fund for aiding them in getting a right start when discharged and for providing for the wives and children of those who have families. Due in part to this increase in wages, the net earnings of the Twine Plant show a corresponding decrease in dollars

and cents, but the gain to the state in other and far more important respects more than makes up for this loss. Doubled good time has been allowed all who have merited it and many men are now earning their livelihood on the outside who would otherwise still be in the institution. Owing to the small number of inmates it has not been feasible as yet to attempt much outside road building. In fact, at no time has there been enough to run the present industries and activities of the institution, although most people think there are constantly from 500 to 1,000 inmates in the Penitentiary, and there are that many in the great majority of prisons. The population of the North Dakota Penitentiary has not exceeded 231 during the past two years and it has been as low as 144, with an average of 184.

It can readily be understood that the Binding Twine Plant, brick yard and general work of the institution finds ready employment for this number of men.

Although the existing legislation has for its purpose the welfare of the Penitentiary inmates, experience has shown that much of it can be revised to their further benefit. To this end the Board and Warden recommend such additional legislation to the next session of the Legislative Assembly as is set forth elsewhere in this report.

Attention is called to the fact that under the practical working of the honor system as provided by statutes and carried out by the rules of the Board and Warden, a large percentage of the men are given employment outside of the enclosure. While most of them are returned at night, during certain times of the year, haying crews and others remain away a week or two at a time. These men are all on their honor, and rarely attempt to escape, but a few escapes do occur

each year. This is the experience at all penitentiaries where the honor system is in force and it is well for the public to know it.

Warden Talcott in this 1914 report of the Board of Control (pages 185-186) provides us with some of the concerns which were prevalent in his day:

In the winter months a night school is conducted by some of the better educated inmates, thus, giving an opportunity to those who are less fortunate a chance to better their education, and make them more fit to fight the battles of life when they are released. In the majority of penitentiaries a resident chaplain or physician has charge of this work and by requiring a certain grade of work he can advance inmates from one class to another and by this means conduct a school upon modern principals and obtain better results. In the early nineties an appropriation was made by the legislature of this state to maintain a school of this kind, giving the inmates a chance to gain a knowledge of the fundamental rudiments of an education. Today we have no such appropriation which surely marks a backward step in this line of prison work. A school should be started at the Penitentiary and maintained by the state, with proper teacher and facilities afforded; which with the access that the inmates have to our fine library, certainly a great improvement would be made by them.

All inmates on good behavior are allowed recreation privileges, which are forfeited by misconduct. In summer, four evenings of the week, the men are allowed to play ball for about an hour upon the ball diamond, and usually about once a week an outside ball team is brought inside the walls to play the inmates team. Also during the summer the inmates team once or twice a year has been taken to nearby towns to play ball, and upon such occasions have conducted themselves admirably, and have won much

praise for their manly conduct. In the winter, moving pictures are shown once a week in the auditorium, and all inmates on good behavior are allowed the privilege to be present. The inmates' orchestra furnishes the music, making it a very enjoyable evening for everyone present. Also a Literary Society is conducted entirely under the management of the inmates and every inmate is eligible to membership. This society meets Sunday nights and subjects of interest are discussed and debated, musical numbers, original plays, and vaudeville turns are also given, all of which are interests and develops the mentality of the inmates of the institution. All expenses incurred by these ball games and moving picture shows are paid from the inmates' General Benefit Fund, accumulated from fifty percent (50%) of the daily earnings of those inmates who have no dependent relatives, after they have earned the fifty dollars (\$50.00) required by law. The expenses of these entertainments or amusements is therefore paid by a part, not all, of the inmates which is unfair. An appropriation should be made for this purpose and a portion, at least, of the expense undertaken by the state.

An ombudsman type of position is suggested by Warden Talcott which must be considered significant for his day in the light of modern development under "civil rights" (page 188) 189).

The establishment of the office of a State Official whose duty it should be to redraft and harmonize the laws above mentioned, and other inconsistencies in the laws covering the Penitentiary and other state institutions would be a great benefit. His duties could also combine the visitations and supervision of our county jails, the protection of the personal rights and business interests

of those unfortunates awaiting trial in the county jails, and furthermore, act in the capacity of legal advisor to the inmates of the Penitentiary, when necessary, straightening out any legal question that may arise, presenting all cases for clemency in the proper form before the Board of Pardons, and by being in close touch with the Penitentiary and such other institutions as would require his services, not only lift a considerable burden from the administrative heads of these institutions, and relieve them from many embarrassing situations, but protect the legal rights of the charges of the state confined in these institutions.

I believe that such an official would be an economical investment for the state and his influence and efforts in securing legal rights for the inmates would tend to good conduct on their part and a feeling that they were absolutely getting a square deal.

The Third Biennial Report of the Board of Control, 1916 (page 161), includes a report by W.L. Gross, Superintendent of the Penitentiary school as follows:

About two years ago, a night school was organized at the Penitentiary for the purpose of extending to those who had not had the advantages of school during their early life, the privilege of study and acquiring some knowledge of books.

It was found that there was quite a number of men who had never gone beyond the second or third grades and others who had never spent a day in school, and could not read or write. To these, school was something new and as they started learning, letter after letter and figure after figure and finally some could begin to read and write a little, they told their experience

to others and within a few months after school started, the attendance had increased from about eighteen to forty-two. By the close of the first term there were six classes, some doing work as high as the eighth grade. There were eighteen in the primary class of which fourteen had never attended any other school and the other four had never attended but a very few days. Other classes were graded according to the work they were able to do.

The second school term opened October first last year with an attendance of about thirty-five and six teachers chosen from among the inmates. This number soon increased until the average attendance was sixty-two and four more teachers were added. They were divided into ten classes, doing regular grade work and higher work also. Some of the subjects taught in the higher classes were Commercial Arithmetic, Commercial Law, Bookkeeping, English, Spanish, German, and some special work in Penmanship. Through all the grades, Reading and Writing, and Arithmetic were emphasized and excellent results were obtained. The interests of the school tend to keep the minds of men on books and papers and thus broadening their knowledge of the better things of life.

It would be difficult for one with a knowledge of books to imagine the situation of a man who did not know one letter from another or could not write his own name. We think "How could such a man pass the time away?" When we think of men who are unable to read the simplest story or write a letter to friends, or loved ones, we shall at least be glad that an opportunity to learn, is extended to them.

Not only were the wardens concerned with getting an increase in pay for the staff, but also the inmates. Warden Talcott in the 1918 report (page 46) states, "The amount of the daily earnings

allowed by law to be paid to prisoners should be increased."

The First Annual Report of the Board of Administration to the Governor for the period July 26, 1919, to October 31, 1919 (pages 105-106), makes the following rather interesting proposals:

Many of the statements made at the Congress referred to deserve wide publicity and general consideration, to the end that prison questions may everywhere be as intelligently and successfully dealt with as they have been of late in certain states and localities. As it was said at this gathering, for instance, true reform will be effected only when the people understand that the prisoner is a victim of circumstances [sic] or of ignorance and wrong thinking, and that the people need to learn that the proper function of the prison is to make, not break, the man. It was maintained wisely, also that work with wages should be provided for the prisoner, in order that he may continue to support his family and learn self-control and self-respect; that his self-respect should be cultivated so that he will become more upright and industrious, rather than be merely an obedient captive; that the idea of pure punishment should be abandoned, and constructive correction substituted; and that imprisonment is justifiable on two grounds, namely, that society may be protected in person and property, and that the offender may be rehabilitated so as to become fit to share the common liberty.

The Library Commission sent one of its representatives to consult with inmates--with the permission of the prison authorities--regarding the books available for their use. This representative [sic] looked over the bookshelves of the prison library, and found a fair sized collection of books that were largely worthless or of small interest to the readers. It was therefore decided to send to the prison a collection of books, based on preferences expressed by quite intelligent

inmates. It is thought that this arrangement may be continued and be to the benefit of all concerned.

It is possible that extension work of some kind through the University or the Agricultural College may be undertaken here also. At different times inmates on their own initiative have conducted classes in various subjects. The cooperation of the professors of education, psychology and sociology at the two higher institutions will be helpful in this field.

We note, just as this report is being completed, the following news item from the State of Washington, which is in line with the Board's general purpose in North Dakota.

"Spokane, Washington--E.O. Holland, President of the Washington State College at Pullman, is arranging with Henry Drum, Warden of the State Penitentiary at Walla Walla, to inaugurate the college extension service at the prison for the benefit of the inmates. The bulletin course will be given and, in addition, lecturers will be sent to the institutions at regular intervals."

The dining tables introduced as above mentioned were recommended by Warden Lee, Fifth and Sixth Annual Reports of the Board of Administration (page 392).

Night school has been conducted three times a week and has been well attended. We let anyone who wants to go to classes and those who can neither read or write are compelled to attend and many of the inmates have made wonderful improvement in reading and writing by attending these classes. In connection with night school, I wish to say that a great improvement could be made for its benefit by having the dining tables changed to large school desks, with benches attached, with room for four students at each bench and desk.

They would then all face the front and they would be easier to take care of at meal time.

I should judge that fifty of those desks with benches attached would be sufficient and as the work can be done at the institution by prison labor the cost would be nominal.

H.L. Holdren, in the 1928 Ninth and Tenth Annual Reports of the Board of Administration (pages 350-351), reports the following on the night school:

During the biennium just ended we have had an average attendance of twenty-one men in our night school.

We stress the teaching of a good usable foundation in the essential subjects of reading, writing, spelling, and arithmetic, with some geography and grammar. We try to keep the classes small, from four to seven pupils, so that individual instruction may be given.

There have been few actual illiterates, that is men below the second grade, or with no previous schooling. At the present time we have but three who could not read or write when they entered school, all of whom are doing quite well. I might say I think they are doing exceedingly well considering the fact that school is held at night, after a hard day's work.

The "Moonlight School" readers are used, as are the penmanship books, "Cora Wilson Stewart for Beginners", with most gratifying results.

The men who come to us with schooling equivalent to the third and fifth grade work are the ones who express themselves as most grateful for instruction given, in spelling and arithmetic. I believe arithmetic stands first in popularity and spelling a close second. It means much to a man who has had to depend on the other fellow to figure his accounts, to be able to handle simple problems for himself, and to write his own letters.

School is held three evenings each week,

on Monday, Wednesday, and Friday evenings. Classes are seated at tables in the inmates' dining room, the tables being left cleared on school nights, with an inmate teacher for each class. The supervisor going from class to class helping and encouraging wherever necessary.

Under the heading of "Library, School, Recreation" Warden Nygaard reported in the Twenty-Ninth and Thirtieth Annual Reports of the Board of Administration (pages 233-234), 1948, the following:

The prison library has approximately 6,500 volumes of fiction and non-fiction books on its shelves. The books are in good repair and the library is conducted in an orderly manner.

In addition to the books, the library fund has subscribed for a number of popular magazines and publications including the Saturday Evening Post; Life; Time; Newsweek; Business Week and Colliers. These are made available thru the regular library facilities. Inmates wishing to do so, may subscribe for approved newspapers and publications of their choice.

We also acknowledge receipt of many books, papers and magazines from friends of the institution. These have been made available to our readers thru the library facilities.

Night classes, which had been discontinued for a period during the war years, were resumed in this biennium. This department was in charge of Eddie Agre and his assistant Robert Miller of Bismarck. Both gentlemen are connected with the Bismarck Schools and bring to our institution the benefit of their experience in a large field of endeavor. School attendance is not compulsory and while our offerings are somewhat limited, the privilege of attending classes is highly appreciated by those who do avail themselves of the opportunity. School attendance varies from 10 to 15 percent of the prison population.

Recreation includes yard privileges with participation in a variety of games including baseball; croquet, high-goal; handball and quoits. Baseball games were scheduled with outside teams in both seasons in the years covered by this report.

Moving pictures were shown in the prison auditorium on Sundays and holidays, commencing in October and ending in April of each year. There are two radio installations, one in the cell house and the other in the Farm Ward. The Farm Ward radio has the loud speaker system and the cell house installation uses the individual earphone system. Programs are available thruout [sic] the day but more especially on Sundays and holidays. Extra radio time is granted for special events programs including sports.

Four years later Warden Nygaard in the Thirty-Third and Thirty-Fourth Annual Reports of the Board of Administration (page 250), 1952, submits the following under the heading "Library, School, and Recreation":

Under the direction of A.O. Elstad, the prison school, library, band and recreation programs have made progress and in so doing have contributed a great deal in our effort to help those in our charge to better themselves. The night school enrollment for the last year was 97; the average attendance was 14.8 percent of our population. A total of 142 school sessions were held with classes in English, typing, bookkeeping, arithmetic, algebra, geometry, spelling, reading, writing, geography, getting most out of life, music and typewriter repair.

The library has 6,262 active books of which 3,178 are fiction and 3,084 are non-fiction. The average monthly circulation of books for the past year was 545 books. In addition to the library books, the institution provides

popular magazines including the Saturday Evening Post, Colliers, Country Gentlemen, Life, Time and Newsweek. Newspapers are permitted under individual subscription and approval of the Warden.

We gratefully acknowledge the gift of books, pamphlets, papers and magazines, religious and secular, from friends of the institution and in many parts of the state. All gift reading materials are made available to our population thru [sic] the facilities of our prison library.

While baseball leads in the field of sports, a miniature golf course has been added and this sport also has a large number of participants. Other games enjoyed by many include croquet, high-goal, basketball, quoits and handball. Our present program of recreational activity offers something for all, young and old.

In addition to the regular library duties, the staff in this department has recently assumed the responsibility for publishing and circulating a paper called the Rec. News. Items for this paper are contributed by inmates and usually cover the various games as well as other items of interest to the population.

The prison band held several rehearsals a week and new members were added from time to time.

Moving pictures were shown in the auditorium on Sundays and holidays from October to April of each year.

Radio programs are a daily feature with extra time permitted for special sports events and other programs of more than ordinary interest. A new radio was installed some months ago and gives improved reception.

In the Thirty-Fifth and Thirty-Sixth Annual Reports of the Board of Administration, Warden Nygaard reported that a full-

time psychologist was added to the staff in June, 1954. He indicated that the department of education and the prison psychologist have charge of the A.A. group and other special study groups.

Warden Riedman in his report of 1958 (page 216) of the Thirty-Ninth and Fortieth Annual Reports of the Board of Administration, recommended a full-time chaplain, a social worker, and an additional educational worker for the Penitentiary. His 1962 report indicates that correspondence courses for high school and college are available; and in 1966 he recommends a vocational program for the institution. Through the support of the North Dakota Combined Law Enforcement Council, the Penitentiary began vocational programs in 1971; and an increased effort is made through group and individual counseling to provide some treatment for the inmates.

As early as 1908 Warden Hellstrom recommends "that the warden of the penitentiary be required to keep an accurate account of the conduct and industry of each and every inmate and with this record as a basis to guide him, he should classify and grade all of the inmates into three grades and that all inmates in the first and second grades shall receive some nominal remuneration for their toil." In the 1910 report we find that six cents a day had been allowed to be paid to inmates. By 1962, inmate pay was reported at 30 to 50 cents per day. The 1973 Legislature now permits the inmate pay to go as high as \$1 per day.

The 1904 report indicated that the inmate was given \$5 and

a decent suit of clothes when he was released. Rearrangements have been made so that presently the inmate receives a suit of clothing and \$50. In the interim one finds the wardens requesting an increase in the amount of money paid to released inmates.

In 1926 Warden Lee reports in the Seventh and Eighth Annual Reports of the Board of Administration (page 541):

One of the most unique entertainments ever given at the North Dakota State Penitentiary was when Joe Miller, the owner of the 101 Ranch Circus brought six elephants, about 50 of his best horses and riders, the bucking automobile, a troupe of trained gymnasts, and the Imperial Russian Band to our recreation ground inside the Penitentiary wall and put on a performance of an hour and a half for the benefit of the inmates who have not seen the outside of the wall for many years. Mr. Miller furnished this entertainment to the inmates free of charge. He also delivered a splendid talk of hope and encouragement to them which was highly appreciated.

Warden Turner in the Eleventh and Twelfth Annual Reports of the Board of Administration (page 467), 1930, stated:

I have also taken steps to have an up-to-date radio installed. Every cell in the cell blocks, the hospital, and the old officers' quarters now being arranged for trustees and outside workers, and the women's department, will be connected and wired up and the inmates will be allowed to purchase earphones. The radio will be tuned in every evening after supper and will be continued until 9 p.m., and Sundays extra time will be devoted to the radio. This will be at no expense to the state as the inmates' recreation fund will take care of all the costs.

In the Thirty-Seventh and Thirty-Eighth Annual Reports of the Board of Administration, 1956 (page 268), Warden Nygaard reported that "...Radio programs are daily features with special time for sports events including the World Series. Television entertainment has been provided for the trustee quarters at the State Farm. To date, television is available to all inmates with liberal viewing time permitted. Many of the inmates have small portable televisions in their cells. The radio system is also popular. The inmate can listen to various radio stations, as well as to a disc jockey program produced by an inmate within the prison. A large collection of records have been made available to the prison.

From the beginning and up to the last of the 1930's, the reports indicate that tuberculosis was a problem at the Penitentiary. From various physician's reports, a prisoner had a good chance of receiving a pardon if he had an acute case of tuberculosis. The 1907 physician's report compliments Warden Hellstrom for the policy of giving a medical examination for new prisoners.

ESCAPES AND PRISONER IDENTIFICATION

Throughout the entire history of the Penitentiary, escapes have taken place. In a 1902 report after listing a series of escapes, the Warden notes, "With well-trained dogs they should have been recaptured within a very few hours after their escape, which was made from the hay field about four miles from the institution." Later he reports that a pair of "man-trailers"

(bloodhounds) were purchased for \$125. A year later in a 1902 report the Warden admits that they were going to use the dogs after an escape but that they were unable to get them to work. A man from Texas was brought in to train the dogs. In the 1906 report after relating three escapes, the report adds, "We have a fine pack of 'man-trailer dogs' and they have done some good work in making the recaptures. While they are not a cure for escapes still I feel that having the dogs deter inmates in many cases from attempting an escape and in that way much trouble is avoided and expense saved." In the 1909 report, there were thirteen bloodhounds at the Penitentiary. In the Second Biennial Report of the Board of Control, 1914 (page 181), Warden Talcott observed, "The number of bloodhounds has been reduced to six, keeping only those that have demonstrated their ability as man-trailers. I am advised by those who know, that it would be well for the State to buy a pair of full-blooded man-trailers." It is not certain when the dogs were no longer kept at the prison, but the 1948 report, as previously stated, converted the dog kennel into a six-stall garage.

The reports revealed a few unexpected situations at the prison, such as revealed in the Second Biennial Report of the Board of Trustees for the period ending October 31, 1892 (page 19), that a woman had been sentenced for a short term and was accompanied by a child less than two years old. Dr. C.E. Stockhouse in his report to the State Board of Administration dated September 13, 1926, found that the Seventh and Eighth Annual Reports (page 545) relate: "There has been one child birth. The mother

was transferred to the St. Alexius Hospital in Bismarck for her confinement."

Also of note is the fact that the Bureau of Criminal Investigation had its roots in the North Dakota State Penitentiary. Early in the reports, the wardens express a concern for the establishment of the "Bertillian System". In the Ninth and Tenth Annual Report of the Board of Administration (page 342), 1928, the system is described:

A prisoner, upon arrival at the institution, is photographed, fingerprinted and all identification marks recorded. Copy of such record is forwarded to the Identification Department at Washington, D.C., who, upon receipt of such record, sends us the complete criminal record of the prisoner. Such information should be furnished to district judges before the defendant has been sentenced. Several have come to this institution with long criminal records, but told the judges that they were first offenders and consequently got light sentences.

In the 1940 report the Board of Administration stated that, "The North Dakota Bureau of Criminal Identification, operating under the direction of the Warden, has ably assisted peace officers in all parts of the state." Warden Nygaard in his 1942 report, Twenty-Third and Twenty-Fourth Annual Reports of the Board of Administration (page 236) stated:

BUREAU OF CRIMINAL IDENTIFICATION: The North Dakota State Bureau of Criminal Identification is one of the important departments of the institution. Its services are of a statewide nature and the officer in charge and the fingerprint expert employed in the Bureau receive calls daily to cooperate with local peace officers and other law enforcement agencies. Thousands of fingerprints are

on file in this Bureau and additional thousands are received, classified and filed annually. In the past year, 898 bulletins were broadcast over radio facilities at Bismarck, N.D. The vital information on file in this office is available to all qualified persons and the requests that come to the Bureau for information and assistance are constantly increasing in this war emergency.

In his 1946 report, Warden Nygaard states that the personnel of the Bureau of Criminal Identification "is composed of an experienced investigator and a fingerprint expert." Two years later the following report is made (Twenty-Ninth and Thirtieth Annual Reports of the Board of Administration, page 236, 1948):

BUREAU OF CRIMINAL IDENTIFICATION:
This department has charge of photographing, fingerprinting and identification of all persons committed to the Penitentiary and to the State Farm. In addition to this routine service, the Bureau personnel assists all peace officers upon request, in the investigation of crimes committed and in the apprehension of wanted persons.

Information in the criminal files of this department is available to all peace officers when used in connection with official duties. New files are being added daily including exchanges with like departments in the states of Minnesota, South Dakota, and Montana.

This department continues to prepare daily crime bulletins for release over KFYZ, in Bismarck. Emergency and special bulletins are released over this radio station as soon as radio time permits.

M.A. Erickson, former sheriff of Benson County, N.D., has served as officer in charge of the Bureau for 11 years. Al Olson, fingerprint expert, formerly

connected with the Bismarck Police Department, was appointed to his present position in 1945 on the death of Herman Sortomme.

In the 1950 report we find that the Bureau of Criminal Investigation was moved into the officers' quarters building and that the polygraph or lie detector is a permanent installation in the Bureau.

Warden Riedman in his 1962 report (Forty-Third and Forty-Fourth Annual Reports of the Board of Administration, page 334) recommends, "that the Bureau of Criminal Identification be transferred to the Attorney General's Office, where it could be more of an asset to the various law enforcement agencies of the county, city, and state". In 1965 the North Dakota Legislature passed 12-60-01 of the North Dakota Century Code reading as follows: "A bureau of the state government, under the Attorney General, is hereby created and is designated as the Bureau of Criminal Investigation hereinafter referred to as the Bureau."

The administrative control of the North Dakota State Penitentiary has been at first under a Board of Trustees. In 1911 the Board of Control of State Institutions was created. The First Biennial Report of this Board (page 7) relates:

For years past there was considerable agitation in the state for a change from many boards to one. This finally resulted in the passage in the 1911 Legislative Assembly of an act to create a State Board of Control, and provide for the management and control of the charitable, reformatory, and penal institutions of the State and making an appropriation therefore, and for the defining of certain offenses and providing penalties therefore.

Placed under its control were the School for the Blind, Bathgate, North Dakota; Institution for the Feeble Minded, Grafton, North Dakota; Hospital for the Insane, Jamestown, North Dakota; School for the Deaf, Devils Lake, North Dakota; State Penitentiary, Bismarck, North Dakota; and Reform School, Mandan, North Dakota.

In March of 1919 the North Dakota State Legislature created the Board of Administration. In their First Annual Report (page 5) they describe their function and scope of control. The first paragraph of this report reads as follows:

The Board of Administration represents the culmination of an evolution which has been in process for approximately the past ten years, looking toward a centralization of administrative control and a concentration of responsibility in the conduct of those state institutions which have been designated as education, penal, charitable and reformatory. Immediately prior to the accession of the Board of Administration to this control and responsibility these institutions were administered and policies relating to them were established through and by three Boards; namely, the Board of Regents, the Board of Control and the Board of Education. In some measure also the State Department of Education has been affected by this change; for, while this Department remains distinct, the State Superintendent of Public Instruction was designated one of the nine members of the Board of Education that was, and he or she is by law made a member ex-officio of the present Board of Administration of five members.

The 1969 North Dakota State Legislature enacted 54-21-06 creating the office of the Director of Institutions who took over the duties of the former Board of Administration and serves

presently as the executive agency in charge of the prison. The Director is appointed by the Governor. Therefore, the line of authority goes from the Warden at the Penitentiary to the Director of Institutions to the Governor.
