

🔑 A Place of Confinement: Constructing the Old Idaho State Penitentiary 1872 - 1973

This article was authored by BSU Professor Dr. Peter Wollheim for a 1993 exhibit at the Old Idaho Penitentiary.

The early history of the American West is popularly associated with crimes such as mining frauds, grand theft and larceny, forgery, horse and cattle rustling, and stagecoach holdups. Living outside the boundaries of centralized authority, farmers, miners and merchants in Idaho Territory found themselves with conditions that favored not only their own livelihoods, but also those of organized gangs as well. Taking advantage of the wealth generated out of gold mines and ranches, and of the mountain terrain that made pursuit particularly difficult, outlaw groups found numerous opportunities for crime. The mining camps, rife with the sectionalist passions surrounding the Civil War, were also prone to violence. In the 1860s, it was said of Idaho City's cemetery that barely one-quarter of those buried there had died of natural causes.

One of the first responses of settlers in the Territory was to form miners' courts and vigilante groups. Operating on the principle that "farmers have no use for prisoners," vigilantes banished lesser offenders and used "**Judge Lynch**" to punish the others. Yet gangs of vigilantes and desperadoes alike stood outside the framework of a formally constituted system of justice. When, following the Idaho gold rush of the early 1860s, territorial courts were appointed, they could only recruit local justices of the peace and give them geographically scattered jurisdictions. But with President Abraham Lincoln's signing of **The Organic Act** of March 4, 1863, the Territory of Idaho received recognition for its sovereignty, and the county jails of Idaho City and Lewiston were designated as temporary territorial prisons.

From Jail to Prison

The conversion of these facilities created innumerable problems and public outcries. Essentially nothing more than sealed log cabins, these jails were cramped, dark, airless, and offered no protection against the climate. Understaffed and overcrowded, mixing together first-time offenders and hardened murderers alike, they could not prevent dozens of successful escapes. They were also costly to operate, as Congress provided little financial support for their upkeep. Protests by the Idaho Territorial Prison Commission and by James S. Reynolds – editor of the *Statesman* newspaper – reached the Territorial Legislature. At the same time Congress moved its attention back to issues that had been neglected during the Civil War. Republicans, firmly in control of the government in Washington, sought to fulfill the concept of Manifest Destiny by pushing the country westward, while integrating Indians, Mormons, Southern sympathizers and other marginalized groups into the federalist vision. As part of this program, Congress authorized expenditures for prisons in Arizona, Colorado, Nebraska, Washington, Montana, and Idaho, all in 1867.

From Prison to Penitentiary

The appropriation of funds for territorial prisons met with complex reactions. Regional rivalries within Idaho caused some friction and delay in selecting a site, as they had in determining the territorial capital. While plans submitted by the **Prison Commission** were held up in the Territorial Legislature, an enterprising Boise merchant jumped claim to the preferred site by erecting a house on it overnight. This exercise in real estate speculation was poorly received. Castigated by his customers and the press, this Mr. Benedict saved face by deeding his claim to the Territory. On May 15, 1869, the **U.S. Department of the Interior** stepped in by assigning the selection process to the Ada County Commissioners. In agreement with the Prison Commission, they chose a site one mile east of Boise based on a ready supply of high-grade quarry stone, which would also prove useful in building the capitol, roadways, irrigation ditches, and other public works. The General Land Office of Boise was asked to supervise construction, which began officially on April 4, 1870. A ceremony for the laying of the cornerstone was held on July the Fourth following. In its coverage of the event, the *Statesman* noted a certain irony in creating a prison on Independence Day.

Construction Begins

The transition from federal to territorial jurisdiction over the prison was also complicated. Although responsibility for all work was given to Idaho, standardized plans came directly from the Department of the Interior. Based on security as a prime objective, the designs favored an impersonal, stockade type of architecture that would isolate inmates from the community and from each other. Construction came to a short but total halt in October of 1870, because the **U.S. Treasury** was late in paying the contractor. Although the Territorial Legislature had appointed a warden and officially closed down the old prisons, it took over two years for the territorial and federal governments to negotiate an acceptable funding agreement. In March of 1872, the penitentiary was finally occupied.

The original building was conceived of as only one part of a larger edifice. It had the capacity to hold 39 prisoners in three tiers of cells and bathing rooms; another section was set aside for eating, and for the administrators. However, despite these plans, no additional work took place for nearly two decades and the number of inmates held in each cell doubled. Eventually condemned for occupancy in the 1930s, the building was converted into a chapel but burned during the 1973 riots.

The “Pennsylvania System”

The design of the 1870 building reflects important changes in attitudes towards prisons and crime as a social problem. Reform of the penal system was one of the important goals of religious thinkers following the American Revolution. **Quakers** especially believed that prisons should be replaced by penitentiaries, or places of penance. Believing that crime was the result of moral corruption, the Quakers made their influence felt, first in **Philadelphia** and then in other cities. The "Pennsylvania system," as it came to be known, placed emphasis on a strict regime of isolation through solitary confinement, work, exercise, and attendance at religious services. All these conditions were meant to allow the criminal the opportunity for self-reflective remorse and reformation.

This philosophy reached its zenith in the 1820s and was gradually discarded for several reasons – chief among them the high suicide and insanity rates produced by the Pennsylvania system. New York State was the first to change its policies, which it did first in its new **Auburn Prison**. The Auburn or “congregate” system had inmates confined to individual sleeping cells at night, but working and eating together, although in as much silence as was practicable. Not only did this

arrangement benefit the mental health of convicts, but it made assembly-line labor possible as an economic resource for the prison. The Auburn system governed the development of Sing Sing, San Quentin, and the Idaho Penitentiary.

The Issue of Convict Labor

Another phase of penal reform coincided roughly with a second stage of construction of the Idaho prison. As the territory approached statehood, Congress allotted \$25,000 for completion of the original structure. At the same time, a steady increase in the convict population, and fears that inmate labor would compete against private businesses, caused considerable controversy during Idaho's constitutional convention. The convention of 1889 eventually voted to accept jurisdiction over the territorial prison and appointed a State Prison Commission to oversee its operations. At a time when the governor's salary was set at \$6,000 annually, the prison warden was given \$1,200, and \$1,000 worth of tools for surveying and quarrying were also authorized. While hard labor was explicitly part of each inmate's sentencing, strict restraints were put on the use to which this labor could be put. Unlike many other states, Idaho refused to contract or lease out convicts to private businesses.

In the earlier days of what was now the Idaho State Penitentiary, this policy appeared to present relatively few problems. Inmates were employed in quarrying and replacing the old wooden fence with a stone wall, although the monies set aside by the state for this were "barely one-half enough to complete the specified work." J. E. Tourtellotte, a local Boise architect and contractor hired by the Penitentiary, did complain that inmates "were scabbing over the top and shattering the stone with powder, spoiling the stone for building purposes;" he urged the paying of a professional foreman. Prison officials worried about housing 152 prisoners, especially when the old cell house of 1870 "has long ago served its usefulness." Inmates were put to work on a new cell house, started in 1889; on a separate Administration Building, begun in 1893; on a hospital room, commissary, blacksmith/carpenter shop, and trusty dorm, all in 1895; in wooden barns, stables, and slaughterhouses; and in irrigation ditches, orchards, and poultry houses outside the walls.

This labor was seen not only as a ready economic resource, but as part of a program to strengthen moral character. The **National Prison Association**, formed by private individuals in 1870, lobbied for the reform of criminals through education and vocational training. The Association, which maintained an active correspondence with officials in Idaho, also favored parole and the introduction of indeterminate sentencing to provide extra incentives for rehabilitation. Idaho did not pass a Parole Act until 1900, but in other ways it had already acted on more custodial, and less punitive, impulses. Wardens argued that "the constant employment of prisoners in some kind of work keeps their minds free from plotting and is the best agent for preserving order; this also keeps them in better health." The library was cleansed of "many of the trashy novels" and filled with a "higher class of literature. . . this better grade of literature has awakened in the most of the prisoners an appreciation of the benefits to be derived therefrom, and has had a great influence toward instilling in their minds a desire for a better and honorable life. . . ."

Inmate Architects

Two buildings in particular give evidence of the attempt to moderate "the great injustice of popular sentiment which affirms that 'once a criminal, always a criminal.'" The "**chow hall**" or dining room of 1898 was designed by a convicted robber, who went by the alias of George Hamilton. Serving a 7-year term, he was pardoned after its completion. The building was alternately used as a hospital,

chapel, bakery and laundry, and bath facility. And the cell house (“**Three House**”) started in 1899 was designed by another inmate, A. J. Cross, who was also pardoned for his efforts. Unfortunately, the building was poorly constructed and designated unfit due to poor ventilation, vermin, and shoddy cells. In the 1920s attempts were made to use the structure for a shoe manufacturing shop.

Watermelons and Legislature

Many penitentiary wardens placed special value on agricultural labor for its moral and economic benefits. This posed some practical problems because of a shortage of water suitable for irrigation; by 1908 the penitentiary’s orchard was destroyed by the excessive temperature of hot springs. Nevertheless, farmland immediately adjacent to the original site was annexed and cultivated, and it was said that this grew the best watermelons in the state. The prison was soon able to supply more than its own needs for sustenance and began to process foodstuffs for the state’s insane asylum and veterans’ home.

While many other inmates were used for clearing the grounds around the new **State Capitol**, the seasonal nature of farming and harvesting often left many inmates unoccupied. Writing in 1904, Warden C. S. Perrin argued that “Nothing begets vice so much as idleness, and as the laws of the State are at present, it is practically impossible to employ the inmates in large number.” The prison physician also expressed concern that “the change to the machine life imposed by the existing and necessary regulations at the prison, can not but subject the prisoner not only to physical but to mental deterioration.”

The Women’s Ward

It is interesting that these considerations did not apply, in the same way, to female inmates. The **Women’s Ward**, established away from the main enclosure, represents a return to the cloistered, monastic idea of penitence articulated by an earlier period. A scandal over the reported pregnancy of one inmate had made separation a moral issue. According to an official report, the women appeared to welcome segregation, “and the change in their conduct, to say the least, is highly gratifying.” Unlike the men, they were never engaged in hard physical labor. Instead, they made and repaired articles of clothing for the prison and were especially enjoined to take classes and read their Bibles. The overall treatment of women convicts sets Idaho apart from states such as Montana and Texas, where they were subject to an entire range of overt physical abuses, although the effects of isolation and emotional neglect should not be minimized. As a matter of interest, the first chaplain’s visiting programs, film showings, and television sets introduced to the penitentiary were in the Women’s Ward.

Convict Labor Accepted

It was not until the mid-1920s that the government responded to pressures that “no provision has ever been made by a Legislature in this State for the establishment of a prison industry.” Many wardens and politicians continued to favor farm work; “It builds up the body. . .it clears a man’s mind and assists him to think along proper lines.” The penitentiary began to lease farmland in **Owyhee County**, cleared the Moseley Ranch, and experimented with the “scientific breeding” of bees and poultry. The **Eagle Island** farm, sitting on over 500 acres in western Ada County, was eventually acquired in 1930 and used to raise beef and hogs; inmates built a dormitory there in 1948. In the middle of World War I, Idaho first used convict labor for road work outside of Shoshone Falls, although in 1916 the governor vetoed an appropriation for the proper machinery. Convicts began to

work on roads west of Jackson Hole, Barberton, Melba, and the Boise Fairgrounds, all under the supervision of unarmed guards. At the same time, the penitentiary introduced a requirement for the compulsory education of prisoners who had not completed grade school.

Shoe and Shirt Factory

The Idaho Penitentiary's first attempts to teach industrial skills took place at a time when Prohibition and the return of now-unemployed servicemen swelled the prison population to an average of 230 inmates. Although convicts still built structures such as the stone dairy and horse barns, and modernized the Women's Ward, Warden W. L. Cuddy noted the large number of men still available for stone cutting and other work.

Dealing with a legislature that was reluctant to commit funds, Cuddy improvised by setting up a small **shoe shop** in a wing of the 1899 cellhouse (Three House). Some of the machinery was purchased from Idaho's most infamous criminal, Harry Orchard, who was still serving a life sentence for the assassination of former Governor Frank Steunenberg. A **shirt factory** was erected and put into operation in 1923, and immediately repaid the \$20,000 investment put into it by the state treasury. One hundred seventy men were put to work under Idaho's first prisoner contracting agreement, with the **Reliance Manufacturing Company** of Chicago.

At a 1924 conference of the Committee on Allocation of Prison Industries, Idaho entered into a "state's use" convention with other western governments whereby the interstate sale of prison industry surplus was permitted. By 1926 however, Warden J. W. Wheeler was forced to admit to at least one defeat: "Shoe manufacturing is a highly specialized art the successful practice of which requires the services of highly skilled workmen." The costs of raw materials, training and wastage, and transportation made the venture prohibitively uneconomical. The shirt factory did continue, supplying the uniforms now required by inmate clothing codes.

At the same time Wheeler noted that "The population of the prison is increasing by leaps and bounds." More than 360 convicts were being held in quarters intended for less than half that number. Wheeler attributed the good discipline of the men to excellent food, "light, pleasant and intensely interesting" time spent in the workshops, and a reinforced "hole" or **solitary confinement house** where incorrigibles were sent.

Observing an increase in the number of recidivists and young offenders, Wheeler called for a "habitual criminal" statute, retention of the death penalty, and a dormitory outside the walls for 160 of the more trustworthy inmates. The **trusty dorm**, completed in 1928, separated those about to receive parole from the rest of the population. This kept them away from "bad influences" and minimized the smuggling of contraband messages, weapons, and intoxicants.

A Philosophy of Correction

Between the end of the '20s and the mid-'50s, little new major construction took place at the Penitentiary. The shirt factory was closed by the state legislature in 1933 because of the Depression. Despite tight economic circumstances, New Deal sentiments motivated a succession of wardens to put a new emphasis on "corrections," with the aim of restoring each inmate "to society a better man, a man with determination to be a good citizen." Art work, sports, and other means of recreation were introduced, and classes in "Music, Mechanics, Spanish, English, Art, Typewriting, etc." were offered under a federally funded W.P.A. program. Convict band and orchestra activities, dramatic



productions, and a combined probation and parole system reflect the kinds of treatment favored by President Roosevelt's **Prison Industries Reorganization Administration**. Yet wardens also underscored the lack of trained prison guards, the outdated hospital facilities, continued overcrowding, and appropriations deficits. One warden pleaded that "The rebuilding of men is far more profitable than the building of prisons," but convict employment opportunities remained limited. By the early 1940s, Eagle Island became a separate institution, the clothing factory was underfunded, and the entire physical plant was deteriorating rapidly.

The last of the New Deal wardens, S. M. Poarch, wrote an extensive report to the **Board of Prison Commissioners**. Dated November 30, 1944, it begins with the blunt statement that "The Idaho State Penitentiary is a quarter of a century behind the times in all phases of its program." Poarch protested against the politicized nature of the Prison Commission, the lack of effective segregation of youthful offenders, the prejudicial attitude of prison guards against rehabilitation, the want of professional training for parole officers, and the disinterest of state officials in the education, vocational training, and recreational needs of prison inmates. Poarch called for a new cellblock with one-man bunks for individual privacy, new walls and cellblocks, a new hospital and administration building, improved employee housing, new plumbing and water lines -- and above all a new perspective on what he called "The Crime Problem," which he believed was due to psychological problems and social maladjustment.

Modern Policies in an Old Prison

Poarch did not complete his term and was replaced by Louis E. Clapp, a newcomer to corrections who believed that "we can handle 400 inmates at this Penitentiary as easily as we are handling the 250 here at the present time." A progressive in his own fashion, Clapp introduced eight-hour work shifts for tower guards and other employees and championed the use of a full-time chaplain, teachers, and social worker. He also insisted on the usefulness of a part-time psychiatrist in order to examine incoming convicts and to separate out those who were criminally insane. A firm believer in rehabilitation, Clapp had a **license plate plant** installed in lieu of the shirt factory. He continued and enhanced older programs for education and vocational training, encouraged inmates to sell their handicrafts in a new administration building, and banished the use of solitary "except in extreme cases." He provided mandatory uniforms for all the employees, a greenhouse for winter vegetables, and a probation and parole house at the prison entrance.

Maximum Security

Clapp's term, which lasted from 1945 to 1966, saw the last of the additions to the original penitentiary site. A modern four-tier cellblock with space for 320 inmates was occupied in 1950. The **maximum security cellhouse**, housing individual cells for 24 inmates and a gallows, was completed in 1954. Although Death Row contained several cells, only one execution took place here. The license plate factory expanded to make and repair state highway signs. Steel for Maximum Security and another cellblock was finished in penitentiary workshops, and a cannery arose outside of the east walls. A **new warden's house**, administration building, mechanical services building, school, and power plant also arose outside the stone walls. But all did not run smoothly. A five-hour riot in 1952 damaged the license plate factory; the Department of Mental Health stopped evaluating inmates; employee

salaries continued to be the lowest in Idaho; major fires in 1964 destroyed poultry houses and a machine shop; a sit-in took place in 1966; inmates were found to be abusing the organic solvents used in producing license plates; and Clapp generally had to deal with a state government that reduced his vocational programs. In 1958, a frustrated warden reported that “an emergency now exists.”

Toward a New Facility

Clapp, who originally counted the maximum capacity of the facility at 650, estimated reaching that figure by 1960. In 1962, he joined others in recommending that the state consider creating an entirely new facility and using the old one to locate a Civil Defense bomb shelter. Segregated cells for the criminally insane and sex offenders also ranked high on his list of goals. In 1963, the state legislature began to allocate funds for new grounds, to be located much further south of the city. However, disputes with the **Department of Highways** and other delays slowed down the progress of construction until 1973.

Inmate Rights and Riots

The end of Clapp’s tenure signaled the terminal phase of the old Idaho State Penitentiary as a prison. Fires, riots, escapes, and attacks on guards took place with increasing frequency and ferocity in the late 1960s. In response to the crisis, the old Board was replaced with a part-time **Board of Corrections**, which now consisted of men “from business and professional backgrounds.” Wardens kept up the pressure on the state to complete the new institution. Meanwhile, a new wave of public concern for inmate rights led to reforms such as the closing down of isolation cells, longer and more frequent family visiting hours, an end to the rule of silence in the dining hall, replacement of the traditional straw mattresses, better medical care, and formal recognition of an inmate grievance council. Clapp noted renewed vigor in inmate organizations such as the AA, *The Clock* newspaper, Table Rock Jaycees, Outlaws Baseball Team, and new North American Indian League. Finally, impatient with a deteriorating physical plant, anxious about moving, and inflamed by rumors of a stool pigeon who had supposedly betrayed an escape tunnel, the inmates incited a general riot in 1971 and an even more severe one in 1973. The Old Idaho Penitentiary thereafter marked time as a penal institution until December 3, 1973, when the new penitentiary was finally opened.

A Century of Service

Over its century of operation, the penitentiary had received over 13,000 convicts, of whom only 215 were females. The closing down of the Old Idaho Penitentiary signaled the final end of the “Auburn system” philosophy, which had dominated Idaho’s prison architecture for over one hundred years. The new Correctional Institution has taken the form of a “campus system” pioneered in federal prisons and the State of California. The most visible signs of this are the lack of stone walls, the dormitory-style cellblocks, and the segregation of offenders by maximum, medium, and minimum security classifications. Cells are generally more airy and spacious, and some offer individual privacy for selected inmates. Security is maintained through a system of video cameras, electronic locks, metal detectors, wire fences, and automobile patrols at the perimeter of the prison, making security both less obvious and more effective. Separate workshops, a gymnasium, other recreational facilities, a chapel, and hobby and vocational training areas were included in the original design, with the intention that the kind of improvisational construction so typical of the Old Penitentiary would no longer be required.
