



This is a case for the police : the Butte Police Department, 1914-1920
by Jonathan Alan Axline

A thesis submitted in partial fulfillment of the requirements for the degree of Master of Arts in History
Montana State University
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Abstract:

In the first two decades of the twentieth century, the United States experienced tremendous industrial growth and social displacement. As a result of the "new" American society, the Progressive reform movement arose in the East to reconcile the differences between the masses and the industrialists. Progressive ideology included the reform of the long inefficient and corruption-ridden urban police departments. Progressives believed the urban environment could be improved with the professionalization of the police and, thus, the elimination of vice in the cities. While the progressive movement was eagerly embraced in the East, it was slow to reach the Western mining camps.

In Butte, Montana the police department was as corrupt as many of the Eastern police forces. The inefficiency of the police was complicated by the isolation of Butte, the strength of the Anaconda Company, and the opposition of labor. In 1914, the socialist mayor began to professionalize the police force, but he failed because of the Anaconda, community and police hostility to his plans. In 1919, a Republican progressive initiated many reforms which succeeded in professionalizing the police, but failed to attain the goals he set for it. By 1921, vice in Butte did not disappear, but was, instead, dispersed. The failure of progressive ideology in Butte is an accurate gauge of the problems faced by progressives in Montana.

Between 1914 and 1920, the Butte police underwent a number of modifications. While successful, they failed because of the department's close ties with the city's underworld, Anaconda influence and political patronage present in the department. While the records from the time are not complete, they reveal a number of patterns which explain why the reform attempts in the city were not totally successful. The records reveal the nature of the Butte underworld, the policemen who dealt with it, and hint at Anaconda Company influence within the Butte police department. The study of the police department offers some unique insights into the nature of the social environment in Butte and the role of the police in the community.

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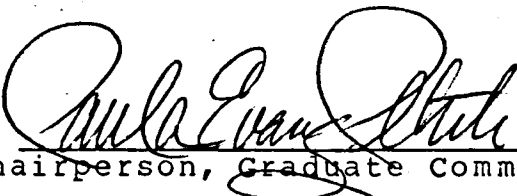
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ABSTRACT

In the first two decades of the twentieth century, the United States experienced tremendous industrial growth and social displacement. As a result of the "new" American society, the Progressive reform movement arose in the East to reconcile the differences between the masses and the industrialists. Progressive ideology included the reform of the long inefficient and corruption-ridden urban police departments. Progressives believed the urban environment could be improved with the professionalization of the police and, thus, the elimination of vice in the cities. While the progressive movement was eagerly embraced in the East, it was slow to reach the Western mining camps.

In Butte, Montana the police department was as corrupt as many of the Eastern police forces. The inefficiency of the police was complicated by the isolation of Butte, the strength of the Anaconda Company, and the opposition of labor. In 1914, the socialist mayor began to professionalize the police force, but he failed because of the Anaconda, community and police hostility to his plans. In 1919, a Republican progressive initiated many reforms which succeeded in professionalizing the police, but failed to attain the goals he set for it. By 1921, vice in Butte did not disappear, but was, instead, dispersed. The failure of progressive ideology in Butte is an accurate gauge of the problems faced by progressives in Montana.

Between 1914 and 1920, the Butte police underwent a number of modifications. While successful, they failed because of the department's close ties with the city's underworld, Anaconda influence and political patronage present in the department. While the records from the time are not complete, they reveal a number of patterns which explain why the reform attempts in the city were not totally successful. The records reveal the nature of the Butte underworld, the policemen who dealt with it, and hint at Anaconda Company influence within the Butte police department. The study of the police department offers some unique insights into the nature of the social environment in Butte and the role of the police in the community.

Chapter 1

INTRODUCTION

In the early years of the twentieth century, the United States underwent a dramatic social and economic transformation. Spectacular industrial growth spawned a multitude of social problems. The dehumanizing effects of technology in the factories and the new feudalism of the corporations caused social unrest, upheaval and displacement among the people it exploited. The great influx of immigrants caused overcrowding in the slums and a general feeling of hopelessness with the country's newest citizens. One thing that remained constant in the cities, however, was the poor quality of policemen patrolling the streets.

Since the organization of many of the U.S. city police departments in the mid-nineteenth century, they were subject to political manipulations and patronage, rather than any desire for a peaceful society. Since politicians appointed policemen to the ranks, many men sought to please their patrons rather than efficiently maintain law and order. Consequently, the incidences of corruption and blatant disregard for the law by those officers characterized the way the citizenry viewed them. Since efficiency was virtually non-existent, the law of the individual replaced the law of the United States. In the late nineteenth century, policeman Alexander S. "Clubber" Williams remarked that there was more law in the end of his nightstick than

there was in all the law books of New York.¹ While "Clubber" may have exaggerated the role of the policeman, his comment contained a lot of truth. Many of the traditions established in the eastern cities moved to the West in the 1880s.

The great influx of immigrants in the first two decades of the twentieth century caused another migration to the American West. Unskilled and semi-skilled laborers flooded into the mining camps of Arizona, Colorado and Montana. Although the migration in Montana was similar to that of the first big "rush" in the 1860s, this time the miners had no hope of making their fortunes in the mines. In Butte, the influx of miners relied on alcohol, prostitution, gambling and crime for excitement in the Worlds Greatest Mining Camp, making the city infamous for its tough environment. The city was also noted for the power of the Anaconda Copper Mining Company.

In every respect, Butte was a colony of the Company. Anaconda ruled the city in much the same fashion as did the corporations in the coal camps of Pennsylvania and West Virginia. In Montana, however, the Company wielded even more power because of the isolation of the mines at Butte. Unsurprisingly, the Anaconda Company dictated the policies

of the city and of the miners unions. The police department also fell into the Company's web.

In a sparsely settled region, Butte had nearly 80,000 inhabitants out of a state of only 275,000 residents. Many of the problems plaguing the Eastern cities were also present in Butte. Poverty, flourishing prostitution (as with many communities in the West, there was a high ratio of men to women), alcohol, high infant mortality rates and violence all characterized the mining city. In addition, the processors and other mine related activities made the environment unhealthy to those who lived in the vicinity. The unhealthy atmosphere in Butte, coupled with the dangerous work in the mines and smelters, was augmented by the strength of the Anaconda Company fist on the miners.

In this environment the police attempted to enforce law and order. Instead, they were forced by conditions to modify their methods, thereby falling into the same trap which characterized the police in the East. Since the Butte mines were isolated, the situation worsened. Political patronage, inefficiency and corruption were the hallmarks of the Butte police department.

The fear and distrust of the immigrants further complicated the police's efforts to maintain a semblance of law and order in Butte. Because of the native American's

disrespect for the police, the patrolman also found little support from that segment of the population. Neither respected or accepted by the people they protected, the Butte policeman oftentimes found himself working in the face of hostility when on the beat. To many in Butte, the police department was the strong-arm division of their corporate overlords. This tense situation characterized police work in Butte, where both honest and corrupt officers worked side by side.

Beginning about 1900, the Progressive reform movement arose in the Eastern industrial areas. The movement sought the betterment of conditions in the city through the improvement of the urban environment and the re-establishment of American morality. The goal of the progressives was the modification of American society by the successful reconciliation between industrialism and American idealism. Since the urban police force was established during the first industrial revolution in the 1840s, they had lost sight of their purpose--control of the workers through social work and a peaceful society. Therefore, in the face of the nation's greatest industrial expansion, the progressives turned their attention to the police.

The goals of progressive police reform were the professionalization of the force through the eradication of

political patronage and the introduction of new technology to enable the policeman to efficiently keep the peace. Through these methods, the police would be able to begin the larger task of reforming society itself. In Butte, however, the problem was complicated by the department's close ties with the city's underworld. Since the police were envisioned by the progressives as the tool for the elimination of vice, they would first have to be separated from it.

Progressivism reached Butte with the election of socialist Unitarian minister Lewis Duncan as mayor in 1911. Although popular at first, Duncan lost much of support in the community when he tried to reform the city's most visibly corrupt institution--the police department. Since Duncan attempted to reform the department in opposition to the city council's and Anaconda's wishes, he failed to make any positive changes. He did, however, establish the groundwork for the reforms of 1919.

In 1919, mining engineer W. Thomas Stodden became mayor of Butte. A Republican progressive, Stodden attempted, with varying degrees of success, to finish the reforms Duncan attempted five years earlier. Both men attempted to professionalize the force by getting rid of police

corruption, raising hiring standards and introducing technology to police methodology. While Duncan failed because of the community's hostility to the socialists (Anaconda Company, the Butte Miners Union and the police also opposed Duncan), Stodden's police reforms were initially successful, but ultimately failed.

The mayor's attempt to reform the Butte police department failed in both 1914 and 1919. This failure symbolized the failure of the progressive movement in Montana's urban areas to make any positive change in society. In Butte, the political machine was too strong and the progressive movement too weak to challenge the strength of the Anaconda Company. While the socialists and progressives did make progress in reforming the department, their ultimate goal of ridding the city of vice by using the police failed. The police department's economic and social ties to the Butte underworld was too strong. The Butte police department provides an accurate gauge of the progressive movements failure in Butte and also reveals the nature of the society in the mining city. The events of 1917, proved the need for reform in the department and the restraint of the Company's power over it.

During the summer of 1917, radical Industrial Workers of the World agitator Frank Little was killed by

"vigilantes" during the height of a prolonged labor strike. While the murderers were never brought to justice, the incident reveals the role the police and the Anaconda Company had in the community. It also exposed the inadequacies of Butte's police in the face of a potentially dangerous situation in the mining city.

ENDNOTES

1

James F. Richardson. Urban Police In The United States. (Port Washington, New York: Kennikat Press, 1974), p. 59.

2

For a lengthy discussion of Montana progressivism, see Michael Malone and Richard Roeder. Montana: A History Of Two Centuries. (Seattle: University of Washington Press, 1976), pp. 195-215.

Chapter 2

The Devil To Pay:

Frank Little

and the

Butte Police Department

At approximately 3 AM on August 1st, a black convertible drew up outside the Steele Block--a boardinghouse where Frank Little was staying at 316 North Wyoming Street. While one man remained with the car, his five masked compatriots entered the building. The men erroneously broke down the door to a room that was empty, waking the landlady, Mrs. Nora Byrne. By the time she reached her door, the thugs had begun to beat on it. As she held the door shut, Byrne asked the men what they wanted. The leader replied, "We are officers and we want Frank Little!" Mrs. Byrne opened her door. One of the men poked a gun into the opening and again asked where Little was. Mrs. Byrne said he was in room 32 across the hall.

The men then went to Little's room, broke down the locked door, then led Little (still in his underwear) outside. As Byrne later reported, they half-led and half-carried Little out of the building. Believing the men were law officers, Byrne waited awhile before she became suspicious and called the police. Apparently, none of the commotion woke anyone else in the building.¹ Later, Mrs. Byrne said that although she had not seen any of the men's faces, she believed they were all young because of their vigorous movements. A newspaper article reported, "One [man] was 5 feet eleven inches tall and not more than twenty

years old, another was described as short chubby and five feet four inches tall."²

A short distance from the boardinghouse, the car with Little and his abductors stopped. One assailant pulled Little out of the car and tied him to the back bumper. They then dragged Little screaming behind the car, in front of witnesses, for about four blocks. The car again stopped and Little was untied by his assailants. The vehicle proceeded to the Milwaukee Road trestle outside of town. Little's abductors then severely beat him, fracturing his skull.³ The kidnappers then hanged the unconscious man from the trestle; hoisted by the expedient use of a rope tied to the bumper of the car.⁴ The coroner's report stated that Little's neck was not broken--he had strangled.⁵ A small placard was attached to Little's underwear. On it was written in red crayon, FIRST AND LAST WARNING!, with the old vigilante symbol, 3-7-77, scribbled below it. Underneath were the letters L-D-C-S-S-W-T. The L was circled and thought to represent Little.

With the discovery of Little's body, the Butte citizenry speculated about the perpetrators of the crime. Theories ranged from masked U.S. soldiers to Wobblies to the Metal Mine Workers Union to law enforcement officers, to the

Anaconda Company. Many thought soldiers had killed Little in response to seditious remarks Little had made against them a few weeks earlier,⁶ or because he refused to honor the draft, and that 3-7-77 was, in fact, his draft registration number.⁷ The most popular theory circulating in Butte at the time incriminated the Anaconda Company, working in conjunction with the city police force. Most Butte inhabitants did not distinguish between Anaconda Company goons and some of the men employed as police officers in the mining city, and, indeed, they were correct in this perception.

Frank Little had risen quickly through the IWW ranks. After only eleven years, Little had become an influential member of the IWW Executive Board. Many citizens of Butte believed that "Big Bill" Haywood had grown fearful of Little's influence in the union and arranged for his murder. Little, although influential, was in no way a threat to Haywood. He loved the free life of an IWW agitator; he could hardly have settled down and accepted an administrative post.⁸ Moreover, the elimination of fellow IWWs was not part of Haywood's policy since killing one of the union's leaders would not demonstrate IWW solidarity to the workers. Suspected IWW affiliations with one of the

detective agencies then in Butte, although unintentional, may provide a clue to the murderers identity.

The Butte press frequently implied that Little was a detective and had been killed by other IWWs when discovered by Haywood. Former police detective George Ambrose, who claimed to have been present when the body was cut down, said that papers were found by officials in Little's pockets which indicated he was connected with a detective agency.⁹ Yet, Electrical Workers Union chief William F. Dunne, who later observed that the IWW was made up of an equal proportion of detectives and workers,¹⁰ did not believe Little was in any way connected a detective agency but was sent to Butte by some Anaconda official to disrupt the strike.¹¹ There are two factors which discredit this interpretation. First, even if there were papers, they could have been planted on him at the time of his death, especially since he probably would not have worn them in his underwear; and, second, since Little was abducted while clad in his underwear, the likelihood of that particular type of clothing having pockets seems rare. It is not probable that Little was a detective or a Company "plant" because his his prior actions and beliefs indicate that he was loyal to his ideals and to the successful conclusion of the strike in Butte.

Many citizens of Butte felt the Metal Mine Workers Union may have rid themselves of Little to provide a "martyr" for their cause. By mid-July, the MMWU treasury had begun to run low and the union increasingly relied on the promised donations of Idaho-based MMWU locals and Butte-area businessmen. It became obvious, even to non-union people, that the MMWU could not afford to strike much longer. Like the Anaconda Company itself, the miners suffered the effects of the prolonged strike, and many miners crossed the picket lines. It is possible that union leaders, realizing the need for some kind of rallying point, may have engineered the death of Little. Immediately after the lynching, posters appeared throughout the mining city proclaiming Little a martyr to the cause of freedom and a victim of capitalism.¹² It was no secret to Butte citizens, moreover, that Little was not particularly welcome in the union. MMWU officials tolerated Little, but they feared Little's speeches might do more than inspire the strikers; his advocacy of sabotage and revolution might disrupt negotiations with Anaconda Company. The MMWU, however, refused affiliation with the IWW and its violent methods.

Dunne of the Electricians union believed Little arrived in Butte at the wrong time.¹³ He felt Little was "a very illiterate fellow, not very well informed on labor and

appeared . . . to have a very bitter temperament"14 Dunne also thought the IWW had made the Butte strike their business without consulting the MMWU about the union's motivation for the strike. When asked about Little's connection with the MMWU, Dunne stated, "In a time of strike it is necessary for the union . . . not to have any more dissension than is absolutely necessary."¹⁵ Both Dunne and MMWU president Tom Campbell believed Little had come to Butte at the worst possible time and pleaded with him to leave town or else discontinue his activities.¹⁶ As the strike continued, the Company and the police became increasingly intolerant of the situation; evidence suggests that both groups decided to take action against the miners on their own.

Just prior to August 1st, MMWU officials believed the Company was about to take unilateral action against the miners. By July 26th many of the union leaders, including Little, had received thereatening letters. Word was also out on the streets that something was going to happen within a few days. At least one strike leader, Tom Campbell, took the threats seriously and changed his sleeping quarters nightly.¹⁷ Union member George Boyle commented at the July 26th union meeting that "something will pop and its going to

pop pretty soon."¹⁸ Most importantly, as Campbell stated three days before the lynching, "There would be some new developments within the next three days and that the miners would fight alone now"¹⁹ The Company spy at the meeting also noted that IWW agitator John Williams was leaving town the next day to go to some other "camp".²⁰ The reports by the Company spies at the meetings all reflect a growing tension and unrest within the union rank and file. Because MMWU officials feared for their lives, this indicates the threats came from outside the union.

Besides the Anaconda Company, another group was interested in a quick end to the strike--the Butte police department. Its interest in the affair coincided with Anaconda's. Both groups kept a close eye on the external and internal affairs of the union by harassing and spying on the miners. Anaconda and the police department were concerned about Little's inflammatory statements about revolution and sabotage. Unlike the violence of 1914, when the Miners Union Hall was destroyed by dynamite in the hands of miners, the violence advocated by the IWW was directed at the Company's property, instead of the union's. Little's speeches represented trouble to both groups--something they were trying to avoid. The police, moreover,

provided a convenient vehicle for carrying out Anaconda's wishes. Associated with the Company in spirit and in fact, one element in the police provided the necessary connection between the Company and hooliganism.

The strike disrupted the department's routine and tested its ability to handle large disturbances.²¹ In 1914, the police department was unable to control the rioting brought about by dissension within the Butte Miners Union. While Police Chief Jere Murphy attempted to solve the problem in the ensuing three years, he was not entirely successful. The Chief began to increasingly rely on reinforcements from the detective agencies and supplemental "special" officers recruited from Anaconda Company guards.²² So, the police were dependent on the Company for providing the manpower necessary to control the strikers. Problems within the department itself also contributed to its ineffectiveness in dealing with strike demonstrations.²³

As with many police departments at the time, Butte officers were not always models of good citizenship. The city often hired corrupt, bullying incompetents for their tough no-nonsense outlook or for their political affiliations, rather than moral commitment to a peaceful society. Many such individuals staffed the police force in

1917. Indeed, Chief of Detectives Edward Morrissey was specifically connected with the crime. Ed Morrissey represented the political machinations which characterized appointment to the force and symbolized the low-quality of law enforcement practised by many police officers in Butte during the early years of the twentieth century.

Born on Christmas Day, 1874, in Waterford, Ireland, Ed Morrissey arrived in Butte two decades later. When war with Spain broke out in 1898, Morrissey served with a Montana volunteer regiment.²⁴ Discharged in 1899, he spent most of the war either in a U.S. hospital in the Philippines or in the stockade.²⁵ Returning to Butte in 1900, he was employed as a miner at the Anaconda-owned Modoc mine.²⁶ By 1910, Morrissey was Chief Detective on the Butte police force. In 1911, newly elected socialist mayor Lewis Duncan, dismissed Morrissey because of his alleged Anaconda Company affiliations. Duncan replaced Morrissey with socialist George Ambrose.²⁷ Morrissey then became a watchman at Hennessey's department store, the headquarters for the Anaconda Company. Democratic mayor Charles H. Lane reinstated Morrissey as Chief of Detectives in 1916, after Ambrose discredited himself.²⁸ A series of incidents in June and early July, 1917, led to his suspension from the force. The events characterized many policemen of the time,

but, because Morrissey was Chief Detective, his actions were much more visible to the public.

In mid-June, Morrissey became involved in a one-sided fist fight with E.A. Milligan, a prisoner in the city jail. Morrissey mistook Milligan for a forger wanted in Anaconda. When Milligan's identity was verified by a co-worker, he attempted to hit Morrissey outside the jail. Morrissey struck Milligan in the stomach and jaw. Mayor W.H. Maloney, who was present at the jail, advised Milligan to sue Morrissey. During the trial, however, Maloney testified in behalf of the detective and damned Milligan as a troublemaker. Morrissey, too, labelled Milligan a rascal and claimed his attack was made in self-defense.²⁹

Witnesses for Milligan stated the attack appeared unprovoked. Milligan testified that Morrissey had approached him menacingly and said, "Now I will get you!" Milligan further stated the detective hit him with his left hand while holding a gun with the other hand. At the conclusion of the trial, Justice of the Peace John Doran ruled that Morrissey had used no more force than was necessary and was correct in the methods he used to subdue Milligan. He dismissed the suit.³⁰ While making an arrest a few days later, Morrissey attacked and severely beat a man whose only crime was drunkenness. The victim filed charges

of police brutality with the police commission. On July 14th, the police commissioners suspended Morrissey from the force for his attack on the drunk.³¹

Morrissey's career on the force was by no means unusual. At an early age, Morrissey learned to survive by the use of violence and he continued to employ it upon his arrival in Butte. Morrissey's mere presence on the police force in 1917 focused public attention on the need for more stringent employment requirements by the city council. A Chief Detective who enjoyed the use of excessive force gave the entire force a "tough" reputation. Policemen like Morrissey provided the necessary connection between the police department and the Anaconda Company. His violent a good "tool" for the Copper Trusts wishes.

Of all the groups, the Anaconda Company had the best reason to get rid of Frank Little. The U.S. war effort placed high demands on country's copper industry. Because of the strike, the Company failed to meet government quotas and they lost a great deal of money.³² More than anyone else, the Company wanted a quick end to the prolonged strike with as little financial loss as possible. Furthermore, Anaconda needed to provide a lesson to the miners--one the workers would not likely forget. If the Company wanted to teach the strikers a lesson, Little was a target victim. He

enjoyed little support among the miners and was a newcomer to the city. An attack on a well-known and respected leader, such as Dunne or Campbell, might raise some embarrassing question and possibly lead to violence. To teach the strikers a lesson, the Company might have selected a victim with little political clout or widespread popularity in Butte. Anaconda also had the means to carry out the deed--a cadre of politically "reliable" men who worked as guards at the Company mines. While the Company called them "guards", Butte citizens referred to them as "gunmen". The Company also had at least one "reliable" man on the police force--Chief of Detectives Ed Morrissey.

Morrissey's and the department's actions after Little's death are suggestive. Although the police quickly mobilized to deal with any reprisals, they did little to track down Little's slayers. The outbreak of violence Chief Murphy expected never materialized. Although many Butte citizens offered information about the crime, there is no evidence to show that the police ever acted on any of it.³³ Surprisingly, Chief Detective Morrissey was not called in to assist with the investigation.³⁴ Morrissey, himself, was drunk continuously for several days after the murder, often mumbling about killing someone.³⁵ By August 15th, the

police had arrested no one in connection with the murder, although local newspapers claimed the culprits were well-known by the public.³⁶

In addition to Morrissey, the Company found a band of likely men to choose from when it came to acquiring a "goon" squad. MMWU attorney William G. Sullivan claimed that the union to help to apprehend the killers. He further stated that at least one of the suspects was a law enforcement officer. He accused several men of the crime, including "William Oates, Hermar Gillis, Pete Beaudin, a rat named [Frank] Middleton and about two dozen others working under a chief gunman named [Jack] Ryan."³⁷ Sullivan promised to take action against the thugs and their Company employers, but as far as can be determined, he never brought formal or informal charges against the men or Anaconda.

All of the men named by Sullivan had close ties with Anaconda or the East Butte Mining Company. The suspects, including Morrissey, had been or were currently employed as guards and associated with each other on a regular basis. Since the suspects occupied highly visible positions with the Anaconda Company or the police, the miners automatically associated them with strong arm corporate oppression. The very fact the MMWU claimed it knew who killed Little

corroborates the journalists claims: the perpetrators were well-known in Butte and had the backing of the Anaconda Company and the city's law enforcement officials. The police department's unwillingness or inability to mount a serious investigation lent credence to police complicity in the murder.³⁸

While the majority of policemen efficiently covered their beats and maintained a semblance of law and order, a few officers, like Morrissey, represented the dark side of the department. Whenever police items made one of the Butte newspapers, it usually concerned offenses committed by officers in the line of duty. In 1917 alone there were over eight cases of brutality, drunkenness and misconduct brought by angry citizens before the police commission, usually involving the same men.³⁹ The department's sympathies, moreover, were not with the striking miners. In August, Chief Murphy heard complaints of policemen refusing to aid miners they observed being beaten or they themselves had beaten.⁴⁰ As a result of the incidents, the Butte police department cemented its reputation with the public as a strong-arm division of the Company. The mere presence of a police-thug minority affected people's thinking about the department, eventually solidifying the citizenry's perception of police complicity.

Ed Morrissey's long affiliation with the Company and its hired gunmen make him a good candidate for the murder of Frank Little. Ed Morrissey had many connections with the Company, and his career suggests that he was not an honorable man. He performed his job with a gusto which included the use of excessive force. His dismissal from the department in 1911 and his subsequent employment as a watchman for the Company verify his connections with Anaconda. Morrissey's suspension from the department in July, 1917 made him conveniently free at the time of Little's death.⁴¹ Mrs. Byrne's description of one of the "vigilantes" as short and chubby closely resembles Morrissey's physical characteristics.⁴² Morrissey's reputation as a gunman would make him a good suspect for the murder. It also might help explain why the police department did not make a serious investigation into the crime.

Morrissey was also associated with the men named by Attorney Sullivan. Both Morrissey and Gillis worked as watchmen at Hennessey's and had reputations as bullies in the community.⁴³ In 1918, Gillis shot and killed a German sympathizer in front of the department store. One of the men called to testify at Gillis' hearing was Chief of

Detectives Ed Morrissey.⁴⁴ After his acquittal, Gillis returned to work as a shift boss in one of the mines.⁴⁵

After the furor accompanying the lynching died down, Oates and Beaudin, unlike Middleton, remained in Butte. Both men kept their positions with Anaconda and the East Butte Mining Company and continued to associate with the other men named by Sullivan. In 1918, Beaudin figured prominently in the von Waldreau sabotage attempt on the East Butte, a case in which there was some question as to the gunman's allegiances.⁴⁶ During the 1919 mayoral primaries, Oates and Beaudin, accompanied by detective "Eat-em-up Ed" Morrissey intimidated voters waiting to cast their ballots in a predominantly socialist voting district.⁴⁷ The ensuing controversy eventually saw the demise of Morrissey and the departure of Oates and Beaudin from Butte.⁴⁸

Ed Morrissey continued to live a colorful life in Butte after Little's murder. He exemplified all that was wrong with the Butte police department. Unlike Little, Morrissey was appropriately forgotten by the people of Butte. No romantic legend awaited Morrissey as did Frank Little--the detective died as violently as he lived. Both men were members of violent and, oftentimes, corrupt organizations. Yet, Morrissey, contrary to Little, had no principles or

ideology to fall back on to justify his actions. Perhaps the Butte Daily Bulletin was correct when it called Morrissey an animal of blind passion, subject to the rules of brutality and sadism.⁴⁹ While Little is represented an anarchistic union, dedicated to the violent overthrow of capitalism, he is better remembered than the man who have may helped murder him--a representative of law and order. While both men represented change in the society, they also represent violent change, summed up perhaps by Little's epitaph, "Slain by Capitalists for Organizing and Inspiring His Fellow Men."

In Butte, the police organization had not changed much for over thirty years. Political patronage, corrupt policemen and inefficient policing techniques all contributed to the situation in Butte during the summer of 1917. The department had weathered the storm of socialist/progressive reform between 1911 and 1914. By 1917, however, the role of the police had further deteriorated. In 1914, Lewis Duncan failed to successfully reform the department because of the strength of police traditions in Butte. By 1917, however, the political climate in Butte--and in Montana began to shift. The progressive tradition in Butte gained momentum once the progressives disassociated

themselves with the socialists. Shortly after Frank Little's death, the department's reputation and ability to enforce law and order in the State's largest city was questioned by the community. While Little and Morrissey were the products of violent organizations, the process which began after the IWW's death led to the peaceful reform of the city's most corrupt and visible agency.

ENDNOTES

- 1 The Butte Miner, August 7, 1917. Bernard Byrne, son of Nora and also residing in the Steele Block, stated that he was unaware of the kidnapping until his mother told him of it some time later.
- 2 The Helena Independent, August 2, 1917.
- 3 The Butte Miner, August 4, 1917.
- 4 The Butte Daily Post, August 3, 1917.
- 5 The Butte Miner, August 4, 1917.
- 6 The Butte Miner, July 20, 1917; Ibid, August 2, 1917.
- 7 Arnon Gutfeld. Montana's Agony: Years of War and Hysteria, 1917-1918. (Gainesville: University of Florida Press, 1979), p. 29.
- 8 Melvyn Dubofsky. We Shall Be All: A History of the Industrial Workers of The World. (Chicago: Quadrangle Books, 1969), p. 186; Steve Schroeyer. "Frank Little, Where Are You Now That We Need You?" Industrial Worker (July, 1982), pp. 4-5.
- 9 Vernon Jensen. Heritage Of Conflict: Labor Relations In The Non-Ferrous Metals Industry Up To 1930. (Ithaca: Cornell University Press, 1950), pp. 438-39.
- 10 Montana Council of Defense Hearings. May 31-June 1, 1918. Helena, [Paul von Waldreau File] Montana Historical Society, Helena, Montana. [hereafter referred to as von Waldreau file].

- 11 von Waldreau file, *ibid.*
- 12 Ephemera, in the Butte-Silver Bow County archives. Butte, Montana.
- 13 von Waldreau file.
- 14 von Waldreau, *ibid.*
- 15 von Waldreau, *ibid.*
- 16 von Waldreau, *ibid.*
- 17 Letter [Carl Dilling], Montana Defense Hearings, Oscar Rohn File.
- 18 Letter, *ibid.*
- 19 Letter, *ibid.*
- 20 Letter, *ibid.*
- 21 The Butte Daily Post, June 13, 1917; Miner, July 29, 1917.
- 22 The Butte Daily Post, *ibid.* Normally the police department had a complement of around fifty men on active duty. At the beginning of the strike, the mayor authorized the addition of fifty more temporary officers to the force, bringing the total to about 100 policemen.
- 23 At the beginning of the strike, Murphy and Mayor Maloney were reluctant to make any public displays of police power to the miners. In addition, recent publicity surrounding

the escapades of Ed Morrissey, traffic policeman Phil Prlja and patrolman Bernard King had drawn public attention to the department. The city council was also putting pressure on Murphy to actively harass the strikers. See Daily Post, Junn 9, 1917; Miner, July 7, 1917; Ibid, July 14, 1917, and Daily Post, July 11, 1917.

24

The Butte City Directory; The Butte Miner, February 4, 1922, and Death Certificate No. 28290, Clerk and Records Office, Silver Bow County Courthouse, Butte, Montana.

25

No. 1013884, United States Army Records, National Archives, Washington, D.C. According to his record, Morrissey had a reputation as a malcontent and a malingerer. It also appears as if he attempted to invalid himself out of the service by shooting himself in the arm.

26

The Butte City Directory.

27

The Butte Miner, July 20, 1916; Daily Post, January 20, 1916.

28

According to the testimony brought before the police commissioners, Ambrose was guilty of conducting illicit activities in the red-light district. Although no specifically stated in the newspapers, it appears as if Ambrose was conducting a litle private procuring on his own while on duty. See Butte Miner, November 28, 1915.

29

Butte Miner, July 7, 1917.

30

Butte Miner, ibid.

31

Police Day Books, Silver Bow County Archives, Butte, Montana.

32

George Tompkins. The Truth About Butte: A Little History For Thoughtful People. (Butte: Century Printing Company, 1917), pp. 38-40.

33

Police Day Books, August 1-October 30, 1917.

34

ibid.

35

The Butte Daily Bulletin, April 9, 1919.

36

Butte Miner, August 3, 1917.

37

Strike Bulletin, August 2, 1917.

38

Butte Miner, August 5, 1917.

39

Butte Miner and Daily Post, January-December, 1917. Cases included three murder charges, three brutality, one drunkenness and one misconduct charge. One man was disqualified for police duty by the mayor because he had not been a resident of the state for eighteen months prior to his application.

40

Butte Miner, August 25, 1917.

41

Police Day Books; Butte City Council Meeting Minutes, 1917. Morrissey signed in for work on July 13th and did not do so again until October 9th. There is no record of Morrissey petitioning the city council for vacation time or a leave of absence as was required by the council.

42

Neil J. Lynch. Butte Centennial Recollections. (Butte: Pioneer Printing, 1979), p. 44. In the photograph of the Butte plainclothesmen, Morrissey is the third man from the right. He is noticeably shorter and stockier than his companions.

- 43 Butte Daily Bulletin, March 25, 1919.
- 44 Butte Miner, September 20, 1918.
- 45 Butte City Directory; Ray Calkins. Looking Back From The Hill: Recollections Of Butte People. (Butte: Butte Historical Society Press, 1982), pp. 32-33..
- 46 von Waldreau File.
- 47 Butte Daily Bulletin, March 25, 1919.
- 48 Butte City Directory.
- 49 Butte Daily Bulletin, March 29, 1919.

Chapter 3

The Butte Police Department:

Social and Organizational Aspects

A variety of factors determined the operation and organization of the Butte police department. Many of the department's functions were severely restricted by the industrial and social environment in Butte. Although they came from a variety of ethnic backgrounds, police officers shared a common economic status. They all came from the lower white collar and the upper blue collar class, and nearly all of them worked in the mines before becoming a policeman. Invariably, the peculiar environment in Butte heavily affected the way the Butte officer did his job. As in many other industrial areas, the Butte police were forced to modify the law before they could successfully maintain law and order. Because of the unsettled character of Montana and Butte's conspicuous position in that environment, the city police were better organized than many of their rural comrades.

The majority of policemen in Butte were first or second generation Americans. While most Butte officers were Irish, there were representatives of every ethnic group on the force, with the exception of Asians and Blacks. Since many of them were from the lower middle and upper lower class, qualifications for the job were low. In Montana, a policeman had to be at least twenty-one years old, literate,

an American citizen and have lived in the county eighteen months before his application.¹ In Butte, the average age for a policeman was thirty-one, the majority of them were married and had families. While minimal qualifications, meant low pay, many men became policemen as a less dangerous and more prestigious alternative to the mines. In Montana, the police were governed by the city council and the Metropolitan Police Law, which regulated police power and citizen protection.

The Metropolitan Police Law specified the organization, control and discipline of all state police departments. Prior to the passage of the bill by the progressive-minded state legislature in 1907, the various state police units were subject to the rules and regulations of the mayor and the city council. After 1907, however, the state had a hand in the administration of city police departments.² The Metropolitan Police Law detailed hiring procedures (but not qualifications), and, most importantly, provided for the creation of the city police commission.³ Sponsored primarily by progressive legislators, the Metropolitan Police Law was an attempt to "clean up" and professionalize the individual police departments throughout Montana.⁴ In Butte, the Police Law became a method by which the mayor was

able either to retain "reliable" cops or prevent unreliable men from becoming cops. It was not until 1914 that the law became a thorn in the side of Police Chief Jere Murphy, but it was a thorn which eventually nettled the department into making positive changes in its image and ability to curb crime in the Mining City.

The Montana Police Law established the guidelines city administrations followed when hiring new policemen. Sections two and three gave this power to the mayor and the police commission. In addition, the mayor made the rules and regulations of the department as long as they were not inconsistent with already existing state laws.⁵ The statute also delineated the procedure for the employment of new officers:

All members of the police force shall be first appointed for probationary terms of six months, and thereafter, the mayor may appoint the members thereof to hold, and if so appointed they shall hold, during good behavior, or until by age or by disease they become permanently incapacitated to discharge their duties.⁶

After 1913, Butte mayors used this section as an excuse for laying-off policemen who could not be paid. As with other organizations, the last to be hired by the city were usually the first to be laid-off in times of financial stress.⁷

The most important provision of the Metropolitan Police Law was the creation of the police commission, a body

composed of three private citizens who received an annual salary of \$300. The mayor appointed new men to the commission every two years.⁸ Essentially the police commission protected the rights of the citizens and regulated police conduct.⁹ They heard complaints brought against policemen for alleged offenses such as brutality, drunkenness, incompetency and general misconduct. After hearing the case, the commissioners recommended whether the officer should be reprimanded or fired to the mayor. The mayor, however, inconsistently followed the commissioners' recommendations. Frequently, an officer found guilty by the commission and recommended for dismissal, would be let off with a reprimand, while another officer, tried and convicted for the same offense was fired. The creation of the police commission severely limited the amount of force an officer could use in enforcing the law.

The commission also limited the elan with which many officers executed their duty. Many times an officer who felt restricted by the commission would not do his best in making arrests. Not a few officers, on the other hand, felt unrestrained by the commission and enthusiastically did their duty despite the possible consequences. For example, between 1914 and 1920, patrolman James Burns spent more time

in front of the police commission than any other officer on the force.¹⁰ Burns chronically abused his authority, but the commissioners just as often let him off.¹¹ This suggests that Burns' tough-guy attitude was important to the department's crime-busting capabilities or that the police did not care if they were brutal in doing their duty. Many citizens abused the police commission's authority to settle personal grudges against the patrolmen. During Martial Law in 1914, one policeman was brought up on charges of false arrest by a man who had been affronted by the officer some years previously.¹² In 1919 and 1920, two policemen were accused by city councilmen of misconduct for relatively minor infractions, one of which dealt with the illegal posting of handbills on telephone poles.¹³

While the police commission exposed many of the department's shortcomings, it was also subject to the political whims of the administration. Socialist mayor Lewis Duncan appointed theatre-owner Phil Levy to the commission in 1913.¹⁴ Levy, a Democrat, supported the police in many of the cases brought before him. Evidence suggests that Levy catered to the non-socialist members of the city council and may have opposed Duncan merely for spite.¹⁵ This, however, was not the case with commissioners

who served from 1914 until 1920. Not surprisingly, the commissioners belonged to the political party then in power in Butte.¹⁵ There is no evidence supporting mayoral ecumenicism in appointing police commissioners.

In 1921, the state legislature attempted to reform the existing 1907 Metropolitan Police Law.¹⁶ The move to amend the 1907 Act was initiated by Silver Bow county senator James Snell, a Republican and friend of Mayor W.T. Stodden.¹⁷ Essentially, the existing police law in the areas of employment, discipline and punishment, and in police-instigated law suits against the city. The proposed bill made the police commission responsible for the "legal, mental, moral and physical" qualifications of the men that they recommended for employment as police officers. The bill gave the mayor the authority to suspend any policeman suspected of misconduct for a period of not more than ten days in any month without a hearing or trial. The Bill also gave the mayor and Chief of Police the right to fine an officer found guilty by the commission, reduce his grade or discharge the offender.¹⁸

The Bill also specified the time limit in which an ex-officer could file a suit against the city for back pay or some other alleged affront. This severely limited the

city's responsibility for laid-off and fired policemen. Unless an officer filed a claim against the city within sixty days after his dismissal, the city was not liable for any damages or backpay.¹⁹ The proposed amendment took responsibility for the police department away from the city council and placed in the hands of the mayor and police chief.

In response for the proposed amendment, the Butte city council sent a strongly worded letter, outlining their position to the legislature:

That if the present Metropolitan Police Law should be repealed it would mean that the old system would again prevail, under which police officers, regardless of their merit, could be removed at the whim or pleasure of each succeeding mayor and the taxpayers and citizens generally would suffer incalculable injury because of not having a permanent and well-organized and efficient police department. . . . 20

Despite the city council's objections, the bill was approved by the state legislature on March 5, 1921.²¹ The Republicans in Butte's city government did more to reorganize and reform the department than had any previous political entity in the mining city.

While the police law had many faults and was already subject to the "whims and pleasures" of the mayor, it contributed substantially to the professionalization of the force. Prior to 1907, the police department was even more

subject to the political tides in Butte. Moreover, the act helped abate the excessively violent nature of some of the policemen. The passage and enforcement of the law was an important step in the evolution of the Butte police department. While the politics changed the administration of the police in Butte, the organization and methodology had not changed much since the department's creation in the late nineteenth century.

The organization and duties of the police department were relatively simple. The number of men on the force varied according to the political and social state of the community. In 1914, there were 52 men on the force, while there were over 100 policemen on the force during the labor strike in 1917.²² From 1918 to 1920, the average number of officers fluctuated between 32 and 52 men.²³ This included the executive branch (chief, captain, lieutenant and chief of detectives), plainclothesmen, traffic cops, jailors and patrolmen. Even though the executive branch appeared structurally stable, there were three Chiefs of Detectives in seven years.²⁴ This suggests that either the mayors of Butte were notorious bad judges of character or that there was a strong political motivation for promotions in the department. The most important and visible element of the department were the patrolmen.

The uniformed policemen in Butte patrolled 25 beats, the majority of which in some way encompassed the red-light district between Mercury and Galena Streets.²⁵ In 1917, the city council purchased its first police car--a twelve cylinder Packard.²⁶ Despite this introduction of advanced technology for law enforcement, the department relied heavily on the "cop on the beat" until the late '20s and early '30s.²⁷ The uniformed men walked their beats alone, while the plainclothesmen paired up. At predesignated spots were call boxes, where each officer was required to report in at two hour intervals.²⁸ In 1915, however, when patrolman Ivan Lincoln was murdered while asleep in a southside coal company office, his superiors were not concerned when he failed to check in.²⁹ It appears that not reporting in to headquarters was a regular occurrence with all patrolmen in Butte. In 1916, Murphy issued an order directing his men to step up their activities investigating pranksters who placed live bullets in the key slots of the call boxes. No officers were hurt in the explosions, but it caused a great deal of concern and embarrassment to "Jere the Wise."³⁰

The work shifts were divided into three eight hour periods, with the majority of policemen on duty from four PM

to Midnight.³¹ Almost annually, policemen brought complaints before the city council about the lack of shift rotations. The patrolmen complained of favoritism on the part of Murphy in keeping the older cops on the day shift. The council always ruled in favor of the complaining officers.³²

In addition to the men on the beat, the department employed motorcycle policemen and patrol drivers. In 1914, there were three motorcycle officers and one motorcycle.³³ In March, 1914, motorcycle policeman Phil Prlja accidentally drove his motorcycle into the back of a horse. The animal fell on him, seriously injuring the hapless policeman.³⁴ By 1920, the traffic division expanded to include six motorcycles, two automobiles (with four drivers) and a paddy wagon. Sargeant Prlja was head of the traffic division until 1918, when he was replaced by Nick Golubin.³⁵ It was common for the mayor and police chief to assign the department's older officers to the traffic division. In 1919, Murphy assigned twenty-five year veteran Jack Ingraham to the traffic division.³⁶ This method of promotion assured the presence of younger more vigorous men on the beat. Until 1918, the city was lax in the enforcement of traffic regulations. With the purchase of extra equipment, however,

the traffic policemen began the vigorous prosecution of speeders and reckless drivers.³⁷

The city jailors were policemen as well, but they received an extra \$50 a month in pay. Their duties included the care of inmates and the maintenance of the jail records. Patrolmen, too, did tours of duty at the jailhouse.³⁸ Between 1914 and 1921, there were two city jailors--Barney Lavell and Peter Breen.

In 1916, Mayor Charles H. Lane attempted at the urging of the woman-dominated Good Government Club to hire a policewoman.³⁹ On May 18th Lane announced his attention of hiring Butte's first policewoman.⁴⁰ The policewoman, as he envisioned her, would supervise "the dance halls, noodle parlors and kindred places which girls of tender age are wont to frequent." Her duties would also include the surveillance and general supervision of the morals of "juveniles and girls on the path of delinquency."⁴¹ At first, Lane believed the woman would act in the plainclothes capacity, but later decide she should be uniformed.⁴² The tentative salary set for the policewoman was \$100 a month, \$25 less than the men were receiving.⁴³ Lane also stipulated that part of her duty will include the arrest of "mashers", apparently a plague in Butte at the time. "She

will make eyes at the men and when he tries to make a 'mash', she will at once pick him up and bring him to the city jail."⁴⁴ Lane further added, that the woman had to be pretty in order to attract that undesirable class of men.⁴⁵

Soon after the mayor's announcement, several women applied for the position. As with the male candidates, the women had to appear before the police commission.⁴⁶ On May 31st, the city council decided against the hiring of a policewoman. They cited studies made of several other American cities and concluded the experiment was not a success and wholly impractical in Butte. The best solution to the problem of juvenile delinquency, they concluded, was the addition of more plainclothesmen to the police force.⁴⁷ The Silver Bow county sheriff's department, unimpressed with the city council's findings, hired a woman to act in the same capacity as that suggested by Mayor Lane.⁴⁸

On July 21st, one of the women who applied for the policewoman position was arrested by a patrolman in the red-light district. The woman, far from a traditional model of femininity, was not what Lane, the sheriff or the city council was looking for:

Mrs. John Meyer, who wears a beard and was one of the applicants for the position of policewoman . . . , was one of the occupants of the mourners bench in police court this morning. Mrs. Meyer was charged with drunkenness

. . . . When she applied for the position . . . Mrs. Meyer said she deserved the job because she has lived in Butte for a quarter of a century and had an invalid husband to support. 49

On March 26, 1917, the problem of the selection of a policewoman was finally solved when the Miner announced the birth of Chief Murphy's first grandchild. The newspaper further claimed that she had been enrolled by the proud Chief of Police as a member of the police department.⁵⁰ Even though the police department did not gain the services of Montana's first regular policewoman, it did take faltering steps in the right direction.

The duties of a policeman was very similar to today's officer. They kept a close eye on the red-light district and held the solicitation and violence to a minimum. They also confiscated any contraband liquor smuggled into the area. Since Chief Murphy believed pimps leeches the earnings away from prostitutes, who were trying to make an "honest" living, the policeman kept the demimonde free of the procurers.⁵¹

The majority of arrests made in Butte by patrolmen involved vagrancy, rape assault, prostitution, drunkenness and disturbance.⁵² With the country's entry into World War I and the enactment of Prohibition, policemen began to arrest seditionists, draft evaders, and moonshiners.

Vagrancy in Butte was an all-encompassing charge, which included suspicion of the commission of other crimes. A vagrant was usually "floated" out of town unless he or she could prove gainful employment to the police.

Another problem faced by the police department was gambling. Detectives and patrolmen made numerous raids on gambling dens in the Mining City. Oftentimes, however, the officers would look the other way unless the offense was conspicuous by the large amounts of money changing hands. After an investigation in March 1914, the city council determined that some officers were on the "take" in many gambling cases. But, the city council could not determine who was on the "take" or the extent of the departmental corruption.⁵³

Unlike today's police, the use of force was accepted by the citizenry. Many citizens saw it as the price to pay for effective law enforcement.⁵⁴ The use of weapons to stop or intimidate a suspect was common. When asked if he would shoot a fleeing suspect, Chief of Detectives George Ambrose replied that the type of crime would determine whether he would shoot to kill. He also stated, "We have a rule down there [police headquarters at city hall] if a man is running away from us, we fired two shots in the air, so if the

officers are around there, they will be looking out for those fellows. An officer always uses his own judgement for all cases."⁵⁵ Due to the physical condition and the age of some of the officers, shooting at a suspect rather than chasing him down probably proved much easier. The low pay officers received was not enough incentive to attract good men to the ranks. Only after a prolonged fight with the city council did policemen in Butte receive a pay raise--the first in ten years.⁵⁶ Thereafter, officers received regular annual pay increases.⁵⁷

Police officers throughout the country in the early twentieth century were low paid by their city administrations. The Butte police department was no different. In 1914, an officer paid \$100 a month could hardly afford to support himself and a family.⁵⁸ Early in January 1914, officers Thomas Moran, W.S. Haily and S.F. Smith, constituting a special committee appointed by their fellow patrolmen, presented a petition to the city council asking for a pay increase from \$100 to \$125 per month, comparable to other U.S. cities.⁵⁹ The policemen declared that they were the lowest paid "class of men" in Butte for eight hours work. Out of their salaries, policemen purchased their uniforms, equipment, and revolvers at a

yearly outlay of \$50 to \$75. The city provided only the police "star." Surprisingly, in 1914, few patrolmen carried handcuffs, a costly and unneeded expense.⁶⁰ In addition, the city of Butte did not pay hospital expenses for officers injured in the line of duty. The committee's petition also stated the police had not received a pay raise in over ten years, while the inflation rate for that period had been about 40%. They concluded:

Almost all of the police force of Butte are married men supporting families. . . . The actual labor of policemen is not easy. It is subject to danger from violence at the hands of criminals and this to such an extent that higher premium is charged for insuring our lives the occupation being so hazardous. 61

The Ways and Means committee of the city council approved the pay raise in mid-March. Instead, of the \$25 raise requested, the city council approved a \$15 increase, making their salary equal to that of the fire department.⁶² Even after the raise, Butte officers were paid less than their counterparts in other cities.⁶³

After 1914, the police began to receive annual pay increases. In 1917 they earned \$135 a month and by December 1920, they received \$200.⁶⁴ While the pay raises did attract a better class of men to the police ranks, it still did not provide for any type of accident or pension benefits. Lacking pensions or workman's compensation, many

officers remained on the force until they died or were unable to work. In one instance, a 72-year-old patrolman was kept on the payroll and pounded a beat until he died.⁶⁵ In 1915, the Butte police department sponsored a bill in the state legislature providing for a state-controlled police pension fund. The man who led the crusade for police pension funds in Montana was the socialist Chief of Detectives of the Butte police force.

About the middle of October, 1914, Chief Detective George Ambrose took the initiative in organizing the Montana Police Protective Association. He sent letters to all the Montana police departments asking them to attend a meeting in Helena prior to the legislative session.⁶⁶ The delegates to the meeting drew up a plan guaranteeing a pension for retired officers and disability benefits for officers injured in the line of duty. Although it was not passed as the Montana Police Protective Act, the police became entitled to benefits under the Workmans Compensation Act passed by the legislature in 1915.⁶⁷

While the Butte police department provided the initiative for the bill, Chief Murphy did not contribute to the fund. Throughout his tenure as Police Chief, Murphy staunchly refused to enroll his men in the Workmen's Compensation program:

Mr. Murphy's position principally was this, that policemen were peace officers and they did not work except as peace officers, and if peace officers were going to be insured as ordinary employees of the City of Butte that he might just as well turn in his authority, and further that if they got into that racket, . . . they stood a chance of getting themselves into a position that there would be some question arise concerning their civil service or metropolitan police standing 69

Instead, the officers paid into a fund kept by the city treasurer.⁶⁹ It was not until 1936, a year after Murphy's death, that Butte policemen began to receive benefits under the Workmans Compensation Act.⁷⁰

The Butte police department's organization was similar to that in any other major American metropolis.⁷¹ Duties performed by the average patrolman made him a visible and important component of Butte society. Although they proved unable to actually control the violent social life of Butte, they were active participants in that environment. Despite its shortcomings, the police organization in Butte was the most highly developed in the State. Unlike the smaller Montana cities, the Butte police, by necessity, adopted many of the methods used by eastern police forces--such as the motorcycle and "prowl" car. Part of the colorful reputation of the Butte police rests with the ethnic divergence of both the officers and the people they "protected."

Although the Butte police department was one of the primary supporters of the 1915 Workman's Compensation Bill, they did not receive any benefits from it. The result may have dampened police morale in the Mining City and unconsciously hindered its ability to do its job. Many policemen in Butte may have felt they were putting more into the job than they were getting out of it. In many cases, policemen in Butte used their position to extort protection money from the criminal class, to ease their financial condition. In many ways, police work in Butte was just as dangerous as work in the mines. But, unlike the miners, they had no accident insurance or old age pensions. While the city maintained a pension fund for their policemen, it, too, was subject to the city's financial problems. In case of economic emergency in the Mining City, the police fund was often appropriated for use by the city rather than maintained for the policemen. The Butte police pension was not nearly as reliable as the state-managed program.

With the establishment of an annual wage increase, there was more incentive for competent men to join the police ranks. It is, however, a mystery as to why the increases became regular only after 1914. Progressive and socialist ideology claimed a need for good wages to support

a high quality of policeman. It is also possible that the city council hoped to reduce the incidents of graft that all councilmen knew existed in the department. Annual wage increases may have been the reformers first step in the professionalization of the Butte police department.

The Butte socialists provided the catalysts for change from 1914 until 1920. While not successful, the socialists under Mayor Duncan laid the groundwork for the reforms beginning in 1919 with Mayor Stodden. Mayor Duncan's attempted reform of the department was the first to seriously tackle the problems within the Butte police force.

ENDNOTES

1 Frank R. Prassel. The Western Peace Officer. (Norman: University of Oklahoma Press, 1972), p. 70.

2 U.S. Manuscript Census, 1913.

3 Laws, Resolutions and Memorials of the State of Montana, Tenth Legislature, 1907. (Helena: State Publishing Co., 1907), pp. 344-349.

4 Laws, Ibid.

5 Laws, Ibid.

6 Butte Miner, May 29, 1919.

7 Butte Daily Post, November 15, 1914.

8 Ibid.

9 Burns appeared before the police commission a total of twelve times between his employment in 1913 until his dismissal in 1920. Charges ranged from drunkenness to malicious conduct to extortion--a crime for which he was formally charged in 1914. See Criminal Index Nos. 2021 and 2022. Clerk and Records Office, Butte-Silver Bow County Courthouse. Butte, Montana.

10 The commissioners let Burns off for every case in which he was brought before them. Finally in June 1920, Burns was dismissed for impersonating a federal officer during a one-man raid on a moonshiner in Butte.

- 11 Butte Miner, November 15, 1914.
- 12 Butte Miner, August 23, 1920; Ibid, September 29, 1920.
- 13 Butte Miner, March 15, 1914.
- 14 In every case brought before the commission by the mayor, Levy decided in favor of the offending officer.
- 15 In 1919, Stodden chose three Republicans to man the police commission. See Butte City Council Meeting Minutes, May 12, 1920. Silver Bow County Archives, Butte, Montana.
- 16 Laws, Resolutions and Memorials of the State of Montana, Seventeenth Legislative Session, 1921. (Helena: State Publishing Co., 1921), pp. 389-392.
- 17 Senate Journal, Seventeenth Session, 1921, Montana. (Helena: State Publishing Co., 1921), p. 171; Butte City Council Meeting Minutes, December 11, 1920.
- 18 Laws, p. 391.
- 19 Laws, pp. 391-392.
- 20 Butte City Council Meeting Minutes, January 19, 1921.
- 21 LAWS, p. 392.
- 22 Coroners Inquest No. 7801. Clerk and Records Office. Butte-Silver Bow County Courthouse, Butte, Montana; Butte Miner, June 13, 1917.

23

Butte Miner, January 1914-January 1921; Butte City Council Meeting Minutes, 1917-1921.

24

Ambrose in 1916, Morrissey in 1919 and Larkin appointed in 1919.

25

Coroners Inquest No. 7801.

26

Butte City Council Meeting Minutes, August 2, 1917; Miner, August 2, 1917.

27

Montana Supreme Court Case No. 8599, Mrs. N.D. Alecksich vs the Industrial Accidents Fund. State Law Library, Department of Justice. Helena, Montana.

28

Coroners Inquest No. 7784. Clerk and Records Office, Butte-Silver Bow County Courthouse. Butte, Montana.

29

Coroners Inquest, ibid.

30

Butte Daily Post, March 29, 1916.

31

Butte City Council Meeting Minutes, November 14, 1919.

32

Butte City Council Meeting Minutes, 1914-1921.

33

Butte Daily Post, March 19, 1914.

34

Butte Miner, August 22, 1914.

35

Butte City Council Meeting MInutes, July 31, 1918.

- 36 Butte Miner, May 22, 1919.
- 37 Butte Miner, January 17, 1918.
- 38 Butte City Council Meeting Minutes, March 19, 1919.
- 39 Butte Daily Post, May 18, 1916.
- 40 Ibid.
- 41 Ibid, May 22, 1916.
- 42 Ibid.
- 43 Ibid.
- 44 Ibid.
- 45 Ibid.
- 46 Ibid.
- 47 Ibid, May 31, 1916.
- 48 Ibid, July 8, 1916.
- 49 Ibid, July 21, 1916.
- 50 Ibid, March 26, 1917.

- 51 Ibid, March 19, 1914.
- 52 Butte Police Day Books, 1914-1921. Silver Bow County Archives. Butte, Montana.
- 53 Butte Daily Post, March 19, 1914.
- 54 Butte City Council Meeting Minutes, January 19, 1921.
- 55 Coroners Inquest No. 7784.
- 56 Butte Daily Post, January 8, 1914.
- 57 Butte Miner, Daily Post and Butte City Council Meeting Minutes, 1914-1920.
- 58 Butte Miner, January 8, 1914.
- 59 Ibid.
- 60 Butte Daily Post, January 8, 1914.
- 61 Coroners Inquest No. 7784.
- 62 Butte Miner, January 8, 1914.
- 63 Butte Miner, March 17, 1914.
- 64 Butte Miner, January 8, 1914. Policemen in San Francisco and Oakland were paid \$115/month the first year and \$125/month the second year in 1914. Seattle and Spokane policemen started at \$100/month and the city provided all the equipment.

- 65 Butte City Council Meeting Minutes, July 21, 1920.
- 66 Butte Daily Post, September 10, 1914.
- 67 Butte Miner, October 10, 1914.
- 68 Laws, Resolutions and Memorials of the State of Montana, Fourteenth Legislative Session, 1915. (Helena: State Publishing Co., 1915), pp. 205-211; Butte Daily Post, June 10, 1915.
- 69 Montana Supreme Court Case No. 8599.
- 70 Butte City Council Meeting Minutes, August 21, 1919; Montana Supreme Court Case No. 8599; Butte Miner, March 22, 1918.
- 71 Montana Supreme Court Case No. 8599.
- 72 James F. Richardson. Urban Police In The United States. (Port Washington, New York: Kennikat Press, 1974); Eric Monkkonen. The Police In Urban America, 1860-1920. (Cambridge: Cambridge University Press, 1981). Thomas J. Fleming. "The Policeman's Lot" American Heritage, XXI (February, 1970).

Chapter 4

The Butte Police Department
and the
Socialists

The first quarter of the twentieth century saw many changes in American society. The rapid expansion of industrialization in the East put greater demand on the Western mines. In Butte, the mines expanded rapidly to accommodate the needs of the Eastern factories. With the resulting "boom" economy came all the social and political ills often associated with such an environment. Responding to the dehumanizing effects of the copper economy, Butte's citizens elected a socialist as mayor and supported a largely socialist city council. The socialists initially found support from the Butte Miners Union and the politically leftist beliefs of the immigrants in Butte. In 1911, Lewis Duncan took the mayor's chair in city hall and promptly began to reform the city government.

One of the most obvious shortcomings in Butte, in Duncan's view, was the apparently corrupt and politically controlled police department. In 1912, the socialists began to appoint officers who were amenable to their particular political viewpoint, while he dismissed men whom he considered "tools" of the Anaconda Company rather than city employees. He did not believe that the majority of Butte policemen were working for the public welfare, but were, instead, looking out for their own or the Company's well-being.¹

While the progressives in other American cities had made significant strides in professionalizing its police units, the movement was slow to reach Montana. In Butte, police methods had not changed significantly since 1907. In that year, the Montana legislature passed the Montana Metropolitan Police Law, designed by the law-makers to control and define police authority in Montana. Even though the law was passed by progressives, it was not readily accepted by the city council in Butte. Hiring practices in the Mining City were lax, and the quality of men who became policemen was still questionable to the citizens. The police commission, conceived as a mediator in disputes between citizens and patrolmen, often protected the officers at the expense of their constituents. Politics, too, played an important role in police policy. A policeman was often hired or fired at the whim of the political party in office. This atmosphere did not promote efficient law enforcement in Butte. The low quality and bullying nature of some of the Butte officers precluded much respect or cooperation from the public. By the time the Socialists took power in Butte, the city had gained the reputation as one of the country's wildest and roughest cities. In every respect Butte was a wide-open town. This was the environment the socialists

faced and attempted to change in Butte in the first years of the century and they met opposition and animosity at nearly every turn.

By 1914, Duncan had lost most of the support he had enjoyed when elected in 1911. His budget cuts and unpopular socialist police appointments earned him the animosity of most of the department. The socialist city councilmen also made life difficult for the veteran policeman by refusing to grant pay raises. It became increasingly difficult for a policeman to support a family on the wages he earned as a cop. Low monetary reward and vague legal status forced many men to turn to alcohol and graft for help. Throughout his regime, Duncan attempted to mold the police department along the socialist lines he set for it, but he never got the support he needed from Chief of Police Murphy or the non-socialist city councilmen. In March 1914, Duncan finally got the opportunity he needed to attempt a serious change in police hiring and conduct. On March 23rd, a drunken policeman used excessive force in breaking up a party just outside the red-light district. The patrolman's actions and the public outcry over the incident gave Duncan the excuse he needed to reduce drastically the department by firing incompetent and unscrupulous policemen.

At approximately 1:00 AM on March 23rd, Officer Bryant Peters, hearing loud noises within a local saloon called the Autumn Leaf Club, stormed in and began to abuse its black occupants. Peters, who had gotten off shift at Midnight, was drunk. He flourished a revolver at the crowd and threatened to arrest all of them. Fearing the drunken officer would kill somebody, six young blacks attacked Peters and tried to disarm him. Two patrolmen waiting outside, Victor Osterholm and John Nelson, heard the commotion, rushed inside, and they immediately went to Peters' aid. Peters insisted the two officers arrest the blacks that attacked him. The whole group was loaded into the patrolwagon and taken to jail. While in the patrolwagon, Peters began to abuse Frank Parks and then to physically attack him. Believing Peters' accusations, the desk sergeant jailed the six blacks for disturbance.² The following day, after posting bail, George Gardener, bartender at the Autumn Leaf Club, filed charges of misconduct and conduct unbecoming an officer against patrolman Peters. Police commissioner Phil Levy set a trial date for March 25th.³ At the commission hearing, Peters testified that he heard piano music coming from the club at 1:00 AM as he came off shift, contrary to city ordinance.

When he entered the saloon he saw about thirty blacks and what appeared to be a white woman. Peters placed the entire crowd under arrest. Exhibiting a number of head wounds, Peters claimed the blacks attacked and disarmed him. The blacks, he declared, overpowered him before he could draw his revolver.⁴

Gardener's testimony differed from that offered by Peters. He said there was no music at the time cited by the policeman. He further stated the alleged white woman was in fact black and had dropped in as she was passing. Gardener also declared that instead of thirty blacks, there were only eight or nine present. Gardener ended his testimony by declaring that Peters was "staggering" drunk and there was no disturbance until Peters arrived. As he testified:

Peters staggered up the steps and began to use vile language. When he pulled his revolver he was disarmed by a colored boy weighing about 118 pounds. As Peters entered the palace he started to go to the rear. I followed him. He asked what I wanted to follow him for. When I told him that I always followed Chief Murphy when he examined the rooms, Peters said: "To Hell with Murphy, I'm doing this!"⁵

While the police commission deliberated Peters' case, he became involved in another incident.

Fred Zimmerman, owner of the Olympia Meat Market, complained to Police Captain Jack O'Brien on March 26th that Peters assaulted him, breaking his arm with his night

stick. Zimmerman's son violated curfew and Peters brought him back. When Zimmerman protested the treatment of his son, Peters struck him. Zimmerman further declared that Peters was intoxicated. According to Peters, Zimmerman's arm was broken during a scuffle.⁶

Due to the controversy and the public outcry over the incidents, the police commission dismissed Bryant Peters from the police force. During the course of the trial, Mayor Duncan revealed that Peters had previously served with the police force and proved himself unworthy.⁷ The inhumane treatment of prisoners in 1906 caused Peters dismissal from the force. When he reapplied to the department in 1913, his previous record had gone unnoticed by the commission. As a result of Peters dismissal, Duncan announced that any future applicant for the department must pass a physical and mental examination before being considered for the position.⁸

Mayor Duncan's decision to "weed out" the incompetent and physically unfit policemen met with opposition not only in the department, but among the city council members as well. Duncan claimed that the method of hiring was too lax, since it required no athletic or mental tests. Thus, according to Duncan, people like Bryant Peters were hired to keep the peace. Although a candidate also had to be

literate, in one case a candidate was dropped by the force because he had his wife fill out the application for him.⁹ Duncan intended to professionalize the police by making the requirements for the job stricter.

The tests required not only new candidates to pass, but the veterans also had to score at least an 80 percent.¹⁰ Duncan threatened to fire any man who refused to take the tests.¹¹ The exams consisted of running, endurance, lung capacity, and skill with a revolver.¹² Duncan hoped the tests would reduce the force by eliminating men who could not efficiently patrol their beats. By testing recruits, a higher standard of policeman could be eligible for police work. What Duncan had not anticipated was the strong opposition to the plan by the policemen themselves.

The majority of Butte officers believed the tests were designed to rid the department of its older members. While not always good examples of physical fitness, the older patrolmen were much more experienced in dealing with daily incidents in Butte. Many of them were residents in long standing in the Mining City and knew the people in their districts. Duncan's plan, if enacted, would rid the department of its most experienced patrolmen. The question of favoritism also arose concernig the examonations. If

such a plan were implemented by the socialists, it insured a police department sympathetic to their doctrine, and was not acceptable with non-socialist policemen.¹³

Duncan's plan also met opposition among the citizens of Butte. The plan called for the reduction of the number of beats and their replacement by motorcycle policemen. When trouble arose, a citizen had to call police headquarters from his home or a fire station call box. One of Butte's newspapers called this a system of "hick" policing that was utterly useless in case of emergency.¹⁴ City hall, however, never implemented the plan because of the high initial costs and the shortcomings of Duncan's plan.

Chief Murphy believed the plan wholly untenable. He believed the number of policemen should be increased rather than decreased. Since Duncan's planned physical exams were designed by the socialist to get rid of the older officers, Murphy's job would also be on the line. The volatile situation in Butte between labor and the Anaconda Company demanded a larger force than what the city could afford. The events in June proved Murphy's fears--the union was too powerful for even the police to control when trouble did break out.

Duncan's sentiment, understandably, was not shared by the people he intended to fire. Soon after the announcement

of reorganization by Duncan, forty-nine policemen, including Chief Murphy, hired attorneys to fight the mayor.¹⁵ They vowed to boycott the exams and had their attorneys draw up an injunction to be served when the testing equipment arrived from Chicago. The policemen claimed the physical exams were illegal since they had not been provided for in the Metropolitan Police Law. Duncan countered that it was legal and he intended to enforce his policy.¹⁶ When the testing equipment arrived in mid-July, the injunction was served by the police attorneys and upheld by District Judge J.J. Lynch.¹⁷ Because of the labor troubles in June, Duncan appointed an additional sixteen men as "special" policemen. When Duncan resigned on October 10th, the city council had not overturned Lynch's decision. And when Charles Lane became mayor in April, 1915, he shelved Duncan's plan and returned the unused testing equipment to Chicago.¹⁸ In late June, 1914, the tense labor situation in Butte forced Duncan to concentrate on using the police rather than firing them.

Antagonism between labor and the police has existed since the nineteenth century. Bloody clashes between strikers and capitalist-backed policemen characterized labor riots throughout the country. Since many miners came to Butte from the East and Europe, they brought their fear and

hatred of the police with them. The police, in turn, distrusted and hated organized labor. The mutual dislike came to a head in 1886 with the Haymarket riot, in which seven policemen were killed by an anarchist's bomb. During June and July, 1914, numerous clashes occurred between the Butte Miners Union and the police. Even after the addition of sixteen new officers in June, the authorities proved unable to deal with the situation.¹⁹ Mayor Duncan's inability to quell the riots of June 13th and 23rd showed not only his lack of influence in the radical union's affairs, but also the ramifications of his police reorganization policy. Because of mutual hatred between the union and the police, Duncan's unwillingness to use police force to prevent the dynamiting of the miners union hall exposed the general fear among many Butte residents that such an action would result in a bloodbath. In the end, the police department proved itself an effective peacekeeper in everyday domestic affairs but failed miserably in its efforts to deal with any major disturbance.

Labor problems in the Mining City tested the effectiveness of the police in 1914. Members of the Butte Miners Union believed (many by experience in other mining camps) that the police were thugs in the employ of the

Anaconda Company. To them, the police represented oppression. The police, in turn, believed the miners to be infiltrated by anarchists and IWWs. Although closely involved with labor problems, the police in Butte did not have much experience as strikebreakers prior to 1914.²⁰ Open warfare nearly broke out between the groups in June, but the a policy of non-resistance by the city government prevented any bloodshed. Although the Butte Miners Union supported many socialist doctrines, they never openly stood behind the city government.

Beginning early in 1914, rifts began to appear in the once influential Butte Miners Union. The BMU, affiliated with the Western Federation of Miners, was known for its strength and power in the organization. A split developed within the union rank and file, however, regarding the legality of Anaconda Company's infamous hiring system--the rustling card, the secret union ballot, and the effectiveness of the union constitution.²¹ In addition, many miners believed Anaconda dictated union policy. At the Miners Union Day parade, radicals attacked the marchers. The police were helpless in the ensuing riot. On June 14th, the radical wing of the BMU split and formed the Butte Mine Workers Union, under the leadership of "Muckie" McDonald.

The new union was dominated by IWWs and other left-wing militants.²² Tensions were at a peak in Butte during the last days of June.

President Charles Moyers of the WFM called a general election to decide the issue in Butte on June 23rd. When the day arrived, a large crowd assembled outside the union hall. The police, while present, kept a respectful distance from the miners; they were told by Chief Murphy to expect trouble. Shortly after the balloting began, a miner who was attempting to cast his ballot was shot and wounded by someone within the hall. Shooting broke out immediately and an innocent bystander was killed.

Murphy closed down the saloons as dynamite explosions ripped through the union hall. In consultation with the mayor, the Chief decided the police should be kept away from the area. A small detachment of officers remained near the building but kept out of sight. Another detail waited, some said hid, in the nearby firehouse on Quartz Street. Their duty was to guard the firehose in case rioters decided to cut it.²³ Chief Murphy called all policemen to duty.²⁴ While the dynamiting continued through the night, the police remained well away from the scene of the trouble. The police department was criticised by the public and a cartoon

portraying the officers playing cards in headquarters while rioters blew up the union hall appeared in a local newspaper.²⁵

At an inquest held several months later, Murphy claimed he could have stopped the rioters if his men had been armed with rifles.²⁶ Detective James Baldisero declared that he could have stopped the radicals if another man or two accompanied him to the union hall. Murphy declined the offer as impractical.²⁷ When asked by investigators, Murphy said:

"[Duncan] did all in his power to control the situation. I told my men to be careful, but firm.... I ordered them not to shoot unless they had to and to stick together." The Chief supplanted this by declaring that the police force as it now stands could not handle this situation. 28

Mayor Duncan's original strategy during the disturbance called for the placing of sharpshooters on the buildings surrounding the union hall, in the hope they would be able to kill the dynamite squads. This plan too was dismissed as impracticable.²⁹ When asked by Attorney Peter Breen about his policy of non-resistance, the mayor replied: "If the police had massed and gone up the street with drawn revolvers and clubs to disperse the mob, it would have meant the killing and wounding of many and it might have meant the elimination of the police force."³⁰ Duncan believed his policy of non-

resistance was best. Many of the police also believed that attempts to disperse the crowd would have meant large scale bloodshed.³¹ As a result of the investigation, the city council forced Duncan to resign the mayor's office. The city council cited Duncan's inability and refusal to deal with the June riots as the reason. The police force, on the other hand, was exonerated by the council.³²

City Councilman Clarence A. Smith replaced Duncan as mayor. Unlike the former mayor, Smith never attracted the following or support Duncan possessed. Smith made a feeble attempt to take over Duncan's plan for the reorganisation of the police force, but he lacked the political power to enact it. The dynamiting of the head-frame at the Parrot mine, in August forced Smith to ask Governor Sam Stewart to declare martial law on September 1st.³³

On September 3rd, five Montana National Guard units entered the Mining City. The guard, commanded by Jesse Roote, immediately set up headquarters at the Silver Bow county courthouse on North Montana Street. Roote closed down the saloons and theatres and imposed a twilight curfew on the city. Soldiers and policemen enforced the curfew. Violators of the curfew and regulations were taken to jail by the guardsmen and officers and brought before Provost

Marshal Frank Conley the next day. Punishments usually included a \$100 fine and a two day stay in the city jail.³⁴

Conley, warden of the Montana State Prison, had control over the Butte district, local, and police courts. As such, he became the acting head of the police department. Conley's assistant, private detective P.J. "Swede" Murphy made the assignments in the department. After a disagreement over policy, Swede Murphy stepped down and former Chief of Police Murphy resumed his authority.³⁵ The police department carried on in much the same fashion as it had before martial law except for an increase in authority when making arrests. The police brought in just about everyone who broke the law. In one case, Detective Baldisero arrested a man who had merely associated with a known con-man. The arrested man brought charges against Baldisero for false arrest, but they were dismissed by Conley.³⁶ A number of officers were dismissed by the Provost Marshal because they had uttered seditious remarks regarding the Governors haste in declaring martial law. In all cases these men were socialist appointees of Mayor Duncan.³⁷

Martial law increased the power and effectiveness of the Butte police department. By the time the National Guard left Butte in mid-November, the police had enjoyed a place

in society it had never experienced before. They possessed absolute authority previously unknown to them. They retained that position until the accession of a new Democratic mayor the following year. Despite the assaults made on it during 1914, the police kept itself intact even through martial law. The police department showed itself not entirely dependent on city hall and able to function as an efficient body on its own.

The Butte police department's relations with the socialists was one of reluctant toleration until 1914. It was not until the socialists actively sought to reform the department that the policemen began to resist what may have cost them their jobs. The reforms had to wait until the mayor was able to command the respect, cooperation and influence necessary to the efficient re-organization of Montana's most visible police department. In 1919, after a long series of police depredations on the rights of the public and the abuse of their police power, a Republican mayor was able to transform successfully the police department into a "respectable" agent of the law. It is necessary, however, to understand the type of policeman that made the reform movement both expedient and mandatory.

ENDNOTES

- 1 Butte Miner, June 3, 1914.
- 2 Butte Miner, March 25, 1914.
- 3 Butte Miner, ibid.
- 4 Butte Daily Post, March 23, 1914.
- 5 Butte Daily Post, ibid.
- 6 Butte Miner, March 27, 1914.
- 7 Criminal Index No. 250. Clerk of Courts Office, Butte-Silver Bow County Courthouse. Butte, Montana; Butte Miner, March 29, 1914.
- 8 Butte Daily Post, March 28, 1914.
- 9 Butte Miner, January 23, 1914.
- 10 Butte Daily Post, May 13, 1914.
- 11 Butte Daily Post, ibid.
- 12 Butte Daily Post, July 10, 1914.
- 13 Butte Daily Post, June 1, 1914.

- 14 Butte Miner, March 17, 1914.
- 15 Butte Daily Post, June 1, 1914.
- 16 Butte Daily Post, June 3, 1914.
- 17 Butte Daily Post, August 13, 1914.
- 18 Butte Daily Post, April 16, 1914.
- 19 Butte Daily Post, September 26, 1914.
- 20 Montana Writers Project. Copper Camp. (New York: Hastings House, 1943), pp. 60-65.
- 21 Michael Malone and Richard Roeder. Montana: A History of Two Centuries. (Seattle: University of Washington Press, 1976), p. 210.
- 22 Vernon Jensen. Heritage of Conflict. (Ithaca: Cornell University Press, 1950), p. 343.
- 23 Butte Miner, September 24, 1914.
- 24 Butte Daily Post, September 23, 1914.
- 25 Butte Daily Post, ibid.
- 26 Butte Daily Post, ibid.
- 27 Butte Daily Post, ibid.

- 28 Butte Miner, September 24, 1914.
- 29 Butte Daily Post, September 23, 1914.
- 30 Butte Daily Post, ibid.
- 31 Butte Daily Post, ibid.
- 32 Butte Miner, September 28, 1914.
- 33 Malone and Roeder, Montana, p. 211
- 34 Butte Daily Post, September 6, 1914.
- 35 Butte Miner, September 14, 1914. Apparently "Swede" Murphy did not get along with anyone on the police force. On September 13th, he suspended Detective James Baldisero. The detective had arrested a number of gamblers in a "closed" saloon. When he brought the suspects into the station house, Swede told him that he had better find more important things to do and to consider himself suspended. Baldisero complained to Chief Murphy about the incident and he reinstated the detective. The Chief then pressured Swede into resigning, which he did a few days later.
- 36 Butte Miner, September 5, 1914.
- 37 Butte Miner, April-December, 1915.

Chapter 5

The Butte Police Department

in

Transition,

1918-1920

Public outrage at what it regarded as the police role in the Frank Little murder caused a considerable amount of concern in the city council. While corruption was always present in the department, it had never been so dramatically apparent to everyone. Mayor W.H. Maloney, his republican successor W. Thomas Stodden, and Chief Jere Murphy realized the need for major reform within the department. They could no longer be content with the police merely keeping the violence and intrigue to a minimum, active and positive change was needed to re-confirm police status in the Mining City. The process, however, proved difficult and slow.

Increasingly, the department became associated with Chief Murphy rather than with the city council or the mayor. Murphy sought to re-establish public respect for his men by making the department appear as a benevolent and charitable organization, dedicated to the efficient enforcement of law and order. In 1918, the police department donated their pension fund to the Red Cross and raised money for disabled veterans by hosting a charity baseball tournament.¹ In June, Murphy organized the police into military "companies" and drilled them at the Hebgren Ball Park twice a week. He also began training in weapons handling for this unit.² While Murphy's first steps toward change met with

enthusiastic city council support, the changes were nothing more than superficial and did not address any of the serious problems inhibiting the police--corruption and outdated and ineffective policing methods.

Beginning in April, 1919, however, the pace towards reform quickened with the election of progressive mayor W. T. Stodden. The new mayor actively sought to rid the police payroll of crooked or questionable individuals. By December, 1920, over forty-five cases of misconduct, brutality, drunkenness and even extortion, narcotics peddling and murder were brought before the Trial Board between May, 1919 and January 1, 1921, resulting in over twelve convictions.³ Stodden's investigation revealed corruption on all levels to the Butte public.

A little over a month after Stodden took office, the mayor, under pressure from the Butte Daily Bulletin, announced his intention to investigate allegations of corruption in the police department:

It has been forcibly brought to my attention that a number of officers of the law, both uniformed and plainclothesmen have been making a habit of visiting houses where gambling and bootlegging are supposed to be carried on and extorting personal fees from such parties, under cover of their protection and still allowing those parties to continue their illegitimate business It is beyond my comprehension how many officers of the law would stoop so low as to extort or exact money from any source to which he has no right, and thereby allow the city to suffer from such willful neglect of duty.

Further, the mayor added his intention of seeing all officers involved in such malfeasance prosecuted to the fullest extent of the law and urged any citizen with information about such activities to come forward.⁴

While Stodden appeared surprised by his discovery of police corruption, the Daily Bulletin and Daily Post stated that the mayor's revelations were not news to them--the problem was very real and contributed to their disrespect for the police. Moreover, the labor-oriented Daily Bulletin added:

The community will accept the mayors announcement as seriously intended and credit him with complete good faith and integrity of purpose in his policy respecting these important matters The statements mentioned in the mayors proclamation are not news; the truth is that if it turns out that all the widely circulated stories about graft and protection and illicit operations are unfounded, the local public would of course be gratified, it certainly will be surprised. 5

Within weeks of the mayor's announcement, one of the department's most notorious scoundrels was standing before the police commission on charges of brutality and misconduct.

After the furor surrounding the death of Frank Little subsided, Chief Detective Ed Morrissey returned to active police duty and continued to keep in the public's eye with his colorful and violent methods. During the summer of

1918, moreover, Morrissey was employed as a guard at the Anaconda Company retreat at Swan Lake--a job for which he received pay from both the Company and the police department.⁶ In 1919, however, the detective's fortunes took a turn for the worse.

On March 25, during the mayoral primary elections, Morrissey, accompanied by a number of ACM and East Butte Mining Company guards including Herman Gillis, Billy Oates and Pete Beaudin, harassed a number of voters at a predominantly socialist precinct. Morrissey, who was intoxicated, physically assaulted a young voter visiting a friend at the polling place.⁷ When the young man questioned Morrissey's motives and threatened to beat the detective up, Morrissey arrested the whole bunch and hauled them down to the city jail.⁸

Several days later, the county coroner was called to the Morrissey home at 211 North Idaho Street. During a heated argument, Morrissey's wife died. Kate Morrissey, who was alcoholic and suffered from obesity and heart trouble, had apparently died of natural causes, but there was sufficient reason to call a coroner's inquest three days after her death. The Daily Bulletin, meanwhile, launched a journalistic campaign against the chief detective and even

went so far as to accuse him of murdering his wife.⁹ The Inquest, which began on March 29, lasted a week and nearly all of Morrissey's neighbors and relatives testified.

During the course of the Inquest, one of the Morrisseys neighbors, who lived across the alley, testified that, on a number of occasions, she saw the detective drag his hapless wife around the backyard by her hair. The neighbor also claimed that she heard Mrs. Morrissey cry for help on a number of occasions. None of the Morrissey's immediate neighbors admitted hearing anything unusual or seeing the detective abuse his wife. Kate's uncle, moreover, stated that when the woman collapsed and died, neither he nor Ed thought anything was wrong with her and did not call the police until the day after her death. Surprisingly, Ed was not called to testify even though he had been present when the woman died.¹⁰ Daily Bulletin reporter Will Burt, who led the newspaper's crusade against the officer, testified at the Inquest, but could offer little more than hearsay and rumor when asked about the woman's death.¹¹

At the conclusion of the Inquest on April 5th, the coroners original verdict stood--Kate Morrissey had died of natural causes, augmented by alcohol abuse and overweight.¹² There is some evidence, however, which suggests that many of

Morrissey's neighbors did not tell the coroners jury everthing they knew about the couples relationship. Since all but two of the witnesses were women, it is also conceivable, in view of Morrissey's reputation, that he threatened the women before the trial. The Daily Bulletin's crusade against this "animal in police uniform" increased. Almost daily, articles slandering the officer appeared on the front page of the newspaper. In one case, an article equating Morrissey with the "bogey man" appeared the day after Easter.¹³

In early April, Morrissey took another leave of absence from the police department, but, apparently, stayed in town. The day after the conclusion of the coroners inquest, Morrissey arrested a number of theatre-goers for disturbing the peace and resisting arrest.¹⁴ This incident, coupled with his drinking spree, eventually led to Morrissey's downfall in the department and his subsequent dismissal in July.

On June 14th, Attorney David Wittenberg filed formal charges of misconduct and conduct unbecoming an officer with the police commission. The charges accused Morrissey of harassment, false arrest and the murder of his wife in March.¹⁵ A trial date was set for June 30th by police

commission chairman C.S. Jackman.¹⁶ Until the beginning of the trial, though, Morrissey was suspended by Chief Murphy. The Daily Bulletin also increased its campaign against Morrissey, comparing him to the Kaiser and accusing him of consorting with ACM thugs.

On June 30th, the Trial began, with both Will Burt and Wittenberg taking the stand. Since the people Wittenberg represented at the trial were too poor to afford his services, the Daily Bulletin paid his retainer. Both men described all they knew about the detective's activities and reputation. Wittenberg also complained of threatening phone calls he received from alleged policemen.¹⁶ On July 1st and 2nd, the people who had been wronged by Morrissey testified. Their descriptions of the incidents closely parallels that reported in all the Butte dailies at the time of the incidents. From July 5th until the 7th, Morrissey testified in his own behalf. Attorney Peter Breen closely questioned the detective and loudly criticized the efforts of Wittenberg.¹⁷ While Morrissey's testimony was detailed, there was some question as to whether he actually committed all the atrocities attributed to him by the Daily Bulletin. On July 7th, Morrissey was found guilty by the commission and the mayor dismissed him several days later.¹⁸ According

to the Daily Bulletin, the department heaved a sigh of relief when Morrissey left the police headquarters for the last time.¹⁹ The evidence submitted by the prosecutor, however, was far from conclusive. Since Morrissey had received so much bad publicity in the past months, it is conceivable that the Chief Detective was no longer wanted by the mayor or department and had, in fact, become a liability to them. Morrissey's trial was the first held under the new mayor. As such, it set a precedent for the trials to come.

In February, 1920, Ethel Lane, a mulatto prostitute and drug addict, filed charges of police extortion and racketeering with the police commission. Her attorney, David Wittenberg, accused detectives James Casey and James Cusick of selling her and her "husband" morphine and extorting protection money from them.²⁰ Traditionally, the police and the Soiled Doves relied on each other. The prostitutes for their "protection" from city ordinances and the police because it was financially and physically advantageous.²¹ Therefore, Lane's accusation came as no surprise to the community, but the fact that it was openly admitted to was unusual.

On February 22, Casey and Cusick were formally arraigned before Judge J.J. Lynch on charges of larceny and

extortion. Stodden also relieved both men of their duties.²² On March 1st, Lane again filed charges with the police commission against patrolman Bernard King. In her statement, Lane accused the officer of harassing both herself and her friends shortly after the suspension of Casey and Cusick. When she attempted to defend herself, Lane claimed, King proceeded to use his billy club on her with devastating effect. King denied the charges brought against him and was exonerated by the commission.²³ Casey and Cusick, unfortunately, were not so lucky.

On March 13th, the police commission found Casey and Cusick guilty of extortion and larceny by the police commission.²⁴ Three days later, however, the mayor was forced to dismiss the charges, since the main witness had left town.²⁵ Despite the dismissal, Stodden fired the two officers and escalated his campaign against the shadow side of the department. The trial of Casey and Cusick once again focused public attention on the shortcomings of the police department. After the conclusion of the trial, more accusations came in, one accusing a policeman of murder and racketeering and another which involved the new Chief of Detectives and the city's only finger print expert.

On April 13th, 1920, Wittenberg and Burt filed charges of brutality against fingerprint expert Joe Williams. When

Williams caught Burt "peeking in the window of a shoeshine parlor," the newspaper reporter claimed the cop beat him up while Chief Detective Jim Larkin looked on.²⁶ Williams, on the other hand, asserted that Burt had resisted arrest and he was merely doing his duty in subduing a troublesome felon.²⁷ On May 1st, the police commission found Williams guilty and the mayor dismissed him from the force.²⁸ Wittenberg, meanwhile, acting on behalf of Burt and William Lee filed charges against Jim Larkin. Wittenberg accused Larkin of misconduct in the incident between Burt and Joe Williams and also harassing William Lee, an ex-soldier.

On April 30th, Wittenberg claimed, Larkin walked into a soft drink parlor on East Park Street and began to verbally abuse Lee, who was eating lunch. Larkin allegedly berated Lee for "fighting for England by serving in the American overseas force." It was further stated by the attorney that Larkin was intoxicated at the time of the incident.²⁹ Although Wittenberg enthusiastically castigated Larkin, Lee was reluctant to prosecute the detective, indicating that the two knew each other. Furthermore, Lee stated that he could not tell if Larkin was drunk at the time of the incident. On May 5th, Lee dropped Wittenberg's charges against Larkin. The detective, who had a near spotless

record with the department now faced the serious charges of misconduct brought against him by Burt and Wittenberg.

While the charges levelled at Larkin appeared serious, the Chief Detective had the support of the mayor and city council. Larkin's record with the police and his popularity in the community made him a valuable asset to the police department at a time of change in the force. Larkin was a long-time Butte resident who enjoyed hunting and breeding racing dogs. In 1919, he was one of the policemen selected to accompany President Woodrow Wilson during his whistle-stop tour of Montana.³⁰ The mayor did not think the charges serious enough for Larkin to miss his annual vacation.³¹ Burt also accused Larkin of the forcible entry of a private residence while intoxicated and the ownership of a dog which had participated in an illegal dog fight in December.³² Two months after the men filed charges, the case finally came before the police commission.

Although the trial was held in mid-July, the commissioners did not reach a verdict until August 17th.³³ The commissioners found Larkin guilty and recommended his dismissal to the mayor. Surprisingly, the mayor did not follow the commission's recommendation and retained Larkin as Chief of Detectives.³⁴ Although he was convicted of an

activity for which many officers had lost their jobs, Larkin was evidently considered too valuable for the mayor to lose. Stodden may also have been unduly influenced by the city council to retain this popular officer and was forced to submit to their wishes, rather than what he thought the best course.

In an episode reminiscent of Dashiell Hammett's novel Red Harvest, one Butte policeman was accused by the County Attorney of being an accessory in the murder of a local Butte bootlegger. In December, 1919, members of a rival smuggling gang brutally killed Sylvester Prenatt at his home on the Flats south of Butte.³⁵ Early in January 1920, the Silver Bow county sheriff arrested five men in connection with the crime.³⁶ When the alleged murderers were brought to trial in February and March, the activities of one policeman in the crime was questioned by Roterling. On April 3rd, Stodden suspended patrolman Andrew Brady from the force. pending an investigation into his role in the murder.³⁷ On April 16th, Brady was formally charged with conspiring to kill Prenatt. County attorney Nick Roterling claimed Brady told the gang where to find Prenatt, rode with them to Prenatt's home and sat in the car while the man was slain.³⁸ Roterling cited Bradys refusal to cooperate with

detectives during the subsequent investigation, even though Prenatt lived in Brady's patrol district:

County Attorney . . . Roterling declared that Andrew Brady, police officer, would be called to answer a charge of murder for his alleged connection with the murder of Prenatt. . . . Mr. Roterling said 'these men went to the home of Prenatt on an unlawful mission to locate whiskey that a dirty and contemptible police officer of this city had told them could be found there, 26 hours before they actually went to get the liquor. The next night they gathered to plan the foul deed which was to be committed under the protection of police officer Brady.³⁹

In 1916, Brady, along with another police officer, were tried for the murder of a teen-age boy in a saloon in the Red Light district.⁴⁰ Although exonerated of any wrongdoing, the policeman was assigned to a less hazardous patrol district.

Many of his fellow officers saw Brady on the night of the murder, and he appeared to act suspiciously when talking about the murder with his comrades. Chief of Police Murphy cut short his much needed vacation to testify in behalf of Brady. All the Chief could offer, however, was that Brady was on duty the night of the murder.⁴¹ Since none of the convicted killers would testify, even in spite of threats levelled at them from Roterling, they did not incriminate Brady.⁴² On May 9th, Brady was cleared of the murder charge by the District Judge.⁴³ Judge J.J. Lynch cited the

prosecutions inability to produce any evidence conclusively connecting Brady to the murder.

During the late summer of 1920, the long-standing lawsuit of ex-motorcycle cop Phil Prlja finally reached a conclusion. In 1918, Mayor Maloney dismissed Prlja from the force after the policeman's conviction on a charge of first degree assault. The incident involved a dispute between Prlja and a Croatian immigrant named Mike Burzan. In the spring of 1918, Prlja argued with Burzan over an unspecified issue pertaining to the War. During the course of the argument, Prlja knocked Burzan down and shot him twice with his service revolver.⁴⁴ Although Burzan was lucky to survive the ordeal, he immediately charged Prlja with assault and sued the cop for \$25,000.⁴⁵ In May, 1919, Judge Lynch convicted Prlja of assault and sentenced him to two years in the Montana State Prison at Deer Lodge. In addition, Burzan won his law suit.⁴⁶

Through a series of appeals, Prlja was able to postpone payment of the suit and serving any time in Deer Lodge. By 1920, Prlja appealed his case all the way up to the Montana Supreme Court, where he won his appeal.⁴⁷ Prlja, however, had long since exhausted his finances before the court decision. Consequently, the Butte city council "loaned"

Prlja over \$500 to help maintain both his freedom and legal battles.⁴⁸ Although the council loaned Prlja the money, there is no evidence that he ever paid it back to the city.⁴⁹ Stodden, obviously upset at the city councils decision, refused to reinstate Prlja even in the face of a court order.⁵⁰

The city council had supported the officer even before his misfortune in 1918. One of the most popular cops on the force, Prlja published the first official Butte street guide in 1919--for which the city council paid part of the publishing costs.⁵¹ By refusing to rehire the man in 1920, Stodden successfully maintained his position of seriously cleaning up the department, even in the face of city council opposition.

With the passage of the 19th Amendment in 1919, the police gained many new responsibilities. No longer merely responsible for the maintenance of law and order, they became the overseers of the public morality. The nature of the society in Butte and the character of many policemen patrolling the city, precluded the successful enforcement of Prohibition in the Mining City. The average policeman on the beat often drank while on duty. During a 1916 police commission hearing, a local tavern owner revealed that

he kept a beer keg tapped in the back room for the benefit of the local policeman.⁵² This service, if widespread, may have been the basis for many of Stodden's accusations in 1919. Increasingly, in 1919 and 1920, charges brought against police officers included the hoarding of confiscated alcohol.⁵³ In October, 1920, Stodden finally dismissed habitual offender James Burns for impersonating a federal officer and then keeping the confiscated alcohol for his own use.⁵⁴ In May, 1919, Morrissey was accused by the Daily Bulletin of hoarding alcohol he confiscated in a raid in April.⁵⁵ The passage of Prohibition severely cramped many policemen's lifestyle. Apparently, alcohol was used in much the same way as bribery--by diverting attention from the violation of laws and ordinances. Many of the charges, however, appear unfounded.

On December 17, 1920, Judge H. J. Grimes accused patrol driver Rupe Gilbert of stealing thirty gallons of whiskey.⁵⁶ Gilbert, accompanied by detectives Charles Rodda and Jack Gerry, confiscated the whiskey during a raid on the city's biggest illegal still on December 7th.⁵⁷ When Grimes gave Gilbert the unenviable task of destroying the alcohol, the Judge accused Gilbert of pouring colored water into the gutter instead of the real product. Grimes accused the

patrol driver of keeping the whiskey for his own use. The Judge called Gilbert's actions "subversive of the good order and discipline of the police force."⁵⁸ Gilbert claimed he submitted the colored water as evidence since the real whiskey had already been destroyed by Federal Agent Jack Gruff a day before the arraignment of the bootleggers. Detectives Rodda and Gerry supported Gilbert's statement and Grimes dismissed the charges.⁵⁹

While the police proved a relatively efficient agent for Prohibition, more often than not, they found the illegal materials while investigating other crimes.⁶⁰ The Butte newspapers are full of accounts of policemen finding stills while investigating complaints of domestic squabbles. In one instance, patrolman Jim Sullivan discovered a still after he was attacked by a drunken man armed with a pool cue.⁶¹ In another incident, a cop happened to look in a window to catch the hapless moonshiner busy at his still.⁶² Although many policemen continued to maintain their vices in Butte, the quality of policing improved as Mayor Stodden's reforms took hold in the department.

Beginning in 1919, Mayor Stodden made a sincere effort to professionalize the Butte police force. While his campaign fell within the progressive ideology, the amount of

political patronage within the police ranks made the process difficult. Similar to the corporate-dominated mining camps in the East and Southwest, Butte was removed from the mainstream of progressive reform. While the reform movement had taken hold in many of the smaller rural communities of Montana, it was slow in gaining a hold in Butte because of the strength of the political machine there. Stodden, a former engineer at the Leonard Mine, made a serious attempt to break the stranglehold of the political machine from the neck of the police department. In the process he cast out the visible elements of police corruption and political patronage from the department.

By far the most serious problem facing the department in the first years of the twentieth century was the love of alcohol by some of its officers and the excessive use of violence by others. While Stodden was not entirely successful in his campaign against the shadow members of the police force, he made great strides in his efforts to rid the department of them. While nearly fifteen cops stood before the police commission in 1919, there were only six cases brought before them in 1920. Of these cases, the mayor dismissed only two men from the force in 1920. Moreover, in 1920, Stodden shut down the tenderloin in

response to pressure from the Butte Good Government Club, WCTU and because of the enactment of Prohibition. The necessity of close police ties was no longer needed and their efforts channeled to other areas of law enforcement.⁶³

Stodden's campaign to professionalize the force also included other aspects of progressive belief--the introduction of technology to improve policing and the streamlining of the force itself to make the administration of the department more efficient and simpler. Stodden began this process at the same time he fought against the patronage and traditions in the department. By March, 1921, it took more than an ability to speak English and literacy to become a police officer in Butte after Stodden's reforms became the law. Beginning in 1919, Stodden's efforts to professionalize the force included the introduction of new technology to aid the patrolmen and detectives and the laying-off of about a third of the policemen themselves. One innovation was embraced by the department, while the other was challenged by the peace officers.

ENDNOTES

1. Butte Miner, January 17, 1918; ibid, January 21, 1918; ibid, January 28, 1918; ibid, May 3, 1918; ibid, May 7, 1918; ibid, June 2, 1918; ibid, June 5, 1918; ibid, June 17, 1918; ibid, January 9, 1919.
2. Butte Daily Post, April 12, 1917.
3. Butte Miner and Daily Post, January 1919-January 1921.
4. Butte Daily Bulletin, May 13, 1919; Daily Post, May 13, 1919.
5. Butte Daily Bulletin, ibid.
6. Ibid, May 22, 1919.
7. Ibid, March 25, 1919; ibid, March 28, 1919.
8. Ibid, March 25, 1919.
9. Coroners Inquest No. 8431. Clerk of Courts Office, Butte-Silver Bow County Courthouse. Butte, Montana; Butte Daily Bulletin, March 29, 1919.
10. Coroners Inquest, ibid; Butte Daily Bulletin, April 4, 1919. Daily Bulletin reporter Will Burt stated that Morrissey could not attend the proceedings because of the effects of a hang over.
11. Coroners Inquest, ibid.

- 12 Coroners Inquest, ibid.
- 13 Butte Daily Bulletin, April 21, 1919.
- 14 Butte Daily Post, April 7, 1919.
- 15 Butte Daily Bulletin, June 14, 1919; Miner, June 15, 1919; Daily Post, June 15, 1919.
- 16 Butte Daily Post, June 17, 1919.
- 17 Butte Daily Post, July 1, 1919; Daily Bulletin, July 1, 1919; Miner, July 2, 1919.
- 18 Butte Daily Post, July 7, 1919; ibid, July 17, 1919.
- 19 Butte Daily Bulletin, July 7, 1919.
- 20 Butte Miner, March 11, 1920; Daily Post, February 22, 1920; Criminal Index Nos. 5538 and 5539. Clerk of Courts Office, Butte-Silver Bow County Courthouse. Butte, Montana.
- 21 Writers Project of Montana. Copper Camp. (New York: Hastings House, 1943), pp. 178-179; James F. Richardson. Urban Police in the United States. (Port Washington, New York: Kennikat Press, 1974), p. 30; Robert A. Harvie and Larry V. Bishop. "Police Reform in Montana, 1890-1918," Montana: The Magazine of Western History, 33 (Spring, 1983), p. 56.
- 22 Butte Daily Post, February 22, 1920.
- 23 Butte Miner, March 5, 1920; ibid, March 7, 1920.

- 24 Butte Miner, March 16, 1920.
- 25 ibid, March 17, 1920.
- 26 ibid, April 14, 1920.
- 27 Ibid.
- 28 ibid, May 1, 1920; Daily Post, ibid.
- 29 ibid, April 30, 1920.
- 30 ibid, September 14, 1919.
- 31 ibid, May 29, 1920.
- 32 ibid. Larkin was well-known in Butte for his love of dog racing. Apparently, he also bred the dogs as well. (Conversation with Archivist John Hughes at the Butte-Silver Bow County Archives in Butte in April, 1984).
- 33 Butte Miner, August 17, 1920.
- 34 ibid, August 24, 1920.
- 35 Butte Daily Post, December 10, 1919.
- 36 ibid, January 4, 1920.
- 37 Butte Miner, April 4, 1920.

38

Ibid.

39

Ibid.

40

Butte Daily Post, August 14, 1916; Criminal Index No. 4387.

41

Butte Miner, May 7, 1920.

42

Ibid, May 9, 1920. All five men were convicted of first degree murder and received life sentences. Despite threats from Rotering, these men had nothing to lose by not testifying.

43

Ibid.

44

Ibid, September 30, 1918.

45

Ibid, May 9, 1918.

46

Ibid.

47

State vs Prlja. Montana Supreme Court Case No. 57MA461. State Law Library, Department of Justice. Helena, Montana.

48

Butte City Council Meeting Minutes, September 3, 1919. Butte-Silver Bow County Archives. Butte, Montana. The Butte city council voted unanimously to loan Prlja the \$500. There is no record of Stodden's opinion on the matter.

49

Butte City Council Meeting Minutes, January 1920-January, 1923; Butte City Directory. Prlja had left Butte by 1923.

- 50 Butte Miner, September 21, 1920.
- 51 Butte City Council Meeting Minutes, 1917-1923.
- 52 Butte Miner, June 9, 1916.
- 53 See Miner and Daily Post, January 1919-December 1920.
- 54 Butte Miner, June 9, 1920.
- 55 Butte Daily Bulletin, April 10, 1919.
- 56 Butte Miner, December 9, 1920.
- 57 ibid, December 7, 1920.
- 58 ibid, December 17, 1920.
- 59 ibid, December 19, 1920.
- 60 See Miner and Daily Post, January 1919-December 1920.
- 61 Butte Miner, May 6, 1920.
- 62 Butte Daily Bulletin, October 23, 1919.
- 63 Robert A. Harvie and Larry V. Bishop. "Police Reform in Montana, 1890-1918." Montana: The Magazine of Western History. 33 (Spring, 1983), p. 53.

Chapter 6

The Industrial Island's Cops

By the end of 1921, the Butte police department had undergone a number of major modifications in its technical, personnel and organizational structures. The police were no longer an outdated ineffective law enforcement agency. Beginning in late 1919, Stodden began the re-organization of the police department's hierarchy. He reduced the size of the executive branch, making it simpler and more efficient. He also expanded the size of the motorcycle and patrolcar unit and pared down the number of policemen pounding beats. All of these changes were done gradually and were not the result of adversity as had been the earlier reforms in Butte. In the two years he occupied the mayor's seat, Stodden was able to accomplish what his predecessors could not or would not attempt. The reform movement in Butte, however, ultimately failed, not because of police inefficiency, but because of the nature of the city's social environment. While the police modified their methods, so, too, did the Butte underworld in the face of political opposition.

With the removal of the hooligan element from the force in 1919 and 1920, Stodden tackled the organizational structure of the police department. His first, and most important, move was the amendment of the 1907 Montana

Metropolitan Police Law. By returning control of the police department to the mayor, Stodden hoped to eliminate much of the political patronage problems. (It is interesting to note that the creation of the law in 1907 was meant by lawmakers to do just the opposite). In light of continuing progressive legislation in Montana in general and Butte in particular, stronger restraints were placed on the mayor as well. The feared politicization of the police force was now more difficult and under tighter control--not from the city council, but from the state.¹ Even though great strides had been accomplished during Stodden's tenure, other local modifications in the police structure were necessary.

On May 28, 1919, Stodden announced his intention to reorganize the police department.² More budget conscious than socialist Duncan, Stodden felt this "retrenchment" the best way to modernize and professionalize the police force. His proposal included the lay-offs of all but thirty policemen and the expansion of the traffic division. Many of the older policemen were transferred to traffic control or promoted to the plainclothes department.³ In addition, the mayor re-introduced Duncan's controversial requirement for competency examinations.

In 1914, when the police were confronted by Duncan's threat of dismissal, the officers served an injunction against the mayor which successfully foiled his attempt to reform the department. In 1919, however, none of the controversy which surrounded Duncan's decision presented itself when Stodden announced the impending examinations:

A series of rigid physical tests to determine the fitness of police officers of the city of Butte, was announced Monday by Mayor Stodden. The mayor declared that in view of the reduced size of the force, it is vital that every member be as efficient as possible in order that maximum results be attained. A physician and two athletic instructors will conduct the examinations in the gymnasium of the Quartz Street firehouse The mayor stated that when the results of the tests are made known that those who fail to measure up to a standard will be dropped from the force and replaced with men able to perform their duties in a manner satisfactory to tax payers.⁴

The examinations were scheduled for August and September, 1919, but it is unknown whether they were given to the officers. Since Stodden was not a socialist and had made numerous positive changes in the department, it may explain the lack of police opposition to the mayor's plan.

Immediately after the cessation of hostilities in Europe and the signing of the Treaty of Versailles in 1919, America was economically prosperous. In Butte, however, the demand for copper slackened. The resulting slow-down in the economy also adversely affected the city of Butte's

finances. Citing a budget deficit, Stodden fired twenty policemen in January 1920. Since the reduction of the police force fell into Stodden's long range plans for the department, he wasted no time relieving men from their positions. The mayor did not anticipate the resulting unpopularity his move generated both with the public and the police.

Immediately after the firings, the first of the ex-policemen filed suit against the mayor and the city. A flood of lawsuits soon followed. Of the twenty policemen fired by Stodden in January, thirteen were returned to duty by December 31st, and three won their lawsuits.⁵ When the only other alternative available to many of these men was the dangerous work in the mines, it is not surprising that so many fought the mayor's decision, eventually regaining their jobs. Although most of those men returned to their former positions, some found themselves channeled into different areas. These included the training of more motorcycle and automobile patrolmen. The cop on the beat in Butte rapidly became a thing of the past.

On July 7, 1920, Stodden announced the re-organization of the Executive branch of the police department's heirarchy. Previously, the Chief, Captain, Lieutenant and

Chief of Detectives headed the police department. Stodden proposed to eliminate the offices of Captain and Lieutenant (in 1914, Duncan led a campaign to eliminate the Police Lieutenant's position, but the city council voted to retain it) and replace them with the Assistant Chief of Police. The Chief of Detectives would remain, but in a greatly reduced capacity.⁶ The re-organization met with opposition from the city council, but Stodden was able to push through the modifications despite their objections. This attempt at structural simplification was eagerly adopted by Chief Jere Murphy and put into effect in 1921.⁷ By late 1920, Stodden felt that he was ready to initiate the most sweeping change in the structure of the Butte police--the amendment of the 1907 Police Law.

With the passage of the amendment in 1921, the reformation of the Butte police department was nearly complete. By 1935, the Butte department had become totally mobile and no longer relied on the traditional neighborhood "cop" on the beat. This innovation literally removed the policeman from the influences which had so adversely affected him the past. By late 1920, the cases brought before the police commission dropped dramatically.⁸ One of the most detrimental aspects of the police disappeared in a

matter of years. Officers were no longer feared by the people they served, but now were removed from them.

The police played an important role in Butte's social and economic development. Although they retained many characteristics of a frontier police force, they provided a stabilizing influence in a tumultuous social environment. Neither a part of the society, nor totally excluded from it, they nevertheless contributed significantly to it. The Butte police provided much of the stability required for the profitable functioning of this "wide open town" environment. Through their shadowy connections with the Anaconda Company, the police also maintained an atmosphere of cooperation between the miners and the corporation, which frequently erupted into violence.

The Butte police symbolized oppression as much as law and order. They often enforced the policies of Anaconda at the expense of civil rights and, at least in one case, an innocent man's life. Evidence of Company influence in the affairs of the police department is evident in individual men and in major, and potentially serious, confrontations between the masses and the Company they served. Between 1914 and 1920 there were many such confrontations.

Several Butte policemen had strong connections with the Company. Perhaps the most visible of these men was Chief

Detective Ed Morrissey. During his tenure as Chief Detective from 1916 until the summer of 1919, many of Morrissey's actions suggest he was enforcing Anaconda policy as often as he did the State's laws. Several of his closest associates were reputed Company thugs and his final downfall came as a result of activities committed with the "gunmen."⁹ His opposition to the radical elements in Butte were well-known, as was his confrontations with the socialist and IWW strikers during labor strikes in 1917 and 1919.¹⁰ Morrissey's reputation was sealed by the mysterious death of his wife in March 1919 and his apparent contribution to her demise.¹¹ In 1919, activities perpetrated by men such as Morrissey warranted the mayor's campaign against police corruption. In February, 1922, Morrissey's frozen body was discovered by his brother in the same apartment in which his wife died. Although the murderer was never apprehended, his death, which resulted from a blow to the spine during a fight in a "speak-easy," seemed appropriate to the man's lifestyle and his view of law and order.¹²

By 1921, much of the influence Anaconda enjoyed in the police department was gone. With the passage of the 1921 amendment to the Metropolitan Police Law, control of the

police was taken away from the hands of the politically malleable city council and returned to the control of the State and mayor. This was an important step in the professionalization of the police department. While Anaconda may have retained some influence, it was not as dominant as previously. Butte was similar to many of the corporate-dominated communities in the East. This similarity included its citizens as well, many of whom correctly believed the police a to be legal-arm of the Corporations rather than a protector of civil rights. In Butte, the seething hostility of the miners came to a boil numerous times--oftentimes, however, in subtle benefit of the police.

When labor riots struck the Mining City in June, 1914, Chief Murphy kept his men away from the trouble for fear of wholesale bloodshed--with the police as the losers.¹³ By 1917, however, the police were in much more evidence around the picket lines and did not hesitate to use force when subduing troublesome strikers. With the murder of Frank Little, the public implicated the police in the murder. In 1920, however, the police were the cause of the problem, when three traffic cops became embroiled in a fight at an Anaconda Company mine.¹⁴ Although policemen were involved

in all three disturbances, each one shows an increase in the role th police played controlling them. This suggests, perhaps, that the popular concept of policemen as an oppressor was changing to one of social control.

After the violence of the 1914 riot, the Butte socialists began to make changes in the system which would, they hoped, prevent a recurrence of the events of that year. While they did not receive any widespread support from the police or the non-socialist members of the city council, alterations began to affect the department by 1916. By 1917, the police were able to effectively control the labor strike despite the violent threats of the IWW. By 1920, they successfully prevented a potentially explosive situation from erupting at an Anaconda mine. Much of their success can be attributed to the city's attempts at disassociating the police from the Company. Mayor Stodden's campaign against corruption and inefficiency helped foster a new feeling of professionalism and cooperation among the policemen and miners of Butte.

Mayor Stodden's campaign of progressive reform was part of a nationwide movement then sweeping the United States. Since the goal of progressivism included the re-establishment of a good moral atmosphere in the cities, it

necessarily included the police departments of those urban centers. The police, prior to 1900, were characterized as inefficient, politically susceptible, and corrupt. To effectively "clean up" the cities, the progressives believed, the police departments must be professionalized through technological innovations and the elimination of political patronage and corruption within the ranks. Then the police would be better able to eliminate the adverse social influences of gambling, drinking and vice. The police could then be used as social workers to insure an environment conducive to morality and security. In Butte, the progressive movement was only partially effective.

While Mayor Stodden was able to professionalize the police in Butte, he was unable to eradicate the red light district and make any appreciable progress in his fight against gambling and alcohol use, despite the enactment of Prohibition. On January 1, 1919, the police arrested no one for drunkenness, but on January 2nd, they made fifteen arrests, which was about normal before Prohibition on any given night.¹⁵ Although the police attempted to curtail gambling and drinking in Butte, evidence shows they were not very successful. In 1920, Stodden also made a concerted effort to close down the Twilight Zone. This also failed

because of the police's unwillingness to enforce the city ordinances regarding prostitution and the red light districts ability to modify itself (the prostitutes merely opened their doors onto the alleys while boarding up the front). In this respect, the progressive movement failed in Butte.

The history of the Butte police department is one of adversity and change. Many scholars of American police history comment on the stagnation of American police forces in the face of reform. In Boston, supposedly one of the most reform-oriented cities in the country, no effective change was made until 1916.¹⁵ Butte was also slow in changing. Despite the efforts of Lewis Duncan and the socialists, no effective and lasting change was made in the department until 1919. Duncan's democratic successors were content to make superficial changes in the department and seemed unwilling to tackle any of the serious problems involving the Butte police. Not even the lack of police interest and ability in investigating the death of Frank Little failed to galvanize the mayor and city council into questioning the methods and ability of the police department. Stodden initiated many of the needed changes in the department after his election in 1919.

Stodden succeeded in wiping out much of the Anaconda Company stigma rife in the department by dismissing many of the officers most closely associated with the Copper Giant. He also mobilized the department by putting many cops in patrolcars and on motorcycles. This innovation took the police out of direct contact with the community and isolated them from the people they protected. Traditional belief that higher pay made better policemen was also practiced by Stodden. By 1920, policemen in Butte made \$200 a month including injury and pension benefits. The result was a better standard of law enforcement and fewer officers appearing before the police commission. While his attempt to use the police as the arbiters of public morality failed, the city of Butte gained a better police department.

The Butte police department was unlike any other in Montana. The police in Bozeman and Miles City, for example, were still governed by small-town rural politics and thus were also unable to adopt all progressive tenants. The Butte police was controlled by men with experience in other large cities. What differentiates the Butte police from that of other Montana communities is the professionalism of many of the officers, the Big Business control of the department and the experience and sagacity of Chief of Police Jere Murphy.

ENDNOTES

1 Laws, Resolutions and Memorials of the State of Montana, Seventeenth Legislative Session, 1921. (Helena: State Publishing Co., 1921), pp. 389-392.

2 Butte City Council Meeting Minutes, May 28, 1919; Butte Miner, May 29, 1919; Butte Daily Post, May 29, 1919.

3 Butte Miner, ibid.

4 Butte Miner, July 22, 1919; ibid, August 8, 1919.

5 Butte Miner and Daily Post, May 31, 1919-December 31, 1920; Butte City Council Meeting Minutes, May 1919-December 1920.

6 Butte City Council Meeting Minutes, July 7, 1920; Butte Miner, July 8, 1920.

7 Butte Miner, July 23, 1919.

8 In 1920, there were only six cases brought before the police commission compared to thirteen in 1919 and over twenty-five in 1914.

9 Butte Daily Bulletin, March 25, 1919.

10 Butte Miner, July 7, 1917; Daily Bulletin, March 25, 1919; ibid, April 9, 1919.

11 Coroners Inquest No. 8852. Clerk of Courts Office, Butte-Silver Bow County Archives. Butte, Montana.

- 12 Butte Miner, September 23, 1914; Daily Post, ibid.
- 13 Butte Miner, August 25, 1917.
- 14 Butte Miner, April 25, 1920.
- 15 Police Day Books, 1918-1920. Butte-Silver Bow County Archives. Butte, Montana.
- 16 Eric Monkkonen. Police in Urban America, 1860-1920. (Cambridge: Cambridge University Press, 1981), p. 48.

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