Montana's "Boodlers": Montanans And The Aftermath Of The 1899 Senatorial Scandal

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MONTANA'S "BOODLERS":
MONTANANS AND THE AFTERMATH OF THE 1899 SENATORIAL SCANDAL

by

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Submitted in Partial Fulfillment of the Requirements for Graduation with Honors to the Department of History at Carroll College Helena, Montana

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This thesis for honors recognition has been approved for the Department of History.

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PREFACE

As a newsman, I have had to endure accusations at various times that I (meaning my profession) had fabricated scandals only to "get" those in government who had views different from my own. I have been amazed to note the number of times that wrongdoing has been uncovered, only to be greeted by a yawn from the general public.

Upon reading several accounts of a major scandal which took place at the turn of the century within the borders of my home state, Montana, I was curious to find out what the results of that event had been. Were the revelations met with disinterest at that time, too? Most importantly, I wanted to see if corrective action had been taken to prevent a repeat of the scandal.

I found that the Federal Constitution, as originally written, provided the opportunity for the bribery which took place in Montana's 1899 election of a United States senator. It mandated that a majority of state legislators in each legislature would elect the state's U. S. senator. If bribery were the intent, it was clearly much easier to buy a handful of state lawmakers, rather than a majority of the state's population. This fact, and a comparison of social and economic trends in Montana to those in the rest of the nation, make up the first chapter.

Subsequent chapters deal with the scandal itself. Chapter Two tells of a unique--and in some ways, brutal--"war" which led to the actual bribery by copper baron W. A. Clark of a large portion of Montana's
legislators. Chapter Three describes an incredible eighteen days, during which a majority of the state lawmakers one by one succumbed to the temptation of sudden wealth. The fourth chapter deals with the U. S. Senate's handling of the chicanery in Montana, which sent that body perhaps its richest member. The fifth chapter analyzes the impact that the scandal had upon the average Montanan. The concluding chapter looks at its national impacts and the part it played in changing the Federal Constitution to permit the direct election of U. S. senators and discusses the fate of W. A. Clark.

Even today, it is difficult to believe that up to a million dollars could have gone into the bribery of a Montana legislature. With inflation since the turn of the century taken into account, the same effort now would translate into millions of 1983 dollars.

I would like to thank Montana Historical Society Librarian Robert Clark and Reference Librarian David Walter for the very kind assistance that they provided while this project was in the research stage. I am especially grateful to Dr. Robert R. Swartout for serving as thesis director and for providing many suggestions for the improvement of it. I also appreciate the many hints provided by my classmates in Dr. Swartout's History Research Seminar. Lastly, my special thanks to my wife, Donna, for her encouragement and understanding during the many evenings and weekends that this thesis has taken.
CHAPTER I

FACTORS CONTRIBUTING TO

BRIBERY IN U.S. SENATORIAL ELECTIONS

In the late 1970s, the nation was shocked by revelations from the United States Department of Justice that an undercover agent for the Federal Bureau of Investigation, masquerading as an Arab Sheik, had bribed six members of Congress. Videotape had captured the lawmakers' promises to return favors for cash. When the dust settled, all the accused had resigned, were expelled, or had lost reelection bids. By winter of 1982, all were facing prison terms and the government was still trying to get back a half million dollars doled out in bribes.\(^1\)

Just before the turn of the century, the nation was stunned by a bribery scandal in Montana involving probably twice that amount of money. However, a lawmaker was not the bribe taker. Instead, a would-be United States senator, copper magnate W. A. Clark, supplied the bribes.\(^2\)

Bribery had long been associated with electing U. S. Senators for two reasons. First, the Federal Constitution itself made the practice tempting by requiring that U. S. Senators be elected by a majority of legislators in their states' assemblies. Money had to sway only a few state lawmakers and not a majority of the state's population. Second, as America emerged from the Civil War to become an industrial power, there arose an admiration for, and an acceptance of, the successes of those who acquired vast fortunes in industry, oil, mining and railroads. Not only
did they provide jobs for millions of others, but they held out the hope that, with hard work, any American could exchange his rags for riches.  

The Federal Constitution, until it was changed by the 17th Amendment in 1913, called for the election of a U. S. senator by a majority of legislators in his state's legislative assembly. Balloting was to take place daily in the joint session of the legislature until one candidate received a majority of votes. Today, of course, we are struck by the ease with which one might bribe his way into the U. S. Senate. Members of the House might find it impossible to bribe a sufficient number of voters in a congressional district, but an ambitious senatorial candidate need influence only a comparative handful of votes to achieve his goal. Almost from the start -- in 1789 -- the temptation for bribery was there.

It was not until the U. S. Senate Committee on Privileges and Elections was appointed on March 10, 1871, that the body, itself, became involved in the investigation of charges that shady methods were used to gain seats in the U. S. Senate. Between 1871 and the adoption of the 17th Amendment in 1913, the committee reported on its investigations of thirty such charges to the full Senate. In addition to Montana's case in 1899, ten other charges of bribery were investigated. In those ten cases, the U. S. Senate found insufficient grounds for removal of the accused. The body found it necessary to expel only eleven of its members for various other crimes between 1797 and 1873 (not including Mississippi Senator Jefferson Davis and his colleagues from the South and border states in 1861 at the start of the Civil War).

Nearly everyone who attempted bribery to obtain a U. S. Senate seat was dealt with by his home state; thus the Senate rarely became involved. Even as Montana made its selection in January of 1899, accusations
of bribery were flying around the legislative halls of Pennsylvania, West Virginia, Nebraska, Nevada and California. None, however, even approached the scope alleged in Montana.

Just a decade old, the Treasure State was a microcosm of what was taking place nationally in economic, as well as, political terms. Across the United States, massive fortunes were being made by men of humble beginnings. Brought to America from Scotland by his impoverished parents in 1848, Andrew Carnegie went to work as a bobbin boy in a textile mill for $1.20 a week. By the turn of the century, he controlled the production of one-fourth of the nation's steel--from the mine to the finished product. The "Napoleon of the Smokestacks" earned a staggering $25 million a year. It was not until the 1840s that the word "millionaire" was coined. By the end of the century, the names Morgan, Vanderbilt, Rockefeller and Carnegie were as familiar as that of the current President. With the enormous increase in the wealth of the republic came a sharp rise in the standard of living for the average worker. He enjoyed far more physical comforts than his counterparts in most other nations. He and the thousands who migrated to these shores to work in American industry were encouraged by the hope that they, too, might strike it rich. For this reason, criticism of the unscrupulous industrial baron was often muted. He could build his empire in the "Gilded Age" with little to hamper him.

In Montana, incredible wealth came to just a few--mainly through the mining of a newly-valuable ore called copper. The entrepreneurs gained the power to mold the new state's government into an image that would serve their own interests. This was reflected in the 1889 state constitution which they authored. They saw to it that state coffers received only a pittance in taxes of the wealth extracted from beneath Montana's soil.
Their great wealth kept these men above the reach of the law. There was
grudging admiration for these men and gratitude from many for the jobs
that were provided.

The growth of the new class of wealth in the United States was not
uniformly heralded, however. Many saw a danger in the concentration of
wealth into the hands of a few—especially the powerful trusts. Others
were appalled at the dehumanization of the worker. Those on the land grew
increasingly resentful of the railroads and the excessive rates that they
charged to move farm products. From many quarters, the chorus grew for
reforms. They came to be known as "Populists" and one of the key planks
of the platform that they authored called for the direct election of
United States senators by popular vote.¹⁰

Of Montana's scandal, these questions remain: Was the average
Montanan shocked by happenings in Helena? Were the bribegivers and takers
punished or driven into oblivion? And the key question: Although isolated
from the rest of America, did sparsely-populated Montana, far out in the
frontier, ultimately help to hasten the direct election of U. S. senators?
NOTES


5 U. S. Congress, Senate, Compilations of Senate Election Cases from 1789 to 1913 S. Doc. 1036, 62nd Cong., 3rd sess., 1912, pp. xxvii, 1217.


9 Montana, Constitution (1899), art. 12, sec. 3.

CHAPTER II

THE "WAR" THAT LED TO A SCANDAL

The election of 1899 must be viewed as just one battle in Montana's celebrated "War of the Copper Kings," a feud between the state's two wealthiest men. No one is sure just how the war began, although there are a number of theories. The participants were men of enormous wealth, power and ambition.

Irish Catholic immigrant Marcus Daly arrived in Butte after learning the mining business in California and Nevada. He was the first to recognize the future of copper in Montana and founded the Anaconda Copper Company, which grew into a force that dominated the state's economic and political life for decades to follow. Daly was down-to-earth and well-liked by his workers and community.

His archnemesis, William Andrews Clark, presented a stark contrast. The slight, aloof and brilliant son of a Presbyterian elder, Clark had moved to Montana's gold strike at Bannack after teaching school in Missouri and having a try at gold mining in Colorado. He amassed a staggering fortune in mining, banking, ranching and other business ventures. He developed a love for art and travel, spending enough time abroad to earn the nickname, "The Paris Millionaire." Clark, Daly, former territorial Governor Samuel T. Hauser, and Helena transportation magnate Charles Broadwater were known as "The Big Four" of Montana's Democratic Party as the feud began.
The War of the Copper Kings raged mainly in the Butte-Anaconda, Deer Lodge and Helena areas, though it occasionally rumbled throughout Montana. Their cannons were the newspapers that they owned or bribed. After Clark established his Butte Miner, Daly laid out five million dollars to build the Anaconda Standard in the city that he had founded at the site of his copper smelter. At one time, the Standard boasted more linotypes in operation than any Manhatten daily and even produced its own four-page comic section. In deference to the immigrant miners who could not read English, each paper employed cartoonists to graphically portray the stands of their bosses. It was the beginning of a long period of corporate domination of the press in Montana.

Marcus Daly professed no personal political ambition, other than to see his beloved Anaconda become the capital of the new "Treasure State." W. A. Clark, on the other hand, had achieved all his goals in the business world and found himself with one remaining personal ambition: to serve Montana in the nation's capital. The Clark-Daly feud is traced to his first attempt.

The highest elective office in any territory was that of delegate to Congress. In 1888, the Democrats nominated Clark, who should have been an easy winner over his Republican opponent, the little-known, goateed Thomas H. Carter. In order to satisfy the enormous needs for timber in the mining of copper, Marcus Daly was illegally logging unsurveyed public timber lands for his mining operations. In fact, he and his associates faced charges in Federal Court for doing so, and Daly felt that the newly-elected Republican administration of Benjamin Harrison would be more sympathetic to his continuing to
do so. He thus delivered Silver Bow and Deer Lodge counties to the
GOP, resulting in a stunning win for Carter. Clark realized what
had happened and the war was on.

The following year, W. A. Clark received high marks when he
served as chairman of Montana's state Constitutional Convention.
Delegates from all parts of the state were impressed by his fairness
and administrative abilities, as a new constitution was hammered
out for the infant state. ⁵

Montana's first state legislature met in 1889, with an even
number of Republicans and Democrats in each house. Because of the
deadlock, each caucus chose its own slate of U. S. senators: party
stalwart and former vigilante hero Wilbur Fisk Sanders and Helena
entrepreneur Thomas C. Powers for the GOP, and Martin Maginnis and
W. A. Clark for the Democrats. All four travelled to Washington,
D. C., where the U. S. Senate, with a narrow Republican majority,
made the expected decision on which slate would be seated. Clark
watched with deep disappointment from the Senate gallery as the body
decided upon Sanders and Powers. ⁶

Clark's next opportunity to go to Washington came in 1893,
with the end of the abbreviated Senate term of Wilbur Fisk Sanders.
When support for Sanders dwindled during balloting in the legislature,
Democrats switched their support to ex-Congressman William Wirt
Dixon, Daly's chief attorney instead of to Clark. Despite bribery
on both sides, eight Daly Democrats stood fast. With two thousand
spectators milling around the capitol, Clark---acceptance speech in
hand---watched in humiliation as he fell three votes shy of victory. ⁷
The U. S. senatorial election became a stalemate so Republican
Governor John Rickards had the option of calling the legislature back into session when it adjourned and holding it in session until a decision on a senator was reached. He chose instead to make the appointment himself after the lawmakers had gone home. He named the Republican mayor of Butte, Lee Mantle to the post. However, the U. S. Senate refused to seat Mantle, so, for two years, Montana was served by only one United States senator.

In 1895, there were two seats in the Senate to be filled by the Montana legislature: that of T. C. Power and the one left vacant by the Mantle incident. Republicans had been victorious in that election because of a depression which had been blamed on the Democratic administration of Grover Cleveland. As a result, a Republican legislature sent Mantle and Power to the U. S. Senate. Clark's dream would have to be postponed.

It was his turn to win a political battle, however, and he won a big one in 1894. The election of 1892 had narrowed the field of contending cities for the state's new capital to two sites, Helena and Anaconda, with the selection to be made by the voters two years later. Copper money made its way to every corner of the state to influence votes. Daly pulled all stops to have the seat of government located in his smelter city. While Clark lived in Butte, he wisely had business dealings in other cities as well, including Helena. Daly later testified that his side had laid out about $450,000 for the campaign, while Clark estimated his expenditures at about a million. When the votes were counted, Helena was the winner by a slim margin of 1,906 votes, with 52,142 Montanans casting ballots. The victory was a huge triumph for W. A. Clark.
As Clark's train pulled into Helena on election night, it was met by an enormous crowd of cheering residents, who then hauled his carriage by hand through the streets of the new capital city to a colorful bonfire rally, where he delivered a rousing speech. Clark then picked up the $30,000 tab for a city-wide night of revelry. Helena would be forever grateful.9

With no U. S. Senate terms ending in 1896, there was a comparative lull in the war, while both sides geared up for the important election of 1898, when the abbreviated term of Lee Mantle ended. Clark had intended to devote his attention to business, when, just two weeks prior to the start of the '98 election campaign, he was prevailed upon by close business associates to run again for the U. S. Senate. He finally agreed, and not only pledged $100,000, but said he would "lead the fight for the integrity of the Democratic Party" against a fusion put together by allies of Daly, Populist Governor Robert B. Smith, and Republican Lee Mantle.10

It was an election marred by violence. In Butte's Precinct 8 polling place, two armed men broke in as votes were being counted in the early morning of 9 November. Following a scuffle, election judge John Daly was killed and another man was seriously wounded. Since the ballot box was presumed to contain mostly votes for Daly candidates, it was widely believed that the box, and not money, was the reason for the holdup. Naturally Clark was blamed, though no one was ever brought to justice for the crime. Clark had waged a desperate fight, but came away from the election with only 43 votes in the legislature--well short of the margin needed for victory.11

Undaunted, the copper baron mobilized a massive effort in the two
months between the election and the legislative session to add votes to that total.
NOTES


5 Ibid., p. 96.

6 Malone, Battle for Butte, p. 91.

7 Ibid., p. 97.

8 Ibid., p. 98.

9 Ibid., pp. 98-104.

10 Ibid., p. 112.

11 Connolly, Devil Learns to Vote, p. 124.
CHAPTER III

THE BUYING OF A LEGISLATURE

The Sixth Montana Legislative Assembly numbered twenty-four senators and seventy representatives. Seventeen senators and fifty-seven house members were Democrats, six senators and nine representatives were "gold" Republicans, four members of the house were "silver" Republicans, and one senator was a Populist. Traditional Republicans believed in gold only to back the nation's currency, while "silver" Republicans clung to the hope that the government would also buy silver at the rate of sixteen silver dollars to each gold dollar for currency backing.

Even before the legislature convened, rumors were rampant of bribes being offered for votes. No single candidate could count on a majority, even in his own party, during the daily balloting by legislators. The bribe money was called "boodle", a reference to the ill-gotten gain of pirates. Hamilton attorney and state senator-elect H. L. Myers received a letter from Clark's slender and pallid twenty-six-year-old son, Charlie, and a visit from Clark lieutenant W. M. Bickford. They promised a "good position at a handsome salary on his [Clark's] staff of attorneys for years to come if I [Myers] would vote for him. . . ." Myers refused.

Another senator-elect, D. G. Warner, secretly sold lots that he had owned in Boulder to Charlie for $7,500, explaining, "if it became known that a wealthy man like Charlie Clark was buying lots
in Boulder, there would be such a demand for desirable real estate that he would not be able to buy any more property without paying a fabulous price." Warner had borrowed five hundred dollars from the Bank of Boulder a month before the legislature convened on 8 January. A week after the sale of his lots and a month after his loan from the bank, he deposited $8,000 and paid off his note of $500.³

Daly's Anaconda Standard noted on 10 January: "Some members of the legislature have pledged their votes in return for contingent offers . . . grist mills, cord wood, a little cash down and a contract at so much a month to manage certain property . . . other ways votes were paid for."⁴ Newspaper publishers were bribed, or bought out if they refused to accept.

W. A. Clark set up his headquarters for the session in a suite of rooms in the Helena Hotel. In flanking quarters were his able and likeable attorney, John B. Wellcome, and son Charlie. The most persistent rumor was that Clark would lay out a million dollars to get elected to the United States Senate, and that a legislator could make an easy $10,000 by casting his vote for Clark. There is little doubt that the magnate could afford it. Just one of his copper mines was bringing him nearly a million dollars a month.⁵ Attorney Wellcome was quoted as saying, "Every man who votes for Clark is to be paid and the man who votes for him without being paid is a fool."⁶ A quote from Charlie underscored the determination of the Clark effort: "We'll send the old man to the Senate or to the poor house!"⁷

Lawmakers received seventy-five dollars a month for the sixty-day session, plus ten cents a mile for travel to Helena. It was a great hardship for many of them to serve, often leaving behind a
family to care for livestock or a business. The temptation that they faced in January of 1899 was indeed awesome.

As the new legislature got underway, persistent rumors of bribery prompted the selection of a joint committee of lawmakers to investigate them. The rumors also spurred to action the newly-elected Democratic senator from Flathead County, thirty-six-year-old Fred Whiteside. A frequent supporter of Clark over the years, including the fight over the capital's location, Whiteside had been a member of the Montana House of Representatives in 1896. At that time, he spearheaded an investigation into rumors of corruption surrounding the construction of Montana's new capitol building. In 1898, he was elected to the Montana Senate by a one-vote margin, with his Republican opponent, J. H. Geiger, still protesting the outcome. The disputed election was referred to the state Senate Committee on Privileges and Elections, where Clark forces held a majority. Clark "continued to entrust Whiteside with information of the most damming kind," despite suspicions in the Clark camp that Whiteside was about to betray them to the joint committee.

In his autobiography, Whiteside described his effort to upset the boodlers. He agreed to take $30,000--mostly in thousand dollar bills--from Wellcome for himself and two other senators who shared his concern: H. L. Myers of Ravalli County and William A. Clark of Madison County (not to be confused with the man offering the bribes). Afraid to carry the money around, Whiteside put $10,000 into each of three envelopes. Then he and the other two lawmakers each took one and initialled it, after which Whiteside placed the envelopes in a safety deposit box in Helena's Union Trust Company.
Besides W. A. Clark, only W. G. Conrad of Great Falls, a Democrat, was given any chance of winning the U. S. Senate seat, although there were as many as eight in the running at different times. The first eight days of the legislature passed without incident. On the Sunday preceding the start of balloting for senator, the Clark leaders gave a banquet at which they announced that they had secured fifty-four votes--more than a majority--for a victory on the first ballot. 11

On the day that he was to testify before the joint committee, Whiteside removed the envelopes from the safety deposit box and tacked them to the bottoms of the drawers of his Placer Hotel dresser. Believing Clark managers were getting suspicious of what he might say, the senator put a pistol into each pocket of a light overcoat and kept an appointment with attorney Wellcome in a small room of the Clark-sponsored Helena Independent newspaper office.

Wellcome came right to the point: "Whiteside, we have heard that you are going to turn over thirty thousand dollars to the joint committee. . . . You know that we can't afford to allow this to go on and we are willing to make any reasonable or even unreasonable deal with you to prevent it." He went on to say that he would give Whiteside ten times the amount, if he would only turn over the $30,000 in the initialled envelopes. Wellcome slowly turned a bundle in his hands as he talked--a bundle presumably containing the $300,000. The senator asked for time, noting that he could not get to the bank until morning anyhow. Then he added, "You can hold the key to the lock box until we meet at the bank." The attorney accepted the key and allowed Whiteside to leave. The lawmaker rushed to his hotel, phoned the
chairman of the joint committee, and made an appointment to meet the committee at a friend's house, where they worked through the night taking testimony. Two of the committee members then accompanied Whiteside to his hotel room, where he turned over the envelopes containing the money.12

The committee filed its report during the balloting of the joint assembly on 10 January. A clerk held the money aloft, then counted it before the stunned assembly. Whiteside later recalled that it "fell like a bombshell."13 The following morning, the Anaconda Standard reported, "... both bribe givers and bribe takers were panic stricken ..." by the revelation.14 That same day, Clark's Butte Miner claimed the $30,000 was Daly money!15 Whiteside then delivered a stirring speech, condemning the "curse of bribery upon this state," and noting that his life had been threatened, he continued, "but I defy the men who have made the threat; for, when weighed against honesty and honor, life has no value; and if this be the last act of my life, it is worth its price to the people of this state."16

The senator had momentarily derailed the Clark locomotive. Of the ninety-four legislators, only seven dared vote for Clark on the first ballot. Clark forces soon recovered from their fright, however, and the next seventeen days were indescribable as they reassembled their machine.

Two other significant developments occurred on 10 January. First, a grand jury was called by the Lewis and Clark county attorney to investigate the Whiteside allegations for criminal activity. Second, a majority of Clark Democrats on the Senate Committee on
Elections and Privileges went to work on the disputed election of Senator Fred Whiteside.\footnote{17}

The Clark effort then moved in three directions: to continue the bribery of legislators, to bribe opponents of Clark's in the race to step aside, and to pay lawmakers to be away from the legislature when the votes were taken. Of course, fewer present would mean a smaller majority would be needed. One who "took a walk" under such circumstances was the Republican Representative H. H. Garr of Flathead County, claiming an illness in his family back in Columbia Falls. The Anaconda Standard dutifully reported, "Tonight, a telegram was received from Judge Smith at Kalispell stating that no member of Garr's family was ill.\footnote{18}

At one point, Clark even claimed to be a Republican! That came about when U. S. Senator Thomas Carter spent five days in Helena at the start of the session "industriously assuring the people that the fifteen Republicans must not, would not, could not, and should not vote for any man for the U. S. Senate who is not a good McKinley Republican." During the visit, he met with W. A. Clark at the Montana Club where, "... Mr. Clark took up the charge that he is a Democrat and successfully proved it to be utterly without foundation. Even if he was a Democrat years ago, it should not be flung in his face after he tried so hard last fall to elect ... gold Republicans.\footnote{19}

The city of Helena virtually became a circus during the daily balloting for United States senator. A young Dalyite attorney-turned-writer, Christopher Connolly, wrote:

The women of the capital--the best of them--carried on the crusade for Clark in their drawing-rooms and at their dinner tables. ... The business men of Helena became
almost a unit in declaring that bribery was a necessity, and in defending it. Hundreds of school children might be seen wearing Clark badges. The man who stood out against bribes found that his old friends stood aloof from him. . . .

The morning salutation of everyone was: "What's the price of votes today?" In the minds of most Helenans, Clark was justified in using all means necessary to break the growing stranglehold that Daly and his Anaconda Copper Company had on Montana.

Governor Robert B. Smith was appalled by the rumors of bribery and so stated to one Helena man, who told the chief executive it would be best if a governor did not get involved. Smith said, however, that he would resign before remaining silent. There was some concern that the governor might be attacked physically, but the Standard was reassuring "... the governor is a powerful man and fully prepared for any emergency." The house gallery was packed each day as the vote of the joint session was taken. Switches to Clark were greeted by cheers from supporters and boos and cat-calls from opponents. Whiteside claimed by that time that he "had been approached by agents of all senatorial candidates, but that representatives of Clark were the only ones to offer . . . money." To test the validity of the bribery rumors, House Chaplain B. E. H. Warren, the Methodist pastor of East Helena, approached W. A. Clark with word that a friend in the legislature wanted to know if his vote was worth $10,000. Clark told the preacher that he was interested, but that a subordinate could be contacted to make the deal. That day, the chaplain's prayer sought "strength and wisdom for the members of this body in view of the many and grave temptations with which they are beset."
The initial front runner in the balloting was a Great Falls Democrat who had Daly's support, W. G. Conrad. His lead shrank from thirty-eight votes on the second ballot to thirty-three on 21 January, when Clark pulled even with him. Five days later, two events occurred which paved the way for a Clark victory. The grand jury of Helena men, which had been called to investigate the charges of bribery, determined that, despite the $30,000 turned over by Whiteside, they did not find enough evidence to make a criminal case. According to the rumor mill, jury members received the same bribery offers as those directed toward lawmakers. The jurors received a scathing denunciation from Attorney General C. B. Nolan, who had assisted the county attorney during the investigation. Also on that date, the Senate adopted a committee report recommending the unseating of Senator Fred Whiteside. He had come to Helena because ballots contained the marks of an "x" after his name instead of before as they should have been. The committee threw out those ballots, giving the election to Whiteside's GOP opponent, J. H. Geiger. The defrocked lawmaker's parting shot was perhaps the most memorable speech ever delivered to a Montana legislature. "Let us clink glasses and drink to crime," he declared. Then to those who had sold out, he concluded "... I would suggest that their explanations would be much more clear and to the point if they would just get up and tell us the price and sit down." (See Appendix A) A bronze plaque under Montana's capitol rotunda today honors Fred Whiteside for his courage. He appears to be a man of exceptional daring and worthy of the honor. During the legislature of 1899, he was both praised and vilified by newspapers in every part of the state.
At one point, Clark's Butte Miner referred to him as a "self-confessed criminal," and as proof went on to quote Section 195 of the Penal Code of Montana: "Every member of either of the houses composing the legislative assembly of this state who asks, receives, or agrees to receive any bribe . . ." (as Whiteside had done) was to be punished. It continued that such activity " . . . is punishable by imprisonment. . . ." The paper was technically correct. In order to get the goods on the boodlers, Whiteside had become a part of the criminal activity himself. Still a mystery is why he avoided seeking help through appropriate law enforcement channels--including a very sympathetic attorney general--and took up the task alone, vigilante style.

W. A. Clark was then six votes shy of victory with no prospect of convincing Daly Democrats to switch. Republican newspapers had, throughout the ordeal, encouraged the fifteen GOP lawmakers to stand fast for a Republican. Clark had to have that bloc to win. To the satisfaction of some Republicans, Clark promised, if he were elected, to support higher tariffs on farm imports to protect Montana's agriculture. On 21 January, a Republican caucus ran well into the night and ended with the decision to continue to vote Republican, regardless of the hopelessness of any GOP senatorial candidate's chances. Later that evening, they turned a deaf ear to pleas from prominent Helena Republican businessmen to vote for Clark. On the morning of 28 January, still another secret caucus was held, during which each Republican was asked pointblank how he intended to vote that day. Eleven lawmakers, led by caucus chairman Simeon S. Hobson, the senator from Fergus County, refused to comment and filed out.

The gallery was packed, the atmosphere electric, as the vote
of the joint session was taken that day. The pressure for more than two weeks had been almost unbearable as Clark added more votes to his total. As later testimony would reveal, the price he paid climbed to $20,000, with $50,000 offered for at least one. The copper baron himself visibly showed the signs of the strain.

In the joint session of 28 January, the lawmakers called out their choices to the accompaniment of cheers and boos--even shouts of the amounts of the bribes--from the highly partisan spectators in the gallery. In many cases, there were no surprises. The votes of some had not changed in many days. Republican Senator John Geiger, who had replaced Whiteside, voted for Clark, he said, "with hands clean." There was laughter as he turned his pockets inside out. Custer County Senator J. R. McKay voted Republican, to shouts from the gallery of, "Praise God!" Three other Republicans did the same. There was a gasp as respected Democrat Miles Finlen, a representative from Silver Bow County, called out "Clark!" As the roar subsided, he added, "of Madison County!" prompting peals of laughter. Representative H. R. Marcyes was one of several who read or referred to petitions from home which asked for an end to the deadlock and the prompt selection of any good man for U. S. senator. The Custer County Republican then voted for Clark. Lofty E. D. Matts of Deer Lodge County stood to say that he was "proud to wear the Copper Collar," the term given supporters of Daly and his company. He then voted for Conrad.

When it was all over, with only Representative H. C. Stiff of Missoula absent, fourteen senators and forty house members had voted for W. A. Clark--far above the majority that he had needed. The next morning, the Anaconda Standard termed the pandemonium which followed
the vote "Clarkophobia," as Helena joined in a celebration reminiscent of the one which followed the capital victory. The $30,000 he spent for it was a tiny fraction of the $431,000 that Clark laid out for forty-seven votes in the legislature (according to the Dalyites).

A check of all available newspapers serving the towns of those who voted for Clark showed reactions varying from jubilation, through apathy, to dismay. The Lewistown Democrat headlined: "Montana will now be creditably represented by an able and honest man." The Madisonian in Virginia City appeared oblivious to what had taken place: "The session was unattended by any unusual features." In Glendive, the Dawson County Review was appalled: "The whole state of Montana stands aghast. Her honor has been betrayed to the fiendish passions of mammon." In the eyes of many, Clark's antagonist was the real danger to the state and the Montanian at Choteau mirrored that view: "The senatorial vote Saturday was fatal to Boss Daly's rule. . . ." The Winston Prospector reserved its venom, however, for the new senator: "William Andrews Clark has proved himself to be one of the most consummate criminals on record, a political prostitute. . . ." Thanks to the bolt of the eleven Republicans, there was enough shame within each party to forego criticism of the opposition. The Democratic Party had been torn asunder by the scandal, while Republicans could only point with pride to the four who stood fast: Senators J. R. McKay of Custer County and Tyler Worden of Missoula County and Representatives William Lindsay of Dawson County and W. A. Hedges of Fergus County. Several Republican papers followed the lead of the Billings Gazette and ran the names of the four in boxes variously titled, "The Roll of Honor." The Gazette even published a black-bordered box,
similar to an obituary notice, which contained the names of the eleven who sold out. That box was headed: "The Black List." The Billings newspaper claimed that those Republicans who had voted for Clark "are disgraced and should be evermore shunned by all honest citizens."40 Several papers carried the scorching denunciation of the betrayal, delivered by the grand old man of the Grand Old Party, Wilbur Fisk Sanders. Also reprinted was the text of a telegram from a judge to the legislature: "Thank God there are four white spots in the Republican mud."41 Of the four who did not bend, the 30 January Great Falls Leader gushed: "They stood like statues of Greek gods carved from purest marble and ... showed themselves to be beyond the blandishments of wealth."42 Unfortunately, the newspapers of that time did not carry the readers' forums that we find in papers today, so we are deprived of the true feelings of the average Montanan about the scandal.

As W. A. Clark prepared to journey to Washington, D. C. and his long-coveted Senate seat, he would be pursued by a well-organized effort to deny it to him.
NOTES


3Ibid., pp. 136-7.

4Anaconda Standard, 10 January 1899, p. 1.


7Connolly, Devil Learns to Vote, p. 125.

8Malone, Battle for Butte, p. 114.


11Connolly, Devil Learns to Vote, p. 138.

12Whiteside, Three Hundred Grand, pp. 76-7.

13Ibid., p. 78.


16Helena Herald, 10 January 1899.


20 Connolly, Devil Learns to Vote, p. 144.
22 Connolly, Devil Learns to Vote, p. 144.
23 Ibid., p. 152.
24 Malone, Battle for Butte, p. 118.
29 Anaconda Standard, 21 January 1899.
30 Connolly, Devil Learns to Vote, pp. 160-1.
31 Malone, Battle for Butte, p. 117.
33 Ibid., p. 2.
35 Lewistown Democrat, 3 February 1899.
36 Virginia City Madisonian, 3 February 1899.
37 Glendive Dawson County Review, 2 February 1899.
38 Choteau Montanian, 3 February 1899.
39 Winston Prospector, 26 January 1899.
40 Billings Gazette, 31 January 1899.
42 Great Falls Leader, 30 January 1899.
CHAPTER IV

THE CHANDLER HEARING:
THE RESIGNATION AND REAPPOINTMENT OF W. A. CLARK

Prior to his departure for the nation's capital and his new job, W. A. Clark addressed a rousing victory rally in Butte. He again claimed that he had been vindicated in his election and that his enemies had sunk to "treachery, falsehood, deceit, diabolical conspiracy and almost every crime within the calendar of crime."1 Those charges were aimed most directly at the ousted Flathead County senator, Fred Whiteside, and the "copper-collared" representative from Deer Lodge County, E. D. Matts. Even before the speech, they had announced the intention of the Daly organization to prevent the seating of Clark in the U. S. Senate.

Whiteside filed libel suits against the Butte Miner and the Helena Independent, mostly to gather evidence to be used in the effort to topple Clark. The seating of the copper baron was further clouded by a motion by Whiteside before the state Supreme Court to disbar Clark's attorney, John B. Wellcome, on charges that the lawyer had bribed eight legislators. (By this time, enemies had come to refer to him as John "Boodler" Wellcome.) Pro-Daly Attorney General C. B. Nolan urged the three justices to hear the case. This was due to the fact that Wellcome, by testifying before the grand jury, could not be prosecuted in a lower court.2

Efforts were made to bribe the members of the high court not to disbar Wellcome. Chief Justice Theodore Brantly was strongly encouraged
in that direction by a minister who served as the president of a school in Great Falls where both Clark and Brantly served as trustees. Clark attorney Frank Corbett discussed the disbarment with Justice William Pigott, but no direct offer of a bribe was made. A Republican ally of Clark's, Doctor William Treacy, was the farthest off base in the effort to save Wellcome. He promised his ailing patient, Justice William Hunt, that, for the dismissal of the disbarment matter, friends of Wellcome would come up with $100,000 for the judge. The physician also promised the attorney general a like amount on three separate occasions to dismiss the proceedings." To their great credit, the justices did their duty and Wellcome took his medicine from the Montana Supreme Court without ever implicating his boss." The Wellcome disbarment would not be helpful as Clark began his fight in the Senate to retain his seat.

W. A. Clark assumed his new duties in Washington on 4 December 1899. Thanks to petitions from anti-Clark members of the legislature and the governor, which included charges and evidence of the bribery which had taken place, the matter was referred three days later to the Senate Committee on Privileges and Elections. It was chaired by the headstrong Republican Senator William E. Chandler of New Hampshire, who had either developed an immediate dislike for Clark, or drew his impression of the new Montana senator from what he had read of the scandal beforehand. With few exceptions, the nation's press had held the bribery incident--and the state of Montana--up to ridicule. The most memorable offering, perhaps, was a front page cartoon in the Saint Paul Dispatch, which showed a bundle of thousand-dollar bills. Its caption read: "The kind of bill most often introduced in the legislature
of Montana.\textsuperscript{5}

The Chandler committee subpoenaed an impressive parade of ninety-six witnesses from every part of Montana. For many, it was the first visit to the nation's capital, but the terror of facing the tough questioning of Chandler and his fellow-committee member Senator George Hoar of Massachusetts, made it anything but a pleasure trip. The star witnesses, of course, were the cool and articulate Clark and his arch-foe, Marcus Daly. Daly had been extremely ill and could testify for only brief periods. Their testimony revealed ample wrongdoing on both sides. The committee was shocked at the wholesale purchase of newspapers by both men in their effort to control the public opinion in Montana. A Daly man admitted breaking into the quarters of Clark-agent Walter Bickford and the unlawful opening of Bickford's mail. However, it was the repeated testimony of bribed legislators, chronicling the systematic purchase of a legislature, which really turned the tide of sentiment against the new senator.\textsuperscript{6}

Ravalli County Senator H. L. Myers described his refusal of a position on the Clark legal staff, which had been made by Charlie before the session got underway. An employee of Charlie, E. L. Whitmore, told of his purchase of lots in Boulder at fabulously-inflated prices from Senator D. G. Warner of Jefferson County. Warner had departed Montana for California and was not located to testify. Missoula Representative H. W. McLaughlin admitted selling out in one of the more complicated schemes. Clark paid nearly $25,000 for McLaughlin's woodlot and sawmills. More than $8,000 of that amount came in the form of shares in a Clark lumber company; McLaughlin was to become the agent for the company at two hundred dollars a month when the legislature ended.
Clark cancelled a debt for $7,000 owed by Representative E. P. Woods of Stevensville. Three Broadwater County legislators who switched to W. A. Clark during the balloting for U. S. Senator, Representatives W. C. Eversole and Michael Shovlin and Senator W. E. Tierney, received a total of $25,000 to cover indebtedness that they had incurred in businesses that they operated together. Flathead County Representative H. H. Garr had borrowed twenty-five dollars to get to the legislature. After the session, he paid $3,500 cash for a ranch. The senator who had replaced Whiteside, John H. Geiger, had no regular occupation, yet returned to Kalispell with $3,600 cash. He said he found $1,100 in his room and won the rest playing faro. A thirty-year-old railroad conductor from nearby Columbia Falls, Republican Stephen Bywater, brought $15,000 home from the legislature, most of which he claimed had come from his brother for the purchase of a mining company in British Columbia. He had not voted for Clark until the eighteenth ballot. A Northern Pacific passenger train conductor from Glendive, Senator Thomas P. Cullen was also promised $15,000 to vote for Clark. Or he had the choice of taking $10,000 and the promise of a permanent position on the new San Pedro, Los Angeles and Salt Lake Railroad, which Clark was building. Cullen went to work for W. A. Clark. Representative Edward Cooney claimed he was offered $20,000 for his vote, and he accepted after he, his wife and his brother were badgered by Clark forces. A mining operator with no property, Madison County Representative B. F. Fine, admitted receiving $5,000 for "services" but was unable to explain to the senators' satisfaction what those services were. Lawyer E. C. Day, a representative from Lewis and Clark County, took $5,000 as a retainer to serve Clark in the future. Republican Representative W. W. Beasley
of Sweet Grass County was another who waited until the eighteenth ballot to vote for Clark. He had left behind a board bill in Big Timber of four hundred dollars. Yet, he claimed to have taken $5,000 in cash with him to Helena for the legislature. The central Montana rancher and banker who had led the Republican switch to Clark, Senator Hobson, appeared to have made the most of those who sold out. He received $25,000 and had a debt for nearly that amount at his Lewistown bank cancelled by the copper magnate. Also, Clark, in accordance with a promise that he had made soon after his election, promptly purchased $46,000 of bank stock owned by ex-Senator T. C. Power in Hobson's bank. Hobson feared the wrath of Power more than anything else and wanted no financial dagger belonging to the former lawmaker dangling over his head. The list of bribed Montana legislators continued.\textsuperscript{7}

The Committee on Privileges and Elections heard testimony for the first three months of the new century, finally reaching a decision on 10 April 1900: "...the election to the Senate of William A. Clark, of Montana, is null and void on account of briberies, attempted briberies, and corrupt practices... Resolved, That William A. Clark was not duly and legally elected to a seat in the Senate of the United States by the legislature of the State of Montana."\textsuperscript{8}

Openly contemptuous of Clark, Senator Chandler presented the committee findings to the full Senate on 23 April. W. A. Clark had originally promised to resign if such a decision should be reached. In late April, he said he would not step down. However, on 15 May--when it was clear that the Senate was going to adopt its committee report--Clark resigned with such an emotional speech that several senators extended their sympathy and support to him.\textsuperscript{9}
Then came one of the strangest twists, ever, in Montana's political history. In order to repay a debt, the state's lawyer-governor, Robert B. Smith, was lured to California to perform a legal chore, sixty-five miles from the nearest railroad. Lieutenant Governor A. E. Spriggs was at a Populist convention in Rapid City, South Dakota, when he received a wire which read: "Weather's fine, cattle doing well." That was a predetermined signal for him to hurry back to the Montana capitol. At the instant that Clark was resigning in Washington, his son, Charlie, was entering the date on a pre-written letter of resignation in Helena. Charlie handed it to Spriggs, who immediately claimed that the people's choice for U. S. Senator should stand, and he thus reappointed W. A. Clark on the spot. Smith was aghast when he learned what had happened and rushed back to Montana, where he rescinded the appointment and named instead the veteran Democrat, Martin Maginnis. In order to avoid a fight over whether Maginnis or Clark should be seated, the members of the U. S. Senate selected neither. So, for another two-year period, Montana was represented by only one senator at the national level.

During a fiery speech in Butte the following June, W. A. Clark blasted Senator Chandler, the one most responsible for his ouster. Clark maintained that the committee chairman had "bulldozed the committee into reporting against me." There were claims that Clark then promised to go to New Hampshire to defeat Chandler when he next faced reelection. It is not known if he did so, but Chandler was defeated by well-funded opposition when he ran again in 1901.
NOTES

1 Anaconda Standard, 5 February 1899.
2 Helena Herald, 2 August 1899.
8 Ibid., p. 36.
9 Butte Miner, 16 May 1900.
10 Ibid.,
11 Anaconda Standard, 19, 20, 23 May 1900.
12 Malone, Battle for Butte, p. 128.
CHAPTER V

AFTERAFFECTS OF MONTANA'S SCANDAL OF 1899

An unpleasant experience may be beneficial, if it helps to prevent a repeat of the experience. This applies to a state, as well as to an individual. It is doubtful that the average Montanan, after suffering the scorn of other states, would desire a recurrence of a scandal like the one in 1899, when W. A. Clark bribed an entire legislature in order to gain a seat in the U. S. Senate.

As noted previously, the newspapers of the time offer little help in determining how the average citizen felt about what took place in Helena during the state's Sixth Legislative Session. It might be assumed that the makeup of the legislature itself, between the sixth and seventh assemblies, might provide a gauge of public reaction—especially in the House of Representatives, where the members are answerable to the electorate every two years.

Of the seventy state representatives, forty voted for Clark. Only seven who served in the session of 1899 returned for the following one in 1901. Four of that number had cast ballots for W. A. Clark for U. S. senator. Before jumping to the conclusion that Montanans were so angered by what had happened that they "threw the rascals out," it is necessary to compare the carry over with that of previous sessions. Five house members in the 1893 session returned in 1895 for the Fourth Legislative Assembly. Only one representative in that session was sent back in 1897. Four members in that Fifth Assembly were returned to
the House for the scandalous session of 1899. Thus one might assume that service in the legislature was such a hardship in those days that few returned for more than one house term.¹

As to the fate of the lawmakers who voted for Clark, little is known. Some returned to an unconcerned electorate. Others endured periods of disgrace in their communities. A few were threatened with violence. On 29 January 1899, the Anaconda Standard reported that the Cascade County Representatives Robert Flinn and James H. Gillette, who came to Helena pledging to vote for Conrad, "would be better buried" for their switch to Clark.² The Standard, five days earlier, had even hinted at a "lynching bee."³ The Belt Democratic Club planned a hanging in effigy for Flinn and Gillette, if they did not return their votes to Conrad.⁴ On 30 January, the Standard reported that the epithet, "arch-traitor," was used by Flathead County constituents of Senator J. H. Geiger, and that "hanging would be none too good for him." That same issue went on report that "the stench of the sewer will be purer than the Rocky Mountain air as compared to these foul traitors Geiger, Jaqueth, Bywater and Garr."⁵

The tiny town of Big Timber seemed most outraged. Within an hour after Republican Representative W. W. Beasley, a wool buyer, had switched his vote to Clark, he was hanged in effigy from a rope strung from the top of Kellogg's store to the roof of Busha & Bailey's across Main Street. Newspapers in Big Timber reported that Beasley did not get off the train there after the session, but continued eastward, "probably for Saint Paul."⁶ Sweet Grass County Senator William J. Hannah, a Democrat, fared even worse. The former minister had served in the 1897 session, and had drawn praise for being one of the first to volun-
teer for service with the Montana Volunteers in the Philippine Insurrection, which occurred between sessions. He denied a charge by Fred Whiteside that $2,000 had been sent by Clark to pay for Hannah's trip back for the Sixth Assembly, but he did admit to accepting $10,000 to vote for Clark--something he "was going to do anyhow." When he returned to Big Timber, the Sweet Grass County seat, he was pulled from the train by an angry crowd, tarred and feathered, and pitched back onto it. When the train made its next stop at Reed Point, he got off and walked the twenty miles back to Big Timber. Not everyone had been a part of the mob, and those who were apparently were quick to forgive. Hannah used the bribe money that he had received to build an opera house for his community, and he later claimed that no one ever brought up the subject of his vote again.7

Like Missoula Representative H. W. McLaughlin, who had traded his vote for future employment with W. A. Clark, Hannah also wound up on the Clark payroll. The copper baron had loaned money to the Ross-Dyer Merchantile Company in Big Timber before the Sixth Session. It later published a paper which Hannah, who did not return to the Philippines, edited for a time.8

Apparently, pro-Clark Helena continued its loyalty to the copper magnate, despite the scandal. The Anaconda Standard snidely summarized the capital city's attitude:

Clark did exactly right--that if in making his election certain, he incidentally made many poor men comparatively rich, so much the more praise is he entitled to. He killed two birds with one stone. He could afford the money. He got elected and he set a lot of men on their feet permanently. Ergo, bully for Clark!9

Other papers reflected a resignation about that which they could not
change. The *Winston Prospector* noted: "Votes are a better price in Montana than in any other state of the union."\(^{10}\) The *Lewistown Democrat* concluded that Fergus County was a "producer of purchasable statesmen."\(^{11}\)

As many editors voiced outrage over the actions of W. A. Clark, many reflected the growing concern in Montana of the Anaconda Company, and its founder, Marcus Daly. The *Big Timber Express* declared: "On general principles, the political power of Marcus Daly should be broken lest the one man rule . . . in Butte and Anaconda become the general rule throughout the state. Obviously the success of W. A. Clark in the senatorial fight is the most effective means toward this end."\(^{12}\) The *Billings Gazette* advised, "The remedy that naturally suggests itself would be for these decent Democrats to join the Republicans and crush out both the Clark and Daly factions."\(^{13}\)

The handsome and articulate building contractor who exposed the boodlers and lost his Senate seat endured perhaps the most scathing denunciations ever heaped upon a Montanan, at least for a time, by a significant portion of the state's press. The *Kalispell Interlake*, in shame, once asked its Flathead Valley readers, "Who would not prefer to have Fred Whiteside belong to some other county. This county is getting a lot of second hand notoriety that it could advantageously dispense with."\(^{14}\) By contrast, the rival Republican *Flathead Journal*, which had remained neutral in the U. S. Senate contest, gloated over Democratic discomfort in first vilifying Whiteside, then eventually in praising him.\(^{15}\)

His inglorious ouster from the Montana Senate in 1899 in no way blunted Whiteside's zeal for state-level politics. He served for a time after the turn of the century as editor and publisher of the
Kalispell Bee. Then, in 1906, he was elected to the Montana House, where he served one term, followed by his election in 1910 to the Montana Senate, where he remained through 1917.¹⁶
NOTES


6 Big Timber Express, 28 January 1899.

7 Interview with J. D. Holmes, Helena, Montana, 5 October 1982, publisher of the Sweet Grass News between 1939 and 1942, who had numerous conversations with W. J. Hannah during that period. Mr. Holmes later became known as the "Dean of Montana's Capitol Press Corps," during more than a quarter century of covering state government for the Associated Press.

8 Connolly, Devil Learns to Vote, p. 153.


10 Winston Prospector, 2 February 1899.

11 Lewistown Democrat, 2 February 1899.

12 Big Timber Express, 28 January 1899.

13 Billings Gazette, 13 January 1899.


15 Flathead Journal, 1 February 1899.

16 Dorothy M. Johnson, "Mr. Whiteside on the Outside," Montana, the Magazine of Western History 10 (Winter 1960): 49.
CHAPTER VI

CONCLUSIONS

The scandal surrounding William Andrews Clark's bid for a U. S. Senate seat would have an important impact upon politics, both within and outside Montana. Although there is no direct evidence, it is probable that Montana's scandal hastened the direct election of U. S. senators by popular vote. For decades, there had been concern nationally over the ability of a senatorial candidate to bribe a mere handful of state lawmakers to gain office, something difficult to achieve when the entire populace is permitted to vote. Reformers had long advocated amending the Federal Constitution to make U. S. senators face the same electorate that members of the House of Representatives always had. While the House had readily adopted the necessary legislation to put the amendment before the states, the U. S. Senate had kept it bottled up in committee for years.

Montana's legislatures, almost from the beginning of statehood, had sent resolutions to Congress, asking for the change to the Constitution. When the national lawmakers failed to respond, the Montana Legislature followed those of other states by passing, in 1911, the Everett Bill (see Appendix B). This measure permitted a state's voters to cast ballots for a U. S. senator, with the legislature then forced to ratify their choice. It was a cumbersome reform, made unnecessary by the ratification, in 1913, of the 17th Amendment to the Federal Constitution, which made the direct election of U. S. senators the law
of the land.

While the scandal of 1899 would perhaps strongly influence the structure of both the federal and state constitutional systems, the citizens of Montana did not appear to transfer those reform sentiments to a direct attack upon W. A. Clark. There were a number of possible reasons why the residents of the state of Montana did not treat Clark like a criminal, for the criminal acts that he committed during the Legislature of 1899. Some honestly believed him to be a knight on a white horse doing battle against the growing might of the Anaconda Company. The company and Marcus Daly were considered by many to be the greater threat. Others less impressed by Clark doubtlessly considered him the lesser of two evils.

It is apparent that many Montanans simply had too many worries of their own to be concerned over developments in the 1899 Legislature. The nation was emerging from the Panic of 1893, which dealt Montana's silver industry a death blow. On the land and in the forests, the people had little time for anything but the brutal labor that was necessary to feed their families and pay their mortgages. Also, most had immigrated from political situations which were the same or even more corrupt than Montana's.

Most significant, perhaps, was the incredible wealth which had been amassed by W. A. Clark. In today's dollars, he probably would have been a billionaire. That wealth translated into staggering power. The harm that Clark could have caused anyone who might oppose him made even the most principled reconsider such opposition. Discretion led many to simply look the other way.
What happened to W. A. Clark is the only real test of Montana's concern over the purchase of the U. S. Senate seat. Despite clear violations of the law, he was never charged with a crime. He was not driven into oblivion, as one might expect would happen. Instead, with Marcus Daly ill in New York, Clark had no problem in capturing the Democratic-Fusionists vote in the general election of 6 November 1900. Six days later, Daly died, ending the "War of the Copper Kings." On the following 16 January, the Seventh Montana Legislative Assembly gave Clark fifty-seven of its ninety-three votes on the first ballot of the joint session to easily defeat Republican Thomas Carter for Montana's seat in the United States Senate. The ambition of William Andrews Clark had, at last, been fulfilled.²
NOTES


2Michael P. Malone, *The Battle for Butte* (Seattle: University of Washington Press, 1981), pp. 156-7. After going to the ends that he did to gain a seat in the U. S. Senate, he served just one six-year term. He did nothing as a member of that body which might be termed memorable, but delighted in being referred to as "Senator Clark" for the rest of his life.
APPENDIX A

THE VALEDICTORY OF SENATOR FRED WHITESIDE*

I understand that fiat has gone forth and that this is the last day I am to be a member of this body. If I failed to express myself at this time, I feel that I would be false to myself, false to my home, and false to the friends that have stood so manfully by me.

Four years ago, in the capitol contest, I worked and voted for Helena, in the fear that if Anaconda secured the capital, evil influences, of which so much was heard, would surround lawmakers and behold, the atmosphere of political purity that now surrounds our lawmakers! Why, the very air is rife with bribery, countenanced and upheld by citizens of this place, and a man who has the temerity to oppose it is shunned and looked upon as an enemy.

Let us clink glasses and drink to crime! Let us declare manhood should be without honor and womanhood without virtue; that our daughters should have no innocence, but I refuse to believe that this is the sentiment of a majority of this community. I admit that it is the sentiment expressed by the subsidized press and by these silk stockinged parasites who are shouting for Clark. It is the same clique which, through the First National Bank and other crimes, has covered this country like a pall with sorrow, which has strewn this country with wrecked homes and desolate firesides.

Go over to Warm Springs and look through the grated bars of the mad house at some of the wild eyed maniacs there, if you want to see a part of your work—you who are riding in the carriage with Clark money in your pockets, you who have made a foul hell-hole of corruption of this city.

But what change has come over the scene since the first day's balloting? What has W. A. Clark done that at this time makes him a more worthy candidate than he was upon the first day of this contest? What line or word of testimony, introduced here, showing bribery, has been refuted or contradicted? Like the fish which clouds the water to escape, they have raised the cry of conspiracy, but what word of evidence or single fact have they introduced in support of that charge? Not one! The crime of bribery, as shown by that evidence here introduced, stands out in all its naked hideousness, and

*Great Falls Tribune, 27 January 1899, p. 1
there are forty members seated here who today are ready to embrace and kiss it, and what is the motive? Answer me that question—you who sit with bloodless lips and shifting eyes. Answer if you dare!

For two weeks, Mr. President, I have remained silent under the mountains of abuse that have been heaped upon me and my associates by the subsidized press of this state; but sir, while I have been silent, by no means have I been weighed down by the abuse, for we count ourselves men, and I take it as a compliment and an honor to have opposed to me every bribe giver and every bribe taker and every man and every newspaper whose sympathies are with such criminals; and, sir, what makes a man? A mind so broad and heart so strong as to be unmoved? Not toil, not danger, not storms of sea or land, but worse—ingratitude and poisoned darts, launched by the people he has loved and served—this in strength of silence to endure; this, sir, doth mark the man.

I have lived in this state from boyhood, some 20 years, and I defy any man within its confines to point his finger at a single act of mine which an honest man should be ashamed!

There are some features of the senatorial contest which would appear ridiculous if it were not for the serious import to the people of this state; it has reminded me of a horde of hungry, skinny, long-tailed rats around a big, fat cheese; something falls in the room, there is a panic and stampede and only seven have the courage to remain; and as time goes on their courage gradually returns, they smell the cheese and, one by one, they timidly come out of their holes, until the vanishing cheese is surrounded, and we can hear the chorus of "Who is afraid?"

John B. Wellcome said that every man who voted for Clark is to be well paid and I say to you that the man who votes for him without being paid—if there be one such in this body, in view of the evidence published and still uncontradicted—such a man is equally guilty with the others; and the man who sells his vote, and every man who has sold to W. A. Clark can take this remark as personal. You who have sold the honor of your constituents for a few paltry dollars would sell the chastity of your own wife or daughter if you got your price—and some of you would not be high, either.

My God, think of it; the man who kisses his wife and fondles his little children and then goes out and sells them for a price, for when you bring shame and dishonor upon yourself, you bring it upon them. Why should the helpless bodies of these innocent ones pave the road to the senate for this purse-proud prince of bribers? What shall be said of the fiend incarnate who brought this shame and degradation upon this people? Why not put up the senatorial seat at auction and knock it down to the highest bidder! We would at least save those innocent ones.

But I am not surprised that the gentlemen who have changed
their voices to Clark recently should make speeches of explanation, but I would suggest that their explanations would be much more clear and to the point if they would just get up and tell the price and sit down.
APPENDIX B

THE EVERETT BILL*

"An Act to Provide for the nomination of candidates for the office of Senator in the Congress of the United States by political party conventions, or by certificate and petition, and providing that such candidates shall be voted for by the electors of the state, in the same manner as candidates for state officers, and directing that certificates of the result of such vote shall be transmitted by the Governor to the Legislative Assembly, whose duty it is to elect a Senator in the Congress of the United States, for its information and guidance, providing for the filing of pledges with the County Clerk and Recorder of the respective counties by candidates for member of the House of Representatives or the Senate of the Legislative Assembly, in reference to whom such candidate will support for United States Senator if elected, and to amend Section 545 of the Revised Codes of 1907 of the State of Montana so as to provide for placing on the official ballot the names of candidates for United States Senator."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. It shall be the duty of the state convention of any political party within the State of Montana, held next preceding any session of the Legislative Assembly, at which is to be elected a United States Senator, to nominate in the same manner as candidates for state officers are nominated, a candidate of such political party for the office of Senator in the Congress of the United States and to certify such nomination to the Secretary of State in the same manner as is now provided for certifying nominations of candidates for state officers, and it shall be the duty of the Secretary of State to treat such nominations for Senator in the Congress of the United States in the same manner as candidates and nominations for State Officers, "And to certify to the County Clerk of each county the nominations for United States Senator, so made as shown by and specified in such certificates of nomination at the same time and in the same manner as is now provided by law for the certification by him to the various county clerks of nominations made of candidates for State Offices."

Section 2. The election proclamation of the Governor

*State of Montana, Laws, Resolutions and Memorials of the Twelfth Regular Session of the Legislature, 1911, pp. 120-4.
provided for in Section 452 and 453, Revised Codes, State of Montana, 1907, shall contain, in case of a general election immediately preceding the session of the Legislative Assembly at which is to be elected a United States Senator, a statement to the effect that at such election the electors may express their choice for the office of United States Senator.

Section 3. At the general election held next preceding any session of the Legislative Assembly, at which is to be elected a United States Senator, the electors of the state shall have the right to express their choice for such United States Senator, in the same manner as for the candidates for the various offices to be filled at such election, and shall have the right to vote in the same manner as they vote for other candidates for office, for one or the other of such persons so nominated for the office of Senator in the Congress of the United States and certified and appearing upon the official ballot, as aforesaid.

Section 4. All ballots prepared for use at any such election as provided by Section 545 of the Revised Codes of Montana of 1907, shall contain in each list of candidates of the several parties, the candidates of each political party for the office of United States Senator, or the candidates of such party, in case two are to be elected at the same time, the candidate or candidates, as the case may be of each political party for the office of United States Senator being placed first in the list after words, "For United States Senator."

In case two Senators are to be elected, the length of the term to fill which each candidate is nominated shall be designated by appropriate reference on the ballot immediately before his name.

Section 5. The vote for United States Senator must be canvassed, certified to and transmitted in the same manner as the vote for State Officers.

Section 6. Candidates for the office of Senator in Congress of the United States may be nominated otherwise than by political party conventions or primary meetings, in the same manner as other candidates for office may now be nominated otherwise than by convention or primary meeting, as provided for in Section 524 of the Revised Codes, State of Montana, 1907, provided, that in the case of the first election held under the provisions of this Act, the vote for Governor shall be used as a basis of computation and when so nominated their names shall be placed upon the official ballot to be used at such general election, in the same manner as is now provided by law for State Officers, not nominated by convention or primary meeting, and may be voted upon by the electors of the State as herein provided in relation to candidates for Senator in the Congress of the United States nominated by political conventions or primary meetings.

Section 7. The Governor shall, upon the convening of any
session of the Legislative Assembly, at which a United States Senator is to be elected, transmit to each house, a certificate showing the number of votes received by each candidate for United States Senator, so nominated as aforesaid, as returned to him by the state board of canvassers, for their information and guidance.

Section 8. Any candidate for the office of Senator or Representative in the Legislative Assembly, who has been nominated by a party convention for such office, or who has been nominated by a party convention for such office, or who has been nominated for such office as provided for in Section 524 of the Revised Codes, State of Montana, 1907, may, not more than thirty days nor less than twenty days, before the day upon which the general election is to be held, file with the County Clerk and Recorder of the county wherein such person is a candidate, one or the other of the following statements:

Statement No. 1.

I state to the people of Montana, as well as to the people of my county, that during my term of office, I will always vote for that candidate for United States Senator in Congress who has received the highest number of the people's votes for that position, at the general election next preceding the election of a Senator in Congress without regard to my individual preference.

..............................................
(Signature of Candidate)

Statement No. 2.

During my term of office I shall consider the vote of the people for the United States Senator in Congress as nothing more than a recommendation which I shall be at liberty to wholly disregard, if the reason for doing so seems to me to be sufficient.

..............................................
(Signature of Candidate)

Section 9. Each county Clerk and Recorder within the State of Montana shall prepare a certificate under his hand and the seal of his office, showing what candidates for the office of Senator or Representative in the Legislative Assembly have duly signed and filed statement No. 1, and also showing what candidates for such offices have duly signed and filed statement No. 2, and also showing what candidates for office have failed to file either of said statements, and shall cause such certificate to be published in some newspaper, either weekly or daily, within his said county, and if there be a daily newspaper published in said county said certificate shall be published in said daily newspaper for fourteen successive days next preceding the day upon which such general election is to be held, and if there be no daily newspaper published in said county, then said certificate shall be published in some
weekly newspaper published in said county once each week during the two weeks next preceding the day of such general election.

Section 10. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 11. This Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1911.
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