Spring 1950

A Brief Biographical Sketch Of The Life Of The Late Senator Thomas James Walsh

William Driscoll
Carroll College

Follow this and additional works at: https://scholars.carroll.edu/history_theses
Part of the United States History Commons

Recommended Citation
Driscoll, William, "A Brief Biographical Sketch Of The Life Of The Late Senator Thomas James Walsh" (1950). History Undergraduate Theses. 97.
https://scholars.carroll.edu/history_theses/97

This Thesis is brought to you for free and open access by the History at Carroll Scholars. It has been accepted for inclusion in History Undergraduate Theses by an authorized administrator of Carroll Scholars. For more information, please contact tkratz@carroll.edu.
A Brief Biographical Sketch
of the life of the
Late Senator Thomas James Walsh

A thesis submitted
to the Department of History
of Carroll College
by
William J. Driscoll

In partial fulfillment
of the requirements
for the degree of Bachelor of Arts
In History
CONTENTS

Chapter 1  Thomas J. Walsh—Lawyer

Chapter II  Thomas J. Walsh—Senator

Chapter III  Conclusion
PREFACE

A great many historical volumes have been published about Montana. In all there are but a few scant lines about the late Senator Thomas James Walsh. This is quite understandable of course because of the fact that Walsh was a contemporary. I have searched quite in vain for material, so that it would be possible to cover but a single phase of his life, such as when he practiced privately here in Montana, or even a phase concerning his uncovering of the infamous "Teapot Dome" scandal; but due to the limited material available, I found it quite difficult to get but the briefest outline of his life, and so I have endeavored to give as complete a picture as possible in this brief biographical sketch of his life.

I should like to take this opportunity to thank the librarian at the Butte Public Library, Mrs. Anne McDonnell of the State Historical Library where I found the greater part of my primary sources; and the Rev. Dr. James W. McCormick who approved the topic and revised the copy.

William J. Driscoll
May 10, 1950
CHAPTER 1

THOMAS J. WALSH—LAWYER

Thomas James Walsh was born at Two Rivers, Wisconsin, June 13, 1859. His parents were both born in Ireland.

He was the third of the family, and the second son. He learned to read in the King James version of the Bible. There was more than a trace of Bible Stateliness in some of "Tom Walsh's" speeches in the Senate.

He graduated from high school just before his seventeenth birthday. "That same fall he was teaching a country school several miles away and he walked home to bring his first month's wages to his mother."1

As he taught, he studied and proceeded to take examinations of mounting grades, county and state, so that when 21 he had gained a teacher's certificate entitling him to teach anywhere in Wisconsin for life.

That was typical of Senator Walsh. He early developed an amazing capacity for hard work. All his life he drudged and stored away in his fine mind the fruits of a wealth of basic reading. As a boy he had a purpose in life. He was not so quick as many at making friends, but having made one he never let him get away.

Teaching and studying, following a rigid routine, Senator Walsh had passed all the teacher's examinations at 21. Then he carefully and methodically completed the law course at the University of Wisconsin and received his degree in 1 year.

Walsh was earnest, serious, and unconvivial and given to labor-long days in early life as in late, but he was not entirely a grind.

1 Labor: A National Weekly Newspaper Oct. 21, 1930
He loved baseball; second base was his favorite position. He loved horseback riding, and as a fisherman he was superb. In later years he developed a touch of austerity, but he always enjoyed companionship with his fellows. A game of golf, a leisurely, contented evening or dinner party with friends, was a delight to him. Devoid of criticism, he enjoyed the talent of his companions. "Always, he was courteous and willing to listen to others, unassuming, and unassertingly. These qualities and virtues were cultivated and became ingrained in his being during the discipline of youth."\(^2\)

Upon graduation from the law school of the University of Wisconsin, Walsh immediately formed a partnership at Redfield, S. Dak., with his brother Henry C. Walsh. Five years later he was married to Elmer G. McClenmont, of Chicago. She was an inspiration and partner in her husband's extra-legal activities. One child was born to them, Genevieve, now Mrs. Ernest C. Gudger, whose husband is a naval commander.

"When at the age of 31, Walsh came to Helena as a lawyer, the state's original industry, mining, was engaged in turbulent legal battles that continued for a quarter of a century before its problems were thoroughly threshed out. In to this litigation were drawn all members of the bar in the mining area. Out of it Walsh emerged not only as an authority on mining law, but as a leader in any phase of practice."\(^3\)

Walsh's first appearance in Helena was in justice of the peace.
court, where he defended a client in a preliminary hearing of a
criminal charge. Cornelius B. Nolan, afterwards attorney general of
the state, and the prosecutor in the disbarment proceedings against
John B. Welcombe, was then the county attorney of Lewis and Clark
county of which Helena was the county seat, who was opposed to Walsh
in the case.

Nolan was a rough and tumble court veteran but within an ex-
cellent lawyer. His professional opponents usually waived arguments
in their civil cases rather than permit him to weave his persuasive
spell over the jury.

"Welsh was quiet, logical, mentally penetrating, a master of
legal technique. He had no intuitions, only cold hard logic, and
like most keen logicians, he was not an orator in the popular sense.
His speeches had the tang of preparation and study. There wasn't
a college in one of them. But they made good reading."4

He was of medium height; compactly built; graceful head; steel-
grey eyes, black hair and a heavy mustache; quick of motion; mentally
alert; never triflingly employed; in full command of his emotions;
self-contained; self-determined; capable of giving up himself to a
cause; of analysing his own motives; self-reliant; ready to take
responsibility; ever conscious of conforming to a worthy standard
of conduct and thought, always avoiding excess of any kind; an
indefatigable worker and student; a diplomat in that he was success-
ful in choice of time for and adaptation of method to circumstances;
the personification of courtesy. His reasoning was faultless. He

4 The Devil Learns to Vote. Christopher F. Connolly,
Page 295-296
was an advanced liberal in politics, aggressively progressive, supporting all the new measures which seemed to him to be for the public good, in State and national politics. As a lawyer he was devoted to his profession and to the interests of his client. He reached the heights by dint of effort and native ability.

To a few friends he showed his heart, and they were fortunate indeed, for here was a quiet, modest, genial gentleman, with sympathy for the under-dog, for the forgotten man, who believed that if men were all wise, they would be all kind; that at bottom all men believed in right and justice; that they would loyally follow devoted, intelligent, courageous leadership in behalf of the rights of humanity. Until such leadership appeared, the struggle for human rights would not soon succeed. And so he was not discouraged because the war for humanity was not won in a single battle.

"Desire for public service had become the dominant purpose and aim of his life, and in 1906 he entered the campaign for Representative in Congress. One donor to his campaign fund gave $500, saying he thought it was worth it to get his energetic and efficient competitor interested in some other activity. His campaign was unsuccessful."

"It was said of him that "his state pride knew no bounds,"

But his influence and advice were aimed not only at international but national problems. Countless Montanans sought personal services from him and the prompt attention given their requests had
endeared him as their friend.  

Thomas J. Walsh wanted to be a lawyer; a philosopher; a statesman, a character in American annals—and he was; a man of intense ideals, capable of righteous indignation against iniquity—he proved it, and the Nation will come to appreciate it. He had an intuition for progressive movements and a quick and keen apprehension of the character and location of reactionary forces. Even his friends did not realize what he was doing, working ceaselessly. His equipoise was splendid, with tireless patience he pursued the even tenor of his way with open-minded frankness, moral and intellectual integrity, courage, sound judgment, and level-headedness. His advice, and opinions were highly esteemed and were accorded sincere weight. He was conscientious in thought and action; gentle of spirit, his heart beat in unison with his fellowman and it was not overleaping ambition or crass love of power or gain that caused him to devote the best part of his life to the services of his country and State. He bequeathed to posterity what is greatest of all, a record of splendid and useful achievement, a stainless reputation, and a lasting sense of gratitude in the hearts of his constituency—the people of Montana.

“He was a noble and loyal husband, a devoted and proud father, a man transparently and undeniably Christian, but who never intentionally or wittingly intruded his views upon any person or into any situation, an able and sagacious lawyer, a loyal citizen, friend and neighbor.”

6 *Great Falls News* March 18, 1883
7 Op. Cit Page 36
He presented his cause to audiences, and the power of his oratory consisted in the righteousness of his cause, the absolute sincerity and honesty of the speaker, and the flawless logic displayed in its presentation. The audience left, knowing that he was absolutely right, but without any emotional thrill.

In presenting his cause to judges, he relied upon the reason of the law. He delighted to uphold his argument with apt quotations from the decisions of great judges, and the statements of recognised authorities; but to him precedents were always subordinate to principles.

Walsh believed that in every cause before them, the judges should render judgement freely, without prejudices; completely, without denial, speedily, without delay. He believed that the administration of justice is the most important function of government, and that in that administration, the lawyers are officers of the court, whose duty it is to assist the judges in arriving at the very right and truth of the matter before them.

He was a real lawyer, not a mere attorney at law. He knew the literature of the law as it is found in the books and commentaries of its great writers, and in the decisions of great judges. He was deeply imbued with the fundamental principles of the law of right and justice. He believed that all law, which is real law, and behind it some eternal truth; some immutable principle; in short, a law of God. He believed that neither legislatures, congresses or parliaments, could repeal this law, nor enact a valid law which transgresses it. He knew that legis-
latures cannot make two and two equal five, though he knew that
sometimes they insist that two and two make seven. Omnipotence
cannot do this. It is the duty of legislatures and parliaments
to declare what is for the common good. But their declaration
does not make it so. "It is so, because it is true in accord-
ance with the eternal truth of right and justice, the law of God;
and any attempt to repeal that law or any attempt to contravene
or transgress it, is null and void, ab initio."6

6 Address by Walter S. Hartman for Senator Thomas J. Walsh
sponsored by Young Democrats of Helena, Montana on March
4, 1954. Page 6
In 1910 the Democratic State Convention met at Livingston. That was before the direct primary had been adopted in Montana. The company leaders were opposed to Walsh for the senatorship. They lined up their forces in the legislature and blocked him. Henry L. Meyers was the successful candidate and was elected in the last hours of the legislative session. Two years later Walsh was again a candidate. His strength had increased to such an extent that there was no chance to defeat him. That was the year of the Republican split when Roosevelt led the Progressives and Wilson defeated both Teddy and Taft.

By 1912 there had been enacted a primary law, and while the election was actually in the hands of the legislative assembly, its members were pledged to vote for the candidate for the United States Senate nominated by the primary. He worked hard for the election of members of the legislature favorable to his candidacy, and won the nomination in the primary and the election by the unanimous vote of the joint assembly, perhaps the only instance on record. "From the beginning of his request for recognition as a suitable man for congressional honors he was his own prophet and defender, subsequent events confirming his judgment of himself and of an enlightened citizenship."  

His eminent legal ability, his unerring wisdom in selecting the proper remedy for the solution of his client's problem, his whole-hearted devotion to his client's cause, and his tireless
energy in behalf of that cause, early brought him a large and
lucrative practice. He never became the retained counsel of great
corporations, though he served them from time to time in a special
case; but he preferred to be a freelance; and so built up a
genreal practice which carried him into every field of the law,
into all the courts of his state and nation, and into many courts
of sister states. So, when he came to the United States Senate, he
was already a national figure as a lawyer. "By reason of his wide
experience, his knowledge of, and devotion to, fundamental prin-
ciples of law and government, he soon became recognized as the con-
stitutional authority in that body; even his political enemies con-
curred in that opinion."

But he will be remembered not so much because of his trans-
cendent abilities as a lawyer, as for his services as a politician
and a statesman. And there, his distinguishing characteristic and
unserving devotion to his ideals of truth and right and justice
in government, and to the people for whom government was instituted
to serve. He had a passion for that service, and tireless in his
endeavors to bring about the realization of those ideals.

"He believed, with all the intensity of his intellect and
heart, in the fundamental principles of government, as they were
stated by the Fathers in those two great documents, the Declaration
of Independence and the Constitution of the United States."

Senator Walsh struck some of his most telling blows for labor.

10 Address by Walter C. Hartman for Senator Thomas J. Walsh
sponsored by Young Democrats of Helena, Montana on March
4, 1954. Page 6
11 Ibid. Page 6
One of our greatest students of constitutional law, his first speech in the Senate was in behalf of a bill to make jury trials essential in instances of contempt of court in injunction cases. This first speech gave him the respect of his colleagues. His speeches were always crowded with facts and packed with careful reasoning. Often they did not appeal to the galleries. There was about him an air of near shyness; yet when his blows landed, his opponents were stunned because of his reliance on facts. He led the fight for confirmation of Justice Brandeis in the Supreme Court, and his brief has been called a "model of persuasiveness and finality." He played the cruelties and injustices of the Department of Justice in the so-called "red scares", led by A. Mitchell Palmer. Palmer was a democrat, but all wrongdoers were alike to Walsh. Palmer was engineering the "red raids" during the hysteria at the close of World War. "It is only at such times", Walsh said, "That the guaranties of the Constitution as to personal rights are of any practical value. In seasons of calm no one thinks of denying them. They are accorded as a matter of course.

"He became a favorite of labor unions. As a Senator he dared to vote for the Esch-Cummins transportation bill in the teeth of all the railroad unions. Also, when associations of farmers were bulldozing the politicians into accepting the McNary-Haugen bill, Mr. Walsh voted no."12

He helped draft the prohibition and women suffrage amendments.

12 New York Times, March 3, 1925
of the Constitution. He drew the case against the seating of Truman H. Newberry, of Michigan. He supported the Child-labor amendment. He helped draw national attention to the abominable conditions that then prevailed in the steel industry by placing in the Record the Interchurch Report on the steel strike. It was Walsh who led the fight to prevent the use of Federal money to prosecute trade unions under the Sherman Act. He was a sturdy fighter for a low tariff.

He was in charge of those clauses of the Clayton Act that exempted all farm and labor organizations from prosecution under the Sherman Law. On one occasion he made a magnificent fight to have the status of public-utility companies investigated by a Senate committee. One of the most powerful lobbies the Capitol has ever seen with endless money-opposed that proposal, but Walsh stood on the floor, hour after hour, making a grand fight. In the end the investigation was conducted by the Federal Power Commission. He was one of the first Senators to insist on Federal regulation of excessive stock-exchange speculation.

He did not hesitate to criticize such large concerns as the Aluminum Co. of America and at a time when it was not popular to do so. He assailed the action of the Department of Justice in the treatment of the Aluminum Co., but his findings were not accepted by the Senate. He was firmly opposed to professional political lobbyists.

It was a dangerous undertaking to oppose this quiet-mannered gentleman in anything he undertook to know about. On one occasion a Senator from Indiana attempted to connect the Wilson Administration
with the oil scandals. Senator Walsh riddled the charges. In rebuttal he piled high figures, documents, quotations, and facts, facts, facts. Then he had three great maps brought in, and as the dispatches of the day said, "with a pointer, like a school teacher, illustrated his points as he went minutely into the history of the reserves to refute Robinson."  

"The patience of Senator Walsh in drudging through the obscure and complex details connected with the leasing of the naval oil reserves, his genius for finding clues through the maze, his illuminative explanations and implacable logic, his perfection as a cross-examiner gave him a sudden reputation."  

Walsh had a passion for facts and for the intricacies of the law. "Such lawyers as Knox, and Root and Borah recognised his legal genius. It is not surprising therefore, that when the elder La Follette sensed a scandal in the oil leases given by Secretary of the Interior Albert B. Fall, he should appeal to Walsh to take charge of the investigation. Walsh had been preparing for the task all his life."  

The country has never witnessed a more surprising drive through a jungle of misrepresentation than that conducted by Walsh in the famous Teapot Dome and Elk Hill oil-reserve scandals.  

He went into the oil investigation on a shoestring. All he

---

13 73d Congress 2d session House Document No. 338
Page 50 1934
14 The New York Times March 5, 1933
15 The Devil Learns to Vote C.P. Connolly Page 505-506
had to start with was a couple of leases to Sinclair and Doheny, and some sudden prosperity of Albert B. Fall. * * * The committee that inherited the investigation generally felt that, after all, the validity of the leases hinged on whether it was a good or a bad deal for the government, and there was as much authority for the position that it was necessary to operate the reserved field to prevent their being drained by nearby wells, as for the other theory. That committee had not been going 2 days before it changed its intensity and ever after was the Walsh committee. He was not its chairman; Lenroot, who had the title, was lost in the shuffle, and Walsh simply took possession of the show. When Edward B. McLean came out with his declaration that he had loaned Fall $100,000, taking his notes and a mortgage on the Fall ranches as security, all of the members, except Walsh, thought the bottom had fallen out of the scandal. It was so perfectly credible; just such a thing as Mr. McLean might have done, in view of his membership in the Harding circle of which Fall was so conspicuous an ornament. They advised Walsh to close the investigation and leave the matter of the validity of the leases to the courts. Not he; his nose was on the trail, and he intended to follow it, so he hiked off to Florida, put McLean under oath and the excuse for Fall's sudden prosperity was blown sky-high with McLean's admission that the checks he handed Fall were returned uncashed, and that his previous story was merely his "going down the line for a friend."

"There followed as a natural sequence the coming to the witness stand of Doheny, with his little black satchel, and the tale of an
old prospector's affection for his one-time trail mate. It was an appealing picture with its mellowed reflection of the dim frontier; the soft side of a hard-boiled oil multimillionaire, of youthful companionship in poverty and hardship, merging into the friendship of men in the decline of life. It sounded as plausible as the McLean story—to everybody but Walsh. To him it was only scenery along the route he had marked out, and he herded the two of them into the criminal courts."\(^{16}\)

"His imperturbability and fairness as chairman of two Democratic National Conventions are still fresh in the mind; but he was a great Senator long before his later prominence. President Wilson trusted and relied upon him during the war. In prolonged debate on the League of Nations he was one of its most thoughtful and best equipped defenders."\(^{17}\)

"Senator Walsh took a large and increasingly important part in the deliberations of the Democratic Party. He was a delegate to the national convention seven times. His address as permanent chairman at the Chicago convention was a gem of English and reasoning. It demonstrated that he was alive to the unparalleled economic conditions that confronted the country."\(^{18}\)

"A striking example of the big horizon of Thomas J. Walsh happened at the 1924 national democratic convention, over which he presided and in which a bitter factionalism arose over the rival candidacies of Gov. Al Smith, wet and W.C. McAdoo, dry."

---

16 73d Congress 2d session House Document No. 586
17 New York Times March 2, 1924
18 Op. Cit. Page 42
V. J. Bryan, from the day of the sensational "crown of Thorns" philippic, had been a power and often a master, in democratic national conventions. But it was not so at the 1924 democratic debacle. He was scorned there by the Smith supporters. And he had lost much of his sway over the Mid-Ado men.

Mr. Bryan, who had more than once stolen the show at the San Francisco convention, only four years before, did not fit into the turbulence and turmoil or have a place with the gallery of hoodlums at the New York tragedy.

Senator Walsh was chairman of the convention. Mr. Bryan arose in his place and asked permission to explain his vote. The bitter deadlock was on. Anger, exasperation and passion were at fever heat.

Chairman Walsh knew that the proposed speech would be out of order except by unanimous consent. He knew equally well that "unanimous consent" in the battle that was then on was utterly impossible.

But in the thought of Walsh was this: Here was the veteran who had been a great democrat through a thousand battles. The Bryan down there on the floor of the convention had, as a mere youth, been the sensation and the acknowledged leader in the Congress of the United States. He had three times been the choice of a national convention for the presidency. And all he was asking now was permission to explain his vote, doubtless his last vote.

"The gentleman from Florida, Mr. Bryan, will please come to the platform," said Chairman Walsh. Mr. Bryan appeared on the stage.
"The gentleman will please restate his request," said Walsh, Mr Bryan repeated his request for permission to explain his vote.

"This request," said Walsh, "can be granted only by unanimous consent. Does the chair hear objections?" From half the convention came a thunder of objections. An objection by one man among the hundreds of objectors would have warranted the chairman in sending Mr. Bryan back to his seat.

It was a mighty moment. Under parliamentary law the duty of Walsh was plain, but the veteran democrat there by his side had been for 28 long years the idol of democrats all over the nation. And this veteran had, as presidential nominee, led the democrats through three great national campaigns.

To Walsh these facts towered far above all convention rules, rose to heights far beyond funds and factions, and the Montana Senator, glorious in his manhood, said, "The chair hears no objections. The gentleman from Florida will proceed."

Rays of laughter and shouts of approval showered upward from all parts of the hall. And the great connoisseur who had charmed audiences under all suns through three long decades, addressed the convention.

It was his last. And the millions who idolized him rejoice that he was given the chance, and they honor the memory and the act of the brave chairman who gave him that opportunity."25

A few weeks before Walsh's death he reluctantly accepted a call from President-elect Roosevelt to serve in the Cabinet as Attorney General.
General. His function in the Cabinet was to have been that of a "balance wheel." He was to have a more important place than that indicated by the title of Attorney General. Rather he would have been the "elder Statesman" of the cabinet, a man of progressive views, tempered with years of experience in public life, contributing also the force of character he displayed throughout his life and especially during the Teapot Dome Investigation.

"Save for the fact that it robs the senate of one of its most valued members, the Walsh appointment is beyond criticism, and we are glad to felicitate Mr. Roosevelt on the wisdom of his choice. Mr. Walsh is one of those first rank Democrats whom it was originally hoped would dominate the Roosevelt cabinet; and as almost the sole representative of that group, he contributes heavily to its prestige and dignity. With Senator Walsh in the cabinet, one finds it easier to forget Mr. Lake of Illinois, the new Secretary of the Interior, and to reconcile oneself to circumstances which have compelled Mr. Roosevelt to search for material in obscure places."20

---

20 The New York Times, March 1, 1937
Senator Walsh's greatest strength was his character, his second, intellectual ability; and the third, his love for hard work. A few days before his death one of the opposition newspapers said of him that "no wise Democratic politician is likely to go to him in his new job looking for special favors." "It would be," the New York Sun added, "like asking the statue of civic virtue for a chew of tobacco." 21

Never was there an instance in which a man in public life was more certainly the master of his own fortune than Thomas J. Walsh. He was not an actor, but a teacher—saw his constituency, the cause he espoused, his country, and, above all, he saw himself. As an advocate or prosecutor there was a sting in his simplicity and seriousness. He was not looking for style or stage effect, but expressed what he had to say for its own sake, without a wasted word.

To him, all knowledge was important, in that its possession helped him to find the real truth about anything—so he ranged in all its various fields—Science, Invention, Sociology, Economics, Art, Political Economy, Law, Government—for he was an earnest, persistent, seeker after truth; and in his seeking, he absorbed the literature of books, upon these various subjects. Their great masters touched hands with him, and were his comrades. He got their thought and seized it, when he knew it for his own. To him, truth
was the only thing worth while, and in his search, he followed his thought fearlessly wherever it might lead him. While he knew that the truth of today might become the error of tomorrow, and the heterodoxy of today, the orthodoxy of tomorrow, nevertheless, he knew the search must be made; and when he found his truth, he spoke his thought and cared not that none but he believed it true.

His attacks against error and injustices in high places was pungent, fearless, militant, unspoiled, untouched by any censor's squeamish or faltering hand. His courage was an inspiration; he had the gift of forcing honest and open opposition, for he never used evasive or misleading tactics in fighting a political foe or one guilty of malfeasance. One of his noticeable gifts was the knowledge of when to strike a blow—when he was prepared, when he could choose the terms of conflict, and with vigor dispatch the foe facing him.

His name has become a national household word; an atmosphere of esteem and affection has grown about his personality; he had done the day's work of a man, and she knows but that "a destiny of necessity" touched him out of life's turbulent picture at the fortunate moment.
BIBLIOGRAPHY

Primary Sources:


2. 73d, Congress 2d session, House Document No. 533 pp. 55-60, 1954

3. The Helena Ind. Page 2, March 2, 1955

4. Great Falls News March 12, 1955

5. The Helena Ind. March 5, 1955

6. Address by Walter S. Hartman for Senator Thomas J. Walsh, Sponsored by Young Democrats of Helena, Montana

7. New York Times March 5, 1955


Secondary Sources:

1. The Devil Learns to Vote Christopher P. Connolly Page 295-296-302-303