

AN UNJUST LEGACY: A CRITICAL STUDY OF THE POLITICAL CAMPAIGNS OF
WILLIAM ANDREWS CLARK, 1888-1901

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Thesis Prepared for the Degree of
MASTER OF SCIENCE

UNIVERSITY OF NORTH TEXAS

May 2006

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Pitts, Stanley Thomas. An unjust legacy: A critical study of the political campaigns of William Andrews Clark, 1888-1901. Master of Science (History), May 2006, 201 pp., references, 125 titles.

In a time of laissez-faire government, monopolistic businesses and political debauchery, William Andrews Clark played a significant role in the developing West, achieving financial success rivaling Jay Gould, George Hearst, Andrew Carnegie, and J. P. Morgan. Clark built railroads, ranches, factories, utilities, and developed timber and water resources, and was internationally known as a capitalist, philanthropist and art collector. Nonetheless, Clark is unjustly remembered for his bitter twelve-year political battle with copper baron Marcus Daly that culminated in a scandalous senatorial election in January 1899. The subsequent investigation was a judicial travesty based on personal hatred and illicit tactics. Clark's political career had national implications and lasting consequences. His enemies shaped his legacy, and for one hundred years historians have unquestioningly accepted it.

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CHAPTER 1

INTRODUCTION

During the last quarter of the nineteenth century, America experienced an unparalleled transformation. Staggering from a long and bloody Civil War, the country underwent enormous changes. The eastern seaboard remained the seat of financial power, the South's melancholy beauty was in ruins, and the western territories were sparsely populated and had little political power. In 1889 Mark Sullivan, the editor of *Collier's* magazine, said the story of the United States from the Allegheny Mountains to the Pacific coast was one of "a country still frontier and of a people still in flux."¹

America's *laissez-faire* philosophy, ostensibly rooted in Jeffersonian liberalism and pioneering individuality, became firmly entrenched in the American psyche. President Grover Cleveland was not being cruel in early 1887 when he vetoed the Texas Seed Bill, stating that "the lesson should be constantly reinforced that though the people support the Government, the Government should not support the people." The fundamental belief that government was the problem, not the solution, was an underlying principle of the late nineteenth and early twentieth centuries.²

Coupled with rapidly emerging technology, these circumstances allowed a handful of men to acquire an inordinate share of the world's wealth. Their names and empires are legendary: J. P. Morgan, banker and railroad baron; Andrew Carnegie,

¹ Harold Evans, introduction to *The American Century* (London: Jonathan Cape, 1998), xx.

² *Cong. Record*, 49th cong., 2nd sess., 1875. Cleveland's veto prohibited the Commissioner of Agriculture from purchasing \$10,000 dollars of seed grain for distribution to Texas farmers suffering from a drought.

steel king; John D. Rockefeller, the oil tycoon who perfected the monopoly; and George Hearst, mining magnate, became not only symbols of the greatness of American industry and ingenuity, but represented the unlimited potential and promise of the United States. These men considered the country's raw materials, abundant cheap labor, and hands-off government an invitation to amass fortunes and achieve power.

Equally talented men escaped lasting notoriety. William Andrews Clark was one of the hundred richest men in America, and internationally influential in business and the arts during the late nineteenth and early twentieth centuries. When Clark died in New York City on 2 March 1925 at the age of eighty-six, his obituary was in every major newspaper. The *New York Times* noted he owned mines, railroads, real estate, newspapers, factories, quarries, utilities, and plantations, and praised him as “the last of that picturesque group of men...who wrested a fortune from the subsoil of Montana when copper was first discovered in that state.”³

He built a spectacular recreational area, Columbia Gardens, near Butte, and in 1905 built a rest stop—Las Vegas—to service the desert route of his Los Angeles to Salt Lake Railroad. His notable art collection, valued at over \$1.5 million in the 1920s, is housed in the Corcoran Gallery of Art in Washington, D.C. Yet despite Clark's monumental accomplishments, he is hardly remembered outside of Montana, and if so, it is as the man who bought a seat in the United States Senate.⁴

This thesis is a critical study of the political campaigns of William Andrews Clark, who was a Democratic senatorial candidate in Montana in all but one legislative session

³ *New York Times*, 3 March 1925; *New York Herald*, 4 March 1925; *Montana Standard*, 6 August 1978.

⁴ Katie Haughey and Gordon McConnell, ed., introduction to *The William A. Clark Collection: Treasures of a Copper King* (Billings, Montana: Yellowstone Art Center, 1989), iii. Adjusted for inflation, the collection was worth over sixteen million in today's dollars.

between 1888 and 1901. Clark was not elected until 1899, primarily because Marcus Daly, the powerful owner of the Anaconda Copper Company, successfully opposed him for personal, political, and economic reasons. When it appeared that Clark might finally succeed during the Sixth Montana legislative session in January 1899, rumors of impending bribery appeared in the Daly-controlled press, and Clark's papers countered with accusations of a massive conspiracy. Clark's election in January 1899 and the subsequent events created a maelstrom on the national political scene, and played a prominent role in the ratification of the Seventeenth Amendment to the Constitution in 1913, mandating the direct election of U.S. Senators.⁵

An objective analysis of the historical record demonstrates how and why a group of powerful men deliberately blocked Clark's election and conspired to ruin his reputation after the Election of 1899. He was the focus of one of the most intense personal and political attacks in history, and it created a national scandal. Ironically, Clark's enemies blamed him for the negative publicity caused by their persecution.

Understanding the economic and political climate of the western United States is critical when studying Montana's bizarre politics of the 1880s and 1890s. After 1890, the frontier officially existed only as a state of mind. Social and governmental institutions were practical and flexible, adapting rapidly to enormous changes. Unlike stable and refined eastern cities, most western towns were rough and tumble, populated with restless, rootless individuals with little sense of permanence, particularly in politics.⁶

⁵ *Butte Miner*, 1 January-28 January 1899; *Anaconda Standard*, 1 January-28 January 1899.

⁶ Clyde A. Milner, Carol A. O'Connor and Martha Sandweiss, ed., Clyde A. Milner, "Introduction," in *The Oxford History of the American West* (New York: Oxford University Press, 1994), 2-3; Clyde A. Milner, Anne M. Butler and David Rich Lewis, ed., Patricia Limerick, "The Legacy of Conquest" in *Major Problems in the History of the American West* (New York: Houghton Mifflin Company, 1997), 8-9.

The tumultuous 1890s was a turning point in the nation's life. Western politics had evolved into struggles based on location, economic interests and personal ambition. Six states—Idaho, Montana, North and South Dakota, Washington and Wyoming—entered the Union in 1889 and 1890. Many thought that the new states signaled the close of the frontier and the beginning of governmental maturity in the region, but it merely ended the politically motivated Congressional roadblocks inhibiting western statehood since Colorado's admission in 1876.⁷

Small groups of men often started with nothing and built empires that dominated a territory. *Laissez-faire* economics and poorly organized labor convinced them that the government's purpose was to facilitate profits and growth. Politics was a means to an end, an opportunity for power on a large scale. The men who made fortunes shared many characteristics. They took risks, were intelligent but often poorly educated, built impressive mansions, traveled to Europe, and coveted a U.S. Senatorship.⁸

Political contests were fueled by powerful personalities into what historian Kenneth Owens called "chaotic factionalism." Power was a potent, addictive drug, and politics and power intertwined in a tapestry of opportunity, available to anyone with brains, ambition, determination, and money. Money was plentiful, and those who had it spent lavishly on everything, including politics. As in business, money was the means to achieve a goal. Obtaining public office was no different, and the masses expected no less from the candidates. Wealthy men battled for dominance, and while most contests

⁷ Clyde A. Milner, ed., Michael P. Malone and F. Ross Peterson, "Politics and Protest," in *The Oxford History of the American West*, 502; Richard White, *It's Your Misfortune and None of My Own: A New History of the American West* (Norman: University of Oklahoma Press, 1993), 365. Congress opposed the admittance of new states to maintain a precarious balance of political power in Washington.

⁸ Robert Wallace, *The Miners* (Alexandria: Time-Life Books Inc., 1976), 161.

were locally constrained, occasionally one like the Clark-Daly feud spilled onto the national scene, illustrating the bizarre nature of western politics.⁹

Like much of the nation at the turn of the century, Montana was in economic and political flux, enveloped in a capitalistic frenzy of acquisition, excess, and “Social Darwinism,” which was used to explain and justify the profound inequalities in American economic and social life. Opportunities were the same as in other rapidly emerging regions, but wealth was so quickly acquired that discrete political machines could not develop, and problems soon emerged.¹⁰

Clark wanted a U.S. Senate seat. Elected office meant prestige, and elected officials most desired the respect of their neighbors. In Clark’s time, vanity was generally the motive behind political office. Elected office was an important marker in the social registry, and men of wealth sought to either enter that register, or move higher in it. Clark was also an anomaly. A Northerner and Irish Protestant, he was a Democrat, although seventy-five to ninety-five percent of Irish Protestants voted Republican.¹¹

Balloting for the Montana senate seat was scheduled to begin on 10 January 1899. When the session opened, Fred Whiteside, a freshman member of the legislature, stunned the assembly by charging that he was bribed by William A. Clark and his agents, and offered \$30,000 cash as proof. However, the other members were

⁹ Kenneth N. Owens, “Patterns and Structure in Western Territorial Politics,” in *Western Historical Quarterly* (October 1970): 377-378; Malone and Peterson, “Politics and Protest,” 502-503.

¹⁰ Malone and Peterson, “Politics and Protest,” 502-503; *Great Falls Tribune* 24 September 1889; Clark and Daly in Butte, and Sam Hauser and transportation magnate C. A. Broadwater in Helena were known as Montana’s “Big Four,” and they called the shots in state politics. Montana’s major capitalists gravitated toward the majority Democratic Party, as did their miners and skilled workmen.

¹¹ Leon Burr Richardson, *William E. Chandler: Republican* (New York: Dodd, Mead & Company, 1940), 4-6; David M. Emmons, “The Orange and the Green in Montana: A Reconsideration of the Clark-Daly Feud,” in *Arizona and the West*, 28 (Autumn 1986): 225-45.

unaware that a partisan committee of legislators had secretly met with Whiteside the night before, and after a lengthy discussion decided on a strategy to keep Clark off the ballot. By presenting their information to the legislature in a sudden, dramatic accusation, the committee hoped to catch the members off guard and maneuver them into taking action before Clark's supporters could respond. When the circumstances surrounding the accusation were revealed, the legislative session became a political frenzy that spread throughout the state and into Washington, D.C.¹²

The ensuing investigation drew Montana into a vortex of shame and scandal. The legislative committee recommended calling a grand jury, but after a two-week investigation of forty-four witnesses, it failed to indict. The next day, 29 January 1899 the Montana legislature elected Clark with a total of fifty-four votes, nine more than required. Clark had gained an impressive fifty-three votes during the three-week legislative session, and the opposition charged that it was possibly only by bribery.¹³

Cornelius B. Nolan, the Montana Attorney General and a close friend of Daly, was so infuriated that he began a vicious vendetta against Clark and his supporters, even violating state and federal laws to obtain evidence. In August 1899, Nolan successfully manipulated the Montana Supreme Court into disbarring Clark's unofficial campaign manager, John B. Wellcome, and worked throughout the year with Senator William E. Chandler, the Republican Chairman of the Committee on Privileges and Elections, who agreed to investigate the case. The Senate investigation lasted from

¹² *Butte Miner*, 11 January 1899; *Anaconda Standard*, 11 January 1899.

¹³ *Butte Miner*, 30 January 1899; *Anaconda Standard* 30 January 1899; John Welling Smurr, "A Critical Study of The Montana Constitutional Convention of 1889" (M.A. thesis, Montana State University, 1951), 75; Smurr said that the grand jury deliberately did not indict and "absolved a prominent politician from charges of wholesale bribery of the legislature."

January to April 1900, and after three months of testimony and a parody of justice and jurisprudence, on 23 April 1900 the Committee recommended to declare Clark's election null and void. Clark resigned on 11 May 1900 before the resolution came to a Senate vote, avoiding a potentially disastrous showdown.¹⁴

Outraged, Clark used a clever but questionable tactic to maneuver the Montana lieutenant governor into appointing him to fill the vacancy created by his resignation. This defiant action enraged his opponents, cost him some supporters, challenged the Committee's authority, and deeply divided the Senate. Although hotly debated, the issue was unresolved when the session ended on 5 June 1900.¹⁵

Despite the incredible time and resources mustered to block him from the Senate, just seven months later, in January 1901, William A. Clark was elected to a full six-year term. Marcus Daly's poor health, diminished influence, and a campaign aided by powerful alliances, helped Clark win without charges of bribery. He served from March 1901 until March 1907 and retired permanently from politics. The episode was a remarkable story exposing the dark side of human nature, particularly when powerful men wielded their power unabated regardless of the consequences.¹⁶

Notwithstanding the political turmoil of the late nineteenth century, Clark's case was unique for several reasons. In the twelve-year period between 1888 and 1900, Clark and Daly spent millions of dollars in political battles, an appalling amount in an era

¹⁴ *Report of the Committee on Privileges and Elections of the United States Senate Relative to the Right and Title of William A. Clark to a Seat as Senator from the State of Montana, 56th cong., 1st sess., S. Report, 1052, 3 vols*; The report is a three-volume compilation of testimony from 105 witnesses over forty-three days, and numerous documents supplied by the litigants; Clark's resignation speech, *Cong. Record, 56th cong., 1st sess., 5536*; *Cong. Record, 56th cong., 2nd sess., 3421*; Wellcome was sacrificed. His disbarment was necessary only because Nolan knew it would strengthen the case against Clark.

¹⁵ *Cong. Record, 56th cong., 2nd sess., 3421*.

¹⁶ *Cong. Record, 56th cong., 2nd sess., 3427-3428*.

when mixing money and politics was not only common but generally expected. Also, both men made only superficial efforts to conceal their activities, despite the legislature's efforts to limit campaign expenditures and to end the influence of Daly, Clark, and the powerful railroad and timber interests.¹⁷

Finally, the feud became personal, a spiteful battle of wills that exceeded the bounds of political rivalry and mutual economic interests. Both men shared traits common to those that achieved great wealth from impoverished beginnings—pride, ego, vanity and stubbornness. However, the animosity that developed between them apparently precluded any chance of cooperation for the improvement of their communities, state or personal fortunes. Betrayal and treachery ruptured any semblance of propriety or civility, and the Election of 1899 literally became a fight to the death.¹⁸

Clark's election and resignation was national news, but the sensational story faded as Montana settled into the final stages of the "Copper Wars." However, Clark's election to the Senate in January 1901 was intolerable to supporters of the late Marcus Daly, who again demanded the denial of his election credentials. Senator Chandler, ignominiously defeated after decades in the Senate, made a final, desperate effort to keep Clark from his seat. Although unsuccessful, Chandler attempted to tarnish Clark's reputation by stigmatizing him as a criminal. An impassioned Chandler said, "Let an aroused public sentiment of his countrymen pillory and brand and scourge the infamous

¹⁷ *Cong. Record*, 56th cong., 2nd sess., 3425; Under "Crimes Against the Elective Franchise," in the *Montana Penal Code, Title IV* of 25 February 1895, no candidate for public office could directly or indirectly spend more than \$1000 for himself, or contribute more than \$1000 per political committee in any one county.

¹⁸ The battle took a heavy toll on Daly. He died from heart and kidney disease on 12 November 1900.

offender. Leave him to his infamy. Let him be an outcast from the companionship of free men.”¹⁹

However, by 1901 Montana had changed. Daly and his influence had died in November 1900, and his beloved Amalgamated Copper Company, owned by the despised Standard Oil Company, was embroiled in litigation with another powerful mining magnate, F. Augustus Heinze. Clark had made peace with the Amalgamated and moved to Washington, and many people believed that he had been unfairly persecuted.

The *St. Paul* (Minnesota) *Globe* wrote that Clark’s record as a man and a politician was untarnished when compared to Republicans Matthew Quay and Mark Hanna, the political bosses of Pennsylvania and Ohio respectively, who also won Senate seats. Complimentary articles were published about Clark, and he enjoyed the respect and prestige of a member of the U.S. Senate. In 1903, *Cosmopolitan Magazine* characterized Clark as a Horatio Alger who made his fortune through hard work, skill, determination, and the dangerous commitment to fighting the evil Daly forces.²⁰

¹⁹ *Cong. Record*, 56th cong., 2nd sess., 3436; James A. Kehl, *Boss Rule in the Gilded Age: Matt Quay of Pennsylvania* (Pittsburgh: University of Pittsburgh Press, 1981); The “Copper Wars” were the devastating battles to gain a monopolistic hold on Butte’s copper wealth at the end of the Nineteenth century, eventually won by the Standard Oil Company; Chandler intensely disliked Clark, evidenced by his comments and conduct as Chairman of the Committee on Privileges and Elections, and subsequent actions in the Senate; *Report of The Committee On Privileges and Elections*, 1-20; *Cong. Record*, 56th cong., 2nd sess., 3420-3436; Bribery was common at all levels of government in the late nineteenth century, and the basic circumstances of Clark’s election were hardly new or unique. In the 1860s, Oregon Senator H. W. Corbett was implicated in an attempt to bribe a legislator, and in 1873, the Kansas Speaker of the House found \$7,000 on his desk to influence his vote for Senator S. C. Pomeroy. Pomeroy was defeated, but an investigation proved the action was an opposition conspiracy. In 1894, Senator Watson C. Squire of Seattle was the victim of a similar unsuccessful effort by his opponent, H. C. Calkin, and Utah mining magnate Thomas Kearns was elected to the Senate in 1899 under suspicion that Mormon Church president Lorenzo Snow engineered the election, despite the fact Kerns was Catholic. Possibly the most famous case of election impropriety involved the powerful, long-time Republican Senator Matthew S. Quay of Pennsylvania, indicted for misuse of public funds while State Treasurer. Investigated by the Senate Committee on Privileges and Elections in 1899, Quay lost his seat when the Senate voted to void his gubernatorial appointment after a deadlocked legislature failed to elect him.

²⁰ *St. Paul* (Minnesota) *Globe*, 4 March 1901.

Christopher P. Connolly, an attorney, author and staunch Daly supporter, resented Clark's success and growing reputation. In the finest muckraking tradition, he wrote a series of articles for *McClure's Magazine* between August 1906 and July 1907, creating a biased account of the Clark-Daly feud and election of 1899. The articles were later published in 1938 as *The Devil Learns to Vote*. Connolly proudly stated that, "I was an actor in many of the episodes which I have tried, in this book, to bring back to life..." and it subsequently influenced every work about Clark.²¹

Connolly accused Clark of bribery in every Montana political contest between 1888 and 1900, culminating in the election of 1899 where he said that Clark won with "forty-seven votes...bought in eighteen days at a total cost of \$431,000—not including the \$30,000 which lay unclaimed in the state treasury," and that "\$200,000 had been offered to thirteen other senators and had been refused." He accused the Helena grand jury of "pretending" to investigate Clark, and mixed hearsay and rumor to portray Clark as a scoundrel, although he was never directly charged with or convicted of bribery. A Senate investigative committee lacking the power to convict, recommended that Clark's election be declared "null and void," but the Senate never voted to oust him.²²

Other than Connolly's articles, no scholarly works about Clark were written until nearly a decade after his death. Edna A. Mann's thesis, "The Business and Political Career of William Andrews Clark" (1932) and Mary M. Farrell's thesis, "William Andrews Clark" (1933), the earliest biography, were self-conscious and uncritical. Both knew

²¹ Christopher P. Connolly, "The Story of Montana" in *McClure's Magazine*, vols. XXVII-XXVIII, 1906-1907 27, August 1906: 346-61; November 1906: 27-43; December 1906: 198-210; *McClure's Magazine* was the original and most popular muckraker publication in America, founded by the ebullient S. S. McClure, who, like Daly, Connolly and the majority of the anti-Clark forces, was Irish; Christopher P. Connolly, *The Devil Learns to Vote* (New York: Corvici Friede, 1938), 12.

²² Connolly, *The Devil Learns to Vote*, 164; Smurr, "The Constitutional Convention of 1889," 9. These figures were often repeated but never substantiated.

participants in the events of the 1890s and suffered from familiarity, over identification, and reliance on Connolly. Mann praised Clark's business abilities, but declared him a miser except when he was "spending a vast fortune for his political schemes." Farrell said that Clark "had the money to buy where he could not win."²³

Clark had a prominent place in C. B. Glasscock's, *The War of the Copper Kings* (1935). Glasscock said that the book, "should be convincing evidence that an honest effort has been made to narrate nothing more than the essential facts and opinions," but admitted those opinions were dominated by Daly supporters. Dramatized for public consumption, the book was less biased than Connolly but portrayed Clark as cold, aloof, and obsessively driven to become a U.S Senator, as demonstrated when he supplied \$139,000 for "the secret use of his campaign committee" in the 1899 election against "Daly's expenditure of \$7,500 to keep it pure."²⁴

The only book-length history of the Clarks is William Mangum's bitter, self-serving volume, *The Clarks of Montana*, published in 1939, and again in 1941 as *The Clarks: An American Phenomenon*. Full of half-truths and dubious acknowledgements, this compilation of vignettes about Clark and his family was a sordid expose to discredit them. Mangum said he had "thirty years of service as a general business agent to one of the sons of the principal character," but did not reveal that he was a childhood friend and college classmate of William A. Clark, Jr., and was bitter over the Clark wills.²⁵

Mangum's book culminated a trilogy of anti-Clark books. Jere C. Murphy's *The*

²³ Edna A. Mann, "The Business and Political Career of William Andrews Clark" (M. A. thesis, University of Chicago, 1932), 79; Mary M. Farrell, "William Andrews Clark" (M. A. thesis, University of Washington, 1933), 76.

²⁴ C. B. Glasscock, *The War of the Copper Kings* (New York: Bobbs-Merrill Co., 1935; reprint, Helena Montana: Riverbend Publishing, 2002), vi and 170.

²⁵ William D. Mangum, *The Clarks of Montana* (Washington, D.C.: Service Printing, 1939); *The Clarks: An American Phenomenon* (New York: Silver Bow Press, 1941).

Comical History of Montana: A Serious History for Free People (1912), and Herbert W. Young's *Ghosts of Cleopatra Hill: Men and Legends of Old Jerome* (1947), were more balanced and portrayed Clark positively, but neither volume attained national prominence on the scale of Connolly, Glasscock, and Mangum.²⁶

The best scholarly work to date on Clark's last election was Forrest L. Foor's dissertation, "The Senatorial Aspirations of William A. Clark" (1941). Foor concentrated on Clark's final campaign, and broke with the traditional Connolly theme by not actually accusing Clark of buying the election of 1899. Clayton Farrington's thesis, "The Political Life of William Andrews Clark" (1942) was a poorly disguised attempt to justify the actions of Clark's enemies, and it merely synthesized the *Senate Report on Privileges and Elections*, quoted few sources but Connolly, and nefariously made scurrilous, unsubstantiated charges.²⁷

Clark was relegated to an occasional comment in general histories for many years. In 1943, Joseph K. Howard called him an "...ambitious little peddler," and a hypocritically eager "scheming little man," in *Montana: High, Wide and Handsome*, and in *Desert Challenge: An Interpretation of Nevada* (1949), Richard G. Lilliard described Clark as "the Montana copper king who had bought himself a seat in the United States Senate." In "The Genesis of the Clark-Daly Feud" in the *Montana Magazine* (1951), and his book, *Montana: An Uncommon Land* (1959), K. Ross Toole accepted the Senate Committee findings and some of Connolly's assertions, but said that "Clark's detractors,

²⁶ Jere C. Murphy, *The Comical History of Montana: A Serious History for Free People* (San Diego: E. L. Schofield, 1912); Herbert W. Young, *Ghosts of Cleopatra Hill: Men and Legends of Old Jerome* (Jerome, Arizona: Jerome Historical Society, 1947).

²⁷ Forrest L. Foor, "The Political Aspirations of William A. Clark 1898-1901: A Study in Montana Politics" (PhD. diss., University of California, 1941); Clayton Farrington, "The Political Life of William Andrews Clark" (M. A. thesis, Montana State University, 1942), 109; Farrington, a friend of former Daly supporters, used undocumented comments, hearsay, rumor, and speculation to draw biased, inaccurate conclusions.

and they are nearly legion, are prone to forget his early years in Montana...where he had no initial advantage...save his intelligence and his determination.”²⁸

James High’s article, “William Andrews Clark, Westerner: An Interpretive Vignette,” in *Arizona and the West* (1960), said that Clark “perhaps typifies the Westerner who followed the pioneers and was able to reap the benefits of the virgin land without experiencing the dangers that beset the first settlers,” and that, “It was an open secret, for example, that he once paid \$50,000 for fifty votes in the Montana Legislature,” un-questioningly accepting Connolly.²⁹

Another exception to Connolly was David F. Myrick’s two-volume work, *Railroads of Nevada and Eastern California* (1963). Unconcerned with his Montana activities, Myrick praised Clark’s accomplishments in building the Salt Lake and Tonopah Railroad during his 1901 Senatorial contest. Myrick said that Clark’s record “demonstrates an abnormal amount of frankness, candor and honesty in dealing with the press and the public, an integrity which stands out far above the contemporary practices of the times....” Such comments are conspicuously absent when historians discuss Clark.³⁰

General histories of significant western mining magnates, such as Richard H. Peterson’s *The Bonanza Kings* (1971) claimed that, “Clark’s eventual election to the Senate in 1899 was achieved by extensive bribery and fraud. A senatorial investigation, which Daly allegedly helped to finance, exposed the corruption and Clark resigned.”

²⁸ Kenneth R. Toole, “The Genesis of the Clark-Daly Feud,” in *Montana: The Magazine of Western History*, April, 1951: 21-33; Kenneth R. Toole, *Montana: An Uncommon Land* (Norman: University of Oklahoma Press, 1959, reprint, 1975), 175; William Howard Kinsey, *Montana: High Wide and Handsome* (New Haven: Yale University Press, 1943, reprint, 2001), 68.

²⁹ James High, “William Andrews Clark, Westerner: An Interpretive Vignette” in *Arizona and the West*, 1960, 2: 245-264. The article is a dubious psychological analysis of Clark.

³⁰ David F. Myrick, *Railroads of Eastern Nevada and Southern California*, vol. 2 (Berkeley: Howell-North Books, 1963), 463.

This oversimplification demonstrated a limited familiarity with the subject and a heavy reliance on Connolly's work."³¹

Modern historians of the West, particularly those of Irish descent, portrayed Marcus Daly as a man of almost unimpeachable character, and Clark as totally devoid of morality. The most prominent of these were Michael P. Malone, who wrote in *The Battle for Butte* (1981) that in the election of 1899, "Clark evidently determined that this time, regardless of the monetary or moral costs, he would be elected to the U.S. Senate." In "Midas of the West: The Incredible Career of William Andrews Clark," published in *Montana Magazine* (1983), Malone portrayed Clark as the ultimate example of "the grasping and garish Western mining king," whose reputation "seems sullied beyond redemption."³²

Patricia Nelson Limerick's *The Legacy of Conquest* (1987) called Marcus Daly "the self-made man, risen from the ranks...an Irish native of humble origins," and Clark a "merchant with little direct experience with mining...a model of the nineteenth-century robber baron." In 1987, James Hulse wrote how Clark had embarked on a "long campaign" that culminated in the "unsavory tactics that he used to buy a seat in the Senate" in "William Andrews Clark and the Las Vegas Connection," published in *Montana Magazine*.³³

Western historians today accept Connolly's version of events. Richard White

³¹ Richard H. Peterson, *The Bonanza Kings: The Social Origins and Business Behavior of Western Mining Entrepreneurs, 1870-1900* (Lincoln: University of Nebraska Press, 1971), 84; Daly admitted funding the illegal investigation without limitations on the cost.

³² Michael P. Malone, *The Battle for Butte* (Seattle: University of Washington Press, 1981, reprint, Helena: Montana State Historical Society, 1995), 111; Malone, "Midas of the West: The Incredible Career of William Andrews Clark," in *Montana: The Magazine of Western History*, Autumn, 1983: 2.

³³ Patricia N. Limerick, *The Legacy of Conquest* (New York: W. W. Norton and Co., 1987), 112-113; Limerick seems to totally ignore the historical record; James Hulse, "William Andrews Clark and the Las Vegas Connection," in *Montana: The Magazine of Western History*, Winter, 1987: 48-55.

wrote in *It's Your Misfortune and None of My Own: A New History of the American West* (1993) that Clark, "...had at least one uncontrollable passion...to be a U.S. Senator...and bribed Republican legislators to secure his election to the Senate." Malone and Peterson's "Politics and Protest" in *The Oxford History of the American West* (1994) said, "...millionaires such as William Andrews Clark in Montana or Thomas Kearns in Utah openly 'influenced' legislatures in order to be elected to the U.S. Senate."³⁴

Clark biographies were relegated to general reference works such as *The Dictionary of American Biography* and *Progressive Men of Montana* until Jeanette Rodda's thesis, "William Andrews Clark: A Biography" (1990). Like most Clark authors, Rodda is a Montana native, but was more balanced. However, eighty years after his death, a comprehensive biography of William A. Clark has not been written.³⁵

In *Montana Century* (1999) editor Michael P. Malone, who dominated Montana historical writing for decades, accused Clark of bribing legislators in 1893 and buying votes in 1899, "only to be forced to resign in 1900 when his 'man-buying' antics were brought to light in Washington D.C." Laurie Mercier's *Anaconda: Labor, Community, and Culture in Montana's Smelter City* (2001) was an important departure from the prevailing anti-Clark theme in that she acknowledged Daly's darker side. Mercier said that Daly was "ruthless, shrewd, and often broke the law...interfered with the electoral process by tampering with and purchasing votes, manipulated the state Democratic

³⁴ Richard White, *It's Your Misfortune and None of My Own: A New History of the American West* (Norman: University of Oklahoma Press, 1991, reprint, 1993), 365; Malone and Peterson, "Politics and Protest," 503.

³⁵ Jeanette Rodda, "William Andrews Clark: A Biography" (M. A. thesis Northern Arizona University, 1990).

and Republican parties, bribed legislators, and used a variety of unsavory tactics to neutralize political foes in Anaconda and Butte.”³⁶

After the Civil War, men who tamed the West were either historical or legendary figures. Clark was a forgotten historical figure because of his enemies. Despite his accomplishments and service to Montana, western historians agreed with Malone who acerbically wrote in *The Battle for Butte* that, “Clark is the ultimate embodiment of the Horatio Alger myth. Yet following his death, he quickly faded from memory. This was largely because, unlike Marcus Daly...Clark left no great corporate monument behind...his place in history, his great achievements in the world of business, are forever blighted by the aura of scandal and corruption that he brought down upon himself. Life was good to William A. Clark, but due to his own excesses, history has been unkind.”³⁷

Based on prejudice and emotion, this assessment plagued Clark’s reputation and legacy. Objectivity was sacrificed to ethnic loyalty, and facts were selectively presented and interpreted, creating an incomplete and inaccurate history. This paper goes beyond the preconceptions and analyzes the facts in the historical record. The election of 1899 divided Clark’s life into two phases. Before the election, he was an international business leader and respected force in Montana politics. Afterward, he effectively withdrew from politics and Montana, his reputation sullied by a nefarious scandal.

Documents and testimony from the period demonstrate that Clark was a typical

³⁶ Michael P. Malone, ed., *Montana Century* (Falcon Publishing, Inc. 1999), 4; Laurie Mercier, *Anaconda: Labor, Community and Culture in Montana’s Smelter City* (Chicago: University of Illinois Press, 2001), 11, 16-17. Mercier said that Daly’s methods drove Clark’s tactics, and that those tactics branded Clark for more than a century.

³⁷ Richard W. Etulain, ed., *Writing Western History: Essays on Major Western Historians* (Albuquerque: University of New Mexico Press, 1991), 4; Malone, *The Battle for Butte*, 200.

nineteenth-century businessman who exploited opportunities and resources for profit with little regard for the future. He was intelligent, shrewd, demanding, and tough. Except for the charges made by the Daly faction, there is no evidence against him of corruption and dishonesty. Evidence of his philanthropy exists in Clarkdale, the model town built for his workers in Jerome, Arizona, in photographs of Columbia Gardens, the recreational area in Butte, Montana, and his art collection in Washington D. C. The Anaconda Company, hailed as the “corporate monument” left by Marcus Daly, was an onerous yoke on Montana for eighty years.

The accusations against Clark were inconsistent with his life, and this thesis challenges the traditional interpretation of his political career and senatorial election. The record conclusively shows that Clark was never formally charged with bribery and corruption. To prosecute him, dishonest officials manipulated and broke the law, committing acts more heinous than those attributed to Clark. Three separate investigations failed to convict him of a crime, yet Clark was denied his Senate seat. When he was re-elected in 1901, Clark’s detractors were compelled to permanently try and discredit him. This paper exposes their efforts.

Late nineteenth-century politics, the Clark-Daly feud and the “War of the Copper Kings” created lasting prejudices. Most Montanans are taught and accept the century-old Connolly story, but it is time to reevaluate the historical record without the prejudice born of living in Montana, and the dominating influence of Christopher P. Connolly and Michael P. Malone.

CHAPTER 2

BEGINNINGS

The first session of the 57th Congress began on 1 March 1901. As the Senate roll was taken, one individual patiently waited, having endured an unprecedented assault on his character and reputation to keep him from his seat. For twelve years, he had fiercely battled his avowed enemy for economic and political control of Montana. First elected in January 1899, he resigned in 1900 under pressure from the Senate Committee on Privileges and Elections. However, in January 1901 he was again elected. The Montana senatorial election of January 1899 was a sordid affair that affected his family, friends, associates, Montana and the nation. The events surrounding the election also determined the social, political, and economic destiny of Montana for nearly a century. He had prevailed, and was anxious to begin another phase in an extraordinary life.¹

William Andrews Clark lived on his own terms. Starting with little more than a strong work ethic, sharp mind and like all pioneers, “imbued with the same ambition, to better our condition in the world if possible,” Clark became enormously successful. A leader in the business and financial world, he owned at least twenty-two companies outright or as a majority shareholder, but his companies never went public or issued stock—Clark believed in running a business, not deferring to a Board of Directors. He owned homes in America and Europe, spoke excellent French and passable German,

¹ *Cong. Record, 57th cong., 1st sess., 1.*

and collected art worth millions. As the names were called, Clark almost certainly reflected upon his life, and the events that surrounded his election as Montana's Democratic Senator.²

William Andrews Clark was born in Connellsville, Fayette County, Pennsylvania on 8 January 1839 to Scotch-Irish parents, John and Mary (Andrews) Clark. He had little time for school, other than three months each year during the harsh winters. Education was important to the Clarks, and William was fortunate enough to attend Laurel Hill Academy at fourteen, when most boys destined for a farm life ceased formal schooling. As coal mining expanded in southwestern Pennsylvania, John moved the family to Van Buren County, Iowa, in 1856. Then seventeen, Clark wanted to attend Yale University, but dutifully helped build and work the new farm. However, he attended the Birmingham Academy and taught elementary school to finance his studies at Iowa Wesleyan University, where he graduated with a law degree.³

In 1859 Clark left to teach in Missouri. Publicly, he remained silent about his actions during the Civil War, but in 1862 the twenty-three year old joined a wagon train bound for Colorado and arrived in Denver, Colorado Territory, five months later. Unable to find work, he went to nearby Central City where he met an old college acquaintance who helped him get work as a mine laborer for \$3.00 a day. From September 1862 to May 1863, Clark learned skills that helped him become one of the world's richest men. A rumored gold strike in the Idaho Territory enticed Clark to head northwest, and he

² C. B. Glasscock, *War of the Copper Kings* (New York: Bobbs-Merrill Company, 1935), 46.

³ Jeanette Rodda, "William Andrews Clark: A Biography" (M. A. thesis, Northern Arizona University, 1990), 7; The Biographical material is a synopsis of histories recounting Clark's early days in Montana, and Clark's *Early Days in Montana: Being Some Reminiscences Dictated by Senator William Andrews Clark*, in the Clark Vertical File in the Butte, Montana Archives.

left on 4 May 1863 with little more than the clothes on his back, a few simple tools, and a powerful intellect fueled with a burning ambition. When Clark struck out toward an unknown destiny, he never looked back.⁴

After a rigorous, dangerous trip, Clark arrived in Bannack, Montana Territory, on 7 July, where he joined two other partners and achieved limited success placer mining a small claim. However, Clark was not the usual prospector. Intelligent, educated, and tough, he quickly learned that few miners struck it rich but gladly paid high prices for supplies. Clark made several thousand dollars that summer, the seeds of a multi-million dollar fortune. Restless and ambitious, he became a merchant, buying goods in Salt Lake City, Utah, during the brutal winter of 1863. This trip saved Clark from possibly becoming embroiled in the controversial Vigilante justice that gripped Montana between December 1863 and January 1864, where a number of lynchings by prominent Montanans served as a grim reminder of the reality of living in a rugged, untamed wilderness.⁵

After another successful summer, Clark and his partners sold their interests and parted company. Returning from Salt Lake City in late 1864, he was exposed to territorial politics after President Lincoln signed a bill creating the Montana Territory on 26 May 1864 and designating Bannack as the capital. The first Territorial legislature

⁴ *New York Times*, 3 March 1925; *New York Herald*, 4 March 1925; Clark, *Early Days in Montana: Being Some Reminiscences*, 2; Clark's silence was interpreted as shame or cowardice, but it was likely neither. He was a bright young man that craved success, and war was an unlikely way to achieve it. A Northerner living in a divided state, he may have been a sympathizer, which would explain his Democratic Party ties. The most plausible explanation for why Clark left is that he was lured West by opportunity and prospecting was an attractive alternative to war. No one questioned Marcus Daly's departure from New York for California in 1861 at age 21, when large Irish companies of Union troops were forming.

⁵ Clark, *Early Days in Montana*, 4; K. Ross Toole, *Montana: An Uncommon Land* (Norman: University of Oklahoma Press, 1959; reprint 1977), 77-78; Placer mining involved panning, or using water in sluice boxes to remove gravel from stream beds to expose gold nuggets.

convened on 12 December 1864 and Clark met several prominent members, including Samuel T. Hauser, a capitalist and mining magnate who became not only a friend, but the man who later coerced Clark to spend huge sums and endure considerable suffering when he served as his prominent political advisor and strategist.⁶

Clark moved to Deer Lodge when it became the new Territorial capital, selling supplies to miners. He developed contacts in the thriving trade center of Helena, made large profits as a purchasing agent and banker, and helped miners by making two percent interest loans and exchanging dust for currency. Clark invested his profits in other businesses, and won the mail contract between the Montana and Washington Territory. In 1868, he became a partner of St. Louis banker R. W. Donnell, Helena's largest merchandising firm. On a buying trip to New York, Clark stopped in Pennsylvania to marry his childhood sweetheart, Katherine Stauffer.⁷

In 1870, Clark convinced Donnell to open a bank in Deer Lodge. Under Clark's direction as president, the bank became so profitable that the partners ceased merchandising operations. This bank later became W. A. Clark and Brother, a privately owned bank run by Clark and his younger brother J. Ross Clark, and was one of the largest financial institutions in Montana.⁸

His financial future secure, Clark searched for new opportunities. He heard reports of rich silver and copper deposits in Butte, a small camp about forty miles southeast of Deer Lodge. In 1872 Butte was all but abandoned, a minor gold rush that dissolved in a few short months and that seemed destined to become another desolate

⁶ *Montana Post*, 17 December 1864; Clark, *Reminiscences*, 3.

⁷ Clark, *Early Days in Montana; Progressive Men of the State of Montana* (Chicago: A. W. Bowen and Co., 1901), 1105.

⁸ Rodda, "William Andrews Clark," 31.

monument to unrealized dreams. However, some realized that “Butte City” contained valuable ore, and would yield it to the right man, one with the foresight, courage and capital to get it. Such a man was William Andrews Clark.

In 1872, William Andrews Clark was thirty-three, healthy and flush with success. In the ten years since his arrival in the Montana Territory, he had achieved phenomenal success as a leading merchant and capitalist. Most men would be satisfied, but Clark saw an opportunity to build a successful quartz mining business. Butte welcomed Clark. The catalyst for mining was capital, and Clark had it. He was smart, shrewd, and from his Colorado days knew practical mining operations. He also understood geology, and before deciding on properties, he carefully inspected them, often climbing into shafts. By the end of August, he owned options on four mines, and various percentages of thirty-seven other claims.⁹

As America’s post-Civil War economy staggered under the weight of debt and the Panic of 1873, Clark waited. Unlike his contemporaries, he wisely used the time to attend the Columbia School of Mines at Columbia University in New York City in 1872. He knew that scientific knowledge combined with his practical skills would give him an advantage. He took ore samples from his properties in Butte, and experts confirmed what he suspected—they were rich, and with sufficient capital and equipment, would be highly profitable. Invigorated, Clark learned all that he could from the experts.¹⁰

⁹ *Montana Standard*, 7 April 1979; C. B. Glasscock, *War of the Copper Kings* (New York: Bobbs-Merrill Co., 1935), 58-59; Quartz mining involved digging underground to locate ore bodies, and required enormous capital and heavy machinery to remove sufficient quantities to be profitable. Most ore also required a refining process (smelting) after extraction to separate it from the non-usable material. Often, processing costs were so prohibitive that a potentially wealthy ore body was not developed.

¹⁰ Clark C. Spence, *Mining Engineers and the American West* (Moscow: University of Idaho Press, 1970, reprint, 1993), 37-38; In 1871 the Columbia School of Mines was the world’s most prestigious engineering school. Clark passed rigorous entrance examinations and studied basic sciences, mineralogy, geology, quantitative analysis, the theory of veins, exploitation of mines, assaying, French and German.

After a year, Clark returned to Butte with the knowledge, ambition and money to build an empire. The primary obstacle was transporting the ore to a smelter at a reasonable price, and Clark was elected secretary of a citizen's committee to bring the railroad to the Butte-Deer Lodge area. Silver brought \$400.00 a ton even with crude processing methods, and between 1876 and 1877, Butte's population exploded from fifty to nearly 5,000. Clark also began shipping large quantities of copper ore in 1873.¹¹

Butte's ores were refractory, which means chemically combined with other metals and minerals—gold, zinc, copper and sulfur—making it difficult to extract the silver. Large sums of money were lost at the mills because these valuable metals were not collected and processed. In late 1877, Clark shipped one hundred fifty tons of ore to a modern facility in Colorado, which led to the formation of the Colorado and Montana Smelting Company and the construction of Butte's first large capacity smelter.¹²

By 1877 Clark was a leading citizen of Butte, and moved his family from Deer Lodge. As he cultivated a burgeoning empire, an unknown Irish immigrant, thirty-five-year-old Marcus Daly arrived in Butte during August 1876, to evaluate property owned by the Walker Brothers of Salt Lake City, Utah. Daly had learned mining as a common laborer and shift-boss in the Comstock mines, earned a good reputation, and made important friends. In 1870, he went to Salt Lake City, Utah, as the foreman of the Emma Silver Mine. The following year, he took a job in Ophir, Utah, and subsequent revelations from an investigation into the Emma Mine raised doubts about Daly and why

¹¹ *Anaconda Standard*, 25 June 1891; Glasscock, *War of the Copper Kings*, 60-62.

¹² *Butte Miner*, 23 July 1899; Glasscock, *War of the Copper Kings*, 62 and 68; Clark's pivotal role in Butte's development from a minor silver camp into a major mining community is often ignored or minimized. His early appraisal of the area's potential, coupled with knowledge, capital and patience, brought the first modern mill and smelter to Butte. Increasingly, investors and newspapers back east noticed the booming town. Daly is often solely credited for discovering and developing Butte's copper industry, another Connolly exaggeration.

he left. However, his appearance in Butte was the genesis of events that would forever affect Clark, Montana, and the United States.¹³

In *British Investments and the American Mining Frontier*, Clark C. Spence described the impact of British capital in developing the western mining industry during the late nineteenth century. Spence chose the Emma Silver Mining Company as a case study “to illustrate the details of organization and operation of the English joint-stock corporation in western mining...by far the most famous—or infamous—of all such projects brought before the British public in the seventies...an exceptional concern in that its scandalous background kept it in the public eye for several decades and precipitated international complaints.”¹⁴

Discovered in 1868 and promoted as a large rich deposit, the Emma actually had little substantially accessible ore by the end of 1871. What remained was impossible to mine, due to flooding, collapsing shafts and brutal winters. However, Benjamin Silliman, a Yale chemistry professor had inspected the Emma that summer and issued his report stating that “beyond all reasonable doubt” the mine was “in the category of the great mines of the world,” and quietly received \$25,000.¹⁵

Daly’s role is not known, but as the mine foreman he was responsible for the daily operations. He would have been intimately familiar with the mine’s history and problems, and whether or not he was aware of the misrepresentations, Daly was at the

¹³ *Salt Lake Herald*, 8 May 1889; *Anaconda Standard*, 13 November 1900 (Daly obituary); Kenneth Ross Toole, “Marcus Daly: A Study of Business in Politics” (M. A. thesis, Montana State University, 1948), 9-10. Little is known about Daly’s early life for two reasons: Daly ordered his personal papers destroyed after his death, as well as the personal letters of his wife and associates; Second, subsequent biographies were heavily biased toward Daly, filled with rumors, speculation, errors and revisionism, preventing an accurate portrayal his life until he arrived in Virginia City, Nevada. Toole relied primarily on newspapers, interviews and reminiscences.

¹⁴ Spence, *British Investments and the American Mining Frontier*, 139.

¹⁵ Spence, *British Investments and the American Mining Frontier*, 143, 179.

Emma during a pivotal year when information to investors was withheld, exaggerated, and falsified. Stories of the Emma's reputation were carried periodically in prestigious journals like *The Mining Journal*, the *Mining and Scientific Press*, and *Nation*. Clark undoubtedly remembered the Emma Mine problems twenty years later when he and Daly battled for control of Montana.¹⁶

Daly was also a roving prospector for the Walker Brothers, English capitalists based in Salt Lake City. He met George Hearst in 1872, and later Hearst's mentor and partner, James Ben Ali Haggin, the San Francisco financier and real estate baron. This meeting was important, because unlike Clark, Daly was financed by outside investors until his mine in Butte became profitable, well after Clark had established it as a booming silver town. Several lucrative deals cemented Daly's reputation with these powerful men, and they later played a major role in Montana's history.¹⁷

In 1876, Daly went to Butte to inspect the Alice mine, decided it had great potential, and obtained an option. The Walkers bought it for \$25 million, and Daly retained a fifth interest. Daly managed the mine and worked feverishly to make it pay. Living in a miner's cabin near the Alice, he socialized in saloons and made friends, and Butte took notice. Connolly said that Daly was "uneducated, his grammar left much to be desired and he was most at ease in the company of his own shift bosses and

¹⁶ Spence, *British Investments and the American Mining Frontier*, 169.

¹⁷ Toole, "Marcus Daly," 6-7; Hearst was a prospector financed by James Ben Haggin, a prominent California real estate broker, banking magnate and manipulator in the San Francisco Stock Exchange. Originally from Kentucky, Ben Haggin was part Turkish and all business, except when it came to his passion, race horses. He was involved in the Comstock mining scandal, and financed many profitable ventures. Daly was awed by Ben Haggin, and owed much of his success to him. Daly showed Hearst property declined by the Walker Brothers, which he purchased cheaply. It became the Ontario Silver Mine, the foundation of the Hearst fortune. Hearst later purchased other profitable properties, including the Homestake in South Dakota, the richest and most famous gold mine in the United States. Daly's relationship with Hearst, Ben Haggin, and his lawyer/brother-in-law Lloyd Tevis (the eventual president of Wells Fargo Bank), made him a Montana mining king, and he remained loyal to them until his death.

foremen.” Like many men who learned mining on the job, Daly cared little for formal education, preferring his instincts to guide him. In contrast, Clark was highly educated and made continuous strove to improve himself. These personality and philosophical differences certainly contributed to their animosity.”¹⁸

Daly also had a side acknowledged only grudgingly by his contemporaries and biographers. He enjoyed manipulating men and situations, wielding power like a miner’s pick, sometimes gently but at other times in a crushing blow. Daly was a complex man, and his amicable disposition belied a volatile temper that knew no bounds. His closest associates said that he had many acquaintances, but few real friends. Toole wrote that “though his name rose frequently, and there was no doubt about his potent influence, the man himself always remained in the background. He signed few proclamations, made no speeches, wrote no memoirs, and wrote few letters. Yet, in his way, he was as ambitious politically as was Clark, and was as determined to reach his goal.”¹⁹

In 1877, there was little indication of trouble. The Alice was a major silver producer, but Daly made another discovery that provided him the wealth to pursue his dreams. Daly told the Walkers about the Anaconda, a potentially rich mine that they declined to buy when an expert issued an adverse report. In 1880, Daly sold his interest in the Alice to the Walkers, took an option on the Anaconda, and petitioned Hearst, Haggin and Tevis for capital. After two years of disappointing results and the

¹⁸ Christopher P. Connolly, “The Story of Montana” in *McClure’s Magazine*, vols. XXVII-XXVIII, 1906-1907: 453.

¹⁹ Toole, “Marcus Daly,” 18; Toole is one of the least-biased among historians of this period, but nonetheless accepts many accusations against Clark by Montana politicians and the Senate Committee on Privileges and Elections. Daly’s avoidance of publicity and reluctance to reveal his activities and motives made it easy for writers to shape events favorably for him.

expenditure of several million dollars, the investors were ready to withdraw. However, in 1882 Daly located the richest single deposit of nearly pure copper ever found, and from that discovery, a legendary company was born that eventually controlled Montana and most of the world's copper market for a nearly a century.²⁰

In 1883, Daly needed a new smelter and found a site twenty-six miles west of Butte near Warm Springs Creek with plenty of water and a topology to minimize the huge cloud of acrid smoke produced by the facility. As Daly planned his smelter, he also mapped "his" city, a company town that would immortalize him. In forty days, everything necessary for a thriving community was ready.²¹

The Anaconda Smelter completed in 1884 incorporated the latest engineering from Europe. In 1883, Daly's operation had shipped about 24,000 tons of ore to Wales, and despite high shipping and construction costs, made a gross profit of \$1,702,400. Marcus Daly had arrived, and only one man could match his success, a man who socialized with him at the exclusive Silver Bow Club and whose brother, John Ross, married one of Mrs. Daly's sisters. The man was William Andrews Clark.²²

²⁰ Despite later claims that Daly identified Butte as a "copper town," the earliest prospectors knew of copper deposits, and documents prove he initially mined for silver and gold. Clark had shipped a large consignment of copper nine years earlier, and in 1877, partly based on Clark's activities, the *Colorado Mining Review* wrote that Butte had "a grand future" for its wealth of copper; *New North-West* (Deer Lodge), 2 February 1877; Connolly, "The Story of Montana," 456; Connolly wrote that "Clark lacked Daly's tremendous energy...and the slashing force with which he accomplished big things on the stroke of the clock," but that illustrates the negative image foisted by Clark's enemies. Clark completed a \$500,000 mill in 1881 and opened the Moulton Mine on 26 December 1881, just as the Utah and Northern Railroad reached Butte after ten years. He shipped ore on the new railroad in January 1882, when Daly was almost shut down; Christopher P Connolly, *The Devil Learns to Vote* (New York: Covici Friede, 1938), 94; Connolly said Clark was "a man of quiet, earnest persistence and when forced to the wall, rarely gave up the struggle without showing fighting teeth and leaving a trail of havoc."; Paul C. Phillips, *The Dictionary of American Biography* (1930), 4: 145; Phillips said that "Clark was a man of unusual and contradictory characteristics. Refined and even fastidious in manner, he could nevertheless deal with all classes of people. Even though he was intellectual and an artistic dreamer, he was coldly practical in finance and politics. He was self reliant and always formed his policies and directed their execution with little regard for others."

²¹ Glasscock, *War of the Copper Kings*, 90.

²² *Butte Semi-Weekly Miner*, 2 January 1884.

CHAPTER 3

THE ELECTION OF 1888

Marcus Daly's economic success and rise to prominence in 1883 set the stage for an unprecedented economic and political contest, a battle of epic proportions even by western standards. It was a story of deceit, treachery, greed, avarice, and lies, but also courage, loyalty, and triumph. Perhaps the most tragic aspect of the affair was that it ultimately consumed the instigators and innocent citizens.

Conflicts among powerful men and organizations were common in the growing west. Competition was fierce for control of mines, railroads, and banks. Manipulating markets, stocks, and interest rates allowed the wealthy to weather cycles of boom and bust. When economic control was insufficient or impossible, power brokers sought election to public office or to control the elected to protect their interests and improve their social standing. The Guggenheims, Kerns, and the Walker brothers in Utah, the Chaffees, Moffats, Thatchers, and Kountzes in Colorado, and William A. Clark and Phelps-Dodge in Arizona battled for domination. The best example of corruption and exploitation was in Virginia City, Nevada, home of the Comstock Silver Strike.¹

¹ L. J. Ettinger, *The Best of Virginia City and the Comstock* (Reno: L. J. Ettinger, 1995), 12-13; Two groups subjugated Virginia City: The "Bank Crowd," composed of D. O. Mills, William Sharon, W. C. Ralston, Alvinza Hayward, Thomas Sunderland, Charles Bonner, Thomas Bell, and William E. Barron, who controlled the San Francisco Stock Exchange and the Bank of California, and The "Silver Kings," William S. O'Brien, James G. Fair, John W. MacKay and James C. Flood, Irish immigrants that wrested control from the "Bank Crowd," and exploited Virginia City's silver mines in a pattern of corruption unequalled in the American West. Only nineteen of nearly 1000 mining companies ever paid dividends, producing roughly twenty-nine millionaires. More money was lost in the unregulated stock market through assessments and manipulation than the mines ever produced.

Scant records and biased authors make studying Montana's early politics a challenge. One historian wrote that "the prominent men of Montana were doers, not thinkers, and very seldom writers." Nonetheless, Montana followed the general pattern of other western states, with the exception that unique differences and personalities vaulted local politics onto the national scene at the end of the nineteenth century.²

Montana had an uneasy relationship with the federal government. During the late nineteenth century, Washington administered the American West as a colony, appointing governors, judges and other officials as territorial administrators. Appointees were often political friends with little knowledge of the special problems in their jurisdiction. One Colorado resident wrote to Senator Henry M. Teller, "...The people of [the] Territories have suffered from the federal practice of sending incompetent ambitious fools to fill our offices. Pray use your influence to stop such practice."³

Territories were taxed, but without a vote, they had no meaningful voice in Congress. National issues important to Montanans, such as free silver, mining, and timber interests were debated in Congress, but frustrated citizens knew representation was not participation. Montanans feared they would remain wards of the government, and a ward was a petitioner. Power was in Washington, and that meant statehood.⁴

² John Welling Smurr, "A Critical Study of the Montana Constitutional Convention of 1889" (M. A. thesis, Montana State University, 1951), 5.

³ Richard White, *It's Your Misfortune and None of My Own: A New History of the American West*, 153; Duane A. Smith, *Henry M. Teller: Colorado's Grand Old Man* (Boulder: University of Colorado Press, 2002), 94; For studies on the development of modern western politics, see Gilbert D. Nash, *The American West in the Twentieth Century: A Short History of An Urban Oasis* (Albuquerque: University of New Mexico Press), 1973; Michael P. Malone and Richard W. Etulain, *The American West: A Twentieth-Century History* (Lincoln: University of Nebraska Press), 1989; and Paul Kleppner, "Politics without Parties: The Western States, 1900-1984," in G. D. Nash and R. W. Etulain, ed., *The Twentieth-Century West: Historical Interpretations* (Albuquerque: University of New Mexico Press, 1989), 295-338.

⁴ Beginning 26 May 1864, Montana's twenty-five year territorial status was slightly longer than average. Nevada became a state after three years (1861 to 1864), because the Union needed its wealth and it stabilized the region. Of eight western states admitted between 1859 and 1889, the average territorial period was twenty years. Only California and Texas were admitted without a territorial period.

The first attempt at statehood was in 1866, but the immature territory was sparsely populated and had little infrastructure. Eighteen years later, Montana had dramatically changed, and the Territorial Legislature called for a new constitutional convention. On 14 January 1884 forty-five delegates elected in a general election produced a document in twenty-seven days, based on constitutions from New York, California, and Colorado. William A. Clark served as the president of the convention.⁵

Montana voters approved the 1884 constitution, but political maneuverings over the balance of states precluded Congressional action. By 1888, the situation had changed, and statehood was a possibility. When the Territorial Legislature met to select delegates to Congress in 1888, the Democrats recruited Clark, but he preferred to wait for a U.S. Senate seat that statehood offered. But when two former delegates, Joseph K. Toole and Martin Maginnis declined the nomination, Clark accepted. Few doubted that he would easily win. Well-educated and experienced, Clark was a leading citizen with a national reputation and an exemplary record in business and politics.⁶

Clark's Republican opposition was Thomas H. Carter, a relatively unknown Helena lawyer, whose qualifications were little more than a legal background and Irish

⁵ Smurr, "A Critical Study of the Montana Constitutional Convention of 1889," 25; *Anaconda Weekly Review*, 11 July 1888 and *Great Falls Tribune*, 13 July 1888; James High, "William Andrews Clark, Westerner: An Interpretive Vignette" in *Arizona and the West*, 1960, 2: 255; *The Blessings of Liberty: Montana's Constitutions* exhibit at the Montana Historical Society, Helena; In contemporary documents, even Clark's detractors admitted he performed his duties with fairness and dignity. Seventy-five years later, James High said Clark was elected as the president of the 1884 convention either as a tribute to his leadership or because the other delegates feared him, and that Washington rejected the constitution because it favored mining exclusively and gave the state too much power. High ignored the larger national issues, and barely mentioned that the Northern Pacific Railroad also opposed Montana's statehood for fear it would raise their taxes.

⁶ *Montana American* (Butte), 6 March 1925; Robert Edwin Albright, "Politics and Public Opinion in the Western Statehood Movement of the 1880s," in *Pacific Historical Review* 2 (Spring 1934): 296-298; Republican Governor Benjamin F. Potts appointed Clark as the Montana representative to the American Centennial Celebration in 1876. He was the Grand Master Mason in Helena, helped found and fund Montana's first college, served in minor elected positions and was the chairman of the Deer Lodge county Democratic convention. At forty-five, Clark was a phenomenal success with wealth, power, and prestige.

immigrant parents. Clark, unaware that issues greater than Carter's qualifications were at stake, was confident of victory. After all, Daly, now one of Montana's most important men and a staunch Democrat, had just recently pledged his support for Clark at a meeting of prominent party members in Helena.⁷

The 1888 campaign mirrored the most important issues in national politics. Clark supported Democratic President Grover Cleveland's lower tariff proposal, but Carter echoed challenger Benjamin Harrison's call for the high tariff favored by protectionist eastern Montana stockmen, one of which was Harrison's son. However, Butte, Deer Lodge, and other Daly strongholds were heavily Democratic, and Clark felt secure, not knowing that the real issues had been decided behind closed doors, and that Daly and his associates planned to drop him and support Tom Carter.⁸

Daly's Anaconda mine in Butte and the smelter and town of Anaconda, was populated primarily by thousands of imported Irish workers who had worked with him in Virginia City, Nevada. The men were fiercely loyal to Daly for both nationalist and economic reasons. Mine owners literally controlled the lives of the laborers. Butte's wealth allowed Clark and Daly to pay some of the highest wages in the industry, but employment was never guaranteed. Daly needed his Democratic workers to support a Republican, but under oath denied coercing his men or controlling the votes.⁹

On 5 November 1888 Daly sent about 1,000 men to Butte for a pro-Clark rally. However, on Election Day, 6 November his miners, smelter men, and other employees

⁷ *Cong. Record*, 56th cong., 2nd sess., 4: 3422; One reason for Carter's selection was that prominent Republican candidates, certain of Clark's election, had refused to oppose him.

⁸ *Butte Daily Miner*, 4-6 November 1888; *Anaconda Weekly Review*, 8 November 1888.

⁹ *Report of the Committee on Privileges and Elections of the United States Senate Relative to the Right and Title of William A. Clark to a Seat as Senator from the State of Montana, 56th cong., 1st sess., S. Report, 1052, 3 vols., 3: 2205.*

submitted thousands of ballots with Carter's name pasted over Clark's. Montana did not use the Australian secret ballot that provided each voter freedom of choice. Shift bosses inspected ballots, enforced compliance, and repeatedly sent their workers to the polls, especially in Clark strongholds and his home district.¹⁰

When the votes were counted, almost everyone was shocked—the unknown and less qualified Carter had won by a substantial margin. Out of 39,846 votes, Carter received 22,486 votes, or fifty-seven percent, to Clark's 17,360 votes, or forty-three percent, giving Carter a majority of 5,126 votes. Carter carried fourteen of the territory's sixteen counties, but the biggest surprise was that Clark had lost in his home precinct, the Democrat-controlled Silver Bow County, by 1,537 votes. Something had gone terribly wrong. The stunned Democrats regrouped, sought an explanation, and a deeply humiliated Clark blamed Lee Mantle, the Republican editor of the *Butte Intermountain*.¹¹

In a letter to Martin Maginnis on 10 November 1888 Clark wrote, "The conspiracy was a gigantic one, well planned, and well carried out, even though it did involve the violation of some of the most sacred confidences.... However as you suggest the day of retribution may come when treason may be considered odious." Clark's *Butte Miner*, attributed the loss to "the deepest kind of treachery among the supposed friends of Mr. Clark," and the *Helena Independent* concurred, stating he was "wounded in the house

¹⁰ *Butte Daily Miner*, 7, 10 November 1888; Clark testimony in *Report of Committee on Privileges and Elections*, 3:1938; *Cong. Record*, 56th cong., 1st sess., 5532; On the night before the election, there were rumors of Daly's disloyalty. Clark's campaign committee sent three members to Anaconda to confront Daly, who denied the rumors and assured the members that he was committed to Clark.

¹¹ *Butte Semi Weekly Miner*, 9, 11 November 1888; Ellis Waldron and Paul B. Wilson, *Atlas of Montana Elections 1889-1976* (Missoula: University of Montana Publications in History, 1978), 8, 11; 7,005 votes were cast in Butte, 4,271 for Carter and 2,734 for Clark. Clark needed only 1,880 votes, or 44 percent of Carter's Butte total to win the election. The *Butte Miner* reported that "the election here was held in a very irregular manner," and instead of a having a clear voting space without interference, a voter "had to force his way through a crowd up to the window through which his ballot was passed"; Mantle was a long-time Daly supporter.

of his friends.” The Democratic *Great Falls Tribune* joined others in chiding Daly and his allies, writing, “The perfidy of these men will not soon be forgotten.”¹²

Although their responsibility was obvious, the Daly Democrats and victorious Republicans first claimed that the issues had decided the election, and Clark had unwisely sided with the flagging Cleveland and the low tariff. While this did cost Clark fourteen of sixteen counties, he nonetheless would have won with the votes from the most heavily populated urban precincts that were controlled by Daly.¹³

Why did Daly drop Clark and support Carter? Most authors accepted the Connolly story that it was for revenge motivated by the Clark–Daly feud. Connolly wrote that Daly’s self-consciousness and Clark’s many affronts forced him to humble Clark permanently. Connolly referred to Clark as vain, petty, selfish, and obsessive about becoming a U.S. Senator, while describing Daly as the quintessential common man. However, it was not feelings of inadequacy or jealousy that motivated Marcus Daly,

¹² *Butte Miner*, *Great Falls Tribune*, and *Helena Independent*, 10 November 1888; *Semi-Weekly Intermountain (Butte)*, 21 October 1888; Martin Maginnis Papers, box 1, Montana Historical Society Archives, Helena; Clark initially thought the betrayal was a “religious conspiracy,” fomented by the Republican press that vilified him as pro-English against the Irish (many of Clark’s miners were English Cornishmen), and promoted Carter as a staunch Irish Catholic. The press also took advantage of rather stupid missteps made by Clark’s campaign, such as having a barbecue in heavily Catholic Anaconda on a Friday (apparently a careless staff oversight) and misquoted his speeches. The *Intermountain* chided Clark for cutting expenses, knowing Catholics would not eat meat on Friday, and yet in the same editorial accused him of lavishing spending on every vote. Clark did commit some rather inexplicable political blunders during the 1888 campaign. In September, he spoke in Missoula criticizing opponents of tariff reform, referring to the Irish-Catholic hero Patrick Ford as a deserter in the Union Army. Clark meant that Ford was against reform, which he was, but he was not a deserter. The Republican press made the most of the offense, seizing the chance to report the incident without balance. This was an old tactic. Republicans often tried to capture the vote of the Democratic Irish-Catholics by accusing candidates of indifference to the Church and its members. Grover Cleveland was the victim of such a campaign in the 1884 presidential election.

¹³ *Butte Daily Intermountain*, 7, 8 November 1888; *Anaconda Weekly Review*, 8 November 1888; *Butte Daily Miner* 9, 10 November 1888, *Helena Independent*, 7 November 1888; *Great Falls Tribune*, 8, 10 November 1888; Waldron and Wilson, *Atlas of Montana Elections 1889-1976*, 8-11; In 1890, Montana’s urban population of 41,975 was 29.4 percent of the state’s 142,924 residents. 9.5 percent of the urban population (3975) was in Anaconda, 31.2 percent (13,075) lived in Butte, and another 33 percent (13,834) lived in Helena. Carter won by a 13 percent majority.

although this theme is popular in sensationalized histories. The fact is that Daly believed looming financial and legal problems made a Carter victory imperative for his survival, a fact never mentioned by Connolly.¹⁴

To bolster his story, Connolly indiscriminately solicited and collected examples of Clark's alleged affronts with little regard for accuracy or reliability. Kenneth R. Toole made an exhaustive examination of these incidents, primarily concerning water rights, and proved they were fictional or a gross distortion of facts. Nonetheless, a preponderance of late Twentieth Century authors still relied on Connolly's ideas.¹⁵

An incident over water did occur that contributed to their animosity, because it affected the Election of 1888. In the early summer, Lee Mantle, the Republican editor of the *Butte Intermountain*, helped Daly perpetrate a smear campaign against Clark's Butte Water Company, claiming waste products from smelters, slaughterhouses, and remains from graveyards polluted the system. Daly desperately wanted control of

¹⁴ Daly was conscious of his rough countenance and coarse manners in contrast to Clark's education and refinement. He was a great practical miner and a shrewd businessman, but Clark was a capitalist, moving in larger circles, and never indebted to men like Haggin or Hearst. The first historian to break with Connolly and offer an alternative explanation for Daly's turnabout was Kenneth Ross Toole in *Marcus Daly*, 85-99. Despite convincing evidence, only a few contemporary authors accepted Toole's assertions.

¹⁵ Toole, "Marcus Daly," 69-82; *Butte Intermountain* 24 September 1889; One story said that Daly purchased the Alice mine for the Walker Brothers in 1876, paying with a draft from the Clark-Larrabee Bank that Clark refused to honor. Daly then purchased the mine with a Wells Fargo draft, and Clark wrote the Walkers about Daly's extravagance. The uncorroborated story came from an old Daly friend and facts disprove it. Daly would have used wells Fargo initially, Clark was an experienced banker that knew refusing the draft was meaningless, and nothing written about Clark or in his correspondence indicates an interested in the Alice. The most widely accepted story concerns a prospector with a claim on a creek that Clark bought for a bargain. Learning the creek was essential for Daly's smelter and that an alternative would cost Daly \$125,000, Clark forced Daly to pay \$100,000 for the water rights. This story first appeared in a Butte newspaper in early 1889, ostensibly to justify Daly's 1888 treachery. Subsequent stories changed the creek to Warm Springs Creek, which Daly purchased for his smelter in 1882 for \$30,000. Nothing in the purchase records or Daly's instructions indicates trouble with Clark or the price. Toole used Department of Agriculture maps and the assistance of local experts to verify Clark's water rights, and none were near Warm Springs Creek. Daly's friends said the incident was false, but in 1948, Marcus Daly's daughter, Mrs. James W. Gerard of New York City, told Toole that this incident was the cause of her father's feud, and in May 2003, a recent graduate of Butte High School told this author that according to his teacher, the Clark-Daly feud started over water rights. These stories were created to portray Clark as mean, petty and vindictive, substantiating Connolly's views.

Butte's water for his mining and smelter operations, and the political fallout was a welcome bonus.¹⁶

The charges were quickly refuted by outside experts, but the company admitted the supply was occasionally insufficient and immediately corrected the problems. Undaunted, Daly commissioned the Carver and Ford Company to determine the cost of a new system and promised to finance it upon a favorable report. When Daly reneged on his threat, the City Council awarded the contract to Clark's company in September. The groundless contamination charges distracted Clark's campaign, despite Daly's sworn testimony that he made no particular fight or meddled in the campaign.¹⁷

Two remaining theories about the feud's beginning are worth noting. Neither concern water, but both provide insight into events during the period. According to Glasscock, some felt that the feud was actually between Clark and James Ben Haggin, and that Daly acted on his benefactor's behalf. Clark allegedly made one or more derogatory ethnic remarks about Haggin, and William Scallon, Daly's long time friend and legal counsel, stated that Daly admitted the quarrel was between the two. Clark and Haggin apparently disliked each other for personal and business reasons, but there is no evidence that it affected the election of 1888.¹⁸

In the 1980s, Montana Irish ethnic and labor historian David Emmons said that

¹⁶ *Semi Weekly Intermountain* (Butte), 2, 20, 23, 27, 30, May 1888.

¹⁷ *Semi Weekly Intermountain* (Butte), 1 July 1888. This incident was one of the reasons that Clark initially blamed *Intermountain* editor Lee Mantle for the 1888 upset. Long-term political enemies, Clark's *Butte Miner* and the *Intermountain* battled with little regard for decorum.

¹⁸ Glasscock, *The War of the Copper Kings*, (New York: Bobbs-Merrill Co., 1935), 65; Clark allegedly referred to Haggin, a San Francisco financier involved in notorious stock exchange manipulations, real estate and mining ventures and a friend and benefactor of George Hearst and Marcus Daly, and who was part Turkish, in the derogatory form of Negro, angering Daly; T. C. Power, a former legislator and Helena attorney, told Glasscock that Haggin bragged about keeping Clark out of Montana politics; P. A. O' Farrell said, "Clark has been pursued by an Oriental rather than Irish hate, and the Turkish blood of J. B. Haggin is responsible for Daly's relentless war on W. A. Clark," in the *Jerome Mining News*, 11 August 1900.

Clark's association with the Democratic Party was unusual, since seventy-five to ninety-five percent of Irish Protestants like Clark voted Republican. Also, Daly imported most of Butte's large Irish population and did not need to tell his Irish workers how to vote, nor did he have that much power. Emmons said that newspaper attacks and Clark's campaign mistakes opened old wounds, and that memories overrode political loyalty. To Emmons, Daly's resentment of Clark's ethnic and religious insults fomented the feud, and his humiliating defeat in 1888 was for ethnic and religious reasons.¹⁹

Notorious for saying little in public and letting others speak for him, Daly denied coercing his men to vote for Carter in 1888, but facts tell a different story. Daly's only comments about the episode came eleven years later during the Senate Investigation into Clark's 1899 election. Although the 1888 election was not the primary issue, and Daly's attorneys objected, there was a revealing exchange between Daly and Charles Faulkner, Clark's lead attorney.

An acknowledged lifelong Democrat, Daly admitted he openly supported Clark in 1888, but later decided against it, telling several friends that, "I could not earnestly support Mr. Clark, nor honestly support him, nor I did not, and the majority of the people of the territory were of the same opinion." After vowing not to meddle or take part in the campaign, he later said, "I changed my mind, and at last I took a negative part in it."²⁰

Daly's version of his stunning turnabout in the election of 1888 was summarily

¹⁹ David M. Emmons, "The Orange and the Green in Montana: A Reconsideration of the Clark-Daly Feud," *Arizona and the West*, 28 (Autumn 1986): 225-45; While religious and ethnic factors are powerful motivators, it is unlikely they were the primary reason for the feud. Neither Daly nor Clark was particularly religious, and Daly's behavior toward men was based more on their standing with him than on their nationality. Emmons correctly said that ethnic and religious issues did have a role in the vote, but he gave them too much power. When closely examined, Emmons' article simply bolsters Connolly's claim that the Election of 1888 was due to the feud and Irish Catholic anger toward Clark, not the result of Daly's betrayal of the Democrats and Clark for personal and legal reasons.

²⁰ *Report of The Committee On Privileges and Elections*, 3: 2233-2234.

explained and dismissed in his testimony before the Senate committee on 26 February 1900. When questioned by Faulkner about his apparent last-minute decision to drop Clark and support Carter, Daly was terse, evasive, and inconsistent:

Mr. Faulkner: And you say the latter part of the campaign you determined not to support Mr. Clark?

Mr. Daly: Yes, I determined not to support Mr. Clark. I made no particular fight against him. I attended to my own business.

Mr. Faulkner: And you expressed that opinion, as I understand, when you had it, to those who were associated with you?

Mr. Daly: I could not tell what opinions I might have talked about in that length of time or who I spoke to. I only know what I done myself. What they might report, or anything of that kind—I don't remember....²¹

Daly's testimony proved his involvement in the Republican upset victory in 1888, but it was not because of not a feud foisted by water rights, affronts, or ethnic and religious reasons. Daly betrayed the Montana Democratic Party and Clark for economic and legal reasons. Connolly ignored this fact because it tarnished Daly's reputation, exposed the real power struggle enveloping Montana, and shifted responsibility for Montana's political battles to Daly.

An editorial in the *Butte Miner* on 14 November 1888 asked why it was "very necessary to have Mr. Carter in Congress," and said that, "Mr. Clark was not defeated by Republicans. Probably at least 1,000 Democratic votes in this county were cast against him...not for any personal reasons nor any tariff considerations, but solely by the potent influences...deplored by the...citizens of this county, Democratic and

²¹ *Report of The Committee On Privileges and Elections*, 3: 2234; The discrepancies and evasiveness are obvious. Daly declared support for Clark during the campaign, and then changed his mind. He said he wouldn't meddle in the election, but admitted taking a negative part in it. Daly couldn't remember what he discussed, but told friends that he would not take part in the affair. Clark's critics often emphasized minor discrepancies in his testimony, but ignored Daly's contradictory statements under oath. The perfunctory dismissal that Daly had the right to change his mind is unacceptable, considering the repercussions of the election. Daly knew that his betrayal declared war on Clark and Montana Democrats, but he did not care. For evidence of Daly's support and lack of pre-election trouble, see the *Anaconda Standard* 25 September 1900 and the *Cong. Record*, 56th cong, 1st sess., 5532.

Republican alike. Finally, the editor asked the most troubling question that was the key to the mystery, wondering “what induced...the mill men...to vote for Mr. Carter?”²²

It was clear from the election results that on Daly’s orders, Democratic miners and smelter men voted for the Republican Carter. However, it was not clear why *mill workers* also voted Republican. These men worked in the timber industry of western Montana, and were wage laborers tightly bound with the Democrats. Clark still thought the religious and ethnic issue explained the loss of votes in his home precincts, but he was puzzled why timber and railroad men in western Montana voted against him.

Clark told the *St. Paul (Minnesota) Pioneer Press* that Anaconda employees, the Missouri Mercantile Company employees, and about 2,000 employees of the Northern Pacific Railroad voted Republican under orders. Noting that he carried Choteau County, one of the largest wool-growing regions far removed from the influence of Butte and Helena by 300 votes, Clark correctly deduced that the tariff issue was not the reason these men voted contrary to their usual affiliation. However, Clark evidently did not consider that Daly was facing indictments from the Federal government because of his business practices with the Northern Pacific Railroad during the past six years.²³

On 15 September 1882 the Deer Lodge *New Northwest* reported the incorporation of the Montana Improvement Company, organized to construct and equip

²² *Butte Miner*, 14 November 1888.

²³ *St. Paul Pioneer Press* quoted in the *Helena Daily Herald* 22 November 1888; K. Ross Toole, “The Genesis of the Clark-Daly Feud,” in *Montana: The Magazine of Western History* (April 1951): 21-33. Emmons said the “majority verdict” is that Daly believed a Republican would have more influence with a Republican President (Harrison), almost certain to be elected, and was needed to quash or slow possible indictments filed by Cleveland’s administration against Daly and his partners for illegal timber cutting. K. Ross Toole offered this explanation, and Malone agreed in the *Battle for Butte*, but Emmons believed the idea was flawed, because Clark never offered this explanation for Daly’s actions. He noted that Clark, also a mine owner, may have disagreed with Cleveland’s policies, and may have been a better advocate for unrestricted timber cutting than Carter. However, Emmons’ assertion that Daly did not have the power to coerce his men to vote for Carter, and that religious differences were a major factor (as Clark believed), fails to acknowledge Daly’s concern about the indictments and the personal costs.

railroads and waterworks, develop timberland, and to buy and sell lumber and wood products. The Northern Pacific Railroad contracted with the new company to supply all timber products between Miles City, Dakota Territory and Walla Walla Junction, Washington Territory, 900 miles west. The railroad gave the company control of all its timber on the alternate sections along the right of way between the cities, but it had no right to the Government land. The Montana Improvement Company also agreed to drive “trespassers” off railroad land, and in return received reduced freight rates and preferential treatment.²⁴

Colorado Senator Henry M. Teller, Secretary of the Interior from 1882 to 1885, advocated the “cutting of timber for domestic use and mining use” on public land, which the *Rocky Mountain News* lauded as a “new era in the old, slow and easy and stupid construction of statutes by the Interior Department.” He liberally interpreted the Timber Culture Act of 1873 and the Timber and Stone Act of 1878, ignoring the concerns of his Land Commissioner, N. C. McFarland. In 1882, Teller wrote a new interpretation of the Timber and Stone Act favoring corporations, and personally assured A. B. Hammond that the company’s activities were within the law, boasting that the courts had never set aside his rulings on railroad land grants.²⁵

²⁴ *New Northwest* (Deer Lodge) 15 September 1882; R. T. Hill, *The Public Domain and Democracy* (New York: Columbia University, 1910), 165; The owners of the new company were E. L. Bonner, Michael J. Connell, Washington Dunn, A. B. Hammond, R. A. Eddy and Marcus Daly. The initial capitalization was \$2 million divided into 20,000 shares, with the Northern Pacific Railroad receiving a controlling interest by one share. Eddy, Hammond and Company of Missoula, the chief managers of the Montana Improvement Company, held the majority of the remaining shares. Daly now had a sufficient and steady supply of timber for his mines (requiring almost 40,000 board-feet per day), smelter and the construction of his town, Anaconda. Daly and his partners also made lucrative profits with little governmental oversight, but their indiscriminate logging eventually caused serious trouble; “Trespassers” were settlers and homesteaders with legitimate rights to the government land.

²⁵ Duane A. Smith, *Henry M. Teller*, 124-125; Congress had enacted The Timber Culture Act of 1873, authorizing a person to obtain title to 160 acres, and The Timber and Stone Act of 1878 to allow settlers and miners to cut timber on public land free of charge, but they forbade commercial logging. There was considerable fraud, and valuable timber became the property of large corporations and speculators.

Aided by the U.S. Department of the Interior and the Department of Agriculture, conservationists led by John Muir attempted to repeal these acts during the 1870s and 1880s. In 1885, newly elected Grover Cleveland's Democratic administration took a dim view of corporations, and Land Commissioner William Andrew Jackson Sparks filed numerous lawsuits against violators. When Sparks learned that companies in Idaho and Montana exceed even Teller's liberal interpretation, he convinced Teller's successor, Secretary Lucius Q. Lamar, to prosecute.²⁶

On 16 September 1885 the *Butte Inter Mountain* reported that Sparks had redefined timber cutting procedures for railroads, based primarily on the Montana Improvement Company's practices. He charged them and the Northern Pacific Railroad of rate fixing, monopolizing the regional industry, and driving away settlers. The Eddy Hammond Company was charged with illegally building sawmills on the Flathead Reservation, which employed between 1,500 and 2,000 men.²⁷

Lamar ruled that Eddy, Hammond & Co. was never legally granted permission to cut lumber from government land, demanded that Attorney General Garland sue for restitution, and said that, "The special agents of the land office have been ordered out to take evidence, procure names of witnesses, to ascertain the amount of timber cut by the trespassers from government land...The suits are likely to be criminal as well as civil."²⁸

²⁶ B. B. Hibbard, *History of Public Land Policies* (New York: MacMillan Co., 1923), 462-466; Richard Sylla, "Federal Policy, Banking Market Structure and Capital Mobilization in the U.S. 1863-1913," *The Journal of Economic History* 29 (December 1969) 4: 657-686; Richard L. McCormick, "The Discovery that Business Corrupts Politics," in *The American Historical Review* 86 (April 1981) 2: 247-274.

²⁷ *Butte Inter Mountain*, 16 September 1885, from the *St. Paul Pioneer Press*, 10 September 1885; Hill, *The Public Domain and Democracy*, 165; *Helena Independent*, 11 September 1888; In an 1885 report, Sparks wrote, "The Montana Improvement Company...was formed...for the purpose of monopolizing timber traffic in Montana and Idaho, and under contract with the railroad company, running 20 years, has exploited the timber from unsurveyed public lands for great distances along the line of said roads, shipping the product of the joint trespass and controlling rates in the general market."

²⁸ *Butte Inter Mountain*, 16 September 1885; *Helena Independent*, 11 October 1900; The civil suits alone totaled more than one million dollars.

The company claimed that former Secretary Teller allowed them to “cut all the timber they wanted off government land where there had been no Survey,” and to cut timber in the reservation until the rail line to Portland, Oregon was completed. They blamed the lack of federal surveys for the free cutting of timber, insisted that logging was essential to the nation’s economy, their practices were not unusual and had federal approval, and that cutting timber was a God-given right.²⁹

Daly was particularly concerned about problems with land acquired from the Northern Pacific Railroad as early as 1884. In a letter dated 6 February Daly asked Martin Maginnis, the Territorial Delegate in Washington, to help him get clear title where he had built his smelter and the town of Anaconda. The Northern Pacific had deeded Daly the entire section of land, and even removed “certain discrepancies that existed in the first (deeds) executed.”³⁰

Daly said, “the Rail Road company have (sic) not shown how they obtained the government title to these lands.” Having executed deeds on the property, Daly knew it would “no doubt make me personally responsible for all the money received.” He told Maginnis, “The amount involved and likely to be involved in this manner is sufficiently large to prove ruinous to almost any individual should a link in the chain of title be broken and...I am anxious to have everything done that can in (any) way strengthen this chain and render the title perfect and complete....”³¹

If title was not properly transferred from the government, Daly faced financial ruin and indictment. He also risked losing Anaconda, his company town and personal

²⁹ *Butte Inter Mountain*, 16 September 1885.

³⁰ Daly to Martin Maginnis, 6 February 1884, Martin Maginnis Papers, Manuscript Collection No. 50, Montana Historical Society Archives, Helena.

³¹ Daly to Maginnis, 6 February 1884, Maginnis Papers, Montana Historical Society Archives, Helena.

monument. The Northern Pacific parties provided only vague assurances that the title was legal, and Daly was worried. He abruptly ended the letter writing, “Now the question is what can I insist upon with there (*sic*) R.R. people in order to obtain “Government Patent” without delay...I desire the Government title to this section in some way and I want it now if possible.”³²

Daly was in a potentially disastrous situation. Even if the timber suits did not materialize, a railroad that failed to complete its line did not receive title to the land, and Daly would be ruined. Senator Teller expressed the potential impact to the corporations and recommended “some means of adjustment of these grants be provided,” by Congress, so the Interior Department could “reach a finality as to the titles and thus relieve an anxious and excited public feeling.”³³

Marcus Daly’s legal and political problems explain why he supported Carter in 1888. Faced with financial ruin and possibly prison, Daly and his partners used every tactic to avoid or delay prosecution, yet arrogantly continued their timber operations. Daly wanted his own lumber business because he coveted substantial tracts of land in the Bitterroot Valley, but could not act until the litigation was resolved. Daly and his partners decided that Tom Carter would do as he was told, could best represent their interests in Washington, and therefore abandoned Clark.³⁴

³² Daly to Maginnis, 6 February 1884, Maginnis Papers, Montana Historical Society Archives, Helena.

³³ Smith, *Henry M. Teller*, 124; The letter highlights Daly’s dependence upon Haggin’s benevolence. Haggin had received the titles from the Northern Pacific and transferred them to Daly.

³⁴ *Helena Weekly Independent*, 23 September 1886; In 1886, the Montana Improvement Company had ceased lumber operations, transferring its assets to The Miner’s Lumber Company, organized with Marcus Daly as president and M. J. O’Connell as vice-president. The company claimed it did business in Wyoming, and suits against it in Montana were invalid; *Helena Independent*, 11 October 1900; In the article, E. L. Bonner said that Daly initially resisted supporting Carter, but agreed to speak with T. F. Oakes, president of the Northern Pacific Railroad. Afterward, Daly said the decision was “nothing personal...it was just business.” If Daly hesitated, it may explain why he appeared to support Carter at the last minute. Also, if Hammond pressured Daly, it would partly explain their later animosity.

Thomas H. Carter's election had many ramifications. In April 1889, only five months after his victory, the *Butte Intermountain* reported that, "Secretary Noble...has requested that the U.S. Attorney for Montana be directed to suspend all actions, civil and criminal, against the Missoula Mercantile, formerly the Montana Improvement Co., and the Northern Pacific Railroad for timber trespasses on public lands in Montana, until the same can be investigated with a view to dismissal...." The suits were being dropped, because "it would be extremely difficult if not altogether impossible for the government at this late date to secure sufficient evidence to maintain the suit."³⁵

Two weeks later, on 28 April Carter returned from Washington and proudly proclaimed that all was well for Montana businessmen. In an interview with the *Butte Intermountain*, Carter praised the new Secretary of the Interior as "a strong, intelligent, big-hearted, brainy western man, and under his administration of the Interior Department, our people will certainly be exempted from the many petty annoyances with which they have been afflicted...."³⁶

Carter had made some extraordinary deals and benefited from events. His election in 1888 answered long-held questions about the Clark-Daly feud and Montana politics for the next fifteen years. Despite Clark's alleged misdeeds and affronts toward Daly and the Irish Catholics, Daly supported Carter to prevent legal difficulties with the government and to maintain his supply of timber and profits. Betraying Montana

³⁵ *Butte Intermountain*, 14 April 1889; *Helena Weekly Independent*, 23 September 1886; *Butte Miner* 28 January 1886; The company had received unexpected help as early as 1886. As the cases worked their way through the legal system, the government received little sympathy. Courts dealt heavy blows to prosecutors, while personnel and policy shifts entangled the cases in a myriad of economic and political issues. Some cases were thrown out of court with little explanation. However, in 1888, suits were still pending against Daly and his partners. Interestingly Clark's *Butte Miner* had strongly condemned the suits, but Clark and Carter avoided the topic in speeches.

³⁶ *Butte Intermountain*, 28 April 1889.

Democrats and Clark was a gamble that worked, but the cost was high. Daly's decision not only sparked the feud that cost both men enormous fortunes, but it also contributed to his severe health problems and political turmoil for the next decade.³⁷

After 1888, politics in Montana changed considerably. Soon "The Big Four" parted ways, and for the next twelve years the Clark-Daly battle dominated the political scene. Marcus Daly had saved himself at great cost, but was apparently unconcerned. According to his friend Pat Farrell, a serious personal failing drove Daly's behavior. Farrell said that Daly "...had all the fierce passion and hate of the untutored Irish peasant—the hateful heritage of wrong and slavery. Daly came to America from a land where the people from who he sprung were ground in the dust by the vilest tyranny the world has ever seen. And yet when his own day of power came, he extracted from his friends and followers and employees an obedience in things political as blind as the tyrants at home extracted from the slaves in Ireland."³⁸

³⁷ Toole, *Marcus Daly*, 97. After the suits were dropped, Daly ravaged forests, and paid a fraction of the normal freight charges. In 1889, he formed an independent lumber company, and by 1891 owned a sawmill near Hamilton, and more than twenty-four miles on the east slope of the Bitter Root Mountains, land originally acquired under the Timber and Stone Act. No one ever explained why Carter received 5,126 votes from the districts where the Anaconda, Northern Pacific Railroad and Montana Improvement Company employed the majority of workers, reliable Democrats under Daly's control; Malone, *The Battle For Butte*, 87; Carter began a prominent political career as a staunch pro-corporate conservative, rising rapidly in state and national positions. He maintained a relationship with Daly, the Northern Pacific Railroad and other powerful businesses, and enjoyed a lasting friendship with President Benjamin Harrison. Ironically, after the Democrats swept the Congressional elections in 1890, Harrison made Carter the Land Commissioner, who not surprisingly, made policies popular in the West. Harrison chose Carter as his campaign manager in 1892, and appointed him Chairman of the GOP National Committee. Carter served two terms in the Senate, 1895-1901 and 1905-1911, played a major role in creating Glacier National Park while opposing the formation of national forests, and supported tariff protectionism to the end. According to Malone, "Corkscrew Tom" Carter was a "shrewd, tough, and conniving politician who survived many a battle by adept maneuvering and by consistently allying himself with wealth and power." He was the perfect candidate for Daly and his friends.

³⁸ *Reveille* (Butte), 13 November 1900.

CHAPTER 4

STATEHOOD AND THE ELECTION OF 1889

The year 1889 brought enormous changes to Montana, the most important being statehood. There were also major shifts in the economic and political climate as old alliances disintegrated and new ones formed. Enemies set aside their differences to solve the pressing matters arising with admission into the Union, but it was not long before old passions flared and again embroiled Montana in political warfare.

The Democrats were forced to regroup after the devastating events of the past November. Clark and Daly were openly enemies, and Samuel Hauser, the “grand old man” of Montana, a shrewd businessman and tough political manipulator, kept a low profile. Appointed Territorial Governor in 1885 by President Cleveland, Hauser resigned after eighteen months. His preference for the business world and clandestine politics caused him to betray his friend Clark in the Election of 1888.¹

Both men were criticized in the papers. Democrat Jerry Collins, editor of the *Great Falls Tribune*, blistered Daly and Hauser, writing that “Every concern and corporation in Montana with which Sam Hauser is in any way identified...put forth all possible effort to secure Carter’s election...As to Marcus Daly’s part in this perfidious business, his apathy during the campaign and the vote in Anaconda and Butte tell the story. Comment would be idle.”²

¹ Kenneth R. Toole, *Montana: An Uncommon Land* (Norman: University of Oklahoma Press, 1959, reprint 1975), 173; Hauser was the most senior but not the wealthiest. The others looked to him for guidance.

² *Great Falls Tribune*, 20 November 1888, reprinted in the *Helena Record*, 22 November 1888.

Stung by the extent of the criticism, Daly wrote to Hauser on 6 January 1889 saying, “to tell you the truth I am so disappointed and so disgusted that I have quit politics for good.” Daly’s admission that he was actively involved in Montana’s politics was surprising, and his threat of quitting was sheer nonsense. He also apparently had forgotten his role in the current turmoil. Incredibly, the Montana Democratic Party soon offered him the position of Chairman and charged him with repairing the damage he had inflicted only months before.³

Daly’s first task was to convince his lumber partners to return to the Democratic faithful. Statehood meant new elections, one in May for state officers and one in October for the legislature. In a 23 February 1889 telegram to John R. Toole, the Territorial representative in Washington, Daly requested information on Montana’s elections. The new party chairman was determined to win both. Now that Carter had solved their problems, he saw no need to back Republicans for state offices. However, Hammond, McLeod, Bonner and Eddy were satisfied with Tom Carter and the Republicans now controlling federal land policy and timber suits, and saw no reason to rejoin Daly or his party.⁴

Rebuffed, Daly lost his formidable temper and immediately threatened retaliation. On 29 September he told Hauser that McLeod considered their friendship simply a “money consideration,” but that abandoning the Republican Party would be surrendering his manhood, and “he would walk out of the country before he would do it.” McLeod angrily defied Daly, saying that they had nominated a ticket and would support

³ Daly to Hauser, 6 January 1889, Hauser Papers, box 24, Montana Historical Society Archives, Helena.

⁴ Daly to John R. Toole, 23 February 1889, Small Collections, No. 536, Montana Historical Society Archives, Helena.

it, and would “carry Missoula Co [unty] for the Republican ticket, if it took half what they were worth.” An enraged Daly said that, “in view of this state of affairs I...will make the hardest fight that it is possible...and will go to any extremes to defeat him.”⁵

As Daly plotted to control Montana’s political machine, Clark patiently monitored events from afar, concerned primarily with his business interests and travel. However, when a new Constitutional Convention was called on 4 July 1889 Clark was chosen as a delegate, with Martin Maginnis, Joseph K. Toole and John R. Toole. Except for Clark, each man had established political careers.⁶

Needing a strong, competent leader, the delegates set aside their differences from eight months before and elected Clark as the president. Under his leadership, they adopted the procedures from 1884, and by 17 August produced a sixty-five-page document, nearly identical to the one from 1884. On 1 October 1888 a total of 130,918 citizens voted for ratification, a statewide a majority of 91.6 percent, and the U. S. Congress granted Montana statehood on 8 November 1889.⁷

A major provision of the constitution was a controversial “net proceeds” tax

⁵ Daly to Hauser, 29 September 1889, Hauser Papers, box 24, Montana Historical Society Archives, Helena; A. B. Hammond to T. C. Power, 28 August 1889, Power Papers, box 1, Montana Historical Society Archives, Helena; Hammond to Power, 15 June 1890, box 23, Montana Historical Society Archives, Helena; Daly advised Hauser to send influential superintendents out of the country to prevent their support of unfriendly candidates, but Hauser was reluctant to meddle in employee voting after the stinging criticism of 1888; Daly vowed to “make grass grow on the streets of Missoula.” He financed his friend, D.J. Hennessey, to open a store to compete with Hammond’s Missoula Mercantile chain, formed a large bank in Missoula, and threatened to run his Butte, Anaconda and Pacific railroad west to Hamilton to wrest control of the Bitter Roots from Missoula, the headquarters of the Hammond & Eddy Co.

⁶ John Welling Smurr, “A Critical Study of The Montana Constitutional Convention of 1889” (M.A. thesis, Montana State University, 1951), 49-50; The legislature had twenty-three lawyers, many considered front-runners for state offices. In a state dominated by Catholics, half the members were Masons.

⁷ Smurr, “A Critical Study of The Montana Constitutional Convention of 1889,” 10, 50; Waldron and Wilson, *Atlas of Montana Elections 1889-1976* (Missoula: University of Montana Publications in History, 1978) 11; *Butte Miner*, 8 November 1889; In 1889, four states—Washington, Montana, and North and South Dakota—were admitted by presidential proclamation; *Anaconda Weekly Review*, 11 July, *Great Falls Tribune* 13 July, *Bozeman Chronicle* 17 July 1889. In contemporary accounts, Clark’s leadership was highly praised; C. P. Connolly, “The Story of Montana” in *McClure’s Magazine*, 1906-1907, XXVII: 460; Connolly said, “Far abler men took part...but Clark was a good presiding officer....”

patterned after laws in other western mining states. Mine owners reaped enormous profits, since only ore actually removed from the ground was taxed. Agricultural interests in the eastern regions charged that mine owners coerced delegates to pass the tax, but most of the large mine operators were on the committees. The other delegates acquiesced, believing the tax was a necessary incentive for building the state's key industry. Later, Clark's detractors used the passage of the mining tax provision against him.⁸

Despite the temporary cessation of hostilities, Daly continued his political battles. Cognizant of the press' power in the 1888 election, he started a newspaper to counter Clark's *Butte Miner*. In 1889, Daly hired John H. Durston, former editor of the *Syracuse Standard*, one of New York's oldest papers. Described as a "courtly and dignified man," Durston held a doctorate in classical studies and linguistics from Heidelberg University. Daly's promise Durston a \$40,000 capital investment, covered losses, and a large western Montana market before he accepted the position. Durston hired prominent journalists C. H. Eggleston and E. B. Catlin from the *Syracuse Standard*, and the first edition of the *Anaconda Standard* appeared on 4 September 1889.⁹

⁸ *Proceedings and Debates of the Constitutional Convention of 1889* (Helena: State Publishing Co., 1921), 21, 115-116, 172, 475-477; The mine tax was connected with agricultural and irrigation issues, but they later became irrelevant. For studies on mining issues in other states, see H. H. Bancroft, *History of Washington, Idaho, and Montana 1884-1889* (San Francisco: History Publishing Co., 1894); Clark C. Spence, *Mining Engineers and the American West* (Moscow: University of Idaho Press, 1970, reprint, 1993), and Richard H. Peterson, *The Bonanza Kings: The Social Origins and Business Behavior of Western Mining Entrepreneurs, 1870-1900* (Lincoln: University of Nebraska Press, 1971).

⁹ Connolly, *The Devil Learns to Vote* (New York: Covici Friede, 1938), 97; Durston was identified as Durstine in Glasscock's *War of the Copper Kings* (New York: Bobbs-Merrill Co., 1935), and Dursten in Isaac F. Marcossion's *Anaconda* (New York: Dodd, Mead & Co., 1957); Patrick F. Morris, *Anaconda Montana* (Bethesda: Swann Publishing, 1997), 79; Connolly, *The Devil Learns to Vote*, 98; *Time Magazine*, 27 July 1931; Daly spent at least five million dollars on the *Standard*; Durston had an ego complementing Daly's, left a professorship at Syracuse University for unknown reasons, and had quit (or been fired) in Syracuse over an editorial dispute. *Time* said the *Standard* had more linotypes than any Manhattan paper, and "functioned as Daly's mouthpiece; not to glorify its publisher, but to lambaste Clark." Daly's \$40,000 investment was equivalent to \$821,000 in today's dollars.

Daly wanted more than an alternative to Clark's *Miner* and its capable editor, John M. Quinn. He insisted on market domination over the Republican *Butte Intermountain*, *Anaconda Review* and the *Helena Independent*. The *Anaconda Standard*, like most papers, was extremely biased. Circulation reached 20,000, with twelve pages published seven days a week. Daly was ready for his next move.¹⁰ During the convention and preparations for statehood, Montana's politics grew more chaotic. The "Big Four" had contributed \$40,000 each toward the Democratic campaign for the important state elections, but the major prizes were the U.S. Senate seats. In September 1889 Samuel Hauser received confidential letters from T. F. Oakes, the president of the Northern Pacific, advising his superintendents to give the "hints usual" to support the Democratic ticket.¹¹

The election on 1 October 1889 ratified the state constitution, and selected the legislature and state officials. Money poured into the campaign from wealthy businessman and both national committees, aware of the importance of each seat. Montana, one of four western states admitted in 1889, could now affect the precarious balance of power in a heavily partisan Congress. The Democrats were favored, but Daly's inability to bring Hammond back to the party proved disastrous. Hammond not only won the votes in his timber camps and mills, but proved he had more power with the Northern Pacific than Hauser, and made good his threat that "they would carry Missoula County for the Republican ticket, if it took half what they were worth."¹²

¹⁰ Morris, *Anaconda Montana*, 79.

¹¹ T. F. Oakes to Hauser, 6 September 1889, Hauser Papers, Montana Historical Society Archives, Helena; Amounts vary widely, with the highest figure around \$300,000, but the \$40,000 figure was the most widely accepted, since it was admitted under oath during the Senate Investigation in 1900. This weighed heavily against Clark in the Senate investigation, but had little impact on the other contributors. The other states were Washington, North Dakota and South Dakota.

¹² The *Butte Semi-Weekly Intermountain*, 13 October 1889.

A strong Republican wave almost swept away Montana's traditional Democratic foundations. Crafty Tom Carter held his lone seat in the House of Representatives, and Democrat Joseph K. Toole became the first state Governor. More importantly, the elections on 1 October created essentially two legislatures with eight Democratic and eight Republican Senators, and twenty-five members each in the House. This was by no means unique—Colorado literally had two complete assemblies and two speakers in 1891, and New Jersey's Supreme Court resolved a similar situation in 1894—but the Montana situation was particularly volatile, since it deadlocked the state's first legislature and prevented the appointment of its first two senators. This erratic start for the new state government proved a fertile ground for intrigue and corruption.¹³

Montana's two legislatures resulted from five disputed house seats in Silver Bow County, where Butte was located. The Republicans claimed that in Precinct thirty-four, where heavily Democratic laborers on the Northern Pacific Railroad voted, unnaturalized citizens illegally cast invalid ballots. If the ballots were eliminated, the five seats meant a Republican majority. If not, the Democrats gained control. No law clearly determined the certification of legislators, and both parties claimed the contested seats.¹⁴

A ridiculous series of events ensued. The House split into two bodies and met separately to protect the five disputed members. Senate Democrats refused to attend meetings or to vote, hoping to prevent a Republican quorum with the House. The majority Republicans obtained arrest warrants attempting to force Democrats to attend,

¹³ *Butte Semi-Weekly Inter Mountain*, 13 October and 10 November 1889; Clark to Hauser, 24 October 1889, Hauser Papers, box 18, Montana Historical Society Archives, Helena; James M. Hamilton, *History of Montana: From Wilderness to Statehood* (Portland: Binsford & Mort, 1957, reprint 1970), 561-685.

¹⁴ *Cong. Record*, 56th cong, 2nd sess., 3423.

and that prompted several to leave the state. For nearly three months, from 23 November 1889 until 20 February 1890 the deadlocked legislature continued to meet until it was forced to adjourn. Incredibly, Montana's first state legislature had managed to accomplish nothing.¹⁵

The situation was closely monitored from Washington. Finally, separate joint sessions each chose two Senators. The Democrats picked William A. Clark and Martin Maginnis, and the Republicans decided on the old Vigilante leader Wilbur F. Sanders and wealthy Helena merchant T. C. Power. This removed the responsibility for selecting Senators from the impotent Montana legislature, and placed it in the hands of the partisan U.S. Congress, where not surprisingly, a Republican majority chose to seat Sanders and Powers on 16 April 1890. For the second time in less than eighteen months, Clark was denied a seat in the U.S. Senate. Although he did not blame Daly directly for this defeat, he was nonetheless very disappointed.¹⁶

Most historians minimize the Election of 1889 and focus primarily on the split legislature. However, that was merely a symptom of a much deeper problem with far greater implications. Marcus Daly had played a significant role in the outcome of the election, and despite the fact that Clark was only one of four candidates submitted to Congress, his enemies later claimed his participation was another example of his obsession to become a U.S. Senator.¹⁷

¹⁵ Hamilton, *History of Montana*, 569-579; Clark testimony in *Report of the Committee on Privileges and Elections*, 3: 1938; If this seems absurd, in the summer of 2003 Texas Democrats left the state to prevent the Republican Governor from forcing a vote on redistricting after manipulating the state legislature into changing the voting rules. Texas Republicans appealed to Washington, and partisan officials illegally used government agencies to track down the absentees. The situation was not resolved until the next year.

¹⁶ Hamilton, *History of Montana*, 569-579; *Butte Semi-Weekly Miner*, 15 March and 19 April 1890.

¹⁷ Senator Chandler's remarks in the *Cong. Record*, 56th cong., 2nd sess., 3422-3436.

If Daly had been less petulant and rash when declaring war on Hammond, the Republicans may not have had the votes for a balanced legislature. Daly also overestimated Hauser's allegiance and his power over the Northern Pacific Railroad. After advising a reluctant Hauser to coerce his employees, Daly had the audacity to scold him on 28 November 1889 writing, "...If you had taken care of Wickes, Jefferson county would be safe, and would leave us the senate...From your influence at Cokedale and the coal mines and the Northern Pacific vote, which you were expected to handle, the party had a right to expect that you would make a better showing in Park county...East Helena also showed up badly." Daly's inept management of the Democratic campaign, alienation of powerful forces in western Montana, and reliance on Hauser to get the Democratic vote were significant factors in the legislative stalemate of 1889.¹⁸

The election was also used as evidence of Clark's long-term obsession with a Senate seat that eventually led to bribery. In a Senate speech on 2 March 1901 Senator William Chandler said that Clark was a candidate in 1888 and was defeated by Tom Carter, but never mentioned the role of Marcus Daly. He also stated that the "Big Four," specifically Hauser and Clark, each contributed \$40,000 to the 1889 campaign, but carefully avoided naming Daly and Broadwater. Chandler added that seating the Republicans instead of Clark and Maginnis fueled Clark's ambition into obsession.¹⁹

¹⁸ Daly to Hauser, 29 September 1889, Hauser Papers, Montana Historical Society Archives, Helena.

¹⁹ *Cong. Record*, 56th cong., 2nd sess., 3423; Chandler's speech was entered into the Congressional Record over legitimate objections to its propriety and accuracy, and is used by historians to indict Clark and impugn his reputation. No direct accusation was made against Clark or Hauser, only the appearance that Clark used money improperly for political purposes. Chandler's remarks were made twelve years after that election as he was leaving the Senate because of a failed 1900 reelection bid. Embittered, he was defending his actions as the Chairman of the Senate Investigative Committee, and wanted to portray Clark as a villain, as did the men that hated Clark and wrote the stories of those events.

After the shameful events of 1890, Montanans settled down. The political arena was relatively quiet as businessmen developed and exploited the bountiful resources above and below ground. Mines and smelters in Butte and Anaconda poured forth their riches. Agriculture and timber became increasingly important components of the economic base. As Butte grew in size and wealth, it attracted the interest of eastern capitalists in Boston, the hub of copper investments, and New York, which was rapidly surpassing London as the world's financial center.²⁰

Nonetheless, as both men consolidated their wealth and power, neither was satisfied with the political situation. Despite the devastating setbacks and personal attacks of the late 1880s, Clark maintained his reputation and planned to build political support throughout the state to elect friendly legislatures that would eventually put him in the U.S. Senate. He would make decisions and cast his own vote, not the vote of one that owned him. Daly shunned publicity, preferring to work behind the scenes. His interest in politics did not extend to public office. He wanted to ensure that no one was elected to an office who did not owe it to him, and that would not forget the debt. Daly wanted to be the puppeteer, an Irish political boss in the finest tradition of large eastern cities.²¹

Few acknowledge that Daly was the quintessential political boss. Top bosses

²⁰ Michael P. Malone, *The Battle for Butte* (Seattle: University of Washington Press, 1981, reprint, Helena: Montana State Historical Society, 1995), 62.

²¹ Harold Evans, *The American Century* (London: Jonathan Cape, 1998), 86; Portrayed as generous and appreciative by his supporters, Daly apparently could charm a crowd. The majority of pro-Daly authors repeatedly contrast his social skills to those of Clark, who they considered vain, stingy and aloof. However, Daly's generosity and appreciation was not that of a true friend—it was the façade of geniality perfected by political bosses. The archetypal boss was an Irish immigrant that worked his way up, never seeking office, but nonetheless controlling officials and state legislation. Helping constituents, even illegally, was a friendly gesture, not a criminal act. City machines were essentially an Irish feudal system grafted onto a budding democracy. Bosses combined ancient hierarchal customs of village governments, familiarity, clan loyalty, energy and sheer numbers to build the political base. Some bosses were colorful boodlers, offering liquor, money, food and women to men who voted a straight ticket.

were usually somber family men, quietly enriching themselves out of the limelight. Their machines were reminiscent of feudal Ireland, where everyone knew his place under a stern oligarchy of elders. Despite their power and influence, bosses often failed their immigrant supporters on a large scale. Daniel Patrick Moynihan said, “The Irish did not know what to do with power once they got it...they never thought of politics as an instrument of social change—their kind of politics involved the processes of a society that was not changing.” Marcus Daly planned to use his wealth and growing political machine, patterned after models in New York and other eastern cities, in his battle with Clark to control Montana.²²

²² Nathan Glazer and Daniel Patrick Moynihan, introduction to *Beyond the Melting Pot: The Negroes, Puerto Ricans, Jews, Italians and Irish in New York City*. (Cambridge: M.I.T. Press), 1963, x; Daniel Patrick Moynihan was an Irish Democratic Senator from New York between 1977 and 2001.

CHAPTER 5

THE ELECTION OF 1893, CAPITAL FIGHT, AND ELECTION OF 1896

Events do not occur in a vacuum, and Montana's internal political struggles were deeply affected by national events. Two key issues fueled an already volatile situation. First, Populism, a movement formed primarily in response to agricultural unrest, officially organized in 1891. Dating back to the old Greenback party and Farmers' Alliances that flourished in the 1880s South and Midwest, the Populists held a nominating convention in Omaha, Nebraska in 1892. Its radical agenda called for far-reaching reforms, and its membership exploded in a wave of reaction against the economic exploitation of eastern capitalists. Second, Montana's political and economic structure had become completely dominated and manipulated by mining interests.¹

Populism's center lay in America's heartland, but it strongly appealed to the intermountain mining regions. Although copper would soon permanently dominate, in the early 1890s Montana's wealth came primarily from silver. Montanans embraced the Populist demands for the free coinage of silver at a ratio of sixteen to one with gold, and cancellation of the Northern Pacific's large and unpopular land grant. This forged an unlikely alliance of capitalists, unionists, farmers, and reformers united by "free silver," which provided large government subsidies for the state's key industry.²

¹ John D. Hicks, *The Populist Revolt* (Minneapolis: University of Minnesota Press, 1931); Lawrence Goodwin, introduction to *Democratic Promise: The Populist Movement in America* (New York: Oxford University Press, 1976).

² Thomas A. Clinch, *Urban Populism and Free Silver in Montana* (Missoula: University of Montana Press, 1970); Thomas A. Clinch, "The Northern Pacific Railroad and Montana's Mineral Lands" in the *Pacific Historical Review* 34 (August 1965): 323-335.

Free silver became popular soon after the Panic of 1873, and it was a major issue during the next quarter century. The difficulties of 1873–78 stimulated the desire for cheap money, and political advocates of this idea flourished in local elections. The market price of silver fell rapidly after 1873 because of the American and European demonetization of silver, and because mines increased production. Inflationists failed to secure paper-money expansion and turned to silver, believing its free coinage would suffice as long as a silver dollar was worth intrinsically less than a gold dollar. Silver-mining interests naturally backed silver coinage.³

As the temporary prosperity of the early 1880s vanished, demands for free silver resurfaced. By 1890, the political strength of the silver advocates, especially in the West, forced passage of the Sherman Silver Purchase Act. The Populist Party advocated free silver and joined silverites to gain control of half a dozen discontented Western states, ultimately rejecting compromises and the 1892 presidential candidacy of Grover Cleveland, a gold standard supporter.⁴

Free silver advocates were enraged when the Sherman Silver Purchase Act was repealed during the Panic of 1893. Cleveland's Western and Southern opponents captured control of the Democratic Party, and in 1896 free silver became the major issue of William Jennings Bryan's presidential campaign. McKinley's victory over Bryan then and again in 1900, coupled with increased gold supplies and returning prosperity, effectively ended free silver as a political issue.⁵

³ A. B. Hepburn, *History of Coinage and Currency in the United States and the Perennial Contest for Sound Money* (New York: Macmillan Company, 1903), reprint 1924.

⁴ Hepburn, *History of Coinage and Currency in the United States*, 430-450. The Sherman Silver Purchase Act of 1890 required the government to purchase 4.5 million ounces of silver a month, and was ridiculed as a subsidy for mining states.

⁵ Hepburn, *History of Coinage and Currency in the United States*, 430-450.

In the early 1890s, Populism and free silver rocked class barriers and party loyalties as it swept across the state. In January 1892, 230 delegates in Anaconda formed the Montana Populist Party. The following June, at a nominating convention in Butte, unions and the silver issue dominated the agenda. The Populists avoided the policy of fusion, or joining forces with majority Democrats, maintaining its independence in the 1892 campaign.⁶

A political storm was brewing in 1892 Montana. Wilbur F. Sander's Senate seat was available and Clark wanted it, but Daly had a different goal—to make his company town of Anaconda Montana's capital. The 1889 Constitutional Convention had avoided the contentious issue of naming a permanent capital, opting to let citizens decide in a general election. However, this seemingly perfect opportunity for both men was lost because personal interest had trumped party unity in 1891.⁷

The characteristically stubborn Daly was not discouraged by his unsuccessful 1888 attempt to control the Butte Water Company. In 1891, with the aid of Republican Lee Mantle of the *Butte Inter Mountain*, he waged a nasty "Dirty Water Campaign" against Clark. Daly believed he had the support of the Butte City Council, but Clark outmaneuvered him and retained control. A furious Daly declared war on the councilmen that he believed had betrayed him. When the pro-Clark city council gained control of the Democratic ticket in Butte's 1892 city elections, Daly again quietly deserted the Democrats, and joined forces with Mantle and the Republicans.⁸

⁶ *Anaconda Standard*, 21 January, 17 June 1892; Clinch, *Urban Populism*, 47-65.

⁷ Christopher P. Connolly, *The Devil Learns to Vote* (New York: Covici Friede, 1938), 100-101; *New York Times*, 10 September 1893.

⁸ *New York Times*, 10 September 1893; *Helena Daily Independent*, 3 March 1893; The water fights were purported to be one reason for the Clark-Daly feud. Daly's characteristic behavior of fighting his opposition and deserting the party when personally expedient was identical in 1888 and 1892. His personality often drove him to attack those that opposed him, regardless of the consequences.

Daly's actions stunned the Democrats, and his intrigues further muddled an already complex situation. As his faction sided with the Republicans and the Populists cornered the silver rhetoric, the Democrats took a beating, losing crucial legislative seats from Silver Bow County and a number of other important offices, including the Mayor of Butte and Governor. Democratic presidential candidate Grover Cleveland lost in Montana by 1,270 votes, and the Democrats barely retained control in the Senate with a thirty-five to thirty-three majority. However, each party had twenty-six representatives in the House, giving three Populists the balance of power.⁹

Another important consequence of the 1892 election was the failure to choose a permanent state capital. Helena had been the Territorial capital since 1875, and was the obvious choice. However, seven cities had competed for the honor, and much to Daly's dismay, Anaconda ran a close second to Helena. A runoff election was scheduled for 1894, but the events of 1893 played a major role in the result.¹⁰

As the 1893 legislative session convened, the U.S. Senate seat topped the agenda. Legendary Wilbur Sanders, the "old man" of the GOP, had finished his short

⁹ *Cong. Record*, 56th cong., 2nd sess., 3423; Helen F. Sanders, *A History of Montana* (New York: Lewis Publishing Co., 1913), 3 vols; Waldron and Wilson, *Atlas of Montana Elections 1889-1976* (Missoula: University of Montana Publications in History, 1978), 15-17; Mantle, an English immigrant and long-time politician, was elected as Butte's Mayor as a reward for his support; The "Dirty Water Campaign" was a copy of the 1888 charges, except it accused the city council of dereliction of duty for allowing Clark to have the franchise. Daly used Mantle for his own purposes, not out of loyal or friendship; Daly quote in *New York Herald*, 23 September 1900; When Mantle bragged about his victory, Daly said that "he would have elected a yellow dog had the Republicans named one that year," demonstrating that Daly's self-interests trumped his ethnic and religious feelings, despite Emmons' assertions.

¹⁰ Waldron and Wilson, *Atlas of Montana Elections 1889-1976*, 15-16; Article X of the constitution submitted the permanent location of state government to popular vote in 1892, and provided for a runoff election between the two leading contenders in 1894 if none won a majority. Seven cities—Anaconda, Boulder, Bozeman, Butte, Deer Lodge, Great Falls and Helena—petitioned for a place on the ballot under the provisions of the 1891 law, and most favored the nearest site. Out of 51,500 registered voters, 45,923, or ninety-eight percent, cast ballots, far more than on any other issue. Helena received 13,983 votes, or 30.4 percent, and Anaconda had 10,183 votes, or 22.2 percent. Helena had a 3,800-vote margin over Anaconda, which had a 2,431 vote margin over the next closest contender, Butte, with 7,752 votes. Since no city had a clear majority, Helena and Anaconda, as the number one and number two choices, won places on the 1894 ballot.

term as the 1890 Congressional appointee. Sanders remained the Party's first choice, but he was vulnerable, because at least one Populist supported the Democrats, and on a joint vote they could defeat him. However, Daly's actions had cost the Democrats their power, and incredibly, he had not yet finished wreaking havoc.¹¹

When Sam Hauser withdrew as a candidate, Clark was endorsed for the Democratic nomination, and Daly's eight Democrats broke from the majority and nominated his chief attorney, ex Congressman William Wirt Dixon. This move was clearly aimed at keeping Clark out of the Senate. Daly's motive was not politics, but animosity that culminated in his recent defeat in the Butte water case.¹²

Under Federal law, state legislatures were required to vote each day until a senator was chosen. The endless days of casting ballots took a toll as marginal candidates prevented a majority. Early in the contest, Sanders had a slight lead over Clark, but by February the Republicans backed Lee Mantle, hoping the Daly Democrats might support him. Democratic Senators in Washington kept a watchful eye on Helena, because electing a Democrat Senator was important amid criticism of the 1890 Silver Purchase Act. However, the stalemate continued. Daly refused to yield, and Clark's men were equally stubborn, ignoring a disingenuous offer from Daly to support anyone other than Clark. To win the seat, Clark needed Republican support.¹³

¹¹ Connolly, *The Devil Learns to Vote*, 100-101.

¹² Connolly, *The Devil Learns to Vote*, 100-101; *New York Times*, 10 September 1893.

¹³ *House Journal of the Third Session of the Legislative Assembly of the State of Montana* (Butte: Inter Mountain Publishing Co., 1893), 50, 55, 60; Clark, *Report of the Committee on Privileges and Elections of the United States Senate Relative to the Right and Title of William A. Clark to a Seat as Senator from the State of Montana, 56th cong., 1st sess., 3 vols., 3:Report of The Committee On Privileges and Elections, 3: 1939; Anaconda Standard, 19 February 1893; Arthur P. Gorman of Maryland, Calvin S. Brice of Ohio, James K. Jones of Arkansas and George G. Vest of Missouri sent telegrams almost daily to Helena. The Senators conferred with T. F. Oakes of the Northern Pacific Railroad, J. B. Hill of the Great Northern Railroad and even James B. Haggin (who controlled Daly) in New York to end the stalemate. However, Haggin absolutely opposed Clark, and no other candidate was suitable to all parties.*

Mining magnates, railroad owners and timber barons often worked behind the political scenes with enormous sums at their disposal. Rumors of bribery surfaced in every election, but in 1893 the rhetoric changed. Serious accusations were made, and Montana politics grew uglier. In the 1890s, influence peddling was developed to a high degree, and senators were elected by boss-controlled legislatures. The U.S. Congress, known as “the Millionaire’s Club,” was depicted by journalist David Graham Phillips as “the eager, resourceful, indefatigable agent of interests hostile to the American people.” The goal of politics was to get elected or influence legislation by any means, while publicly railing against the opposition. No one escaped the taint of impropriety.¹⁴

Amid rumors that Clark was bribing Republicans, Daly forever tarnished his reputation and betrayed all Montanan laborers in an ominous indication of the depths to which he would sink for political gain. Daly, the “friend of the working man,” hired Pinkerton detectives to find evidence of bribery, and if possible, dig up dirt on Clark and his supporters. The Pinkerton Agency had few scruples when hiring detectives and guards, and found most of its recruits through newspaper advertisements that attracted such men as military rejects and ex-convicts. Pinkerton guards were involved in nearly seventy labor disputes, many violent, between 1866 and 1892.¹⁵

¹⁴ Evans, *The American Century* (London: Jonathan Cape, 1998), 94; *Butte Semi-Weekly Intermountain*, 11 November 1888; In the 1888 election, the *Inter Mountain* said that a defeated democrat whined that \$20,000 was spent in Missoula to defeat Clark, but that the money never appeared. This fact was not lost on Daly in the Election of 1898.

¹⁵ Stephen H. Norwood, *Strikebreaking and Intimidation: Mercenaries and Masculinity in Twentieth Century America* (Chapel Hill: University of North Carolina Press, 2002), 4-5; The Pinkerton Detective Agency, founded in 1850 by Scottish immigrant Allen Pinkerton, had earned a notorious reputation during the past forty years. It pioneered using armed mercenaries as guards to protect company property during strikes, and to serve as strikebreakers and company spies. The success of agent James McPharlan, who in 1873 infiltrated the Molly Maguires, a secret society of Pennsylvania Irish-American miners suspected of violence and sabotage against the Philadelphia and Reading Coal and Iron Co., proved the value of labor espionage as an anti-union weapon. McPharlan’s two and a half years undercover resulted in the execution of the society’s leadership, and corporations embraced the tactic on a massive scale. Daly and Sanders hired this company to thwart Clark.

A relative of Sanders wrote that some Montana lawmakers “behaved like school-boys,” and that “some of the legislators will go home ten thousand dollars richer than when they came to Helena this winter.” If the rumors of bribery were remotely true, it is reasonable to expect that professional detectives would find evidence, especially an agency notorious for getting results regardless of legal considerations. However, no proof was ever found.¹⁶

Despite this, Malone said, “there can be little doubt of the truth of rumors that Clark agents beat the bushes with bribe money for the support of Republican legislators, or that Daly’s men just as avidly sought to buy them back,” and “one has difficulty disagreeing...that these men (Republicans) accepted bribes to vote for him.” Almost condescendingly, Malone wrote, “No one ever proved these charges of bribery, but few ever doubted them.” Malone’s anti-Clark bias overshadowed his objectivity.¹⁷

Neither side compromised. The final ballot on 2 March 1893 gave Clark thirty-two votes, Lee Mantle twenty-five, Dixon eleven, and Thomas Carter one. Clark was three votes short of the thirty-five needed, but had received six Republican votes and two from former Democratic opponents. Daly allies branded those that voted for Clark as “traitors,” and E. D. Matts of Missoula County, the Senate majority leader and President Pro Tem, arrogantly predicted that Clark’s epitaph would read, “Here lies the

¹⁶ Elliot J. Gorn, *Mother Jones* (New York: Hill and Wang, 2001), 72, 110-111, 152; McPharlan’s testimony against the Molly Maguires was suspect, and some believed it was false. Later, McPharlan changed his name to McPharland and became head of the Pinkerton office in Denver, Colorado, notorious for compiling files of false information on labor leaders. Throughout his career, McPharland was suspected and accused of acting as an “agent provocateur,” manipulating evidence, coaching and promising immunity to those that cooperated, and lying under oath. However, powerful corporate and government interests requiring his services for their dirty work protected him; For evidence that Daly used detectives, see W. A. Pinkerton to Wilbur F. Sanders, 28 February and 4 March 1893, Wilbur Fisk Sanders Papers, Montana Historical Society Archives, Helena.

¹⁷ Michael P. Malone, *The Battle for Butte* (Seattle: University of Washington Press, 1981, reprint, Helena: Montana State Historical Society, 1995), 97.

man who thought he could buy up the legislature of sovereign Montana and got fooled.” Under the byline “They Fell Down,” Daly’s *Anaconda Standard* said the balloting was “The Grandest fight that was ever fought in Montana,” and Mantle later described the legislature as a “band of bribe takers and bribe givers...a stench in the nostrils of all honest men and a by-word and a jeer throughout the union.”¹⁸

Despite the intrigue, political maneuvering and rumors of bribery, the Senate seat remained vacant, and both sides continued the struggle. Daly’s Democrats joined the Republicans and moved for adjournment, giving Republican Governor John Rickards the option of calling a special session to continue balloting or to appoint a senator to fill Sanders’ vacant seat. Wasting little time, Rickards appointed Lee Mantle to the position on 4 March and the *Butte Miner* asked the obvious question, “Was Rickards Influenced?” Daly’s initial strategy had probably been to force a deadlock until adjournment, then convince the Republican Governor to appoint his Republican ally from Butte, knowing Rickards would never appoint a Democrat.¹⁹

Despite his coup, Daly failed to anticipate or consider the U.S. Senate’s position on appointments when the legislature failed to act, and Mantle found stiff opposition in Washington. Clark and Hauser were suspected of lobbying against the appointment, hoping to force another special session. On 28 August 1893 the Senate rejected Mantle by a three-vote margin, 31-28, the closeness of the vote indicating that Daly supporters lobbied hard for Mantle.²⁰

¹⁸ *Anaconda Standard*, 3 March 1893; *Helena Herald*, 2, 3 March 1893; Mantle to T. C. Power, 29 March 1893, Power Papers, box 8, Montana Historical Society Archives, Helena; Matts’ comments were clearly designed to humiliate Clark, and set the stage for the Daly’s future strategy, where charges of bribery were a standard part of every election.

¹⁹ *Butte Weekly Miner*, 9 March 1893; *Butte Semi-Weekly Intermountain*, 5 March 1893.

²⁰ *Cong. Record*, 53rd cong., 1st sess., spec. sess., 25: 994-996.

Rickards was subjected to intense pressure from silver interests in both parties. They wanted a special session to ensure that a silver Senator was elected to protect Montana's interests at the national level. However, Rickard's politics and loyalty to Daly were more important than Montana's interests. Knowing that a special session would likely elect a Democrat, the Republican Governor stubbornly refused all requests, leaving Montana with only one Senator, T. C. Power who had been seated in 1890. Daly's political manipulations and his battle with Clark effectively debased the Montana legislature, and cost the state full representation in the U.S. Senate for over a year.²¹

Montana's third legislative session was a turning point in the young state's political history. Undoubtedly, both sides spent large amounts of money to influence votes, but only Clark was accused of bribery. Rumors and intrigue incited legislators and the public, and created confusion to deflect inquiry into the real issues. Clark expected to fill the vacant Senate seat, but Daly controlled the loyalty of enough legislators by means of money, favors, promises and coercion to act as a spoiler, realizing direct control of the election was impossible. His changing loyalties and use of the despised Pinkerton Agency to discredit his opponents were indications of the importance he placed on protecting his interests, regardless of the consequences.

Clark was determined to fight back. Both men were stubborn, arrogant and bore responsibility for the sad legacy of the 1893 legislature, yet historically the blame was placed squarely on Clark for mounting a nefarious campaign. It was now clear that the disagreements between Clark and Daly had moved to a more personal level.

²¹ *Helena Independent*, 6 September 1893; John Rickards to T. C. Power, 27 August 1893, Power Papers, Montana Historical Society Archives, Helena; Mantle to Power, 24 September and 30 October 1893, Power Papers, Montana Historical Society Archives, Helena.

Daly's strategy hobbled the legislature, and created an atmosphere of mistrust and hostility ripe for the influence of money, and prevented the election of a Senator. Daly and Sanders' use of Pinkerton detectives, with their anti-labor reputation and suspect tactics, provided intrigue and upped the ante for winning at all costs. Governor Rickards' loyalty to the Republican Party and Daly trumped Montana's interests and prevented full representation in Congress. In 1893, men chose to squander their values and obligations for personal, economic and political gain.²²

Daly's political strategy was clearly defined by 1893. In 1888 and 1890, personal interests outweighed party loyalty, creating fractured political alliances when the young state most needed unity. In 1893, the wealth of Clark and Daly, combined with powerful outside interests, national political issues and a growing animosity, created an atmosphere conducive to improper conduct by elected officials. Lacking direct proof of wrongdoing, Daly resorted to a smear campaign and personal attacks against Clark and anyone perceived loyal to him, while carefully protecting his own reputation.

The strategy was brilliant by traditional boss-rule methods. Politics at every level in the 1890s was influenced by money, and corruption was the unofficially accepted practice. Daly had to merely maintain the suspicion of bribery against Clark, while carefully hiding his own corrupt practices. When rumors became unconvincing, Daly was forced to prove the charges, which he craftily attempted in the 1899 election.

Daly's success was reflected in the comments of Senator William E. Chandler as

²² Hiring the Pinkerton Agency may have backfired on Daly, who later denied it under oath. If evidence was found that Clark supporters were paying for votes, it is unlikely the information was not made public and sent to a grand jury, yet no such proof was offered, leading to two possibilities: one, proof of bribery against Clark was not found; or two, proof was found that incriminated both sides. If so, the report would be buried, for accusations against Clark were meaningless if Daly was involved. This left Daly supporters with few options except to subject Clark to personal attacks based on rumors, hearsay, and innuendo.

he vituperatively summarized Clark's political career before Congress in 1901. Chandler reduced the complexities of the 1893 legislature to a few lines condemning Clark, stating "The Republican candidates for Governor and Representative in Congress were elected by smaller majorities, but the Republicans, owing to the expenditure of money by Senator Clark, failed to carry the legislature...The Democrats and Populists were unable to agree upon a United States Senator, and although Senator Clark was a persistent candidate, voted for in the legislature many weeks, there was a failure to elect." The legislature of 1893 did little for the citizens of Montana, but it set the stage for devastating political battles in 1894 and 1899.²³

Despite the difficulties of 1893, Montana had little time to recover before focusing on the 1894 campaign issues. The major objectives were deciding the capital's permanent location and filling two Senate seats. The silver issue gained momentum, and some Democrats and Populists entertained the idea of "fusion," or joining forces to counter the gold Republicans. The Panic of 1893 had devastated the country, and silver producing states like Montana were hit particularly hard. When the nation's gold reserve dropped sharply and the stock market wavered in the early summer, the economy entered the worst depression in U.S. history.²⁴

²³ *Cong. Record*, 56th cong., 2nd sess., 3423; Despite his tough boss mentality and "street smarts," was Daly capable of developing and implementing such a strategy alone? During this time, Daly was closely aligned with James B. Haggin, and probably John Mackay, one of four "Silver Kings" in Virginia City, Nevada, where Daly worked as a young man. These men were capitalists with unlimited resources and extensive experience dealing with powerful interests and politics. Daly owed almost everything he had to Haggin, George Hearst and their friends. His loyalty to them was as fierce as that which he demanded from his associates. Daly also had very capable attorneys, accountants and politicians familiar with the intricacies of political strategy at the national level. Therefore, it is likely that Daly did not develop his political strategy alone, but had substantial assistance from some of the wealthiest, most powerful and unscrupulous men that ever lived.

²⁴ Clinch, *Urban Populism*, 112-118; Michael P Malone and Richard B. Roeder, *Montana: A History of Two Centuries* (Seattle: University of Washington Press, 1976, revised ed., 2001), 216-217; The two seats resulted from the position that was unfilled in 1893, and the one that was available at the end of Power's term.

The Cleveland administration, desperately looking for an explanation blamed the Sherman Silver Purchase Act of 1890. The Act expanded the badly deflated currency by allowing the issuance of paper money redeemable in either gold or silver, but it also caused a serious reduction in the gold reserve, as holders redeemed their currency with the more stable and valuable metal. Huge silver purchases were also a major subsidy for the western mining industry that many said the country could no longer afford. Congress agreed, and repealed the Act in October 1893.²⁵

Disaster hit Montana before the repeal of the Sherman Silver Act as dropping prices and impending catastrophe paralyzed the industry. By the end of the year, 20,000 men, fully one-third of Montana's workforce was unemployed. Temporary but unsustainable measures were implemented, and as the depression deepened businesses dependent upon silver staggered and failed. Even well-established, seemingly secure companies foundered under the crushing weight of silver's collapse. In the first year, 130 Montanan businesses failed, including Sam Hauser's First National Bank of Helena and the once powerful Northern Pacific Railroad.²⁶

As panic gripped the state, Daly wrote to Haggin on 14 July. Obviously worried, he said that "Butte is looking savage. There are over 3,000 idle men on the streets. They are discontented and dissatisfied." Workers and capitalists were united in their belief that greedy banker-industrialists living privileged lives in their eastern mansions had conspired to permanently destroy silver, and were the cause of their problems. The rich and poor, the owners and workers, joined hands to fight for what they considered their only hope, which was renewed silver purchases. Butte, like many cities

²⁵ Douglas W. Steeples, "The Panic of 1893," *Mid-America* 47 (April 1965): 155.

²⁶ Clinch, *Urban Populism*, 101-102.

devastated by the collapse, weathered the depression by focusing its anger outward against a perceived common enemy.²⁷

Despite economic woes, the capital fight overshadowed all other issues. For the first time Daly, who according to Michael Malone “never long(ed) for high office himself, but simply wanted to immortalize his pride and joy—his barony of Anaconda as the capital of a sovereign state,” ego was at stake. Ironically, for Clark it was the first time he was not personally involved in a major electoral decision, and he was non-committal early in the campaign. However, he eventually threw his full support behind Helena, and the ensuing battle further divided Montana with devastating results.²⁸

The capital fight had begun in the 1893 legislative session. The Democrats needed the Populists’ support in the house of representatives, and to secure it they were forced to make strong concessions. One Populist was made the house speaker and another became the speaker pro tem. When the location of state colleges and other institutions was debated, advocates of Great Falls and Helena reasonably proposed a centrally located campus to serve the sparsely populated state. However, Daly’s men pressed for a fragmented system that spread institutions over several cities, although it would dilute the integrity of the system at a higher cost. This illogical plan

²⁷ Clinch, *Urban Populism*, 90-93, 105-110; *Helena Independent*, 7 and 23 July, 31 October, 1 November 1893; Daly to Haggin, 14 July 1893, copy in George Hearst Papers, Phoebe Hearst Collection, Bancroft Library, University of California; *Engineering and Mining Journal* 55 (April 1893): 327; 65 (May 1898): 646; 65 (June 1898): 682; Of 9,000 men working that summer, only 500 had jobs in the fall. In July 1893, a convention of leading citizens met in Helena and formed the Montana Free Coinage Association to lobby for “free silver,” electing Marcus Daly president. However, the Panic of 1893 lasted through 1896, and although silver production resumed at larger mines, copper, which survived the depression reasonably well, dominated. Prices were low, but new markets emerged in the electrical and telephone industries, and brass for machine parts and military use kept production high. The once great silver mines operated on a limited basis or shut down, as did most of the towns. Silver, like gold, became a by-product of copper mining and part of the past. Hundreds of gold camps gave way to dozens of silver towns, which in turn bowed to Butte, the king of copper that dominated Montana’s economy and politics for the next ninety years.

²⁸ Malone, *The Battle for Butte*, 99.

was crafted so that Daly's men could support these cities in exchange for their support of Anaconda as the state capital.²⁹

Sam Hauser, the railroads and powerful mining and banking interests supported Helena, and Daly found himself in a very tough battle. Both sides canvassed the state, and enormous financial expenditures were used to influence voters. As usual, speculation and rumor generated vastly different estimates. Connolly guessed that Daly spent about \$2.5 million to Clark's \$400,000, or fifty-six dollars for every registered voter in Montana, but as with many of his claims, there was no proof or substantiation.³⁰

The capital fight turned Montana politics on its head, as old alliances broke and new ones formed. The Great Northern Railroad backed Anaconda, as did most of Butte's politicians, including Mayor Lee Mantle. However, the Northern Pacific backed Helena which sat on its main east-west line. Several large Butte mining companies, such as the Boston and Montana-Butte and Boston Companies, supported Helena. The Walker Brothers, Daly's former employers, discharged superintendent E. W. Hall for supporting Anaconda, and even Tom Carter and Wilbur Sanders broke with Daly and supported their hometown.³¹

Daly's *Anaconda Standard* proved its worth. Anaconda was undoubtedly the

²⁹ Clinch, *Urban Populism*, 64-65; J. A. MacKnight, "The Montana Capital Fight," in *Harper's Weekly*, 27 (October 1894): 1049; *Helena Herald*, 4 March 1893; Jean Schmidt, "Copper Kings, Populists, and Logrollers: The Montana Legislative Session of 1893" (M. A. thesis, Montana State University, 1980); Unfortunately for Montana, the Anaconda contingent prevailed. Bozeman, Butte, Dillon and Missoula received colleges, Boulder an orphanage, Miles City was awarded a reform school, and Billings was offered a second state prison. Future generations paid for this selfish, short-sighted plan.

³⁰ Connolly, *The Devil Learns to Vote*, 103-104; *Report of the Committee on Privileges and Elections*, 3: 1837-1839 and 2228-2229; Clark admitted spending \$100,000 in addition to Helena's \$100,000, and John R. Toole testified before a grand jury to spending \$500,000. Sam Hauser testified that Daly spent over a million dollars. Connolly arrived at the \$2.5 million figure by including, "vast sums of money Daly afterward gave away in the form of mining leases to supporters," but did he not consider them payoffs.

³¹ MacKnight, *Montana Capital Fight*, 1049; *Butte Miner*, 30 October 1894; *Great Falls Tribune*, 1 November 1894; W. A. Clark to Sam Hauser 18 October 1894, Hauser Papers, box 23, Montana Historical society Archives, Helena; Daly and the Walkers were alienated after he left the Alice Company.

worst location for a capital. Only fifty miles from Montana's western border, it was far removed from mainstream Montana, a company town built for Daly. The *Standard* portrayed Helena as a political hog, the pretentious "cultured temporary capital" full of millionaires living in Victorian mansions, and populated with anti-labor scabs, Chinese, blacks, and lawless criminals. It countered claims of corporate domination by attacking Helena's patron, the Northern Pacific Railroad, although it was now bankrupt.³²

The *Butte Miner* asked if the capital should be located in the town led by an "employee" of an "alien and soulless corporation," and Helena questioned the wisdom of moving the seat of government to a remote area owned by "a rapacious and despotic corporation." Helena cartoonists used the hog metaphor to their advantage, depicting the "Helena Hog" mesmerizing a large anaconda snake, James B. Haggin, portrayed as a Turkish merchant. Wisely, Helena focused its attacks on "Mr. Haggin, of New York, San Francisco, Deadwood, and Constantinople," rather than the more popular Daly.³³

Daly had two major problems of his own making. First, his battle with Hammond in 1888 now haunted him. Missoula had opted to forgo the capital race in exchange for the state university, but it was nonetheless a prime target for both sides. Hammond lamented that Daly was "prepared to sacrifice everybody and everything for the capital...if we choose to support Anaconda for the capital we can get anything we want from him...But if we should elect to do otherwise we will have a war such as we have had in the past." Despite the consequences, Hammond sided with Clark and Hauser, and soon The *Missoulian* blasted Daly, asking "What has Anaconda ever done for

³² *Anaconda Standard*, 23, 27, 29, 31 October, and 6-9 November 1894; *A Monster Monopoly: An Exposition of the Methods of the Anaconda Mining Company*, undated pamphlet in Montana Historical Society Library, Helena.

³³ *Butte Miner*, 2, 4 November 1894; *Helena Independent*, 25, 28 October 1894.

Missoula anyway? If Christ came to Anaconda he would be compelled to eat, sleep drink and pray with Marcus Daly.”³⁴

Secondly, workers did not forget Daly’s decision to use the hated Pinkerton Agency in 1893. The Clark forces accused Daly’s campaign of using “scab” labor for various purposes, and the bloody Pullman and Homestead strikes had recently made national news. Montana’s working class, already wary of a growing anti-labor movement, was alarmed when The *Daily Missoulian* charged that Daly with hiring Pinkerton detectives to register voters illegally for Anaconda. Many laborers feared making the home of corporate power the seat of government.³⁵

Despite everything, Butte was the prize. It naturally leaned toward Anaconda, but with tiny copper collars Helena sent the message that a vote for Anaconda yoked men to the company. Each side spent large sums on liquor, fireworks, parades, and every possible means to influence the masses. It was an all-out battle in the grandest traditions of the west, a no-holds barred contest where only one side was left standing.³⁶

The decision was made on 6 November 1894. Helena became Montana’s permanent capital by 1906 votes, a 51.8 percent margin. Republicans won a major victory in Montana, as Cleveland’s Democrats failed to abate the Depression, and as in 1892, the Democrats and Populists remained independent. In January 1895 the

³⁴ *Daily Missoulian*, 17, 30 October, and 4, 7 November 1894; Hammond to Power, 11, 16, 28 May 1894, Power Papers, box 8, Montana Historical Society Archives, Helena.

³⁵ Glasscock, *War of the Copper Kings* (New York: Bobbs-Merrill Co., 1935), 107; William Adelman, *Touring Pullman* (Chicago: Illinois Labor History Society, 1993); Louis Adamic, *Dynamite: A Century of Class Violence in America 1830–1930* (New York: Viking Press, 1931); Pullman cut wages several times, and the workers struck on 11 May 1894. Federal troops and Pinkertons were sent to keep the trains moving and to break the strike, prompting bloody violence and looting; The Homestead Strike in 1892 involved the iron and steel workers and the Carnegie Steel Company. The union refused a wage cut, and Superintendent Henry C. Frick asked the Pinkerton Agency for 300 gunmen. On 5 July the Pinkertons entered Homestead, and ten men died in the aborted attempt. Frick asked the governor of Pennsylvania for help, and he sent the militia, who made the plant an armed camp, finally ending the strike.

³⁶ Connolly, *The Devil Learns to Vote*, 103.

Republican controlled state legislature sent Tom Carter and Lee Mantle to Washington. Carter succeeded T. C. Power, and Mantle would complete the term from 1893 when Governor Rickards appointed him. Clark again missed the chance for a Senate seat, but there were two personally beneficial results from the election of 1894.³⁷

First, Clark was spared a bitter legislative fight to win a Senate seat. The legislature contained fifty-seven Republicans, eight Democrats and seventeen Populists. With no chance of winning, Clark could bide his time and build an organization to support him in the future elections. His time and money could be spared for several years, and he could pursue his business plans. Second, Daly had tasted a stinging and bitter defeat. Despite every possible tactic and the expenditure of incredible sums, the people of Montana had said no to him and his beloved Anaconda. The disappointment and anger changed him, and he never overcame it.³⁸

Clark reveled in the victory, and Helena never forgot that without him they would not have won the capital fight. This support was invaluable in Clark's later political career. On 7 November 1894 the *Butte Miner* said, "The election in Montana is not only the Waterloo of the most tyrannical corporation that ever attempted to crush out the independence of the people, but it is, the declaration of independence of one of the

³⁷ Waldron and Wilson, *Atlas of Montana Elections*, 18-19; There were 52,142 votes cast. Surprisingly, the three most populous counties did not decide the contest. Deer Lodge (Anaconda) voted 4,142 to 955 for Anaconda and Lewis and Clark, the site of Helena, gave the hometown a 5,377 to 286 vote majority. Daly was stunned that Silver Bow County (Butte) favored Helena 6,513 to 4,003, a 2,510 vote, or 24 percent majority. When the total votes for Deer Lodge, Lewis and Clark and Silver Bow counties are compared, the difference is only 1.0 percent of the total votes cast. The remaining counties had a 2,512 vote, or a 4.8 percent difference.

³⁸ Waldron and Wilson, *Atlas of Montana Elections 1889-1976*, 18; *Cong., Record, 56th cong., 2nd sess.*, 3423; Daly's threats, coercion and enormous expenditures failed to offset the alienation of potential allies, his lack of commitment to friends and the Democratic Party, and warfare against powerful adversaries during the past six years. Daly was also a victim of his own corporate success. The Anaconda had become such a rich and powerful company that many feared it would one day dominate the state. Amazingly, six years later Clark's enemies used the Election of 1894 as more proof that he was obsessed with a Senate seat, and would do anything to get it.

grandest people this world has ever seen....” Helena threw a huge party, and Clark was accorded hero status.³⁹

While it is generally accepted that Clark fought Daly in a protracted battle over the capital location and was the determining factor behind Daly’s ignominious defeat, it is more likely that until the final stage of the contest, Daly’s greatest opposition was not Clark, but the powerful railroad and business interests that were threatened by Anaconda and its unpredictable owner. Joseph K. Howard wrote, “It is likely that, no matter what his expenditure, Daly could not have won for Anaconda; it is equally probable that Helena would have won without Clark’s help.” This was primarily because the Northern Pacific Railroad had too much to lose if Helena failed to win, as did the large copper companies and merchants in Butte and Helena. When Hauser withdrew as a candidate for the Senate in 1893, he considered Clark obligated to him, and the price was to support Helena. Hauser also promised to support Clark in his senatorial efforts, which he did in the 1898 election.⁴⁰

The *Anaconda Standard* named Clark as a Helena supporter, but primarily as a “political sorehead” with a grudge against Daly, and one who joined the Helena side in earnest almost as an afterthought. Only in the last days of the contest did the *Standard* charge Clark with using money, referencing an obscure Clark relative in Missoula who claimed Clark would spend a million dollars to rout Daly. The *Standard* listed Clark as a

³⁹ *Butte Miner*, 7 November 1894; Connolly, *The Devil Learns to Vote*, 103; Joseph Kinsey Howard, *Montana: High, Wide and Handsome* (New Haven: Yale University Press, 1943), 66-67; Kinsey was one of the most opinionated, biased and judgmental authors in Montana.

⁴⁰ *Anaconda Standard*, 29 October, 5, 6 November 1894; Janette Rodda, “William Andrews Clark: A Biography” (M. A. thesis, Northern Arizona University, 1990), 81-82; Hauser testimony, *Report of the Committee on Privileges and Elections*, 2: 1401; Huge land grants were at stake. Hauser headed a committee of sixteen prominent Helena businessmen and citizens formed to oppose Daly. Clark did not join the committee, and was never singled out as responsible for Anaconda’s defeat.

contributor to the Helena Capital Committee with other Butte businessmen, but never singled him out as the man responsible for the victory; instead, it blamed the power of the Northern Pacific Railroad.⁴¹

In the post-election aftermath, things were surprisingly quiet. Clark enjoyed his growing popularity and planned for the future. However, Daly took the defeat personally, and it solidified the animosity and rancor between himself and Clark. According to his friends, Daly fell into a deep depression, and never forgot or forgave the loss. During the last six years of his life, Daly slowly abandoned Anaconda and spent more time at his enormous ranch in the Bitterroot Valley, where he could enjoy his expensive horses and avoid the constant reminder of his broken dreams. However, he never gave up those dreams.⁴²

Daly's abandonment of Anaconda and his lingering anger and depression had severe consequences for the future. His mental health suffered, and it took a toll on his deteriorating physical condition. Heart and kidney problems plagued Daly the remaining years of his life, but they would not prevent him from dragging Montana into the depths of national scandal and economic servitude for eight decades.⁴³

⁴¹ *Anaconda Standard*, 21 October, 5 November 1894; Rodda, "William Andrews Clark," 82; Clark to Hauser, 18 October 1894, Hauser Manuscript collection, box 5, Montana Historical Society Archives, Helena; William D. Mangum, *The Clarks: An American Phenomenon* (New York: Silver Bow Press, 1941), 62; Hauser's support was a plus for Clark, but Mangum said that Clark's problem was Daly's opposition to his political career, not gathering powerful support. He said that Clark offered Daly a deal, promising support of Anaconda if Daly did not oppose him in the next election. Daly let his stubborn pride and anger outweigh his reasoning, and rebuffed Clark. If true, this could explain why Clark appeared to vigorously join Helena only late in the campaign, and also explain Daly's extreme response to the loss. Clark may have believed his participation would not measurably affect the outcome, but by staying neutral he could make peace with Daly. However, by then there was little chance for peace.

⁴² Kenneth R. Toole, "Marcus Daly" (M. A. thesis, Montana State University, 1948), 131-132; Toole interviewed Norman Holter and Mrs. George Wellcome, who knew Marcus Daly. According to Holter, when Daly heard that he was burned in effigy in Helena, he "turned white" at the affront and never forgot it. Wellcome said Daly had planned to build a mansion and library in his "new" capital, but after the election he lost interest, and his friends never mentioned the subject.

⁴³ *New York Times*, 13 November 1900; *Anaconda Standard* 13, 16 November 1900.

The capital fight of 1894 culminated six years of brutal politics involving extreme partisanship and selfishness. New alliances crossed party and economic lines and created a climate where large expenditures were expected and eventually demanded. The Clark-Daly feud destroyed any semblance of Democratic unity, and Daly's illogical attempt to make Anaconda the permanent capital threw state politics into further turmoil. Personal and party loyalties dissolved in favor of geographic, economic and civic attachments, and Daly found himself at odds with Butte's corporations and former political supporters, setting the stage for a volatile and unpredictable political future.⁴⁴

Despite the chaos, the capital fight ushered in an unexpected period of calm in Montana. Helena was the undisputed seat of government, and with no Senate elections pending until 1898-1899, the state focused on the most important issue—silver. Montana Populists attracted converts as the Democrats and Republicans remained firm on gold. Seventeen Populist had won seats in the 1894 legislature, and 1896 could be the pivotal year. Montana, like other western mining states, rejected the radical position of Southern and Midwestern farmers, forming a populism emphasizing “free silver” as a panacea. In Nevada, the Populists referred to themselves as the “Silver Party.”⁴⁵

The mining magnates backed silver for economic reasons. Copper was the dominant mineral, but the mines and smelters still produced large quantities of silver. A small increase in price had a major impact, since many operators paid expenses with

⁴⁴ Many politicians and ordinary citizens had strong economic incentives for perpetuating the feud.

⁴⁵ Malone, *The Battle for Butte*, 105. In addition to the free coinage of silver, Populists advocated the abolition of national banks, a graduated income tax, an abundance of paper money, government ownership of all forms of transportation and communication, election of Senators by direct vote of the people, non-ownership of land by foreigners, civil service reform, an eight-hour work day, postal banks, pensions, revised contract laws, and immigration regulation reform. In 1892, Populists were determined to replace the Democrats as the nation's second party by forming an alliance of the farmers of the West and South with the industrial workers of the East.

silver and gold dollars, making every ounce of copper pure profit. In *Democratic Promise*, Lawrence Goodwyn wrote, “Free silver meant full employment in the Western mining centers...it meant Western business expansion. It meant prosperity.”⁴⁶

Montana reflected national politics in the 1896 campaign. Before 1896 Populists, silver Democrats, and silver Republicans avoided fusion on party principle. However, mining money convinced the parties that unity was logical. Most of the Republican leadership supported silver, but Wilbur F. Sanders remained steadfastly for gold. Not surprisingly, “Corkscrew” Tom Carter waffled on the issue. At the GOP Convention held in St. Louis in June, pro-gold William McKinley was nominated for president.⁴⁷

The Montana silverites abandoned the Republicans and joined Colorado Senator Henry M. Teller and other western states in the silver Republican Party, formed to fight for a silver standard. In July, the Democrats met in Chicago, rejected Cleveland’s gold stance, and nominated William Jennings Bryan, a pro-silver Nebraskan and Sam Hauser’s friend. Faced with joining the Democrats and having a chance of success, or nominating their candidate as a token of party integrity, the Populists chose fusion.⁴⁸

At the state level, the Populists ratified an agreement with the Democrats in Missoula on 3 September, allocating two Democrats and one Populist as presidential electors, most minor state offices to the Democrats, and the most important positions of

⁴⁶ Lawrence Goodwyn, *Democratic Promise: The Populist Movement in America* (New York: Oxford University Press, 1976), 431-432.

⁴⁷ Goodwyn, *Democratic Promise*, 431-432; Clinch, *Urban Populism*, 129-130; Robert E. Williams, “The Silver Republican Movement in Montana” (M. A. thesis, University of Montana, 1965), 49-74; A strong affiliation with the national GOP leadership caused Carter and Sanders to hesitate on the silver issue.

⁴⁸ *Butte Sunday Bystander*, 23 August and 20 September 1896; Clinch, *Urban Populism*, 131-141; A good study of the 1896 campaign is Robert F. Durden’s, *The Climax of Populism: The Election of 1896* (Lexington: The University of Kentucky Press), 1965; McKinley’s nomination and the commitment to gold forced even stalwart Lee Mantle and his friends to angrily denounce the GOP and join Teller’s Silver Republican Party.

Governor, Lieutenant Governor and Secretary of State to the Populists. The three nominees—Robert B. Smith, A. E. Spriggs, and T. S. Hogan—were important, for they later played an important role in the pivotal senatorial election of 1899.⁴⁹

Montana played a major role in Bryan's campaign by providing the bulk of the financing. Estimates vary widely because donations were not always fully disclosed, and the press speculated wildly, but Daly's son-in-law, James Gerard, believed that Daly spent nearly \$300,000. The 16 October 1896 edition of the *New York World* claimed that Clark contributed \$50,000, Daly, \$100,000, and that \$60,000 came from Anaconda employee contributions. However eastern papers exaggerated silver contributions to minimize criticism of Mark Hanna, the McKinley agent collecting huge sums from America's leading eastern capitalists.⁵⁰

Despite the hopes and enormous effort to elect Bryan, McKinley won handily. Bryan's "Cross of Gold" campaign for inflationary silver currency and his morality platform appealed to mining interests and credit-hungry agriculturalists, but were ignored by the rest of the country. McKinley won the popular vote 51 percent to 47 percent, but received 271 electoral votes to Bryan's 176, or a 61 percent majority. Bryan carried all the western states but California and Oregon, and in Montana, he received 42,537 votes to McKinley's 10,494 votes, a three-fourths majority.⁵¹

⁴⁹ *Helena Daily Herald*, 3 September 1896, *Daily Missoulian*, 4, 5 September 1896; Clinch, *Urban Populism*, 132-141.

⁵⁰ Paolo Coletta, *William Jennings Bryan: I, Political Evangelist, 1890-1898* (Lincoln: University of Nebraska Press, 1964), 198; *New York World*, 16 October 1896 quoted in *Butte Inter Mountain*, 20 October 1896; Clinch, *Urban Populism*, 147-151; An enraged Lee Mantle called the accusations "infamous lies," but the *World's* understanding of the situation was fairly accurate. Mining interest were contributing heavily to Bryan, but the exaggerated sums were likely published to offset the criticism of Ohio Senator and political boss Mark Hanna, who was building an enormous war chest for McKinley (estimated at over \$3 million) with donations from the country's wealthiest capitalists.

⁵¹ Waldron and Wilson, *Atlas of Montana Elections*, 20; Bryan won twenty-three states, but they had a smaller population than McKinley's twenty-two states.

Republicans retained control of both houses in Congress with 47 Republicans facing 34 Democrats and 7 third-party members in the Senate, and 204 Republicans dominating 113 Democrats and 40 third party members in the House. In the Montana House of Representatives, the Democrats regained a lopsided majority and reduced Republican control in the Senate to just one vote more than the Democrat-Populist fusion. This balance of power in Montana and Washington had tremendous significance in the senatorial election of 1899.⁵²

There were also power shifts in major state offices as the fusionists (Populists and Democrats) battered the silver Republicans. Robert B. Smith blasted Alexander C. Botkin for the Governor's office by a whopping 71 percent margin, A. E. Spriggs was the Lieutenant Governor with a 65 percent victory over Peter H. Dolman, and Cornelius B. Nolan's became the Attorney General with a 63 percent victory over Samuel G. Murray. No one could have known the impact these elections would have in 1899.⁵³

Bryan remained a celebrity in Montana, and in 1897 received a hero's welcome, visiting both Clark and Daly in their homes. Nonetheless, the dreams of a bimetallic currency rapidly faded, and the returning prosperity after 1896 ended the hopes of the fusionists and Populists. Montana's temporary political unity ended with the improving economy and the end of the silver and Populist movements. The Clark-Daly hatred resurfaced and moved toward a cataclysmic finale in the senatorial election of 1899.⁵⁴

⁵² Waldron and Wilson, *Atlas of Montana Elections 1889-1976*, 20-22; Montana's Senate held 12 Republicans, 8 Democrats and 3 Populists, and the House contained 42 Democrats, 8 Republicans and 18 Populists. The combined legislature was composed of 50 Democrats, 20 Republicans and 21 Populists. Therefore, in the Senate, Republicans had only a one-vote majority over the Democrat-Populist fusion, and in the House, the Democrats enjoyed a four-to-one lead excluding the Populists.

⁵³ Smith received 36,688 votes to Botkin's 14,993; Spriggs defeated Dolman by 14,906 votes (32,106 to 17,200), a 65 percent margin, and Nolan overcame Murray by 12,794 votes (31,004 to 18,210), a 63 percent margin. These remain Montana's most-one sided victories since statehood.

⁵⁴ *Anaconda Standard*, 13-15 August 1897.

CHAPTER 6

THE SENATORIAL ELECTION OF 1899

The legislative session of 1899 was a defining moment in Montana politics, and the beginning of the last phase of the notorious Clark-Daly feud that had raged for over a decade. Much had changed since 1888. Clark was almost sixty, in excellent health, and at the height of his financial power and influence, described by *The New York World* as “educated both by books and by travel abroad... well dressed, reserved of manner, distinguished of appearance—and powerful, also.” In only a decade, Clark had transformed a previously worthless property in Jerome, Arizona, into the world’s richest privately owned copper mine, the United Verde.¹

Daly, on the other hand, bitter and brooding about his defeat in the capital fight, spent little time in Anaconda, preferring his enormous farm in Hamilton, nestled in the Bitterroot valley near the Idaho border. The *New York World* described Daly as “a hearty, Irish millionaire of the ‘boss’ type, vigorous of personality, crude, powerful.” However, Daly was far from hearty. His deteriorating health over the past few years had forced him to spend considerable time in New York and Europe, visiting physicians and German spas for heart and kidney ailments.²

Nonetheless, Daly was far from through with Montana. The Anaconda was

¹ *New York World*, 3 March 1925.

² *New York World*, 3 March 1925; C. B. Glasscock, *The War of the Copper Kings* (New York: The Bobbs-Merrill Co., 1935; reprint, Helena: Riverbend Publishing, 2002), 142-144; *Jerome Mining News*, 1 September 1900; Daly’s health was affected by his combative personality. He said that he would fight Clark until “the bottomless pit was frozen over and then prolong the fight on the ice.” He had a bad heart and developed diabetes in the late 1890s, contributing to his premature death in 1900 at age fifty-eight.

rapidly expanding with new plants and a growing work force. In 1898, Daly purchased the Missoula operations of A. B. Hammond's lumber company, making good his threat from a decade earlier. With the nemesis that had stopped him in 1888 and 1894 no longer a threat, independent businessmen in western Montana feared that Daly would turn his sights upon them, and ruthlessly dominate the region.³

Clark was at the height of popularity. His years of public service, contributions to the state's economic development, support of issues important to Montanans, and efforts in the capital fight endeared him to citizens. His wife had died in 1893, but he had four supportive children and a large family. Between traveling and living in France, building a large art collection and running his business empire, Clark had little reason to become involved in politics. The bloody battles with Daly and his supporters had scarred him and Montana. Clark's political life consisted of making financial contributions and supporting the Democratic Party. His addiction was business, not politics.⁴

Daly's control of "super blocs" of Democratic votes in Silver Bow and Deer Lodge counties gave him an inordinate amount of political power, as did the alliance of Democrats, silver Republicans, and Populists he had successfully forged in 1896. Populist Governor Robert B. Smith and Senator Lee Mantle kept the fragile silver coalition together as Daly sought to extricate himself from his Montana businesses by dealing with one of the most feared and hated trusts in the country, Standard Oil. He

³ *New York World*, 3 March 1925, Hauser and Clark, *Report of the Committee on Privileges and Elections of the United States Senate Relative to the Right and Title of William A. Clark to a Seat as Senator from the State of Montana, 56th cong., 1st sess., S. Report, 1052, 3 vols., 1: 306-307; 3: 1744-1747.*

⁴ *Anaconda Standard* 20 October 1893; The *Standard* wrote that Mrs. Clark was "Womanly....Of strong intellectual traits and of marked elegance in manner, cordial toward all...tactful yet always sincere, a delightful hostess, a faithful wife, a devoted mother, and a gracious matron of a cultured home which found in her its chief adornment...."

wanted no interference, especially from politicians. Daly's plans were suspected but not well understood, and the tension created by the uncertainties lay at the heart of the political scandal that rocked Montana and the nation in 1899-1900.⁵

In February 1898, Clark sailed for Europe. When he returned in June, his old friend and advisor Sam Hauser met him in New York. Hauser had been meeting with Republican leaders and businessmen in Helena. Promises and agreements were undoubtedly made, but Hauser resisted naming the individuals or the substance of the meetings. However, the leaders in Helena believed their interests were in serious jeopardy from a renewed effort to make Anaconda the permanent state capital, and they preferred to have Clark in the Senate rather than a Daly-controlled Democrat or Republican. Hauser asked Clark to re-enter politics with Helena's backing.⁶

Clark demurred, but held more meetings in Butte. Unconvinced, Clark agreed to canvass the state to ascertain public sentiment and give a definite reply at a later date. Hauser testified at the Senate Investigation that. "I presume I can take the credit, or the discredit...of having largely induced Mr. Clark to assist in that fight and finally become a candidate...if I could get Mr. Clark to loosen up, I thought we could stand Daly off. He...does not like to let go, and campaigning in that country is very expensive."⁷

Hauser was not alone. John S. M. Neill, editor of the *Helena Independent*, wrote a long letter to Clark on 7 July listing the state's twenty-four counties, the holdover senators, Clark's prominent friends and enemies, and the men Clark should rally to work for him. Neill boldly wrote, "If you will act promptly and get to work, you can

⁵ *Report of the Committee on Privileges and Elections*, 1: 306-307, 3: 1744-1747.

⁶ Hauser, *Report of the Committee on Privileges and Elections*, 3: 1403.

⁷ Hauser, *Report of the Committee on Privileges and Elections*, 3: 1401-1402; Clark to Hauser, 21 June 1898, Hauser papers, box 5, Montana Historical Society Archives, Helena.

win...It will be utterly impossible for Daly to beat you...he favors...either J. K. Toole, Martin Maginnis, or 'bob' Smith. This is a blind. He is a candidate himself. As a matter of fact he is anxious to sever his active management with the Anaconda company and go to the Senate and 'peonize' this state."⁸

Neill told Clark that only he could defeat Daly, and said, "it is not only a duty you owe to the people, but a duty you owe to your family. There can be no position MORE HONORABLE than a seat in the senate." Daly did not want to be a Senator, but he did want to sever his management with Anaconda. Neill had economic reasons to fuel a protracted political battle between two tough, wealthy adversaries. Hauser told Clark that he was the only man that could help them "stand the boss Irishman off," and instead of spending money on paintings and palaces in New York, he should spend it in Montana where he earned it, assist his sons and their businesses, and help "develop the state in the future as he had in the past."⁹

In July, Hauser met with Clark in Butte for almost ten hours, until 4:00 AM. After considering the time and expense, Clark decided not to run. Money was not a problem, but he was apprehensive about the sums discussed by Hauser. Daly's Anaconda was more powerful than ever, and dislodging him was a huge undertaking. Clark was also heavily involved in other business matters, and reluctant to engage Daly, since previous encounters had been, according to Hauser, "a little unpleasant in that direction."¹⁰

⁸ John M. Neill to Clark, 7 July 1898, Neill Papers, Montana Historical Society Archives, Helena.

⁹ Neill to Clark, 7 July 1898, Neill Papers, Montana Historical Society Archives, Helena; Clark had loaned Neill's *Helena Independent* \$25,000, and Neill was a fervent Clark supporter; Hauser, *Report of the Committee on Privileges and Elections*, 3: 1402; Clark owned an impressive mansion in Butte, but was building a palatial 121-room home at Fifth Avenue and Seventy-Seventh Street in New York City. Clark was also amassing a large art collection from around the world worth millions.

¹⁰ Hauser, *Report of the Committee on Privileges and Elections*, 3: 1403; Clark, *Report of the Committee on Privileges and Elections*, 3: 1744; Hauser estimated about \$40,000 was required for the primaries and state convention, and another \$40,000-\$60,000 for the general election.

Letters and subsequent testimony confirmed Clark's apprehension about his support and his unwillingness to act unless he believed there was a real chance of defeating Daly. A. J. Campbell probably fueled this concern. Campbell, an egocentric attorney and opportunist was one of Clark's early advocates, but he later tried to discourage him from running. Campbell's involvement in Clark's campaign proved disastrous, but his motives were not clear until later. At the urging of his supporters, Clark postponed a final decision until more information was available.¹¹

Daly's activities greatly concerned Montanan businessmen. He spent considerable time in New York and kept his activities secret, creating speculation and apprehension. Daly's heavy-handed methods of dealing with friend and foe, betrayal of the Democratic Party of Montana, obsession with making Anaconda the state capital, indiscriminate use of money to influence men and circumstances, and his obsequious relationship with James Ben Haggin warranted extreme caution.

Daly was dangerous, but other factors played a decisive role in explaining why Clark, despite his initial misgivings, decided to run for the U.S. Senate in 1899. Clark undeniably wanted to be a Senator, but he was convinced that Daly was selling out to the despotic Standard Oil Trust, and ran to stop him, not to satisfy his obsession with a Senate seat, as most historians assert. The events leading up to this situation began more than a decade before, and portended a frightening future.

In 1887, a French copper syndicate was formed to control the world copper

¹¹ Hauser, *Report of the Committee on Privileges and Elections*, 3: 1404-1405; Clark to Hauser, 6 August 1898, Hauser Papers, box 5, Montana Historical Society Archives, Helena; Clark wrote that several supporters, including Campbell, were canvassing communities, and he would "arrange for a meeting, when we will go over the whole business and decide as to a course of action...I trust you will come prepared with facts and suggestions which will be very valuable to us." In a hand-written post-script, Clark said, "I realize that if anything is to be done it must be done promptly and I am ready to act but want to do some figuring first with you all."

market. It planned to start with production in America by purchasing the entire output at a single, fixed price. In early 1888, the Arizona producers joined the syndicate, and the Anaconda Company, Montana, and Parrott mines quickly followed. However, the larger, older Calumet, Hecla, and Lake Superior mines held out. Clark, Daly, and Haggin thus became indirect partners with mutual interests in the syndicate.¹²

Daly grew suspicious of the syndicate and feared its collapse. Clark and Haggin were confident in the organization, but disagreed on the production curtailment and method of disbursing the profits. The disagreement culminated in a heated exchange and falling out at a meeting in New York, and is probably the basis for Haggin's role in the Clark-Daly feud. The syndicate collapsed later that year.¹³

The second event that affected the election was the appearance in Montana in 1888 of a handsome, self-assured, twenty year-old mining engineer named F. Augustus (Fritz) Heinze. A contemporary described Heinze as a man who "possessed brains in abundance, had a fine address, a strong physique, tireless energy, boundless egotism, was a good mixer and no moral restrictions. He made both money and friends rapidly, and spared neither in the promotion and accomplishment of his purposes." After five years, Heinze's genius and brashness helped him acquire valuable properties with little capital, including the Rarus, Glengarry No. 2 and Johnstown mines, and by 1893, he had made a name for himself in the copper industry.¹⁴

¹² K. Ross Toole, "A History of the Anaconda Mining Company" (PhD. diss., University of California Los Angeles, 1954), 38-41; *Quarterly Journal of Economics* (May 1926) 41: 236; For an excellent account of the expansion of the U.S. copper industry, see F. E. Richter, "The Copper Mining Industry in the United States" in *The Quarterly Journal of Economics* (May 1926) 41: 236-291; *Anaconda Review*, 17 March 1889; *Helena Herald*, 1 April 1889.

¹³ Toole, "A History of the Anaconda Mining Company," 41; Daly favored maximum production, and balked at artificial curtailment. He was also against price controls, believing the market should dictate price. When the Syndicate collapsed, at least one European speculator committed suicide.

¹⁴ Sarah McNelis, *Copper King at War* (Missoula: University of Montana Press, 1968), 4-15, 20.

In 1896, Heinze became involved in the second phase of the “Copper Wars.” Clark and Daly had fought the first phase from 1888 to 1895. This time the stakes were higher. Profits were growing, and business rabidly embraced incorporation and trusts as the wave of the future. Unscrupulous men used espionage, litigation, and legal maneuvers to eliminate competition and acquire valuable assets at a fraction of their worth. However, these “corporate raiders” underestimated Heinze, a mistake that permanently sealed the legal and political fate of Montana.¹⁵

Heinze took the fight to the large mine owners. In a dispute between the Boston and Montana Company and Heinze’s Montana Ore Purchasing Company, A. S. Bigelow, the Boston and Montana’s president, decided to crush the arrogant young engineer, and gain respect in Montana. However the finance officer and director of the Globe National Bank of Boston had little comprehension of mining and mining law.¹⁶

Bigelow sued Heinze and the Montana Ore Production Company for apex law violations. Heinze responded to suit with a prophetic threat, telling Bigelow that, “You have a great deal of property in Montana which is subject to the same kind of litigation as that which you say you will thrust upon me. If your program is to fight, you will find I am prepared. Before you and I have finished, I will give you a fight that will be heard from one end of this continent to the other.” Within a few years, Bigelow was ruined, one of the first casualties of the Copper Wars.¹⁷

¹⁵ McNelis, *Copper King at War*, 15.

¹⁶ C. B. Glasscock, *The War of the Copper Kings* (New York: Bobbs-Merrill Co., 1935), 131-134; McNelis, *Copper King at War*, 31.

¹⁷ Glasscock, *The War of the Copper Kings*, 135; Apex law dated to 1866, and was created to protect the prospector that first located an ore outcropping. The owner was guaranteed the right to follow the vein down, even if it went under another surface claim. Veins were seldom continuous, and when a dispute arose over ownership, the courts decided the issue, based on opinions of “expert” geologists and engineers, presenting many opportunities for fraud and manipulation; Glasscock, *The War of the Copper Kings*, 132, 135; Glasscock said that Bigelow lost 10 million in his three-year battle with Heinze.

The third major event occurred in June 1895 when the Anaconda Mining Company reorganized as the Anaconda Copper Mining Company, issuing 1.2 million shares of stock at a par value of \$25.00 a share. James B. Haggin was made President and Marcus Daly the Superintendent of the closed corporation, whose stock was owned by George Hearst's widow Phoebe, Haggin, Lloyd Tevis and Marcus Daly. Hearst died in 1891, and between 1895 and 1896, Mrs. Hearst sold her shares, amounting to a little less than half the stock, to London syndicates. Unpopular with the British, it was purchased by Boston investors. After the reorganization, the shares were traded publicly and the Anaconda was no longer closed.¹⁸

In 1896, Thomas Lawson, a Boston stock broker, promoter and publicist who earned wealth and fame in the early 1890s, turned his attention to consolidating copper, much as Secretan had done a decade before. A year later, he met with Henry H. Rogers of Standard Oil, who studied the idea, and determined that the profit potential of copper exceeded oil due to the nascent electric and telephone industries. Lawson received Rogers' approval in 1898, and began an enormous national campaign to float Amalgamated Copper Company stock.¹⁹

The first three companies planned for consolidation were the Butte and Boston, Boston and Montana, and Calumet and Hecla in Michigan, chosen primarily for their

¹⁸ Thomas W. Lawson, *Frenzied Finance: The Crime of Amalgamated* (New York: The Ridgeway-Thayer Co., 1905); Eastern capitalists, especially in Boston, had been moving into Butte for almost a decade. Butte welcomed the attention, but apparently forgot that large investments usually meant control.

¹⁹ Lawson, *Frenzied Finance*, 214; Glasscock, *War of the Copper Kings*, 193; Lawson, a Boston stockbroker, had a part in the stock manipulations of Standard Oil that created a slump in 1900, and ruined thousands of investors he had advised. Lawson broke with Standard Oil ostensibly because of its practices. He describes Rogers as a brilliant, sinister force for evil, and bitterly condemns Standard Oil and the Amalgamated for manipulating and duping investors. Regardless of his motivations, Lawson provided a revealing inside look at the formation of the Amalgamated Copper Company. Glasscock described Lawson's smooth manner and his role in the Westinghouse-General Electric war, and the Rogers-Addicks fight over Bay State Gas, two notoriously devastating economic battles.

Wall Street recognition. Lawson purchased all of the available stock, backed by Standard Oil's wealth. However, Heinze was fighting the Boston and Montana, and Daly was negotiating with Rogers for the sale of his properties. Believing that Clark's defeats in 1893 and 1896 had ended his senatorial hopes, a weary and ill Daly wanted to rid himself of his responsibilities. Lawson's position suddenly eroded.²⁰

During his research, Rogers discovered several facts missed by Lawson. Despite its wealth, the Anaconda Copper Mining Company was not included in the consolidation plan. By 1895, the Anaconda was more than the largest copper producer in the world. It had diversified into railroads, electric power, water, hotels, coal, and lumber, and its stock was slowly but steadily rising. The Rothchilds, Europe's economic giant, had purchased the Hearst shares of the Anaconda holdings, and Lloyd Tevis, the last of the three men who staked Marcus Daly twenty years before, sold his shares, bringing the total in the public domain to slightly less than 50 percent.²¹

Armed with this information, Rogers met with Daly in Butte late in the summer of 1898. Daly held the upper hand, knowing Rogers needed an anchor for his copper trust, and while he controlled the stock of both the Boston and Montana and Butte and Boston Companies, they were embroiled in litigation. Daly was a former associate of Thomas Hinds, Heinze's partner in one of the cases, and hinted he might influence Hinds to support Rogers. Capitalist James B. Haggin also backed Daly.²²

Rumors of copper consolidation, including the wealthy Butte properties,

²⁰ Lawson, *Frenzied Finance*, 254, 284.

²¹ Forrest L. Foor, "The Senatorial Aspirations of William A. Clark" (PhD. diss., University of California, 1941), 193; Augustus F. Heinze, *The Political Situation in Montana, 1900-1902* (Butte: n.p. 1902), pamphlet, 63 pages; speech of 19 October 1900, 13; The pamphlet contains five speeches given by Heinze in Butte during October 1900.

²² Patrick F. Morris, *Anaconda, Montana: Copper Smelting Boomtown on the Western Frontier* (Bethesda, Maryland: Swan Publishing, 1997), 162.

consumed the press during the fall of 1898 and caused great concern among Montana's business leaders and citizens. Amid the speculation, Daly and Haggin kept a close counsel and remained silent, meeting frequently with Rogers in New York. Unknown but to a few, the sale of the Anaconda holdings was finalized in late December 1898.²³

Standard Oil, which already owned a large block of Anaconda stock, immediately moved to purchase majority control. Their goal was to consolidate all Butte mining activity under one operation, ultimately forming a national copper trust more powerful than the Syndicate. Haggin, the real power behind Anaconda, ran his own companies and wanted no part of the Standard Oil executives and their methods. He retired from Anaconda in early 1899, and Daly became president. Daly welcomed the enormous amounts of cash that reorganization would generate and thought the plan could possibly avoid or settle the litigation problems with Heinze.²⁴

On 27 April 1899 the Amalgamated Copper Company was incorporated in New Jersey, and capitalized at \$75 million, with Henry H. Rogers as President, Marcus Daly, Vice President, William G. Rockefeller as Secretary-Treasurer, and James Stillman representing the National City Bank of New York. This began a sordid but predictable course for Anaconda, patterned after mergers, takeovers, stock manipulations, and outright dishonesty practiced by leading capitalists during the previous two decades.²⁵

The Amalgamated Stock was generously diluted, and the nominal value of the

²³ Morris, *Anaconda, Montana*, 162.

²⁴ *Butte Intermountain*, 27 April 1899; K. Ross Toole, *Montana: An Uncommon Land* (Norman: University of Oklahoma Press, 1959), 194; *Butte Inter-Mountain*, 28 April 1899; Issac F. Marcossou, *Anaconda* (New York: Dodd, Mead & Company, 1957), 95; Ironically, the *Inter-Mountain* expressed relief that Daly was the president, writing, "Now the anticipated evils of the copper combine may not be realized," and on 1 May naively said, "After all, trusts and combinations of capital will not change the conditions that now exist...but will merely enlarge the army of employees under one management."

²⁵ Lawson, *Frenzied Finance*, 288; Toole, *Montana: An Uncommon Land*, 195.

new company was more than double the cash invested by the principals. The initial \$39 million investment was covered by loans from the City National Bank of New York, and a public stock issue was offered with an elaborate advertising campaign to convince investors it was the “deal of a lifetime.” The *New York Times* proclaimed the Amalgamated stock offering as “the biggest financial deal of the age.” It was ultimately the largest stock subscription in Wall Street history, and perhaps the most ruinous.²⁶

Despite the hype, the Amalgamated stock was so oversubscribed that it issued only one share for every five bid. The public paid twenty-six million dollars at \$100 a share for a one-third interest in the company, while Rogers and associates paid only thirteen million dollars for a two-thirds interest. During the following months, major Amalgamated shareholders began unloading their inflated stocks, starting a selling spree that drove the share price down to \$75.00, at which point they repurchased the stock. The Amalgamated Copper Company became another well-known name on Wall Street, in business circles, and the government, as copper joined oil, sugar, tobacco and steel as another major commodity controlled by a giant trust.²⁷

During this tumultuous situation, Clark was asked to run for the U.S. Senate. He had wanted the position for years, but the past decade had proved personally and financially costly. Clark did not object to helping stop Standard Oil’s power grab—he simply thought someone else had a better chance of winning the election. Clark later testified that in August 1898 his support was “simply a question in my mind of wresting

²⁶ *Anaconda Standard*, 3 November 1895; Marcossou, *Anaconda*, 92; In a letter to the *Standard*, Daly wrote that “we have sold one-quarter of the capital stock at a price that makes the properties worth \$30,000,000. Since then, a part of this quarter has been sold in New York and London at a price which makes the property worth about \$37,000,000.”

²⁷ Marcossou, *Anaconda*, 95.

the Democratic party of the state from the power that had been exercised, in my opinion, unlawfully and from selfish and sinister motives, and I had no intention at that time of being a candidate for Senator under any circumstances.”²⁸

During the Clark-Hauser meetings, Hauser assembled a group of prominent men—William McDermott, Walter Cooper, A. J. Davidson and Albert J. Campbell, who later betrayed Clark—to act as advisors. Hauser explained that the large sums were necessary due to Montana’s enormous size, the expense of rounding up voters in remote regions, getting them registered and to the polling places, and to counter the opposition. Clark testified that, “With considerable reluctance I did undertake to assist these gentlemen so far as the financial part was concerned, provided they would personally undertake the matter of organization...I did agree to furnish funds to whatever extent they might deem absolutely necessary in a prudent way....”²⁹

Clark admitted that while he was not actually a senatorial candidate until after the state elections in November, many of his supporters thought otherwise. In fact, Hauser told him that if efforts to organize the state were successful, it “would undoubtedly lead to my being elected to the Senate.” When Clark agreed to finance the campaign after the discussions on 6 and 13 August, his supporters scrambled to elect legislators favorable to him and the Democratic ticket.³⁰

A committee was formed to manage the campaign, forge a strategy, and

²⁸ Clark, *Report of the Committee on Privileges and Elections*, 3: 1745; Clark to Neill, 4 March 1899, Neill Papers, Montana Historical Society Archives, Helena; While Clark wanted a Senate seat, he was sincere when he initially rejected Hauser’s offer. He later wrote to Neill, asking “Did I not agree, when you all came to Butte, after much consideration and reluctance to enter the fight provided all of you would pull off your coats and go to work? Was this not more a fight for the integrity of the Democratic party and for personal liberty and rights of the people than myself personally?”

²⁹ Hauser, *Report of the Committee on Privileges and Elections*, 3: 1403-1405; Clark, *Report of the Committee on Privileges and Elections*, 3: 1744-1745; Clark was still struggling with the amounts.

³⁰ Clark, *Report of the Committee on Privileges and Elections*, 3: 1745.

disburse funds. The first priority was to secure the state convention currently under Daly's control. To end "one-man rule," the Democrats had to be reorganized solely in their best interests. However, if Clark announced as a candidate at that time, it would appear that he merely wanted to replace "one man rule" with that of another. Fighting fusion would demonstrate a belief in solidly Democratic principles. The committee decided on a platform that called for the welfare of the party and all citizens.³¹

Satisfied, Clark donated \$35,000 to his campaign for expenses and on 12 August left for New York. However, for reasons not entirely understood but almost certainly due to the defection of A. J. Campbell to the Daly camp, the effort stalled. Several friends told Clark that after visits to Helena and other cities "they felt somewhat discouraged and were inclined to give up the proposed fight now, before much money had been spent, and while they could withdraw gracefully." Clark was understandably disturbed, and asked Frank Corbett to meet with his son Charles before acting.³²

³¹ Clark, *Report of the Committee on Privileges and Elections*, 3: 1803, 1838; McDermott, *Report of the Committee on Privileges and Elections*, 3: 1608; A. J. Davidson, *Report of the Committee on Privileges and Elections*, 3: 1418, 1433; The members were Clark's son, Charles W. Clark; William McDermott, a former U.S. Marshall and politician; and A. J. Davidson, a Helena businessman. The assistants were Frank E. Corbett, Clark's chief western counsel; John B. Wellcome, an attorney and Corbett's associate; Judge Walter M. Bickford of Missoula; A. J. Steele, Helena businessman; John S. M. Neill, editor of the *Helena Independent*; E. I. Whitmore, real state broker; and Walter Cooper, a Bozeman businessman. The state was divided into districts with a member responsible for each one; Clark said that "...conditions were such in Montana...that nobody could expect to have any recognition whatever unless he bowed the knee and crawled in the dust to these people."; Daly, *Report of the Committee on Privileges and Elections*, 3: 2205; *Butte Miner*, 12 November 1898; Daly's control was so complete that when Clark made his customary \$500 contribution to the state Democratic Party, it was returned to him. Therefore, Clark's men were forced to work outside the Party.

³² Clark, *Report of the Committee on Privileges and Elections*, 3: 1747; A. J. Campbell, *Report of the Committee on Privileges and Elections*, 3: 2435-2435, 2455; Clark to Hauser, 7 August 1898, Hauser Papers, box 8, Montana Historical Society Archives, Helena; Campbell began working for William Scallon, Marcus Daly's senior counsel at Anaconda, on 1 August 1898 while he was on Clark's advisory committee; McDermott, *Report of the Committee on Privileges and Elections*, 3: 2504; McDermott said he paid Campbell \$200 in late August for Clark's campaign in Park County; Clark to Hauser, 24 August 1898, Hauser Papers, box 5, Montana Historical Society Archives, Helena; Hauser and Davidson were bitterly opposed to quitting, and told Clark that they did not understand the delay, and that it had resulted in irreparable losses; Hauser and Davidson to Clark, 29 August 1898, Hauser Papers, Montana Historical Society Archives, Helena.

Clark wrote that “It is very humiliating to have to give up the State to such miserable curs as Daly and his gang,” and told Charles if he thought there was hope of the Helena people “waking up” and sending a solid delegation to the convention “it might be well to let them have some funds and see what they can do.” He concluded by stating that “if after they have made a fair effort there, they do not succeed, then I think it better not to carry on the contest any further.”³³

On 3 September, a cautiously more optimistic Clark wrote Hauser that “I had had some advices from people in Butte as to the poor prospects for carrying out the plan...the result of a visit...to Helena, where they found a great deal of indifference and apathy...However, I am glad it was not entirely given up, as when...I wired them to give the Helena people every possible opportunity to see what they could do.” Clark somewhat admonished Hauser saying, “It does seem to me, however, with the great interests of your county at stake that there should be but one opinion, and that anyone having the interests of your County, as well as of the State, at heart, should be willing to lend a helping hand.”³⁴

As news of successful primaries in Helena and other cities reached Clark, he was invigorated. Hauser was elected as a delegate to the State convention in Anaconda scheduled for 21 September and Clark predicted that despite defeat in Silver Bow County, “if we succeed well in other parts of the State, we may be able to control the State Convention.” With a chance of success, a new strategy was developed. The outdated, ineffective platform of “anti-fusion” was abandoned, and with some basis in

³³ Clark to Hauser, 24 August 1898, Hauser Papers, box 5, Montana Historical Society Archives, Helena; Clark seriously considered withdrawing, and apparently did not desire a Senate seat at any cost.

³⁴ Clark to Hauser, 3 September 1898, Hauser Papers, box 8, Montana Historical Society Archives, Helena.

fact, Daly was accused of planning to elect a legislature to again submit the question of Montana's permanent capital to the people. With the new strategy and orders to disburse funds, Clark's period of uncertainty was over. He was totally committed to stopping Daly through financial support and if possible, as a Senatorial candidate.³⁵

Silver Bow County had always been problematic for Clark, and 1898 was no different. Daly employed five to six times as many Irish Catholics workers than Clark did English Protestants. McDermott and Charles Clark were responsible for the campaign in Silver Bow County and appeared quite optimistic, but Clark knew that his son was too young and inexperienced. Clark originally planned to return to Butte before the 14 September primaries, but Charles, Corbett and McDermott recommended that due to the volatility of the situation, he wait.³⁶

As expected, Clark lost Silver Bow County but won the support of the impatient anti-fusionists in the Democratic, Republican, and Populist state conventions held in Anaconda on 21 September 1898. Clark's prediction was correct. He had carried the state conventions and won a majority control in the crucial Democratic Party, although Daly still controlled the super bloc of Democratic voters in Butte-Anaconda.³⁷

³⁵ Clark to Neill, 31 July 1898; McDermott to Hauser, 2 August 1898; Clark to Hauser, 3, 6 September 1898, Hauser Papers, box 8, Montana Historical Society Archives, Helena; Clark warned McNeill in July that "...it is Daly's intention, if possible, to get sufficient control of the legislature either through political combinations or purchase outright to enable him to open the capital fight... (a two thirds vote of the legislature would do this)..."; On 24 August 1898 McDermott wrote Hauser that a reliable Republican county chairman had been approached by Daly men and they proposed to make him the county treasurer if he helped them elect a legislature that favored reopening the capital location issue.

³⁶ Mc Dermott, *Report of the Committee on Privileges and Elections*, 3: 1625, 1627; Daly, *Report of the Committee on Privileges and Elections*, 3: 2237; Clark to Hauser, 2, 6 September 1898, Hauser Papers, Montana Historical Archives, Butte; McDermott testified that Daly employed between 4,000 and 5,000 men in Butte to Clark's 700 to 800 men; Charles reported that "success was assured," but Clark knew better. Accepting inevitable defeat in Silver Bow, he still expected to carry the state and the convention.

³⁷ *Cong. Record*, 56th cong., 1 sess., 15 May 1900, 5535; Clark claimed there were 2,000 fraudulent votes cast by Daly men in Silver Bow county; Foor, "Senatorial Aspirations of William A. Clark," 34; *Butte Miner*, 23 September 1898; Amazingly, Governor Robert B. Smith, who had been a Populist since 1893, rejoined the Democratic fold.

With the nominations for Congressman and state offices finalized, Clark's volunteers went to work. Cautiously encouraged, they had less than two months before the general election in November. While it appeared that the Democrats were united for victory, the county conventions to select Democratic legislators reignited factional differences. The Silver Bow Democrats convened on 27 September to choose delegates and nominated a straight "Dalycratic" ticket, creating a dilemma for Clark. While Daly was ambivalent about the party, Clark was a loyal Democrat. Forced to clearly determine his objective, he decided that it was to fight Daly. After numerous meetings with disgruntled groups, Clark embraced political expediency.³⁸

The legislative contests determined by a general election were the key to electing a U.S. Senator. Silver Republicans denied fusion with the Democrats joined the McKinley Republicans. The undaunted Populists nominated candidates and passed resolutions denouncing Anaconda's political methods, and an attempt was made to form a state Democratic Citizen-Labor Party. However, on 8 October a Silver Bow county convention organized a fusion ticket of Populists, Independents and Republicans to end control of county affairs by the Anaconda Company. This "Citizen's Ticket" would fight for the people against corporate domination. Clark now had a combination of "all descent citizens" to oppose the "Daly clique" and their methods.³⁹

On 17 October Hauser asked Clark for \$20,000. Part of this money was used to get A. B. Hammond, Daly's old nemesis, to support Clark. On 18 October Clark asked

³⁸ McDermott, *Report of the Committee on Privileges and Elections*, 3: 1603; McDermott said they fought Daly anyway that they could; whatever he supported, Clark opposed.

³⁹ *Anaconda Standard and Butte Miner*, 28 September 1898; *Butte Miner*, 7 October 1898; McDermott, *Report of the Committee on Privileges and Elections*, 3: 1610; Clark, *Report of the Committee on Privileges and Elections*, 3: 1849; The Labor Party was for the state ticket, and Labor leader M. W. Sills already had 2000 signatures on a petition from Silver Bow and Deer Lodge counties. Clark was allotted five members for the legislature, and the Republicans and Populists four each.

Hauser if he had spoken to Hammond, because the fight was really between the Northern Pacific and the Great Northern Railway that supported Daly. He wrote that “There should be some concert of action and something done promptly to organize along the line of the Northern Pacific,” and that “An effort should be made at once also to induce the Northern Pacific people to spend some money in the interests of Helena. They should put at least fifty thousand dollars into this State for that purpose.”⁴⁰

In November, Hauser asked Clark for one last contribution of \$40,000, bringing the total since August to \$95,000. Clark later testified that the money was necessary because “Politics in Montana had, so far as the Democrats were concerned, been a little wild, in my opinion. There had been a fusion with Populists and Silver Republicans...and through that fusion we believed Mr. Daly had secured control of the State, as a number of people were nominated who were not Democrats...Our object was to organize the State in the interest of the Democratic party and break down what we called the one-man power rule....”⁴¹

On 8 November 1898 the Democrats won a substantial victory. In the Senate, they had seventeen seats to the Republican’s six seats and the Populists’ one, and in the House, there were fifty-seven Democrats to nine Republicans and four Populists. Many disenchanted fusionists abandoned the Populists, including Daly-supporter Governor Robert Smith. The Democrats controlled seventy-four of ninety-four seats in a legislature that would vote as a single body to elect a U.S. Senator in January, but Clark took little comfort. Daly still controlled Silver Bow and Deer Lodge counties, and

⁴⁰ Clark to Hauser, 18 October 1898, Hauser Papers, box 5, Montana Historical Society Archives, Helena. The railroads had the same vested interests as they did in the “Capital Fight” of 1894.

⁴¹ Clark, *Report of the Committee on Privileges and Elections*, 3: 1744-1747.

Clark was sure of only forty-three Democratic votes, less than the required majority. There were two months before the legislative session, and Daly opponents needed Clark's political standing and ability to pay the campaign costs. Clark formally announced his candidacy, and the campaign to influence legislative members began.⁴²

Despite these complex factors, the election results gave little indication of the events that rocked the legislature two months later. It appeared that Daly had succeeded in blocking any hopes of the Clark supporters. The *Butte Daily Intermountain*, mouthpiece of Daly supporter Lee Mantle, heralded "the retirement of Mr. Clark from the senatorial prize ring," and Daly departed for New York, confident Clark was finished. This arrogant assurance later haunted him.⁴³

Balloting to elect a U.S. Senator was scheduled for 10 January 1899, and it was destined to be one of the most bizarre legislative sessions in U.S. history. As events unfolded, revelations shocked and dismayed the membership, citizens, and nation. Charges and counter-charges flooded the meeting room and press, but a careful analysis of the actions and testimony reveal a brilliantly conceived and executed

⁴² Waldron and Wilson, *Atlas of Montana Elections, 1889-1976*, 23; Clark, *Report of the Committee on Privileges and Elections*, 3: 1745; Albert J. Campbell, Clark's former advisor, was elected to the U.S. House of Representatives; Neill, *Report of the Committee on Privileges and Elections*, 3: 1568; Hauser, *Report of the Committee on Privileges and Elections*, 3: 1406-1407; Davidson, *Report of the Committee on Privileges and Elections*, 3: 1412; *Helena Semi-Weekly Independent*, 19 January 1900; Neill said that outside of Silver Bow and Deer Lodge Counties, "We won and they never knew it" until after the election. Initially, Clark's men thought fifty legislators would support him, but they later found that seven of those men were employed or connected with the Anaconda Company. Altogether, the Anaconda or its subsidiaries employed twenty-one members of the legislature.

⁴³ Malone, *Battle for Butte*, 112-113; Malone relates a story accepted by historians to "prove" Clark's desperation. On 9 November, election judges in the heavily Irish-Daly stronghold of Dublin Gulch in Butte's Precinct eight were accosted by two armed men. One of the judges was shot and killed. The men got away, and while no one could say if they were after ballots or cash, it was assumed Clark forces tried to steal the ballot box. Remarkably, no one challenged the story, although Daly had more to gain from staging the robbery, and was known to employ Pinkerton Detectives, notorious for these tactics. Two points provide a reasonable doubt of Clark's guilt. First, the ballots in one precinct in all probability did not affect the election results, and no other precincts were attacked. Second, Daly had only to accuse Clark and let rumor and speculation, fueled by the well-timed editorial, do the rest.

plan not only to prevent William A. Clark from becoming a U.S. Senator, but also to discredit his name so thoroughly that he would be forced to leave Montana, face scorn throughout the nation and the world, and be remembered as a corrupt politician rather than a significant force in developing the western United States.⁴⁴

In early December 1898 the *Miner* challenged the Democratic legislature to elect a Democratic senator, saying, "It was not so many years ago when the first political crime in connection with the Montana senatorships placed two Republicans in the upper houses of congress. The next political crime was that which deprived the state of half its representation for two years and then for four years gave it to two Republican senators, when it should have been one Democrat and one Republican. The Sixth legislative assembly cannot afford to add another such crime to the record." The *Miner* prepared the public for a controversial contest, since the *Anaconda Standard* had filled its pages with rumors of bribery and corruption before the session met.⁴⁵

On Sunday morning, 1 January 1899 the *Standard* ran an editorial under the byline "They'll Turn Loose Monday...Gossip of the Lobbies." The column said that Tom Carter had arrived in Helena, and that "For a month rumors have been flying about the state that Carter was going to throw the 14 republican votes to Clark, on the theory that it would disrupt and disorganize the democratic party and render his re-election in 1900." Carter denied the rumors, claiming it "would cover the republican party with disgrace and infamy, and that any republican who votes for Clark will forever be branded as a traitor and a boodler...just as the republicans have been who voted for

⁴⁴ *Butte Miner*, 10 January 1899.

⁴⁵ *Butte Miner*, 3 December 1898.

Clark in 1893.” There was also a short column on two contested elections from November, which surprisingly figured prominently in the subsequent election scandal.⁴⁶

These reports were ominous. Ten days prior to the beginning of the legislative session, Daly’s paper ran articles stating that Clark and his workers would use bribery to win the Senate seat. It also implied that anyone supporting him did so for money, and warned Republicans that supporting Clark would brand them as corrupt traitors. The *Miner* and *Butte Inter-Mountain* vilified the *Standard’s* charge that every man not voting with Daly was dishonest, and for accusations of bribery made prior to the session.⁴⁷

The *Inter-Mountain* wrote that fraud, coercion, bribery and intimidation were used at the polls, but that it was wrong to accuse the officials. The *Inter-Mountain* also made an eerily accurate prediction that if charges were later made that the election of a senatorial candidate by the Sixth legislative session was through bribery, it should “be remembered that the accusation was first made by the *Anaconda Standard*....” The paper also said that with an overwhelming Democratic majority in the legislature and state offices, “the leading newspaper organ of that political organization raises the cry of “boodle” upon the very threshold of the senatorial election.”⁴⁸

The *Standard* said that Clark’s entire campaign was based on bribery and that while some members of the legislature were honest, too many in Helena owed Clark for

⁴⁶ *Anaconda Standard*, 1 January 1899; The elections were between Democrat James Anderson and a Populist named Watt, and between Democrat Fred Whiteside and Republican J. H. Geiger. The Anderson-Watt contest was resolved when Watt resigned in favor of Anderson on 3 January. In the Whiteside case, Whiteside won by one vote, but Geiger alleged counting irregularities. The investigation and final decision had a significant impact on the legislative session and Montana politics for decades.

⁴⁷ *Butte Miner* 5 December 1898; *Anaconda Standard*, 23 December 1898; *Butte Inter-Mountain* 24 December 1898; *Butte Miner*, 24 December 1898.

⁴⁸ *Butte Miner*, 5, 6 January 1899; *Butte Inter-Mountain*, 5 January 1899; *Anaconda Standard*, 30 September 1900; The term “Boodle” is uniquely American slang first used in 1886 when the *New York World* coined it referring to New York City aldermen convicted of bribery in a railway franchise scandal.

the capital victory and turned a blind eye. An editorial on 6 January said, “The Miner’s jaunty inference is that the Standard has started the cry of “stop Thief. This is not so. The effort of the Clark boodlers is, not to steal the senatorship, but to buy it...W. A. Clark, fresh from a violent and vicious and bribe-giving attempt to wreck the democratic party in the great county of Silver Bow, can (not) commend himself...as a man who deserves democratic support....It simply remains to be seen how far W. A. Clark can get in a raw, reckless, cold-blooded, unblushing attempt to buy men....”⁴⁹

The obvious question is why Montana’s leading Democratic newspaper, aware that an overwhelming majority in both houses should ensure a Democratic victory in the senatorial election, would attack and defame that legislature? It appears to defy explanation, but the underlying motives reveal Daly’s ingenious and carefully constructed political strategy. Believing Clark had no chance of winning the Senate seat, Daly left for New York on 12 December to meet with Haggin and Rogers. After trips to Utah and Arizona, Clark also went to New York on 13 December, leaving the remaining details of the legislative session to his committee.⁵⁰

On 1 January 1899 Clark’s committee established an unofficial campaign headquarters in the Helena Hotel, and wasted little time soliciting members of the legislature. Clark returned to Butte on 2 January and went to Helena two days later. Balloting started in less than a week, and there were a number of non-committed votes. Fueled by the press, gossip and rumors of scandal filtered throughout the state. By 9 January, the rhetoric was so ominous that a joint committee was formed in both houses

⁴⁹ *Anaconda Standard*, 6 January 1899.

⁵⁰ Clark, *Report of the Committee on Privileges and Elections*, 3: 1782-1783; Daly, *Report of the Committee on Privileges and Elections*, 3: 2178.

of the legislature in response to a resolution introduced by Clark's former political advisor, A. J. Campbell.⁵¹

The senate resolution was entered and adopted in a half-hour session with five other items of business and said in part, "Whereas charges of bribery and corruption have been made against members of the Sixth legislative assembly of the state of Montana and against certain persons lobbying in the interest of the candidates for the United States senate...Senators Anderson, Norris and Stanton...are hereby appointed a committee to cooperate with a like committee to be appointed by the honorable house of representatives...authorized to investigate such charges...and make a proper investigation of said charges...."⁵²

The House adopted an identical resolution, introduced by Representative Stephens of Missoula. It was adopted after a parliamentary contest, with Representatives Stephens, Cooney and John R. Toole serving as members. This incredible action by the Montana Senate and House guaranteed that charges of bribery would be leveled soon after balloting had begun. The stage was set and the pieces were in place for the implementation of the carefully orchestrated plan that Daly and his supporters had fomented to defeat and destroy Clark.⁵³

Despite these events, Daly's legislative representative, John R. Toole, testified under oath that there was no organized effort to oppose Clark. When asked if there was "an organized Daly faction as opposed to an organized Clark faction in the

⁵¹ Clark, *Report of the Committee on Privileges and Elections*, 3: 1744; *Anaconda Standard*, 1 January 1899; Tom Carter arrived in Helena on 30 December 1898 ostensibly to watch the Republican members because, "Clark bought some of them in 1893," and "they will need watching." Actually, Carter hoped by keeping the Republicans in line, he could create a legislative deadlock, discrediting the Democratic majority and improving his chances of reelection in 1901.

⁵² *Butte Miner*, 10 January 1899.

⁵³ *Butte Miner*, 10 January 1899.

legislature,” Toole stated that, “In the sense that Mr. Daly led it or that he knew of it, I will say no. Mr. Daly left (for New York) believing Mr. Clark’s election was an impossibility. I went to the legislature believing that myself. For that reason there was not any organized attempt to beat him.”⁵⁴

Frank Corbett, a staunch Clark supporter, testified that Daly said, “I don’t think Mr. Clark will be a candidate. I don’t think he will have anything to do with it. He was hopelessly defeated at the polls. He hasn’t got a single vote from his own county, and it would mean wholesale bribery, and I don’t think Clark would want to go into that.” Despite the abundance of evidence, Toole and Daly asserted there was no organized effort to defeat Clark, since he could win only through bribery. By their reasoning, if Clark could only be elected by bribery, his election proved the charges. However, they evaded admitting that by controlling key blocs of votes, Daly thwarted Clark’s senatorial efforts with men that were loyal to him, not the Democratic Party. As before, the goal was not to elect a particular candidate—it was to ensure Clark’s defeat.”⁵⁵

Tuesday, 10 January 1899 dawned freezing cold, but with an air of anticipation. The *Miner* headlined “THE BALLOTING BEGINS TODAY,” and the “OUTCOME IS UNCERTAIN: SOME SHADY CHARACTERS ON HAND.” In contrast, the *Standard* blazoned its headlines with a sensationalized pronouncement stating that, “A SUDDEN HALT IS CALLED IN HELENA! Six Members Named to Look Into The Story That the Senatorship Is About to Be Sold at Auction....IN AN AIR POISONED WITH BOODLE.”⁵⁶

⁵⁴ Toole, *Report of the Committee on Privileges and Elections*, 3: 2159.

⁵⁵ Daly, *Report of the Committee on Privileges and Elections*, 3: 2206; Davidson, *Report of the Committee on Privileges and Elections*, 3: 1427; Davidson stated that the Daly men began shouting bribery when they learned Clark had lost Silver Bow and Deer Lodge counties but carried the state in the November general election.

⁵⁶ *Butte Miner*, 10 January 1899; *Anaconda Standard*, 10 January 1899.

The *Standard* described the necessity of Campbell's committee, but revealed the extent of the plans to keep Clark out of the Senate. The editorial said charges had been "...Heralded from one end of the United States to the other that bribery is being used to influence voters in the senatorial contest. It has been published not only in the Montana newspapers, it has been printed in the newspapers of New York and Chicago, of San Francisco, Denver, Salt Lake and the special correspondents have telegraphed it to almost every newspaper of prominence in this country."⁵⁷

Why would the *Standard* make accusations of corruption against Montana's Democratic-controlled legislature in every major newspaper in the country before formal charges or an investigation was made? A powerful newspaper like the *Anaconda Standard* understood the ramifications of the unproven allegations and the harm to the community and state. The purpose was to set the stage for Daly's plan to defeat Clark, prevent interference in the sale of Anaconda, and bias public opinion against Clark on a national scale.

On 10 January in a side show atmosphere, the galleries filled to overflowing and spilled into the street as the legislators assembled. Everyone expected something from the Daly crowd, but tensions ran high. It came suddenly. When the roll was taken, Senator Fredrick Whiteside, the Democratic representative from Kalispell in Flathead County, asked to be recognized by the chairman. He solemnly rose and delivered a rehearsed speech igniting the tinderbox carefully built since Clark announced his candidacy and fueled by a feud that started a decade before.⁵⁸

Whiteside began by admitting that Campbell's resolution for an investigation was

⁵⁷ *Butte Miner*, 10 January 1899; *Anaconda Standard*, 10 January 1899.

⁵⁸ *Butte Miner*, 10 January 1899; *Anaconda Standard*, 10 January 1899.

introduced the day before at his request, and that he wanted to explain his reasons and motives. After chronicling Montana's political history and the shameful course of legislative actions that prevented the state from properly governing itself, Whiteside dropped the bombshell. He said "my request for this committee was not an idle one, for I had in my possession and I have since turned over to your committee \$30,000 in bribery money, which came from W. A. Clark to purchase the votes of members in this body for himself for United States senator."⁵⁹

Whiteside produced four envelopes, two containing \$10,000 and two with \$5,000, all in crisp \$1,000 bills. He accused Clark's attorney and campaign worker John B. Wellcome of giving him the money to influence the votes of Henry L. Meyers, W. A. Clark of Madison county, and Representative Garr of Flathead county, and that he was paid \$5,000 for his services. Whiteside said that he "did not consult with any one about going into this thing, but did it entirely on my own responsibility. I wanted to catch every man who was concerned in such work and my object was to break up the band of boodlers that have so long infested this state." However, wanting more proof than his word and the money, he had sent his friend state senator W. A. Clark of Madison county to see A. J. Campbell to devise a strategy to catch anyone suspected of bribery.⁶⁰

Whiteside emphasized his noble motivations, stating that he was in Helena during the senatorial contest of 1892 and 1895, saw the corrupt methods that were practiced, and "when I was elected to the senate last fall, I determined, if possible, to expose any one who should attempt such practices in this body...I was looked upon by all of the senatorial candidates as a fit subject for missionary work." Whiteside admitted

⁵⁹ *Anaconda Standard*, 10 January 1899.

⁶⁰ *Anaconda Standard*, 11 January 1899.

that he was approached by the agents of all the candidates, but “the representatives of W. A. Clark were the only ones that offered me any money....” Careful not to directly accuse Clark, Whiteside said, “I do not think W. A. Clark knew all the details but he knew in a general way what was being done by Wellcome and the others....”⁶¹

Whiteside’s speech drove the crowd wild. Legislators and spectators shouted, cursed, clapped, booed, threatened and sat silent. The committee read the report made the previous day based on Whiteside’s testimony, admitting it was only a partial finding, and asked to be retained for further investigation. It offered the testimony into the record, after recommending a resolution from the legislature asking the district court to convene a grand jury to take whatever action it deemed appropriate.⁶²

The *Standard* could hardly contain its excitement. The headlines read, “Clark Bribers Caught At It Red Handed: Thirty Thousand Dollars of the Boodle Fund Piled Up in Full View of the Members of the Legislature.” The *Miner* called it “A Damnable Conspiracy: Daly Crowd Spring Their Promised Sensation,” and said that it was “Bungling Work At The Outset.”⁶³

The *Miner* attacked Whiteside as the man “Notorious for His Connection With The Charges Against the State Capitol Commission, the Tool Used by the Gang Who Are Attempting to Run Things at Helena on the Anaconda Plan,” and that the revelation was saved for the day “When the First Ballot for United States Senator Was to Be Taken.” Both papers editorialized at great lengths to explain the events and justify their positions. The *Standard* crowed that Clark was finally exposed and thanked God for

⁶¹ *Anaconda Standard*, 11 January 1899.

⁶² *Anaconda Standard*, 11 January 1899.

⁶³ *Anaconda Standard*, 11 January 1899; *Butte Miner*, 11 January 1899.

saving Montana from his heinous crimes. It also accused Clark's campaign of a stupendous conspiracy, a "million-dollar bribery crime, in this new state with a voting population hardly up to the population of an average congressional district," and that "W. A. Clark will pass into the political annals as the arch bribe-giver."⁶⁴

The *Miner* called the exposure a "Daly Trick," intended to surprise and momentarily dumbfounded the members with its suddenness. Also, it said the revelation had two objectives: one, to drastically reduce or eliminate support for Clark, and two, to get the resulting uncommitted votes to elect a Daly candidate. However, when the shock wore off and a vote was taken, Clark had lost a considerable number of votes previously pledged to him, but no frontrunner emerged. The first part of the plan had failed.⁶⁵

The *Miner* reported a fact overlooked by most authors. State senator Connolly (not C. P. Connolly) introduced a resolution to investigate "undue influence" on the voters of Deer Lodge and Silver Bow counties, and to appoint a joint committee to investigate the Anaconda's efforts "to secure the election of certain members of the legislative assembly, and that such due influence consisted of bribery by the use of money for the purpose of purchasing votes and coercion by threats made to employees that if they did not vote for certain candidates they would be discharged from their employment."⁶⁶

Connolly claimed that those tactics were "worse than bribery and if the legislature wanted to investigate bribery charges, it should get to the bottom of the whole problem,

⁶⁴ *Anaconda Standard*, 11 January 1899.

⁶⁵ *Butte Miner*, 11 January 1899.

⁶⁶ *Butte Miner*, 11 January 1899.

which is how a corporation runs those two counties.” Fred Whiteside and C. H. Eggleston, both Daly supporters, adamantly opposed the resolution. When the bribery committee was selected, another Daly man, state senator H. L. Myers, successfully moved to strike all reference to elections in Silver Bow and Deer Lodge counties.⁶⁷

The rhetoric grew intense as the press and citizens dissected and discussed the accusations. Each paper naturally reported facts and rumors favorable for their side. The *Standard* boasted that it carried the complete text of Whiteside’s speech, and rather than just another incident in the Clark-Daly feud, the revelation was “an effort of honest men to save the reputation of the state, a short stop to bribery in this young state.”⁶⁸

More ominously, a grand jury was called to investigate, and another resolution was introduced by Representative Kelly of Silver Bow county requesting that Daly supporter Attorney General C. P. Nolan, “being the highest legal officer of this state, be, an he is hereby requested and directed to assist the county attorney of Lewis and Clark county in the investigation of the bribery charges and the prosecution of such persons as may upon investigation be implicated.” Daly’s men were not taking any chances.⁶⁹

⁶⁷ *Butte Miner*, 11 January 1899; The resolution was important for several reasons. Clark maintained that he was a candidate to break the Anaconda’s (now owned by Standard Oil) stranglehold on Montana’s economy and politics, exemplified by election irregularities in the two most populous counties. Second, Butte, Clark’s home for twenty-seven years, was in Silver Bow County and which owed him a considerable debt for its existence. However, the city’s largest employer was Daly’s Anaconda mines, whose majority of workers were Irish imported by, and loyal to, Daly. Clark never carried a majority in Silver Bow County or Deer Lodge County (his previous home and genesis of his empire, but now the home of Anaconda). Charges and counter-charges of voting corruption were prevalent during the 1890s, but Daly’s candidates in these counties always won and disrupted legislative sessions. It was reasonable to investigate these allegations, since the current crisis stemmed from these activities. Third, in the subsequent Senate investigation into the bribery charges, Clark men were accused of never charging Daly with coercion, threats, bribery and intimidation prior to the exposure, and of using such accusations only as a nebulous and unsubstantiated defense; Eggleston was an editor at the *Anaconda Standard*.

⁶⁸ *Anaconda Standard*, 12 January 1899.

⁶⁹ *Anaconda Standard*, 12 January 1899; This was an unusual and questionable resolution. The Lewis and Clark county attorney had jurisdiction in preferring charges, assembling a grand jury, and conducting the prosecution for the people of Helena. The state Attorney General had no such jurisdiction, and was limited to an advisory role.

The *Miner* said that Fred Whiteside was Daly's agent, and the *Helena Independent* stated a painfully obvious fact, based on Whiteside's own testimony. During the investigation, Whiteside stated that he was paid by Clark's agents to secure his vote and to influence other members for Clark. The *Independent* printed the portions of Sections 165 and 166 of the Montana Penal Code stating that anyone in the legislature that promises in any way to vote in exchange for a bribe or that solicits a bribe is guilty of a crime punishable by one to ten years in prison. The *Independent* said that Whiteside was a self-convicted criminal, and if his statements were true, he should be sent to prison, and if false, he was "the greatest scoundrel who ever went unhung."⁷⁰

Fred Whiteside was a forty-one-year-old builder who claimed to be the great grandson of Captain William Clark of the famed 1803 expedition. He moved to the Montana Territory in 1878, and worked in the lumber business and eventually worked as a contractor. He built several buildings in Helena, but more importantly he erected the famous Hennessey Building in Butte for Marcus Daly. Elected to the legislature in 1896, Whiteside said he was "...Green and ignorant of the ways of politicians, but to me the same coin of honest purpose was the standard of value as in my youth."⁷¹

⁷⁰ *Butte Miner*, 12 January 1899; The editorial noted that courts repeatedly ruled that entrapment and the commission of a crime also makes the perpetrator morally and legally guilty of the crime. Whiteside had no legal authority and was not acting as an officer of the law or of the court, and could not be charged with entrapment. However, he was never charged or prosecuted, although the actual evidence against him was stronger than evidence against any member accused by him.

⁷¹ Fred Whiteside, "The Graft that Failed," in *Montana: The Magazine of Western History* (Autumn 1959) 9: 3; The Hennessey Building was built by Marcus Daly during his war with A. B. Hammond, for his friend and supporter Dan Hennessey, a wealthy Butte merchant. It served as a company store for Anaconda employees, and the upper floors were the headquarters of the Anaconda Copper Mining Company under Standard Oil until the 1970s. Whiteside was also assisted by Anaconda management to settle a labor dispute on one of his projects; Whiteside, "Wild and Woolly Politics: Circa 1878," in *Montana: The Magazine of Western History* (Summer 1963) 13: 36; Although Whiteside was forty-two years old in January 1900, he testified to the Senate Investigating Committee he was thirty-eight; *Report of the Committee on Privileges and Elections*, 3: 90; Whiteside also misstated his age as two years younger in unpublished papers written in 1934, later edited by Dorothy Johnson, a Whiteside relative.

Despite his claims of political innocence, Whiteside was not naive. He was previously involved in two cases involving alleged election irregularities and corruption. The first was in 1878 when the twenty-one-year-old lived in Custer County in eastern Montana Territory. As a member of the election board, Whiteside described lax procedures, ballot problems, using whiskey to encourage voters and other irregularities, which were hardly irregular on the late 1800s frontier.⁷²

Whiteside said that five days later he saw grossly inaccurate election returns for his district in a Helena newspaper. However, Sheriff Tom Irvine laughed when Whiteside asked about the election, and told him not to “say anything about it to the others, for it might make trouble for some of us.” Whiteside agreed and said he was glad he did not remain to see the full count, since he was “sure he would not have been able to see eye to eye with those who made the count, and there is no telling what might have happened if I had remained. I have always figured that was one of my lucky breaks.”⁷³

When Whiteside was elected to the Montana legislature in 1896, he arrived in Helena for the January 1897 session, and “...Caught the odor of various forms of graft. The strongest stench came from the State Capitol commission, then in the preliminary stages of constructing the state capitol building. Plans had been made for raising \$5 million, and a small ring of insiders expected to divide one half or more of this sum among themselves.”⁷⁴

⁷² Whiteside, “Wild and Woolly Politics: Circa 1878,” 37.

⁷³ Whiteside, “Wild and Woolly Politics: Circa 1878,” 37.

⁷⁴ Whiteside, “The Graft That Failed,” 3-4; Whiteside described how the original architect was replaced by the Capitol Commission because another architect promised a better profit by submitting specifications for a \$5 million building, and secretly altering the working drawings to use cheap materials. The cost dropped to \$2 million, and the commissioners planned to pocket the \$3 million difference and pay the necessary bribes.

A five-man committee investigated the Capitol commission's activities. When it failed to find any wrongdoing, Whiteside filed a minority report accusing at least two Commission members of graft. There was a grand jury investigation and the commissioners sued Whiteside for libel, but he was exonerated. No charges were proved and no one was indicted, but Governor Robert B. Smith called for the resignation of three Commissioners. They refused and were replaced. The capital building was completed on 4 July 1902, at a cost of about \$486,000.⁷⁵

In an interesting irony, Whiteside described how during the Capital investigation, the architect "...branded himself as a crook, along with several members of the Commission, but he seemed to have only a dim realization of that fact." Only three years later, Whiteside apparently unknowingly branded himself as a crook and bribe-taker as he made outrageous charges against members of the Sixth legislature and defended himself as a crusader fighting corruption.⁷⁶

Fred Whiteside believed that he was an unusually honest man who existed on a higher moral plane than his fellow citizens and could detect corruption in a time when graft and bribery were unofficially accepted as political reality. Whiteside also claimed to have intimate, detailed knowledge of events that occurred in secret and information that few, if any others, possessed. The parallels between the Capitol Commission case and that of the Clark bribery exposure are extraordinary.

Whiteside's claim that he smelled the "odor of various forms of graft" during the 1897 session, and that reports of bribery in the 1899 session were "so bold that I decided to make an open exposure of it, with substantial proof that could not be

⁷⁵ Whiteside, "The Graft That Failed," 6-9.

⁷⁶ Whiteside, "The Graft That Failed," 4.

explained away or disputed,” clearly indicate he went to Helena with a mission. In the Capital commission investigation and the legislative bribery case, Whiteside claimed that men known to him only through limited business dealings or casual social engagements bared themselves in his presence and freely admitted to graft, corruption, bribery, extortion, and numerous other criminal acts with extremely serious consequences, apparently oblivious to the potential risks. The similarity of the two cases is stunning.⁷⁷

In both the Capitol case and the Clark case, Whiteside made sudden and astounding charges in a public forum, and was later a witness in a grand jury investigation instigated by his accusations. He testified that he saw desperately emotional men exhibit intense physical manifestations, as if able to discern dishonesty through his moral purity. In each case, Whiteside considered himself the lone beacon of morality and righteousness in a quagmire of political filth and decay, unafraid of real or imagined evils massed against him and the consequences of his actions. He believed he fearlessly spoke when others trembled, and in his mind, Fred Whiteside was the great reformer of Montana politics, willing and ready for martyrdom.

The grand jury investigation began on Saturday, 14 January 1899. Judge Sydney McIntyre of the First judicial district court agreed the evidence and charges in the petition warranted a trial. Of fifteen names randomly chosen, seven were sworn. Charging the jury, Judge McIntyre said that, “Both the bribe taker and the bribe giver are guilty in the eyes of the law...You must receive no other evidence than such as given by witnesses, produced and sworn before you, or furnished by legal documentary

⁷⁷ Dorothy Johnson, ed., Fred Whiteside, “Three Hundred Grand! From The Unpublished Journals of Fred Whiteside,” *Montana* 10 (Winter 1960): 41.

evidence...to the exclusion of hearsay or secondary evidence...You ought to find an indictment when all the evidence before you...would in your judgment warrant a conviction by a trial jury. ...Let nothing but the evidence before you influence you in finding an indictment against any person.”⁷⁸

Attorney General Nolan addressed the court, requesting to assist county attorney O. W. McConnell in presenting the case. Nolan knew that by state law an indictment could be invalidated by his presence in the room, and he asked Judge McIntyre for a ruling, arguing that the law required him to help the county attorney and supervise the investigation of a crime. McConnell did not object if it was legal. Judge McIntyre said the question was beyond his authority to decide and refused Nolan’s motion, knowing that Nolan would have no choice but to appeal the case to the state Supreme Court, which was friendly toward their Attorney General.⁷⁹

On Monday, 16 January the Montana Supreme Court stunningly ruled that while not constitutionally authorized to do so, Nolan could be present in the grand jury, and perform whatever tasks he thought necessary, even overriding the county attorney. The court was very generous to Nolan, liberally interpreting statutes and giving the legislature’s resolutions considerable weight. Justice Hunt stated that the Attorney General’s powers were more clearly defined in the political code, and at certain times, it

⁷⁸ *Anaconda Standard*, 13, 15 January 1899; Judge McIntyre was sitting for Judge Henry C. Smith, the criminal court judge who was trying a case in Miles City.

⁷⁹ *Anaconda Standard*, 13, 15 January 1899; Nolan understood the unusual nature of his request, yet argued it was his right. His motivations are suspect. Although a high-profile case, Nolan had no legal authority to be involved. McConnell was competent and the county attorney, and should have won an indictment if the case was strong. However, Nolan was not only given permission to assist McConnell, but to take charge of the case. An ardent Daly supporter, Nolan tried to ensure an indictment. Nolan was either involved in the Clark bribery conspiracy from the beginning, or received his orders from Daly soon after the exposure. Obviously, Nolan put his loyalty to Daly, and perhaps Standard Oil, above his loyalty to the law or Montana. His later actions left little doubt of motives.

was “impolitic to entrust a county attorney with the discharge of his duty unaided by learned counsel, representing the supreme authority of the state.”⁸⁰

In conclusion, the court wrote that “Our decision rests upon the delegation of authority to that attorney general to assist the county attorney, the public service requiring it, and under the broad ground that under the law, assistance means personal participation and help to the county attorney in the lawful discharge of his official duties, no matter what the tribunal or body may be wherein the duty lies, and no matter what the nature of the official duty may be. If the county attorney can act, the attorney general can assist and do that same act.” This decision, and the court’s confidence in Nolan’s ability, later haunted those determined to win an indictment.⁸¹

As the grand jury met, the *Anaconda Standard* ran scathing attacks on the *Butte Miner*, *Helena Independent*, and anyone else who defended Clark, falsely decrying that Whiteside was being vilified. It also ran articles from other papers lamenting the accusations against their representatives. The *Miner* concentrated on the man who actually made the charges and produced the cash. Whiteside’s accusations and revelations were considered simply more self-righteous sensationalism.⁸²

The *Standard* charged that Clark and his supporters were obviously guilty because no one had denied the charges or defended their actions. To blunt this ludicrous logic, The *Miner* quickly refuted the charges, writing that “W. A. Clark and his friends deny in toto the charges of corruption made in so sensational a manner...and allege that they are the victims of a well-planned conspiracy.” Clark welcomed an

⁸⁰ *Anaconda Standard*, 17 January 1899.

⁸¹ *Anaconda Standard*, 17 January 1899.

⁸² *Anaconda Standard*, 12 January 1899; *Butte Miner*, 12 January 1899.

opportunity to present his case outside of the politically charged legislature and to prove the conspiracy charges.⁸³

The *Helena Independent* stated that "...the securing of \$5,000 from the Clark managers would have proved the point with just as much emphasis as the securing of \$30,000, and with far better effect." It was unreasonable to make...Mr. Clark's avowed enemy the custodian of \$30,000...without security, and with instructions to use the money in the purchase of votes! Such a move would have been so conspicuously idiotic as to raise the suspicion that no one was guilty of making it..." The *Independent* said Whiteside constantly posed as a great reformer and craved a reputation for exposing corruption, making him the last man in the world the Clark managers would have solicited "with a cash offering of \$30,000 had they been engaged in...bribery."⁸⁴

The *Standard* was so consumed with charges of bribery that it saw examples everywhere, even if they were contradictory. After praising the honesty and integrity of the grand jury members, the paper made a less than subtle suggestion that only bribery would prevent an indictment. The same tactic was used against the legislative members, a veiled threat that if anyone voted for Clark, he would immediately be branded a bribe-taker.⁸⁵

The *Standard* wrote that, "The grand jury was called this morning for the purpose of inquiring into the bribery charges and will meet on Saturday. The boast was made this evening that the grand jury would surely exonerate Clark...after all that Clark had done for Helena it would not be possible to get any grand jury of Helena men to

⁸³ *Butte Miner*, 12 January 1899.

⁸⁴ *Butte Miner*, 12 January 1899.

⁸⁵ *Anaconda Standard*, 12, 15 January 1899.

implicate him in anything...The evidence as presented by the investigating committee is so conclusive, so complete, so overwhelming that it is not believed any man can read it and not be convinced, unless he is bound not to be...The integrity of the gentlemen composing the grand jury as far as the *Standard* knows is spotless and unquestioned.” According to the *Standard*, the charges and evidence were so overwhelming that only a corrupt grand jury would exonerate Clark.⁸⁶

Adding to the drama of the legislative session and grand jury investigation, John H. Geiger, Fred Whiteside’s opponent in the Flathead County election contested the results before the legislature. On 8 November election judges gave Geiger a nine-vote majority in an unofficial count, but the subsequent official tally gave Whiteside a one-vote victory. Affidavits and testimony were prepared for arguments held 28 November. All available records agreed except in two districts where Whiteside mysteriously gained five seats. Approximately twenty ballots were thrown out for irregularities, lowering Geiger’s total. Geiger felt that only legal action could resolve the issue.⁸⁷

On 24 December, local election commissioners had an opportunity to resolve the case. The disputed ballots were from six Republican precincts, but when ordered to produce them, County Clerk and Whiteside supporter Michael Therriault refused, claiming that Attorney General Nolan had advised him not to comply with the order. Although Therriault was arrested and fined fifty dollars, he was released when district judge D. F. Smith ruled that the commissioners had no authority to compel him to

⁸⁶ *Anaconda Standard*, 14, 15 January 1899; Interestingly, this edition also had an article defending the “quality and character” of the men on the grand jury, stating no one interested in an honest investigation can predict the outcome, and that citizens have the right to their respective opinions.

⁸⁷ *Senate Journal of the Sixth and Seventh Sessions of the Legislative Assembly of the State of Montana* (Helena: Independent Publishing Co., 1899-1901), 49; *Flathead Herald Journal* (Kalispell), 17 November 1898; The precincts were Egan and Columbia Falls.

produce the ballots. A frustrated Geiger decided that his best option was to take his case to the Senate.⁸⁸

The committee on privileges and elections met Sunday, 15 January to hear testimony. Whiteside represented himself. Geiger, represented by counsel, convinced the committee to recommend bringing the ballots to Helena for a recount. After a debate on bringing all the boxes or only the disputed ones, the legislature summoned Therriault and ordered him to bring everything for a supervised recount on 23 January.⁸⁹

As the papers publicly tried these cases, the legislature balloted for a U.S. Senator. The votes received by each member were reported and analyzed, and despite the drop in Clark's support immediately after Whiteside's accusation, he quickly recovered. The daily totals fluctuated, but Clark's position steadily improved. The *Miner* saw it as a repudiation of the charges, while the *Standard* attributed his support to more bribery.⁹⁰

On 11 January, one day after Whiteside's accusations, Clark gained seven votes, but he was still a distant third with ten. J. K. Toole lost five votes and was in second place with twenty, but C. G. Conrad gained two for total of thirty-eight, only nine short of the forty-seven votes required to elect. However, Conrad would gain no additional votes. Several days later, E. C. Day, who ran unsuccessfully for the position of the House speaker, asked John R. Toole of Helena to support J. K. Toole for Senator. Toole's second place position was promising, and combined forces would ensure

⁸⁸ *Flathead Herald Journal* (Kalispell), 29 December 1898; *Inter Lake* (Kalispell) 30 December 1898.

⁸⁹ *Anaconda Standard*, 24 January 1899.

⁹⁰ *Report of the Committee on Privileges and Elections*, 3: 1918-1922; On 10 January, the first day of balloting, the Senate and House voted separately. Out of ninety-three votes cast for nine candidates, the combined total was thirty-six for C. G. Conrad, twenty-five for J. K. Toole and fifteen for Marshall, a Republican. Clark came in a distant fourth with seven votes.

success. However, John R. Toole's would not commit and his reply was best described as evasive.⁹¹

On the third ballot held 12 January, Clark jumped to twenty-one votes, while Toole dropped to eleven and Conrad fell to thirty-five. The Republican candidate Marshall was replaced by Wilbur F. Sanders, noted for his longevity and popularity. Sander's fifteen votes meant that the top four candidates had eighty-four of the possible ninety-three votes. The remaining six candidates were effectively out of the race. As Clark's support grew, his opposition desperately tried to stop it, but between 13 and 18 January, there was little change. T. C. Power replaced Sanders on 14 January and received his fourteen votes. However, after the fourth ballot on 13 January, it was a two-man race between Conrad and Clark.⁹²

Slowly, Clark gained on Conrad one or two votes each day. The *Standard* proclaimed that "HELENA IS CLARK MAD," and that "Any Good Democrat Could Be elected if W. A. Clark Would Stand Aside." Daly's men realized that as Clark moved ahead, there were two possibilities. The division between the Democrats could cause a deadlock that the Republicans would exploit, as Carter hoped, or the Clark faction could persuade enough Republicans to cross over and give him a majority Daly could not overcome. Daly never doubted or forgot Helena's loyalty to Clark.⁹³

⁹¹ *Report of the Committee on Privileges and Elections*, 3: 1918-1919; 2185-2186.

⁹² *Report of the Committee on Privileges and Elections*, 3: 1918-1920; The Republicans changed candidates almost daily. Power replaced Sanders on 14 January, only to be replaced by Goddard the next day. Goddard was replaced by Power on 18 January and dropped the next day. Marshall returned on 21 January, but replaced by Hedges on 23 January. Afterward, there was not a Republican candidate on the ballot until the eighteenth and final ballot on 28 January; *Anaconda Standard* 17 January 1899; The *Standard* stated that Clark was "NEAR HIS LIMIT" and could "Command only a Few More Votes." It was also pleased that Daly supporter and Attorney General C. B. Nolan was allowed to assist (actually takeover) the grand jury investigation, which meant an indictment was almost certain; *Anaconda Standard* 19 January 1899; The *Standard* said Clark gained two more votes because his "Bunch of Reserves (Were) Not Yet Exhausted," but cheered the grand jury's adjournment, believing it was the end of Clark.

⁹³ *Anaconda Standard*, 17, 19-21 January 1899.

On the eleventh ballot held 21 January, Clark finally tied Conrad when both received thirty-three votes. The Daly supporters attributed it to bribery, but other factors were involved. The most important was that on 20 January J. K. Toole, who had placed third or fourth on most ballots, sent a letter to his supporters asking them to stop working in his behalf. His friends believed Toole did not want to oppose Clark, “who had so much public sentiment in his favor.”⁹⁴

Daly and the Republicans were under severe pressure to check Clark’s growing support, and rumors spread that the Republicans were going to caucus in his behalf. The *Standard* carried speeches made in the joint sessions of the legislature condemning such actions, and warned of the consequences. Daly was quoted in Chicago as having no interest “either directly or indirectly” in the senatorial fight because he was out of politics. The Republican *Inter Lake* wryly remarked that Daly’s comment “would be received with an incredulous smile in Montana.”⁹⁵

On 23 January several important events occurred. The committee on privileges and elections considered the case of Geiger vs. Whiteside. Michael Therriault appeared with the ballot boxes, and during the inventory, it was discovered the returns from Precinct Seventeen were missing. Therriault checked his returns sheet and of the thirteen votes cast, six were for Geiger, five for Whiteside and three for a third candidate. The small number of votes belied their importance; of 1700 ballots cast, Whiteside had won by only one vote, and incredibly, Geiger had not disputed that

⁹⁴ *Butte Miner*, 21 January 1899; Toole said he would behave honestly in politics as he did in life. It is highly probable that he was also honoring agreements dating back to 1894 when Clark supported Helena for the capital.

⁹⁵ *Butte Miner*, 24, 25 January 1899; *Inter Lake* (Kalispell), quoted in the *Butte Miner*, 26 January 1899. The speeches were rushed to Helena by a special train from Anaconda, and placed on the members’ desk each day before the ballot was taken; Beginning with his days as chairman of the Democratic Party in 1888, Daly had written many letters to Hauser reiterating that he was no longer interested in politics.

precinct. Amid the confusion and irregularities, the Senate ordered a complete re-c canvass and audit of all returns.⁹⁶

That same day, an article appeared in the *Anaconda Standard* proclaiming that the Standard Oil Company was creating a copper combine. It said, “with the exception of the Anaconda mines...all the important mines of the country are going into the syndicate, the financial head of which will be represented by Standard Oil company’s financiers,” and that the object of the merger was “control of the copper output of this country and better management of copper mines through one head over all....” The result was that “The local and Boston markets have already revealed that the street is aware of the impending changes,” and “values are rapidly advancing.”⁹⁷

The last significant event of 23 January signaled the end of the bizarre session. On the twelfth ballot, W. A. Clark lead the senatorial contest, receiving thirty-six votes to Conrad’s thirty-three. The field of candidates dropped to six, and the remaining four managed only twenty-three of ninety-two votes, a mere 25 percent. The *Miner* crowed that “CLARK LEADS CONRAD,” and “Each Day Leads to the Following of the Butte Candidate.” State senator Hanna from Sweet Grass County changed his vote, stating that he had supported Fox, but that in “changing my vote I...am carrying out the wishes of my constituents. When I say this I mean that every voter in Sweet Grass county with perhaps one exception, wants to see Hon. W. A. Clark sent to the senate....”⁹⁸

⁹⁶ *Anaconda Standard*, 24 January 1899; It is revealing that the *Standard* was not alarmed that the plan created a monopoly, and would plunge the copper mining business into servitude. It also avoided exposing Daly and Haggin’s sale of the Anaconda Company to Rogers, finalized the month before.

⁹⁷ *Anaconda Standard*, 23 January 1899; This article confirmed the well-founded concerns of Helena and other Montanan businessmen, and that Clark was fighting a serious threat, as he and Hauser claimed.

⁹⁸ *Butte Miner*, 24 January 1899; *Trans Mississippi Maps of Montana* (Helena: Van Hook & Hibbard, 1898), map B205, Cram’s map of Montana, Montana Historical Society Archives, Helena; Sweet Grass county was in south central Montana, several counties removed from the political struggles in Silver Bow, Deer Lodge and Lewis and Clark counties.

On 26 January two major events rocked the legislature that ended the political infighting that had marred the session and set the stage for a new political struggle. After recounting and validating the Flathead county votes, the Clark majority on the elections committee gave Geiger 688 votes and Whiteside 687 votes, with nineteen disputed ballots. The Daly minority charged the committee with inconsistent decisions, and H. L. Meyers, Whiteside's co-accuser, recommended that Attorney General Nolan decide the legal status of the ballots. However, the Republicans joined with the Clark Democrats to declare the nineteen votes invalid and rejected them, leaving Geiger with a one-vote majority. The Precinct Seventeen ballots never appeared, and ironically, Whiteside became the first victim of the Sixth session's legislative politics.⁹⁹

Next, after ten days of exhaustive deliberations, the grand jury reported its findings. In a carefully prepared statement to Judge McIntyre, C. F. Ellis, the jury Foreman said, "...We have been in session ten days and have examined forty-four witnesses, and have also examined all papers, documents and other legal evidence... and have produced before us all witnesses, who, we have reason to believe, could shed any light upon the question of bribery, perjury or conspiracy...while there has been some evidence which tends to show that money has been used in connection with the election of a United States senator, it has been contradicted and explained in such a way that all the evidence introduced before us, taken together, would not, in our judgment, warrant a conviction by a trial jury."¹⁰⁰

Everyone was stunned. The *Miner* praised the decision stating, "HIS VINDICATION IS COMPLETE...TESTIMONY WAS FALSE," and "CONSPIRATORS

⁹⁹ *Butte Miner*, 27 January 1899; *Senate Journal*, 6th sess., 96-97.

¹⁰⁰ *Butte Miner*, 27 January 1899.

FOILED.” The *Miner* also crowed over Whiteside’s removal from the legislature. After the grand jury verdict, Whiteside’s case was made a special order of business the following day. Whiteside said that “the fiat has gone forth that this is the last day I am to be a member of this body,” and harangued the legislature, decrying bribery and crime. The Senate re-assembled, and decided to dispose of the Geiger-Whiteside matter immediately. Geiger was declared the winner and sworn in immediately.¹⁰¹

The incredulous *Standard* wrote that “THEY SIMPLY FELL DOWN FLAT.” It was aghast at the Whiteside case, calling it “A MIGHTY RAW PIECE OF WORK,” lamenting the “outrageous crime against the electors of Flathead County and the people of Montana,” and extolling Whiteside’s virtue. It ignored that Whiteside was ejected from the senate due to irregularities in several precincts, the County Commissioner’s actions, and Whiteside’s sensational bribery accusations against Clark and his supporters.¹⁰²

The grand jury’s failure to indict Clark and Whiteside’s removal from the senate was a bitter disappointment to the Daly faction, and effectively ended the protracted struggle. Only two days later, on 28 January 1899 two ballots were held. On the seventeenth ballot, the first of the day, Clark received forty-one votes and Conrad thirty votes. On the eighteenth ballot, Clark received fifty-four votes, seven more than the necessary forty-seven to elect. After eleven years, Clark had succeeded Senator.¹⁰³

The *Standard* railed against losing one of the most heated, vicious, and shameful

¹⁰¹ *Butte Miner*, 27 January 1899; *Anaconda Standard*, 27 January 1899; *Senate Journal*, 6th sess., 96-97; The *Miner* remarked that Whiteside’s fate was “worthy of the man and his methods. Judas Iscariot went and hanged himself. Benedict Arnold became a wanderer on the face of the earth. What fate is reserved for Fred Whiteside? A job with the Anaconda Company.”

¹⁰² *Anaconda Standard*, 27 January 1898; *Senate Journal* 6th sess., 100-101; The Whiteside–Geiger case and grand jury investigation demonstrated the level of opprobrium the Montana legislature had reached.

¹⁰³ *Report of the Committee on Privileges and Elections*, 3: 1922; Clark had thirty-eight Democratic votes, eleven Republican, four Silver Republicans and one Populist vote. Thirty-five Democrats and four Republicans opposed him.

legislative battles in Montana's history. On Sunday morning, 29 January the headlines read "BRIBERY TRIUMPHANT BY REPUBLICAN PERFIDY: Scorn and Loathing Already the Wage of the Eleven Who Violated Party Faith in Casting Their Votes for W. A. Clark," and "THEY TOOK THE ARCH-BOODLER'S GOLD." In its exuberance, the *Standard* said it was a "DEARLY BOUGHT VICTORY: Clark's Election Said to Have Cost Him a Round Million...."¹⁰⁴

The Republican issue had simmered the entire session. Daily ballots showed that Conrad's total settled at about thirty votes and Clark's at forty. To win, Clark needed either support from Conrad's men or from the Republicans. Daly's forces anticipated this possibility and spared no effort to prevent it. On 27 January just before the fateful announcements on the grand jury and Whiteside-Geiger cases, Republican Hedges made an impassioned speech during the joint session promising that "no Republican vote will be cast for a Democrat, despite the foul rumors to the contrary." The Republicans later held an unscheduled caucus, and though no reported action was taken, Clark wired Hauser that he "hoped for good results tomorrow afternoon."¹⁰⁵

Understandably, the *Miner* was pleased, and declared the "VOICE OF THE PEOPLE HEARD: Triumphant Election of W. A. Clark to the United States Senate," and that it was a "COMPLETE ROUT OF THE DALY FORCES." The *Miner* also remembered Clark's ignominious defeat from six years before, saying, "The Crime of '93 Avenged and the Tools of Envy and Malice Put to Shame."¹⁰⁶

The *Standard* decried the fact that Clark's victory was assured by the support of

¹⁰⁴ *Anaconda Standard*, 27 January 1899.

¹⁰⁵ *Livingston Enterprise*, 4 February 1899; Hauser was in Chicago on his way to New York; Foor, "The Political Aspirations of William Andrews Clark," 77.

¹⁰⁶ *Butte Miner*, 29 January 1899.

eleven Republican legislators who surely cast their vote for bribes ranging from \$20,000 to \$35,000 dollars. The *Standard's* accusations of bribery forced them to consistently raise the amounts, for there was no other way to explain Clark's growing support despite threats, rumor, and innuendo. The *Miner* framed a large picture of Clark with triumphant articles stating, "The heel of the tyrant has been lifted from the neck of the people...The people have grown weary of the rule of Marcus Daly and his political progeny, who have so fattened at his table that they have become vain, over-bearing, presumptuous, arrogant and dictatorial."¹⁰⁷

At a reception held the evening of the 28 January, Clark gave a speech thanking his supporters and reiterating his positions on free silver and the tariff, saying, "I stand as I always have, for the restoration of silver to its former status before its demonetization in 1873, and at the ratio of 16 to 1. With regard to the tariff, I believe that in the arrangement of the tariff schedules the producers of raw material, such as wool, lead, hides, sugar and other products of western states and territories...should be protected...The interests of Montana and the great west must and shall be protected, if it lies within my power to accomplish it."¹⁰⁸

The tariff issue was of great importance to state Republicans, and free silver to all Montanans. This was a legitimate reason for Republican legislators to support Clark, but the *Standard* and later historians ignored or dismissed the possibility. The majority points to Clark's growing support as proof that he bribed members for their votes, but the ballots do not prove the charge. Despite the accusations of Fred Whiteside and others, Clark gained and maintained enough support to be a leading candidate and

¹⁰⁷ *Anaconda Standard*, 29 January 1899; *Butte Miner* 29 January 1899.

¹⁰⁸ *Butte Miner*, 29 January 1899.

eventually win. Other than Conrad, Clark had no viable opponents. Many members reserved judgment waiting for the Whiteside-Geiger case and the grand jury reports, which doomed Daly's strategy. Also, from the outset of the campaign, Helena Republicans preferred Clark to Daly and the despotic Standard Oil.

Despite an incredible series of sensational revelations, charges, threats, theatrics, a grand jury investigation, and one of the nastiest smear campaigns ever generated by the press, William Andrews Clark finally won the U. S. Senate seat he should have occupied more than a decade before. Reluctant to enter the fray, once committed, he fought with the tenacity that made him one of the country's most successful businessmen. Clark and his supporters reveled in the victory, thinking the years of political turmoil were finally over.

Marcus Daly, his long-time political nemesis, was critically ill. He had sold out to Standard Oil, and F. Augustus Heinze was making the monopoly's life difficult. Clark was in fine health and still running a burgeoning business empire. Against the odds, Clark had defeated the Daly-controlled machine that dominated Montana with the help of powerful outsiders like James Ben Haggin, George Hearst, and now H. H. Rogers.

However, a short, innocuous paragraph in the *Standard* forecast an approaching storm, saying, "Of course, the testimony taken in the bribery investigation and much other and still more damning evidence that has been discovered since the investigating committee reported will be brought out at the proper time." Some saw the gathering gloom, but few foresaw the storm's fierceness, or the extent of the damage it would cause. Montana's sixth legislature was merely a prelude for the battle about to begin.¹⁰⁹

¹⁰⁹ *Anaconda Standard*, 29 January 1899.

CHAPTER 7

THE SENATE INVESTIGATION

The election was over, and Clark was victorious. For eighteen days, everyone in Montana and much of the nation watched the spectacle that was the Sixth Montana legislature. A jubilant Clark telegraphed his friend Sam Hauser in New York, thanking him for his support, saying “There will be a hot time in the old town tonight.” Hauser replied “Congratulations to you. Democracy and the people are all indebted to you for destroying dangerous one man power be he great or small. Acknowledged Ability and power of Daly adds all the more to the glory of your victory.”¹

Clark promised to represent all the citizens of Montana in Washington “with every energy of my mind and nature which have characterized my busy life for more than a third of a century, and when I shall have ended my official career I trust that my conduct may have been of such a character that even my enemies will be willing to accord to me a verdict of approval.” Clark wanted a truce.²

Daly supporters were livid. They had made the election a terrible, vindictive contest, smearing the reputation of Clark, his supporters, Helena, and Montana, and lost. The *Miner* charged that the campaign was “waged relentlessly along lines of personal malice...the warfare of a powerful political faction directed by personal enmity, not because of lack of ability or fairness in representing the state, but only because he

¹ Clark and Hauser, 28 January 1899, Hauser Papers, Montana Historical Society Archives, Helena, and *Butte Miner*, January 29, 1899.

² *Butte Miner*, 29 January 1899.

(Clark) was persona non grata to the head and front of his opposing faction.” Despite sensational accusations, manipulation, and bullying the legislature into calling a grand jury suspiciously headed by the Attorney General, Clark was more popular than ever.³

In late fall 1898 Clark had joined forces with Heinze in opposing Standard Oil’s efforts to monopolize the copper market. In his acceptance speech, Clark said “I am not egotistical enough to believe that the enthusiastic support accorded me...was solely due to personal considerations...in this great contest I represented a higher and broader principle than that of mere personality or politics, and that (it) is a question of the rights of property and personal liberty, which are menaced and endangered by the aggressive policy and domination of a gigantic corporation that seeks to control not only the politics and judiciary, but also the business interests of the state....”⁴

For Clark’s opponents, the situation was intolerable. The *Standard* said that the grand jury would not indict, although it praised the jurors’ integrity. Whiteside accused the jurors of perjury and bribery. Nolan said that the \$30,000 could not be ignored or explained, and that the jury must indict for either bribery or conspiracy. He excoriated the jury stating, “Before courts and grand juries were organized in this state our people had the courage of their convictions, and had the courage and determination to...punish the criminal.” Nolan said it was better if the agencies of the courts were discontinued and “that we again resort to the primitive methods which gave to the early settlers of this state an enduring fame.” Incredibly, Montana’s highest legal officer advocated replacing the courts with vigilante justice and lynch mobs!⁵

³ *Helena Independent*, 29 January 1899.

⁴ *Butte Miner*, 29 January 1899.

⁵ *Anaconda Standard*, 28 January 1899; Nolan referred to Wilbur F. Sanders and the “Vigilantes” who lynched at least twenty-four men between 4 January and 3 February 1864.

Nolan's fury stemmed partly from the fact that he made considerable effort to have himself appointed lead prosecutor at the grand jury, believing his skill, experience, and authority would assure an indictment and end Clark's senatorial efforts. Instead, not only did he fail to get an indictment; the grand jury verdict actually helped Clark win. While a serious setback, plans had been made for this possibility.

Daly returned to Montana on 27 January, and although helpless to prevent Clark's election, vowed that he would never go to the Senate. Despite his bravado, Whiteside succumbed to the sting of public attacks and angrily bragged that John B. Wellcome, Clark's attorney and a top campaign aide, would be disbarred, and that Clark would never sit in the U.S. Senate. Daly men had ominously threatened that the Senate would ultimately decide Clark's fate, despite the *Standard's* hyperbole that local problems required local solutions. When the grand jury failed to indict, no further investigations were planned. How would the anti-Clark forces build a case?⁶

The answer was to indict and convict a prominent member of the Clark campaign, which would strengthen the legislature's investigation and favorably impact Washington. If they could not get Clark, the best target was his unofficial campaign manager John B. Wellcome. However, before action was taken, a series of events in the legislature clearly illustrated how Marcus Daly and Standard Oil intended to control the state.

On 1 February 1897 the Butte and Boston Company was sold at auction and reorganized as The Butte and Boston Consolidated Company. The directors sat on the board of the Boston and Montana Mining Company, currently embroiled in apex

⁶ *Anaconda Standard*, 18 January 1899; The article said that there should be a local resolution if there were election problems, and that the issue should be kept out of Washington.

litigation with Heinze's Montana Ore Purchasing Company. Legal battles had forced some of the Boston and Montana's mines to close, and the investors favored either more consolidation or totally divesting their holdings. Rogers planned to acquire the Boston and Montana and the Anaconda to form a foreign corporation and avoid legal battles with Heinze, but the deal was contingent on getting the consolidations.⁷

Many of the Butte mining companies were organized under the laws of New York where powerful financiers provided investment capital. Under these laws, minority stockholders opposed to a merger could thwart consolidation by a simple vote. To eliminate this problem, House Bill Number 132 was introduced in the Sixth Montana legislature, requiring minority stockholders in a domestic corporation to accept new shares in a foreign corporation if the majority desired.⁸

Strange alliances formed. Although concerned over Standard Oil's power, Clark accepted that an election investigation in Washington was a real possibility. Needing powerful allies, Clark chose a strategy of political expediency. John Neill had become antagonistic toward the Northern Pacific Railroad over its appointment of a railroad commission, and he opposed House Bill 132 because it was against the state Constitution, a decision of the State Supreme Court, and Montana's welfare. On 31 January, three days after his election, Clark told Neill that, "I expect the friendship of the Northern Pacific...and if the friendship is carried up to Washington...I think it unwise for any of my friends to take any position against the interest of that company at this time."⁹

⁷ *Engineering and Mining Journal* (February 1899) 63: 146; The *Journal* reported charges that the Butte and Boston losses were caused by phony operations designed to eliminate small investors. The Boston and Montana Mining Company entered receivership 15 December 1898.

⁸ Forrest L. Foor, "The Political Aspirations of William Andrews Clark" (PhD. diss., University of California, 1941), 111; H. B. 132 effectively neutralized the minority shareholders.

⁹ Clark to Neill, 31 January 1899, Neill Papers, Montana Historical Society Archives, Helena.

On 21 February 1899 two days before House Bill 132 was passed, Clark wrote Neill that “It is a matter of great concern to me. The First National Bank of New York, Northern Pacific...Senator Carter, and the Standard Oil people are all working hard to get this bill through...and I am sure it will be very much in my interest if we can succeed....” Clark ended saying, “The influence these people exert at Washington, should a contest be made there, is a matter of very great importance...I certainly expect that you...(would) not do anything against the bill after we worked so hard for victory.”¹⁰

Daly supporter Governor Robert B. Smith vigorously opposed the bill, and when it passed, he vetoed it because it had passed under the “whip and spur.” He reminded legislators that Colorado had rejected a similar measure, saying, “I had hoped the people of Montana might be spared...the power of the Standard Oil magnates...(the bill) should be entitled ‘An Act to Reverse the Supreme Court,’ and to encourage and facilitate the formation of trusts and combines and to legalize the confiscation of private property...in the State of Montana.” Nonetheless, on 28 February Daly’s chief counsel, E. D. Matts re-introduced the measure and the veto was overrode fifty-two to eighteen, solidly supported by the Daly faction and most of Clark’s.¹¹

Clark supported House Bill 132 for politically selfish reasons, primarily concern over losing powerful corporate allies in the event his election was investigated in Washington. He knew the bill helped large corporations disregard the small investor, but Clark had little to gain economically from House Bill 132. He did not issue stock in

¹⁰ Clark to Neill, 21 February 1899, Neill Papers, Montana Historical Society Archives, Helena; Despite Clark’s pleas, Neill refused to support the bill, and it later became a contentious point between them.

¹¹ Telegram from Governor Alva Adams to Governor Smith, *House Journals of the Sixth and Seventh Sessions of the Legislative Assembly of the State of Montana* (Helena: Independent Publishing Co., 1899-1901), 380-384.

his companies and did not sit on a Board of Directors. However, he knew that the Bill was essential for Daly and Standard Oil to complete their conquest of the copper market and Montana, and chose not to fight it.¹²

Marcus Daly's position on House Bill 132 is seldom mentioned because it illustrates his political dishonesty. During the Senate investigation, Daly was asked if he made any contribution to influence any question or matter before the legislature in January 1899, either for the election of Senator or otherwise. Daly replied "No, sir; there was one bill which passed in the legislature, and which I talked with some members of the committee about and advocated as a good law...but I was not asked and had not contributed one dollar to it." When asked which bill, Daly said, "...I think, bill 132...for the consolidation of mines. I do not remember just exactly what it was. I never read the bill." However, he knew that it related to mining laws.¹³

On 3 March Daly was in Butte, and held a banquet for his prominent supporters, many who were members of the State Democratic Central Committee. Notable attendees were Senators Henry L. Meyers and Fred Whiteside, principles in the bribery

¹² Although Clark helped his opposition, he knew that he could not stop the juggernaut. Nonetheless, he allowed himself to be used by the very forces he opposed. Whether or not he felt that the greater good would be served by retaining his Senate seat, it marred his claim of political purity. However, compared to Daly's methods, his actions were benign. Not surprisingly, there were no charges of bribery when Daly forces overrode Governor Smith's veto by a large majority, despite considerable opposition by the press and citizens; House Bill 132 would pass, and political reality demanded a practical position. Clark had everything to gain by supporting the measure, and possibly everything to lose by opposing it. Christopher P. Connolly, "The Story of Montana" in *McClure's Magazine*, vols. XXVII-XXVIII (December 1906) 29: 9. Connolly said that Rogers and Daly led Clark to believe that opposition to his election would be dropped if he supported the bill.

¹³ Daly, *Report of the Committee on Privileges and Elections of the United States Senate Relative to the Right and Title of William A. Clark to a Seat as Senator from the State of Montana, 56th cong., 1st sess., S. Report, 1052, 3 vols., 3: 2209*; Daly swore that he never made contributions to influence the legislature, although his personal and political friends introduced the bill and overrode a gubernatorial veto that assured its passage. He knew the number and purpose of a bill never read, but vaguely and incorrectly recalled its purpose, although its passage assured the completion of Standard Oil's plan to acquire the Anaconda Copper Mining Company and build a trust.

scandal, Henry C. Stiff (Speaker of the House for the Sixth Legislature), Congressman Campbell of Livingston, ex-congressman Charles S. Hartman of Bozeman, Miles Finlen of Butte, Representative John R. Toole and attorney E. D. Matts of Anaconda, and Christopher P. Connolly, attorney for Silver Bow County and future author of the *McClure's Magazine* articles.¹⁴

Daly gave a speech referencing Clark's address at his post-election reception, where he had mentioned high-handed methods, falsehoods, treachery, deceit and a diabolical conspiracy used by his enemies to defeat him. Daly ended the speculation as to whether or not he would press the issue of Clark's election, saying "...Now Mr. Clark has come back here to Butte, and he has accused Mr. Campbell and myself of entering into a villainous conspiracy...the crime of bribery, gentlemen was bad enough, but to try to fix that on some innocent people was still worse, and I think we should satisfy Mr. Clark with an investigation, and I am willing to contribute my share of the expenses."¹⁵

A formal meeting was held on 20 March in the Butte office of A. J. Campbell. As the chairman of Daly's committee to investigate the bribery charges, Campbell said the group discussed the advisability of making a contest against Clark and decided to proceed, "owing to the charges which Mr. Clark had made against us." A committee was selected "to see what we could do toward gathering evidence against Mr. Clark and find out the facts connected with it, who were bribed, how much they received...before proceeding to the investigation."¹⁶

When asked for specifics during his testimony, Campbell hedged and said, "I do

¹⁴ *Report of the Committee on Privileges and Elections*, 3: 2210, 2217, 2219, 2384.

¹⁵ Daly, *Report of the Committee on Privileges and Elections*, 3: 2220; Most authors omit Daly's comments about paying expenses.

¹⁶ Campbell, *Report of the Committee on Privileges and Elections*, 3: 2384.

not remember just who they were, but we all kind of constituted ourselves a committee to see what we could find out in regard to Mr. Clark's alleged bribery of members of the legislature." When asked if Daly put any limit on the amount available to him, he replied, "There was nothing said about the amount at all, except, perhaps, Mr. Daly made this remark, that there were millions for defense and not a cent for tribute."¹⁷

Daly said his contribution, which he estimated between \$20,000 and \$25,000 for "expenses of witnesses...counsel fees and all legitimate expenses...to get witnesses and prepare the case," was paid directly to Campbell's office. He claimed there was no formal organization, but that "Mr. Campbell was entrusted with the investigation, and everything he called for we sanctioned it." When asked about expenditures for attorneys and witnesses, Daly resorted to his usual tactic, saying, "I do not know. I have been sick most of the time. Very shortly after that I was taken sick, and had not been paying any attention to it until the last few days." Daly was given great latitude during questioning and was seldom pressed for information.¹⁸

As Campbell's group schemed, Clark went to Europe for a much needed rest. He watched as the papers reported a wave of consolidations with little or no government interference. On 25 April Clark wrote Neill from Paris saying that New York had confirmed Haggin and Daly's sale of the Anaconda to Standard Oil. Perhaps fatigue and stress from the past caused Clark to write, "there is one thing sure, that matters cannot be any worse than they have been, and I am very pleased to see someone succeeding to the interests of those people." Did Clark hope to work with

¹⁷ Campbell, *Report of the Committee on Privileges and Elections*, 3: 2384; Foor, "The Political Aspirations of William Andrews Clark," 115; Reportedly, toastmaster C. P. Connolly said he was proud that, "all members of the legislature present were returning to their homes poor."

¹⁸ Daly, *Report of the Committee on Privileges and Elections*, 3: 2210-2211.

Henry Rogers and Standard Oil to end the political warfare between himself and Daly, and perhaps spare Montana? If so, those hopes were dashed when the new Amalgamated Copper Company installed Marcus Daly as president.¹⁹

Neither side lost time preparing for the hearings. Discredited and disgraced, Whiteside traveled at Daly's expense to Chicago, New York, Washington, D.C. and other prominent cities for support. In Washington, he joined several Montanans, including A. J. Campbell and *Anaconda Standard* editor John H. Durston for strategy sessions and to make Congressional contacts. Wellcome lobbied for Clark back East, and Sam Hauser maintained an office in New York to confer with Clark supporters.²⁰

Hauser made an important contact in Maryland Senator Arthur P. Gorman, who supported Senator Henry B. Payne of Ohio in a similar contest. Gorman, learning Clark was a Pennsylvania native, offered to go to Washington in Clark's behalf. He told Hauser, based on his earlier experience, that to convict Clark, the prosecution must connect him directly with the bribery, prove he had used money personally, and specifically instructed someone to bribe members in his behalf. Precedent said there were few limits on the amount expended by friends if these conditions were not violated. Clark was heartened by this news, and told Hauser he planned to meet with Gorman.²¹

¹⁹ Clark to Neill, 25 April 1899, Neil Papers, Montana Historical Society Archives, Helena; On 2 March the *Pittsburgh Post* reported that \$46,000,000 was raised to consolidate all U.S. refineries and smelters, and on 5 March the American Woolen Company subscribed \$50,000,000 to consolidate the woolen industry; Foor, "The Political Aspirations of William Andrews Clark," 118; Daly probably intended retire and settle in New York where he owned a home. However, when a stock market report claimed that "Daly and Haggin had unloaded a lemon on the Amalgamated and sent the price of its shares tumbling," Daly was persuaded to assume the presidency to convey confidence in his Butte mines.

²⁰ Whiteside testimony before the Montana Supreme Court reported in *Report of the Committee on Privileges and Elections*, 1: 103; Hauser to Clark, 17 April 1899, Hauser Papers, Montana Historical Society Archives, Helena; Hauser admonished Clark saying that he should make his own contacts in Montana and Washington, since charges against Wellcome would greatly weaken him.

²¹ Hauser to Clark, dated only April 1899; Clark to Hauser, 2 May 1899, Hauser Papers, Montana Historical Society Archives, Helena.

A prominent unnamed Democrat understood the national implications of the pending contest. Hauser wrote Clark that the Senator, one of the “most influential and purest ...in the Senate...” asked Hauser to try and mend the rift between Clark and Daly for the good of the Democratic Party and the presidential contest. He also said, “Without wishing (he said) to frighten your friend or you (meaning you) I must tell you that if they can make good half Daly’s friends claim, it will be a serious matter, and if nothing worse will make a great scandal and hurt all of us (meaning the party).”²²

There is no indication that Clark, Daly or anyone made an effort to end the battle. By now, too much had happened, and pride, ego and a fanatical desperation to win at any cost drove both sides. Daly’s men, well-known for disregarding the interests of the Democratic Party when it conflicted with their own, had raised such an outcry and made so many outrageous claims that they now had little choice but to pursue the matter, regardless of the consequences.

The Daly committee’s first task was to counter the weak points in their case, such as the failure of the Helena grand jury to indict Clark. Clark went to the Senate to be sworn on 4 March, the first day of the Congressional session. Senator Tom Carter presented two memorials prepared by Daly partisans in the Montana legislature, requesting Clark not be seated because he “corruptly and fraudulently did bribe, and did endeavor to bribe divers and sundry members of said legislative assemble to vote for him for said office....”²³

The plaintiffs rationalized their request for Senate intervention stating they had

²² Hauser to Clark, 19 April 1899, Hauser Papers, Montana Historical Society Archives, Helena; Comments in parentheses are Hauser’s.

²³ *Report of the Committee on Privileges and Elections*, 1: doc. 2: *Memorial of Certain Members of the Montana Legislature*, 1.

“vainly sought for some other method whereby we might emancipate our Commonwealth from the toils of bribery into which it has fallen...conscious of the insidious character of the crime of bribery...and realizing the danger which threatens our institutions through these debauchers of the public morals.” They self-righteously stated that they undertook the task “for the sole and high purpose of exposing such crimes,” so that Montana “might be emancipated...and that arrogant wealth should not usurp the rewards which belong of right to honest ambition and virtue.”²⁴

A second memorial signed by certain “citizens of Montana,” contained virtually the same language, but it also included Attorney General Nolan’s personal narrative of the grand jury testimony. This should have immediately raised grave suspicions about the case, but no action was taken and the matter was deferred until the second Congressional session convened on 4 December 1899.²⁵

Clark’s enemies had nine months, powerful backing, and unlimited finances. A conviction, preferably of a high-ranking member of Clark’s staff, would strengthen the prosecution’s case, introduce new evidence, generate new momentum, and set a precedent for a Senate investigation in Washington. Daly’s supporters needed someone visible, accessible, and vulnerable. The ideal choice was John B. Wellcome, and with Attorney General Nolan’s help, Campbell wasted little time.

The following events were extraordinary, but in Montana’s political climate and the fanaticism of both sides, they were merely the next steps in an increasingly shameful drama. Under Campbell’s direction, agents were hired to procure testimony

²⁴ *Report of the Committee on Privileges and Elections*, 1: doc. 3; *Memorial of Certain Members of the Montana Legislature*, 4.

²⁵ *Report of the Committee on Privileges and Elections*, 1: doc. 3; *Memorial of Certain Members of the Montana Legislature*, 4.

and affidavits condemning Clark. Despite his and Daly's later denials, Campbell again used Pinkerton detectives and private investigators from as far away as St. Paul, New York, Chicago and Washington. Incredibly, the Montana State Treasurer paid the expenses of witness summoned by the prosecution, and the salaries of state employees working on the case. Nolan later testified that no money was budgeted or available for that purpose, but that the Seventh legislature would probably appropriate the funds.²⁶

On 5 May 1899 three months after Clark's election, Fred Whiteside formally accused Clark's attorney and campaign manager John B. Wellcome of multiple counts of bribery during the legislative session and demanded his disbarment. Not surprisingly, as soon as the petition before the Montana Supreme Court was received, Attorney General Nolan was appointed a friend of the court to help prosecute the case.²⁷

Whiteside said that to secure the votes of members of the legislature to elect Clark, John B. Wellcome "assumed to and did...act for, and in behalf of, W. A. Clark, and did while so acting, solicit the members to vote...for W. A. Clark for money considerations." He further charged Wellcome, Charles. W. Clark, A. J. Steel, W. M. Bickford, John S. M. Neill, A. J. Davidson and "sundry other persons" unknown to him with conspiracy to bribe legislators, and the amounts allegedly offered to the members. The Supreme Court initially refused the petition on the grounds that the charges consisted of gross criminal activity and should be tried by a jury in a lower criminal court.²⁸

²⁶ *Report of the Committee on Privileges and Elections*, 1: 605; Foor, "The Political Aspirations of William Andrews Clark," 121; Henry G. Rickerts, the clerk of the Supreme Court charged with securing the official court documents in the Wellcome case, was paid by Campbell to travel the state and collect evidence against Wellcome and Clark while the court was in session.

²⁷ *Report of the Committee on Privileges and Elections*, 1: 37-41.

²⁸ *Report of the Committee on Privileges and Elections*, 1: 38.

Undeterred, Nolan tried another questionable legal maneuver by filing an affidavit claiming that Wellcome was examined by the grand jury, and under Montana law, could not be prosecuted in a criminal court. When no indictment was returned in the first investigation, Nolan had demanded Judge McIntyre call another grand jury, but the judge refused. Therefore, the only way to prosecute Wellcome was through the appellate laws of the Montana State Supreme Court.²⁹

Nolan's affidavit to the court contained a transcript of the grand jury testimony, but it was not the verbatim testimony made by a court reporter. It was a narrative written by Nolan six weeks after the proceedings. Nolan defended his highly unorthodox and illegal actions during the Senate investigation, stating that his notes contained questions and answers, but most were "the testimony in narrative form...In the case of the other witnesses where the examination was conducted by myself I did delay the proceedings somewhat, where I deemed the testimony material, and made a stenographic report verbatim. In the case of Mr. Wellcome, I made a verbatim report of his testimony, of the examination as conducted by Mr. McConnell." Nolan said that he used the defendant's words only if the answer was of significant length.³⁰

Another problem for Nolan was Section 1789 of the Montana Penal code which said that "every member of the grand jury must keep secret whatever he himself or any other grand juror may have said, or in what manner he or any other grand juror may have voted, but may, however, be required by any court to disclose the testimony of a

²⁹ *Report of the Committee on Privileges and Elections*, 3: 2090-2091.

³⁰ Nolan, *Report of the Committee on Privileges and Elections*, 3: 2091; Questions and answers were reported as statements. Asked "Did you give other people money?" and the response was "I did," Nolan wrote, "I gave other people money." Problems with this technique were obvious, and illustrated why it was not allowed in courts. This unorthodox practice was a source of suspicion and embarrassment to the prosecution.

witness...for the purpose of ascertaining whether it is consistent with that given before the court...upon a charge of perjury...or upon a trial therefore.” When asked if the statutes allowed an officer of the court to disclose the secrets of the grand jury, Nolan evaded the question.³¹

Pressed for an answer, Nolan said that he prepared a brief on the matter and found “ample authority to sustain the position that I took.” He admitted that Wellcome’s counsel moved to strike the narrative since it was “secret, and it was against public policy that it should be presented to the supreme court in that way.” Nolan concluded that the petition was “argued elaborately,” but he could not “recall the decisions of the courts that sustained my position.”³²

In conjunction with Nolan’s brief, Whiteside filed another affidavit charging the city of Helena and Lewis and Clark County with overwhelmingly favoring William A. Clark for his efforts in making Helena the capital. The Supreme Court actually took this ludicrous charge under advisement, and three months later, on 1 August 1899 assumed jurisdiction over the disbarment case. On 3 September Wellcome filed a demurrer that was summarily overruled, and the trial was set for 6 November, when another unorthodox and unprecedented episode of the bribery scandal began.³³

³¹ *Report of the Committee on Privileges and Elections*, 3: 2092-2093.

³² Nolan, *Report of the Committee on Privileges and Elections*, 3: 2093; Nolan never found firm footing on the slippery slope of the committee’s questions. He said in his judgment, the state’s counsel had the right to publish grand jury proceedings if public policy demanded it, effectively putting his personal beliefs and opinions above statutes. However, despite the Chairman’s intervention to quash the matter, the committee remained strongly divided over the issue of Nolan’s improper recording of testimony of a grand jury, and his use of legally secret testimony in a subsequent hearing before the Montana Supreme court. Both he and Whiteside escaped prosecution despite committing crimes and confessions of guilt.

³³ *Report of the Committee on Privileges and Elections*, 3: 8; A *demurrer* is an objection and plea to dismiss a lawsuit on the grounds that although the opposition’s statements may be true, they are insufficient to sustain the claim. While Helena had strong feelings for Clark, it certainly could not be proved they influenced the election. The demurrer argued that an officer of the court had never been tried in a disbarment proceeding without first being convicted of a criminal offense. Wellcome was an attorney and was never tried or convicted before his Supreme Court trial.

The trial began Monday morning, 6 November 1899 with Justices William T. Piggott, William H. Hunt, and Chief Justice Theodore Brantley. During the next thirteen days, Attorney General Nolan mercilessly questioned and cross-examined the many witness brought to Helena under Campbell's unchecked power. Although Whiteside was the petitioner and plaintiff, Nolan's involvement and actions made it a case of the people of Montana versus Wellcome. Nolan brought the full weight of the State against Wellcome, determined to vindicate himself for the loss from the first grand jury.³⁴

The trial was essentially a repeat of the grand jury investigation, with the prosecution relying on the testimony of Whiteside, H. L. Meyers and State Senator Clark of Madison County, the original accusers during the legislative session and attendees at the Daly banquet where plans to unseat Clark were formulated. The defense had little option but to deny the charges and establish that the accusers were of dubious character under the influence of Marcus Daly. Interestingly, Wellcome and Clark of Madison had considerable support from prominent citizens while Fred Whiteside had almost none.³⁵

The defense charged that Daly and his supporters had organized a conspiracy to keep Clark out of the U.S. Senate. To bolster their case, they forced Nolan to testify, but it made little difference. Wellcome knew that his situation was nearly hopeless and did not take the stand. When asked why he failed to defend himself, he said, "I considered it absolutely useless to take the stand to testify in that case, because I believed that the supreme court had made up their mind as to how they were to decide it, and that no testimony would have made any difference...I would leave it to the people

³⁴ *Report of the Committee on Privileges and Elections*, 3: Wellcome trial, 42, 189.

³⁵ *Report of the Committee on Privileges and Elections*, 3: Wellcome trial, 42, 189.

of Montana.” As an attorney, Wellcome knew that by accepting Nolan’s dubious arguments, the court had exhibited bias because they thought he was guilty. He said that “a great many of my friends and friends of the court talked to me on the matter,” but that ultimately it served no purpose to testify.³⁶

Wellcome was an able, respected, and likeable attorney, and was on friendly terms with the judges. He was obviously surprised and disappointed professionally and personally at the court’s decision. There was speculation he remained silent to avoid assisting the prosecution’s case against Clark, but that was never proven. Wellcome was convinced that Daly and other powerful interests had already influenced the justices and apparently resigned himself to the inevitable fate of a sacrificial pawn in the Clark-Daly feud, the power of Standard Oil, and the bitter corporate climate controlling Montana politics.

The trial ended 18 November, and although many were disappointed, no one was surprised when Wellcome was disbarred. Daly’s committee had won an important victory, invigorated the movement and publicly justified their actions. However, the victory was tainted, for many citizens found Campbell’s and Nolan’s tactics as objectionable as the charges against Clark and his supporters. In his decision, Judge Brantley rebuked everyone involved, and strongly admonished the attorneys. Despite

³⁶ Wellcome, *Report of the Committee on Privileges and Elections*, 3: 1987-1990; *Helena Herald*, 2 August 1899; To circumvent the legal issues, the court said that Wellcome’s trial was not criminal in a strict sense, but an effort to ascertain if he had the moral character necessary to practice law; Nolan and Campbell had little legal evidence against Clark. On 28 April 1899 Campbell and Nolan helped Whiteside file a \$100,000 libel suit against the Miner Publishing Company and W. A. Clark for “false, defamatory, malicious and unprivileged” remarks printed in the *Butte Miner* on 11 January 1899. Whiteside’s attorneys were W. F. Sanders, Charles Hartman and C. P. Connolly, who would use the libel case to question Clark about his expenditures. Clark retained Wellcome and Corbett while he was in Europe and New York until September. Campbell and Connolly deposed him between 27 and 29 September, but Clark provided little usable information. Whiteside lost the case.

his disbarment, Wellcome remained loyal to Clark, displaying more character than most of his accusers. He would also become a valuable ally in the subsequent proceedings against Clark in Washington.³⁷

Although Nolan had succeeded in disbaring Wellcome, it was mid-November and there was little time to spare. Congress was scheduled to meet in just two weeks, on 4 December 1899. After a flurry of activity, Senator Carter presented the revised memorials, containing the Wellcome disbarment proceedings and other information acquired during the past nine months. After Carter's presentation, the Senate had little choice but to refer the matter to the Committee on Privileges and Elections. The committee examined Carter's information, and unanimously agreed to investigate the case beginning 5 January 1900.³⁸

The Senate Committee on Privileges and Elections that would determine Clark's fate consisted of nine Senators of varying ages, backgrounds and experience. They had also been busy, investigating several cases in the previous session, including that of Republican Matthew S. Quay of Pennsylvania. Four—Chairman William E. Chandler of New Hampshire, Julius C. Burrows of Michigan, George F. Hoar of Massachusetts, and Louis E. McComas of Maryland—were Republicans, and four—Donelson Caffery of Louisiana, Edmund W. Pettus of Alabama, Jeter C. Pritchard of North Carolina, and

³⁷ Wellcome, *Report of the Committee on Privileges and Elections*, 3:1954-74; Bribery charges marred the Wellcome trial. Clark's men were accused of attempting to bribe the Supreme Court justices, and even Nolan himself; Foor, "The Political Aspirations of William Andrews Clark," 127; Judge Hunt testified he refused a bribe from his physician, Dr. Treacy, but they remained on good terms, and he did not report the bribery attempt. After the trial, Judge Hunt was appointed the Ambassador to Puerto Rico. He ostensibly went south for his poor health, although he was alive and well forty-one years later.

³⁸ *Cong. Record*, 56th cong., 2nd sess., 4 December 1899, 2; Daly's committee had worked almost a year, spent huge sums of money and used legal tricks to have Clark face a Senate hearing. If convicted, he would be barred from the Senate, disgraced internationally and likely desert politics and Montana for good, giving Standard Oil and the Amalgamated Copper Mining Company free reign.

Thomas B. Turley of Tennessee—were Democrats. William A. Harris of Kansas was the lone Populist.³⁹

With the exception of Chandler, Burrows and Hoar, most members were veterans and lawyers, having served in state offices or a few terms in Congress. Four were elected due to the death of a sitting representative. Most choose to re-enter private life or public service in another capacity after their term. They had little to gain or lose in the hearing, making them less inclined to oppose Chandler, a career politician who had much at stake.

The prosecution team was headed by former Senator George F. Edmunds, who was joined by former Congressman Charles S. Hartman, A. J. Campbell, and Arthur A. Birney from Washington, D.C. In one of the many irregularities during the investigation, Attorney General Nolan, who was not a member of the prosecution, was allowed to sit with them and constantly advise them in an “unofficial” capacity. Clark’s defense

³⁹ *Report of the Committee on Privileges and Elections, 3; Biographical Directory of the United States Congress 1774-Present*, at <http://bioguide.congress.gov/biosearch/biosearch.asp>; No one examined the members’ diverse ages, experience, politics and longevity which played an important role in the hearing. Chandler, sixty-four, was a former solicitor and judge advocate general of the Navy Department, First Assistant Secretary of the Treasury, and Secretary of the Navy. Elected to fill a Senate vacancy in 1889, Chandler served until 3 March 1901 when he was defeated. Chandler was a shrewd, tough politician, staunch Republican, and disliked Clark; Julius Caesar Burrows, sixty-three, was a professional politician. He served several terms from 1873, chaired the Committee on Expenditures in the Department of the Navy, and was reelected in 1899; William A. Harris, fifty-nine, was the adjutant general and ordnance officer in the Army of Northern Virginia. He was elected as a Populist from Kansas in 1897; George F. Hoar, seventy-three, was first elected to Congress in 1869. He was a member of the Electoral Commission to decide state contests in the presidential election of 1876, elected to the Senate in 1877 and served until 1901. Hoar was the Chairman of the Committee on Privileges and Elections during six previous terms, and was acting Chairman in Chandler’s absence; Louis E. McComas, fifty-three, was secretary of the Republican National Committee in 1892 and was appointed an associate justice of the Supreme Court of the District of Columbia by President Benjamin Harrison. He was a law professor until reelected in 1899; Donelson Caffrey, sixty-four, was a Confederate officer and was in the Senate from 1894 to 1901; Edmund W. Pettus, seventy-eight, was the oldest member of the committee. At age forty, he joined the Confederate Army, becoming a brigadier general. He was elected in 1897; Jeter C. Pritchard, forty-two, was the youngest member. He was elected in 1897 and later served as justice of the supreme court of the District of Columbia; Thomas B. Turley, forty-four, was a private in the Confederate Army, was appointed to fill a Senate vacancy in 1896, and elected to serve from 1897 to 1901.

team consisted of former Senator Charles J. Faulkner of West Virginia and Roger Foster, a prominent attorney from New York City.⁴⁰

Most authors who studied Montana politics devoted large portions of their texts to the Senate Investigation, quoting long and ponderous exchanges between witnesses, attorneys and committee members attempting to show that Clark was guilty of bribery. Much is made of inconsistencies in the testimony of defense witnesses, while glaring contradictions, lies, and illegal actions of the prosecution witnesses are excused, minimized, or ignored. This is understandable since the authors were almost unanimously convinced of Clark's guilt, and conducted their research with that bias. The early historians were from Montana and interested in maintaining Connolly's story.

Clark certainly shared responsibility for the turmoil and scurrilous nature of Montana politics, but he was by no means alone. An objective analysis of the primary prosecution and defense arguments, the findings based on those arguments, and the conduct of the Senate Investigative Committee provides an alternative to Connolly's defamatory version perpetuated by authors with a vested interest in maintaining it, or willing to accept it without question. It also reveals that many men in Montana were responsible for its embarrassing and shameful political past.

⁴⁰ *Biographical Directory of the United States Congress 1774-Present*, at <http://bioguide.congress.gov/biosearch/biosearch.asp>; Faulkner, fifty-two, was a West Virginia Democrat that fought as a Virginia Military Institute cadet in the Battle of New Market, and graduated from the law department of the University of Virginia at Charlottesville in 1868. He was elected judge of the thirteenth judicial circuit in 1880, elected to the Senate in 1887 and 1893, and served until 1899. In 1898, he was appointed a member of the International Joint High Commission of the United States and Great Britain; Edmunds, seventy-one, was a Republican from Vermont, first elected in 1866 to fill a Senate vacancy. He was reelected to four consecutive terms until his resignation in 1891. Like Hoar, he was appointed a member of the Electoral Commission to decide the contests in various States in the presidential election of 1876; Charles S. Hartman, thirty-eight, was a Representative from Montana. He served under Clark as a member of the State constitutional convention in 1889, served two terms as a Republican and was reelected as a Silver Republican from 1893 to 1899. Hartman was a delegate to the Republican National Convention in 1896. Declining re-nomination in 1898, he resumed the practice of law, joined the Democratic Party in 1900, and was a delegate at the 1900 Democratic National Convention.

In the prosecution's opening statements, Edmunds admitted that while they "knew" Clark provided the resources to secure the votes of members, they could not tie him directly to the charges. Therefore, the prosecution would prove that the charges in the Memorials and other documents occurred under the general supervision, but not the "personal supervision and actual contact of Senator Clark, but...of his recognized and active agents." Edmunds also stated that the "...very large sums of money were really furnished by Mr. Clark, either directly or through some of his firms or through his son in some way or another," and while "we cannot say we know...we believe that if we can get at the books the money can be traced to Mr. Clark."⁴¹

Edmunds also asked the committee "to trust us to the extent of being liberal in respect to witnesses," because "We believe they know the facts, but whether...they will or will not state what we believe to be true and what we have very good reason to believe they know, we cannot promise...." Incredibly, Edmunds asked the committee to excuse his witnesses because they could be unreliable. He also offered to reimburse the Senate for any expenses incurred if the committee determined the witnesses should not have been summoned.⁴²

The defense immediately questioned the credibility and admissibility of Nolan's grand jury transcript. A heated exchange failed to resolve the issue, but Foster made several important points. He charged that the normal rules of law were reversed because the memorials and other documents were "submitted before you for the purpose of your determination as to whether you should have an investigation or

⁴¹ *Report of the Committee on Privileges and Elections*, 3: 4.

⁴² *Report of the Committee on Privileges and Elections*, 3: 4-5; Edmunds proved that the prosecution was "shooting in the dark," had no solid case, and asked the Committee's indulgence for their limitations.

not...and then after it has all been read we must determine whether or not we shall meet it, and finally at the end of the case you are to determine its relevancy....”⁴³

Foster said that, “when a man is contesting not only his right to a seat in the Senate, but is defending his personal character and reputation,” that situation put him in an unfortunate position. He accused Nolan of submitting his grand jury narrative as binding evidence although “He does not swear that it is full and accurate.” The narrative was merely a charge, and was not evidence until every allegation in it was proved and relevant. Foster said that if the committee permitted Nolan to enter his narrative, “the burden of proof is shifted,” and “We are called upon to prove our innocence instead of having the other side prove our guilt.”⁴⁴

Faulkner, Clark’s lead counsel, summarized the key issues. Briefly summarizing Montana’s political history during the past decade, he charged that the investigation was merely a culmination of Daly’s efforts to prevent Clark’s political success. He noted that none of Clark’s opponents in the Senatorial election of 1899 were involved in the “petition demanding redress of any grievance which has resulted by reason of his election,” that Governor Smith signed his certificate of election “fully aware of all the facts brought out in the two investigations,” and that Smith was “satisfied that there was no sufficient reason to withhold his credentials.”⁴⁵

⁴³ *Report of the Committee on Privileges and Elections*, 3: 10-11; Foster was clarifying whether or not the case would be conducted as a hearing under the rules of law. The prosecution, rather than offering solid evidence to make a case, asked the Committee to review everything they could find, evaluate it and make the case for them. Under these circumstances, Clark had little hope of a fair hearing.

⁴⁴ *Report of the Committee on Privileges and Elections*, 3: 10-11; Clayton Farrington, “The Political Life of William Andrews Clark” (M. A. thesis, Montana State University, 1942), 239; Farrington, who was anti-Clark, said “it was a tough job that faced the two defense lawyers to prove...that Clark was not guilty.”

⁴⁵ *Report of the Committee on Privileges and Elections*, 3: 12-13; Governor Smith was a former Populist and long-time Daly supporter; No one was ever formally charged with a crime; Wellcome was disbarred, but he was never charged with or convicted of a crime.

Faulkner also pointed out that while the Senate petition charged sixteen citizens of Montana and thirty-eight senators and representatives of that State with felony bribery, and that a year had elapsed since the commission of the alleged offenses, not a single investigation or indictment had been made. He added that the evidence submitted by Clark's prosecutors was brought before the legislature, but nothing was done to purify the membership in the house or senate.⁴⁶

Faulkner highlighted the contradictions and discrepancies in the prosecution's charges. The Memorialists claimed that charges were not filed against the accused members because the courts and juries near Helena could not be trusted to render the "right" verdict. He stated that no Republican or anti-Daly Democrat supported the petition because, "this prosecution was conceived in the womb of personal malice, rocked in the cradle of personal hate, and nourished with the milk drawn from the breast of corruption and perjury...." Faulkner reminded the committee that these charges had been investigated three times by the legislature, grand jury and supreme court with a majority under Daly's control, yet there were no indictments or convictions.⁴⁷

Faulkner's opening statement concluded with eleven key points for Clark's defense. In the 1893 election, Clark was charged with bribery, but without someone like Whiteside, the plan failed. Daly boasted that, "If Clark shows his head in that legislature, or is nominated, something would be heard to drop which would drive Clark and his friends out of the state and into the penitentiary." Daly's *Anaconda Standard* repeatedly set the stage for the subsequent allegations by stating that only bribery

⁴⁶ *Report of the Committee on Privileges and Elections*, 3: 12-13.

⁴⁷ *Report of the Committee on Privileges and Elections*, 3: 13-14.

would elect Clark, and in 1898 Daly's men formed an organization prior to the legislative session to stop Clark with bribery charges.⁴⁸

Whiteside's exposure was timed to disrupt and disorganize the session, Clark supporters, and undecided members. When the attempt failed, the conspirators worked to build a case against Clark, including suborning witnesses. By his own admission, Fred Whiteside was a criminal involved in bribery, an unreliable witness, and his associates were also dishonest and unbelievable. The memorialists originally charged that five members of the legislature were approached with bribes, but they eventually implicated thirty-eight members. Finally, it was unnecessary for Clark to bribe members of the legislature with his Republican support based on logical and political reasons.⁴⁹

The hearing lasted almost three months. Testimony concluded late in the afternoon of 2 March, and counsel had one month to prepare their summations and closing arguments. One reason for the lengthy delay, other than the attorneys having to digest almost 3,000 pages of testimony, was Chandler's health. He was quite ill during the latter sessions, but recovered sufficiently to hear the arguments beginning 3 April. Only Senators Hoar, Pettus, and Turley were present for determining the conditions of the presentations. Each side was allotted six hours, plus two speeches.⁵⁰

Nearly every attendee was an attorney and familiar with the law, and the summations were essentially tiresome, dreary condensations of the testimony. However, the crux of the legal arguments that centered on the issues of the investigation, such as the procurement of evidence and witnesses, the believability of

⁴⁸ *Report of the Committee on Privileges and Elections*, 3: 17-19.

⁴⁹ *Report of the Committee on Privileges and Elections*, 3: 17-19.

⁵⁰ *Report of the Committee on Privileges and Elections*, 3: 2518; Leon Burr Richardson, *William E. Chandler: Republican* (New York: Dodd, Mead & Company, 1940), 592.

the witnesses under the rules of evidence and the admissibility of evidence if illegally obtained, were fascinating. As Foster noted, a major issue was how the committee viewed and conducted the proceedings. Was it a formal hearing under the rules of law, or a pseudo-formal investigation bordering on a “witch hunt?” The answer was crucial, since it determined the basis upon which the committee members were charged to vote.

Birney opened for the prosecution and spoke four hours, occasionally interrupted by opposing counsel and the committee. His arguments rested on six propositions presented during the opening statements. He claimed that the evidence proved that Clark’s agents practiced corruption generally, that Clark knew of these practices and sanctioned them, that Clark not only knew of these practices but participated in them, that through that corruption Clark was elected to the Senate, that he exceeded the spending limits for an election, and he failed to file an election return required by law.⁵¹

Birney also made two accusations that reverberate through the decades and are accepted by most authors as facts. He said that it was “apparent that for many years he (Clark) had the ambition to be returned to the Senate, to occupy a seat in the highest deliberative body of the world,” and that “his purpose was to secure his election by means of the power of his wealth—a power greater, as the results showed, than any other man in his State could wield.”⁵²

Foster opened for the defense, immediately impugning the hearing’s methodology, albeit as inoffensively as possible. At first, he apologized for his many objections during testimony, saying, “I fear I have often given offense by my persistency

⁵¹ *Report of the Committee on Privileges and Elections*, 3: 2518; The last charge is the only one against Clark that was proved.

⁵² *Report of the Committee on Privileges and Elections*, 3: 2519.

in objecting to evidence of a character that was inadmissible before the courts of common law.” This was an important point, because the attorneys and some committee members questioned Chandler’s decisions on the admissibility of testimony, which indicated an unreasonable bias against Clark. Everyone realized Chandler chose to make the investigation a “witch hunt.”⁵³

Before specifying the evidentiary aspects of the case, Foster stated that the chain of events since the sixth Montana legislative session was irregular, suspect, and illegal. He said the Constitution provided that no one could be deprived of their rights without due process of law, and Clark, elected and certified, could not be unseated without that process, defined as “a proceeding conducted and decided in accordance with the principles of the common law.” Foster also said that “A man can not be deprived of his seat in the United States Senate because of some charge against him of which there is no legal proof.” As he spoke, he could not contain his outrage.⁵⁴

Admonishing the committee and Chandler, Foster said that “Hearsay evidence, rumors, the gossip of the street corners and barrooms, with which this record is full, were, as you have held in your wisdom, rightfully admitted, because of the possibility that they might afford some clue which would lead to legal evidence of corruption in the Senatorial election...but the opinions of the courts in Great Britain...as well as throughout the United States...and the rules laid down by the reports of this committee, make it imperative that in the decision of the question of the right of a member to a seat in this, as in any other legislative body, no evidence can be considered...except such as is admissible by the courts sitting under the common law.” Foster realized that the

⁵³ *Report of the Committee on Privileges and Elections*, 3: 2572.

⁵⁴ *Report of the Committee on Privileges and Elections*, 3: 2573.

basic principles of established legal precedence and jurisprudence were being ignored.⁵⁵

Foster's assertions were valid. The testimony shows that the 105 witnesses on both sides rarely provided evidence to back outlandish charges, and many documents were suspect in origin and when they were created. Through the forcefulness of Chandler, the Committee allowed substantial amounts of questionable and unsubstantiated information into the record, providing an almost endless supply of truths, half-truth, innuendo, and blatant lies, born of personal grudges and political disagreements, and nurtured for a year after the events occurred.

Foster emphasized the incredible nature of the charges, citing that even the most unsophisticated criminals would not be as careless and blatant as the prosecutors portrayed Clark and his men. He also cited the numerous crimes perpetrated against Clark, Montana and the legal system by officers of the court and others responsible for enforcing the laws that they violated. A summation of those actions revealed the unbelievable nature of the events the accusers asked the Committee to believe.

Prosecutors said that ten thousand dollar bribes were offered to Democrats, but only five thousand to Republicans, although Republican votes were deemed essential for victory. Foster said that prosecutors claimed that crimes normally conducted in strict secrecy were casually perpetrated in public, and that members such as H. L. Meyers were approached not by friends or trusted associates, but by casual acquaintances that he would not likely believe, and that payments were made not privately, but in the presence of witnesses, ostensibly to make the transactions appear legal.⁵⁶

⁵⁵ *Report of the Committee on Privileges and Elections*, 3: 2575.

⁵⁶ *Report of the Committee on Privileges and Elections*, 3: 2574-2475.

The astounding charges also claimed that the lieutenant governor of Montana and a U.S. Marshal appointed by President McKinley agreed to be involved in the bribery conspiracy, and a national bank agreed to the bribery and entered it in the books to enforce the illegal transaction. The Speaker of the House supposedly offered to vote for Clark for \$50,000, the State Auditor volunteered to purchase the vote of three members for a \$5,000 fee, and a Chaplain of the House of Representatives offered to handle bribery transactions.⁵⁷

Foster said that not only did the prosecution fail to prove the alleged crimes, but it did not charge those responsible for actual, provable crimes. A. J. Campbell, a member of Congress, bragged that he committed the crime of mail fraud and mail tampering, which was punishable by five years in prison, by bribing the letter carrier to help him steal it, read the letter, and reseal it before delivery. Campbell also instructed a detective to corrupt a grand jury, suborned perjury and perjured himself on more than one occasion.⁵⁸

Cornelius P. Nolan, the Montana Attorney General, admitted that he had disclosed secret information from a grand jury in violation of Montana law and falsified the information that he disclosed. He also advised and permitted the State Treasurer to use public funds unlawfully under his supervision and suborned perjury and committed perjury during testimony before the committee. Nolan testified that he was offered \$100,000 to abandon his case, but that he had indignantly spurned the offer. Finally, the Montana Supreme Court had allowed its clerk to travel throughout the state with impunity, procuring evidence in a pending case with the confidential papers about the

⁵⁷ *Report of the Committee on Privileges and Elections*, 3: 2575.

⁵⁸ *Report of the Committee on Privileges and Elections*, 3: 2575.

case in his possession, and while drawing a salary from state funds, which violated several state laws.⁵⁹

Foster cited numerous precedents applying the law and the Committee's former rulings to Clark's case, particularly that of Senator Henry B. Payne in 1880. Payne said that, "To deprive a sitting member of the Senate of his seat the Senate must be satisfied by legal evidence that he was personally guilty of bribery, or that he was personally connected with the bribery, or had knowledge of the use of money to procure his election...." He also said that "...in the absence of such proof the Senate must be satisfied by legal evidence that a sufficient number of the members...were bribed by the friends of the sitting member...and that without the votes...the sitting member would not have been declared elected."⁶⁰

This was a crucial point. Even if bribery occurred, unless it was proved that Clark himself was involved, he would forfeit his seat only if the bribes gave him a victory he would have otherwise lost. The prosecution never proved that Clark was guilty of bribery, nor could they legally prove his agents' involvement. The case was invalid because it was based not on direct evidence or testimony, but hearsay inadmissible under the rules of evidence.

⁵⁹ *Report of the Committee on Privileges and Elections*, 3: 2575; *Atlanta Constitution*, 16 February 1900; Nolan's post-Grand Jury written summation of testimony was more than sufficient to convict him, and the maximum penalty was ten years in prison; At least one Montana Supreme Court justice, William H. Hunt, had a reputation so bad that the other members admitted that a jury in his own city would not believe him under oath. Rumors that the court could be bribed were rampant, especially after the Wellcome trial; The *Constitution* said Justice Hunt, a Republican member of the Montana Supreme Court, testified that his family physician Dr. William Tracey (sic) made considered attempts to get him to accept \$100,000 in the Wellcome case, but he didn't go public because he was too humiliated and didn't think Tracey knew the seriousness of his actions; Justice Piggott testified Corbett came to him and said he heard the supreme court could be bought. After talking to Hunt, Piggott decided Corbett and Tracey had conspired to make the bribe, and made a plan if it was rejected. Nolan said Tracey also came to him, but he played him and then refused. Nolan did not blame Tracey, but those that he believed were behind him. Hunt left Montana for a political post in the Puerto Rico after the investigation.

⁶⁰ *Report of the Committee on Privileges and Elections*, 3: 2577.

Foster said that Clark received fifty-four of ninety-four votes cast, with a majority of fourteen. If he was not personally involved, it was necessary to prove that seven of those votes were obtained through bribery. However, the number of members charged with accepting bribes went from five on 10 January 1899 during Whiteside's first accusation, to thirty-five when Carter presented the memorials to the Senate. The prosecution knew the numbers necessary to prove their charges, and perhaps explains why they cast such a large net in their investigation.⁶¹

Addressing another important point, Foster said that Clark had destroyed his campaign receipts three months after the election, while Daly offered to provide his books for the committee's review. Daly admitted spending about \$7500 dollars, donated to the Democratic campaign funds of several counties. He denied that company money was used, but said that "they might spend it and I might not know it...but there was no money paid by the company nor money requested of the company." Daly was no longer active in the Amalgamated, was in poor health living in New York, and was interested solely in protecting the reputation of the Butte properties and Amalgamated stock. Anything was possible under Roger's orders, and providing Daly's accounts for review was an ingeniously shrewd ploy to bolster the prosecution's case with little risk.⁶²

Foster showed that it was normal practice to destroy campaign receipts for legitimate reasons, such as maintaining security in ideas and methodology, and was the standing practice for all three national parties after a Presidential contest. Clark did produce records showing he spent \$139,000 dollars in the contest. However,

⁶¹ *Report of the Committee on Privileges and Elections*, 3: 2582.

⁶² *Report of the Committee on Privileges and Elections*, 3: 2616, 2627.

considering the size of the state and the length of the legislative session, that amount was not unreasonable and well within amounts spent in other contests. Foster made an interesting point when he said the Committee legally had no jurisdiction in the expenditures during a legislative session. Montana statutes addressed the issue, and Montana had the authority and responsibility to investigate and prosecute violations.⁶³

Questioning Daly's testimony about his expenditures, Foster asked how a man who had admittedly spent nearly \$450,000 dollars on the capital fight and made huge expenditures in other contests spent almost nothing on such an important senatorial election. During Campbell's efforts to obtain evidence against Clark, Nolan had promised a gubernatorial pardon to anyone connected with the bribery that turned states' evidence. With immunity from prosecution and Daly's unlimited resources, it was likely that at least one of the thirty-five men would have come forward and testified. However, not one man accepted the offer, indicating the election was legitimate.⁶⁴

Faulkner spoke next, providing additional information and highlighting key points in the case. He answered specific charges, discussed the contradictory nature of the testimony, provided legal arguments, and discussed the extraordinary circumstances of the entire proceedings. Faulkner asked the members the pivotal question of the entire proceeding, saying "Tell me, Mr. Chairman, where any man occupying the high position of United States Senator has ever been hounded as Mr. Clark has been by detectives, by perjured witnesses, by the unlimited use of money, as has been done in this case by Marcus Daly, authorizing an expenditure of whatever in the judgment of Campbell was

⁶³ *Report of the Committee on Privileges and Elections*, 3: 2619, 1836. Clark was never indicted for the only election violation he committed.

⁶⁴ *Report of the Committee on Privileges and Elections*, 3: 2620.

necessary, with a declaration he would meet it, that his vengeance against a personal opponent, not a political opponent, might be gratified. Will anyone question the fact that this committee has opened wide the door to the prosecution in this case?”⁶⁵

Faulkner boldly concluded that, “If there is any criticism to be made of this committee, it is, sir, that you have thrown down the bars at the demand of the protestants and permitted them to bring into this case all classes of evidence, relevant and irrelevant.” He said the defense did not worry about that type of testimony because “we knew the character of the and ability of judges...men experienced in the law, of broad and wide experience, who would not permit illegal and improper evidence introduced to influence their judgment.” Faulkner stated that the committee had to decide three things: if Senator Clark was personally guilty of bribery; if he knew of bribery on the part of his friends and approved it; and since “there being no testimony, in my judgment, to sustain either of the first two propositions,” if enough votes of the legislature were corrupted to change the result of the election.⁶⁶

Edmunds’ final arguments revealed the dubious nature of the prosecution’s charges. He said the memorials were sent to the Senate because the petitioners were “endeavoring to defend themselves, primarily, and were not looking chiefly to the great public interests involved...,” but the *Memorial* stated that Senate intervention was “the sole and high purpose of exposing such crimes, to the end that our State might be emancipated from such baleful influences.” Once again, the incongruence of the case against Clark was lost on the prosecutors and the committee members.⁶⁷

⁶⁵ *Report of the Committee on Privileges and Elections*, 3: 2654-2656.

⁶⁶ *Report of the Committee on Privileges and Elections*, 3: 2654-2656.

⁶⁷ *Report of the Committee on Privileges and Elections*, 3: 2657: *Memorial of Certain Members of the Legislature*, 4.

Addressing defense arguments over the number of witnesses and the admissibility of their testimony, Edmunds said that, "...So far as the memorialists had any standing before this committee at all, in calling many of these witnesses, we have not undertaken to give them a character as we would in a private suit...but we have brought everything we could find, good, bad, and indifferent, so far as we could get it, for your investigation and consideration." The prosecution admitted that it ignored the rules of law and evidence, and dragged whatever it could before the committee, confirming the defense charges about the irregularity of the committee's decisions.⁶⁸

The most important item was Edmund's comments on bribery. Explaining the relationship between bribery and perjury, he inadvertently provided the defense its most compelling argument. Edmunds said, "Bribery is the universal mother of perjury...for there is not one case in a hundred in the whole history of jurisprudence or investigations where bribery has been the subject of inquiry, where either the giver of the bribe or the receiver of it has come forward and stated the truth...You must depend upon surrounding circumstances...and endeavor to find out what the truth really is for that is human nature and human experience."⁶⁹

If Edmunds argument is applied to the prosecution's primary witness, Fred Whiteside, who confessed and was proved to be involved in the bribing of members of the Sixth Montana legislature in January 1899, was incapable of telling the truth and could not be believed under any circumstances. Likewise, the testimony of H. L. Meyers and State Senator W. A. Clark of Madison County was also discredited.⁷⁰

⁶⁸ *Report of the Committee on Privileges and Elections*, 3: 2656.

⁶⁹ *Report of the Committee on Privileges and Elections*, 3: 2657.

⁷⁰ W .A. Clark of Madison County, *Report of the Committee on Privileges and Elections*, 3: 1547; H. L. Myers, *Report of the Committee on Privileges and Elections*, 3: 455, 2460.

In a glaring example of a double standard and reverse psychology, Edmunds defended the inconsistencies in the prosecution witnesses' testimony, stating that "...a point which will apply to a good deal of the evidence...as it always does in long trials where there are many witnesses and apparent or real inconsistencies in statements (is) ...that such inconsistencies...are evidence of honest sincerity. The man who is fabricating a lie will get it so fixed that he states it the same way every time."⁷¹

The incongruence of these statements is inconceivable. The lead attorney for the prosecution defended inconsistencies in his witnesses' testimony as an indication of truth, although for more than a year, during the legislative session, the grand jury investigation, the Whiteside libel case, the Wellcome disbarment trial and now the Senate investigation, Clark's enemies had claimed that a primary indication of guilt was the inconsistencies in their statements and testimony!⁷²

Edmunds continued to make rather bizarre statements and illogical connections. He criticized the lack of records from Clark and his supporters, and claimed that if Daly testified to something it was undoubtedly true. He made errors when recounting the political history of Montana and the Clark and Daly feud, obviously relying on Campbell and Nolan for background. Edmunds excused the illegal actions of prosecution witnesses and equated Campbell's hiring of detectives with Congress' funding of intelligence operations.⁷³

Edmunds said that when Campbell served on the Clark campaign while he worked for Daly, paid witnesses for affidavits, told a detective to tamper with a grand

⁷¹ *Report of the Committee on Privileges and Elections*, 3: 2662; The prosecution and most historians do not apply that standard to defense witnesses.

⁷² *Report of the Committee on Privileges and Elections*, 3: 2662-2663.

⁷³ *Report of the Committee on Privileges and Elections*, 3:2665-2676.

jury, committed mail fraud, received stolen goods, and confessed to “things he had done, some of which I cannot defend, but all of which he himself has explained, and accounted for how he was led into two or three errors in payments to witnesses that he ought not to have made...”, it was understandable and forgivable. The investigation was over. Now, the enormous expenditures of time and money, and the years of bitter political fighting, would be distilled into a decision that would determine the political fate of William A. Clark.”⁷⁴

⁷⁴ *Report of the Committee on Privileges and Elections*, 3:2675-2676, 2391-2392, 2412, 2415, 2418, 2443; Campbell admitted that he was concerned about a possible grand jury indictment against himself, Whiteside or W. A. Clark of Virginia City in relation to the election in November 1888. He told his detective to “get a list of the grand jury and find some fellow you can ‘jolly’ a little.” Campbell said that, “I am not very much affected by perjured testimony,” and often responded to questions that he did not remember and “it is almost impossible for me to remember names.” On at least two occasions, Campbell illegally obtained letters. He entered the locked hotel room of Clark’s attorney Charles Bickford, where he opened a letter, read it and resealed the envelope. He also obtained letters of E. L. Ector from Whiteside. Campbell said that, “I would not have hesitated to violate it (a law) if ...I could obtain...a letter that was important...to clear Mr. Whiteside from an offense that he was not guilty of.”

CHAPTER 8

THE SENATE REPORT AND AFTERMATH

The testimony in the Senate Report is an incredible piece of legal wrangling, 2,677 pages of charges, counter-charges, lies, deceit, stupidity, buffoonery, great perception, and brilliant legal arguments. Participants first and foremost attempted to protect themselves while attacking the opposition, and often found themselves on the defensive. The volume of information was overwhelming, and the Committee's task was to sort through the morass and determine if the charges against Senator Clark were true, and if so, sufficient to render his election void.

The case officially ended 6 April 1900 after forty-three days. Both sides were hopeful, but the actions and comments of committee members concerned Clark's attorneys and supporters. The finding of the committee, issued 10 April 1900, stated that, "...the election to the Senate of William A. Clark, of Montana, is null and void on account of briberies, attempted briberies, and corrupt practices by his agents, and of violations of the laws of Montana defining and punishing crimes against the elective franchise."¹

The twenty-page document written by Senators Chandler and Turley, listed the "admitted or undisputed facts" in a series of fifteen paragraphs. The first five recounted

¹ *Report of the Committee on Privileges and Elections of the United States Senate Relative to the Right and Title of William A. Clark to a Seat as Senator from the State of Montana, 56th cong., 1st sess., S. Report, 1052, 3 vols., 3: Finding of the Committee, 23 April 1900, 1-6, 15; Forrest L. Foor, "The Political Aspirations of William A. Clark 1898-1901" (PhD. diss., University of California, 1941), 159; Clark wired Charles in Butte that the verdict would be adverse, but added, "I will be vindicated here or in Montana."*

the enormous expenditures of money in Montana politics prior to 1895 and the legislature's efforts to limit those expenditures and asserted that Clark was a constant candidate for political office who gave his supporters approximately \$139,000 during the fall elections in 1898 and Senatorial contest in 1899 and failed to file the required return. The remaining ten paragraphs named twelve members, including three Republicans, and the amounts and circumstances considered suspect and improper.²

In "Additional Strengthening Facts," the committee said that their findings were justified by the previously "admitted and undisputed facts," but contended that the case was strengthened by additional facts, including unsuccessful attempts to secure votes by offers of money, which, although denied, were found true by the majority of the committee. In the most surprising twist, the Whiteside accusation that was the pillar of the prosecution's case was considered only an additional fact, and an unsuccessful bribery attempt. This finding was a source of strong dissent within the committee.³

The next section addressed the "Alleged Daly Conspiracy," but simply because Daly and his supporters denied all knowledge of the \$30,000 and no bills were proved in their possession, the report dismissed the defense charges. Chandler confirmed the greatest concerns of Foster and Faulkner, stating that "there was no affirmative disproof produced by Senator Clark at any time showing that the facts in connection with the \$30,000 exposure were not true," thus declaring the burden of proof rested on the defense, not the prosecution.⁴

Chandler mitigated this tenuous decision by declaring "that if all the testimony of

² *Report of the Committee on Privileges and Elections, 3: Finding of the Committee, 1-6, 15.*

³ *Report of the Committee on Privileges and Elections, 3: Finding of the Committee, 6.*

⁴ *Report of the Committee on Privileges and Elections, 3: Finding of the Committee, 7-8.*

Mr. Whiteside and Mr. Clark of Madison, were laid aside there would still remain sufficient evidence in the case to lead the committee to find, as they do, that Mr. Clark's election is void." The key prosecution witnesses were labeled irrelevant, despite the fact that their testimony was the crux of the case for Daly, Campbell, and Nolan. The report strongly criticized the Republicans that supported Clark, but stopped short of accusing them directly, saying only the circumstances around their votes were suspicious.⁵

These sections were legally dubious, but the Committee was unanimous in the "Recital of the Substance of the Law." According to sections 85-104 in "Crimes Against the Elective Franchise" in Title IV of the Montana Penal Code passed 25 February 1895 no individual could expend more than \$1,000 as a candidate for U.S. Senator for "personal expenses and to a political committee." It required filing a return detailing receipts and expenditures within thirty days after an election. Clark undeniably violated that law by contributing \$139,000 toward his election and not filing a return.⁶

"Rejected Testimony—Criticism of the Prosecutors," outlined the irregular, suspect and illegal nature of the prosecution's case, and said that, "Some member of the committee can not refrain from expressing their disapproval of the many methods pursued by Mr. Campbell and Mr. Whiteside in the prosecution of the charges and...the actions of Mr. Daly in agreeing to furnish an unlimited amount of money to carry on the prosecution." Chandler and Turley said that "Some members of the committee, however, do not join in any criticism of Mr. Campbell and Mr. Daly."⁷

⁵ *Report of the Committee on Privileges and Elections, 3: Finding of the Committee, 8-9.*

⁶ *Report of the Committee on Privileges and Elections, 3: Finding of the Committee, 10-11; Daly contributed \$7750, but he was not a candidate.*

⁷ *Report of the Committee on Privileges and Elections, 3: Finding of the Committee, 12.*

A majority of the committee believed that Clark and his agents attempted to bribe the Montana Supreme Court judges, but a minority said the evidence did not sufficiently prove “any improper attempt to influence the court of the attorney general.” The final section recommended prompt action by the Senate in adopting the resolution stating, “William A. Clark was not duly elected and legally elected to a seat in the Senate of the United States by the legislature of Montana.”⁸

Although he had announced he would resign if the committee found against him, Clark refused to make any statements after the report. Conferring with Senator Gorman, he decided to wait until the final report was filed in ten days. Clark wrote a revealing letter to his friend Neill about some committee members saying, “It was a shock to everybody and entirely unexpected. If the Democrats had stood ‘pat’ we should have had two Republicans with us and with a minority report signed by four there would have been no difficulty whatever of getting a strong vote in the Senate.... Turley has been bitterly opposed to me from the beginning. He is a small narrow-minded, prejudiced, and I believe, dishonest Southern Democrat.”⁹

Clark was particularly angry with Chandler. He wrote that, “Chandler has been a public prosecutor—vindictive and watchful of the interests of the other people from the very beginning. They had access to his house day and night. Of course, I knew this, but knew no way to counteract it. I never did expect that we should have a majority report...but in the committee meeting Turley was called upon by Chandler first to make his statement, which weakened the other two Democrats.” Clark felt that Pettus and

⁸ *Report of the Committee on Privileges and Elections, 3: Finding of the Committee*, 15.

⁹ *New York Herald*, 11 April 1900; Clark to Neill, 11 April 1900, Neill Papers, Montana Historical Society Archives, Helena.

Harris supported him as long as possible, “but did not have the backbone to make the minority report.” This prevented two strong Republicans from voting for him, “inasmuch as the Democrats did not stand.”¹⁰

Clark told Neill that, “the indignation among other Democratic members and a great many Republicans who have called upon me, is very intense. The newspaper people are almost universal in my favor, and denounce the report in the most indignant terms. The sentiment of the community here is unanimous.” Paradoxically, Clark knew he would not be charged directly with bribery, which was normally required for a conviction, but said that it “cannot be overlooked that money has been used improperly.”¹¹

Generally, the sentiment of the press and many others was sympathetic toward Clark, and while mildly critical of his political methods, believed he should not be removed, since other millionaires bought their seats, but were more careful in their methods. More than fifty of about sixty Montana papers criticized the memorialists’ motives and methods, and felt the Senate committee had improperly decided local questions about Daly’s political vindictiveness and malice toward Clark. The opinion of

¹⁰ Clark to Neill, 11 April 1900, Neill Papers, Montana Historical Society Archives, Helena; Burrows and McComas were undoubtedly the friendly Republicans; *Oakland Inquirer* 10 April 1900; *Independent Magazine*, 19 April 1900; Sanders to Chandler, 27 December 1899, Chandler Collection, March to December 1899, Library of Congress; The *Inquirer* wrote, “The unanimous vote came as a surprise even to the committeeman themselves”; The *Independent* said, “None of his enemies predicted a unanimous report.”; Chandler had maintained a correspondence with the Daly faction since March 1899, inquiring if and when charges would be filed against Clark. Clark’s friends also appealed to Chandler, hoping he would be supportive. However, W. F. Sanders and other influential Daly sympathizers flooded Chandler with charges of Clark’s corrupt use of money. Sanders demanded the investigation expose corruption rather than having “a perfunctory glossing over of the scandalous transactions.”

¹¹ Clark to Neill, 11 April 1900, Neill Papers, Montana Historical Society Archives, Helena; *New York Tribune*, 11 April 1900; The tribune was one of the few papers that recorded Clark’s physical reaction to the report. It said he “bore himself with composure...His face appeared somewhat flushed, but his voice was calm and his manner collected.” It also said that Clark received many expressions in the committee favorable to him personally, and that, “more than one Senator expressed doubt as to whether he had personal knowledge of the expenditures.” Others believed Clark was a victim of environment and habit.

the majority press was that Daly had shamed the state by turning a local issue into a national scandal, and they resented the bad publicity. The *Inter Mountain* wrote that during the protracted battle, the sympathies of the state were largely with Clark, familiar as they were with the character of his enemies and their disreputable methods.¹²

The *Anaconda Standard* could scarcely contain itself, stating that the “Montana Briber Is Unceremoniously Turned Down: Members of the Committee Are Unanimous in Declaring Clark Guilty of the Most Despicable Practices.” It also predicted that “William A. Clark’s inglorious career as senator will end before the last of the week. He will undoubtedly...resign the seat that an outraged public conscience will not permit him to hold.” The article said that Clark would send his resignation to Governor Smith the next day “accompanied by a theatrical appeal for ‘vindication’ from the people of the state which he has so vilely wronged...following the Caldwell precedent.” The Caldwell case was well known in western politics, and during the past three months, stories about bribery had been in the press. The *Standard* reminded its readers that, “Caldwell was never heard of after his resignation.”¹³

¹² *Butte Inter Mountain*, 10 April 1900; *Philadelphia North American*, 26 April 1900; *Baltimore American*, 11 April 1900; *Atlanta Constitution* 16 April 1900; Malone said that the press was against Clark; The *North American* said that Clark made his money honestly in mines without resorting to the usual stock manipulations, or in the case of Quay, “putrescent politics”; The press had watched the investigation carefully and covered it vigorously. Larger dailies had a Washington correspondent in the conference room; The *Baltimore American* said that, “The Clark case has become nauseous to the American people. It has occupied a conspicuous place in the public prints since last December....”; The *Constitution* covered the case thoroughly, and illustrated the press support for Clark. It wrote that while the unanimous report was unexpected, the surprise was lessened by the feeling that, “nobody can hope to keep up with the ways of this particular committee, presided over as it is by that past master in political manipulation, Senator Chandler....” It also said that “...there is great indignation in democratic circles at the committee’s decision, nor is there lack of criticism of the action of the democrats on the committee.” The reporter said that the Republicans “generally regarded that their report against Clark is largely a case of politics.” Previously contested seats had involved Republican members, who naturally avoided condemning their allies. However, a high-profile case concerning a wealthy Democrat gave them an opportunity address scandalous charges associated with elections, with little consequence for their party.

¹³ *Anaconda Standard*, 11 April 1900; Caldwell was elected Senator from Kansas in 1871, but bribery charges resulted in an unfavorable committee vote. A two-thirds vote was required for expulsion, but Caldwell resigned before the vote. The Governor appointed his replacement, and Caldwell disappeared.

The *Miner* said that the committee's decision declared that, "force and coercion in politics are to be commended—that Marcus Daly and his hirelings are better qualified to say what the people of Montana want than the people themselves—that the head a corporation employing thousands men, by reason of that employment obtains to the political conscience of those men...." The *Miner* said it was outrageous that Daly, who never applied for U.S. citizenship, "could determine what the American citizen on an American commonwealth shall have or shall not have..." and "placed the mark of infamy upon the state and sought to blast the good name of every man who would not subscribe to its iniquitous purposes."¹⁴

Chandler had said that a two-thirds majority was required to eject Clark, but after the recommendation that the seat be declared vacant, he "emphatically stated only a majority vote was required." A furious Hauser vowed Clark would fight to the last, and if his seat was vacated, he would run for reelection. The *Standard* declared that Clark would resign or be ousted, and that Governor Smith would appoint a successor. The *Miner* said that the appointment would be immediate since Smith supported Daly.¹⁵

Chandler presented the report to the Senate on 23 April 1900 recommending adoption of Senate Resolution No. 284, that Clark was not duly and legally elected. As copies of the report were printed and distributed, Clark met with supporters to develop strategies, and his friends in the Senate lobbied members that did not approve of Chandler. One section of the finding in Clark's favor was the "View of the Minority," filed

¹⁴ *Butte Miner*, 11 April 1900.

¹⁵ *New York Herald*, 10 April 1900; *Cong. Record*, 56th cong., 2nd sess., 4128; Chandler changed his mind because of Clark's support and in case Clark failed to resign; During this time, the Senate voted on a resolution to amend the Constitution and allow the direct election of Senators. It was defeated 240 to 15. One Democrat and Fourteen Republican voted against it, including Chandler, who surprisingly opposed direct election.

by Senators Pettus of Alabama and Harris of Kansas. The report strongly condemned Chandler's usurpation of the committee's authority, effectively making the investigation his personal inquisition.¹⁶

The issue of the minority view was Chandler's actions. It stated that, "We agreed and still agree to the resolution reported by the committee through its chairman...But the report is merely the writing of the chairman with the aid of one other member, and never was submitted to any meeting of the committee, and...cannot be considered as the words of the committee." Harris and Pettus said that, "...the committee was bound by, and ought to act on, the ordinary rules of evidence...But it was said the committee was not a court and had a right to receive "*hearsay*" evidence in order to get on the track of better evidence." While they tried to perform their duties, "The chairman...left the committee little to do." Finally, the committee appointed Chandler and another member to determine the necessary witnesses, "...but the chairman kindly relieved the other member of that labor, and determined that matter for the committee...."¹⁷

Pettus and Harris specifically criticized admitting the Wellcome case into evidence, since it occurred long after the election, and never tied Clark to the election case. The senators also detailed and denounced the methods of Campbell, Nolan, and Whiteside in their conduct before and during the investigation. The men who Clark hoped would be the nucleus of a minority failed to oppose the majority, but they provided evidence that Chandler was biased and conducted a personal vendetta.¹⁸

No study of Clark and the Senatorial election explored Chandler's background,

¹⁶ *Report of the Committee on Privileges and Elections, 3: Finding of the Committee, Minority Report, 12.*

¹⁷ *Report of the Committee on Privileges and Elections, 3: Finding of the Committee, Minority Report, 21.*

¹⁸ *Report of the Committee on Privileges and Elections, 3: Finding of the Committee, Minority Report, 21.*

despite the preponderance of evidence he was prejudiced against Clark. However, it may explain why he adamantly denied Clark his Senate seat, and remained hostile. For sixty years, from 1856 to 1916, William E. Chandler was an active and influential figure in American political life. An unbending partisan and leader in political management and manipulation, his enemies considered him a shrewd, tricky, and unscrupulous party manager, and his friends believed him a genuine, although erratic, power for good. Neither denied his political power. A curious combination of individual independence and party loyalty, Chandler unwaveringly supported Republican candidates, but violently opposed party trends. He later resented the Republican shift toward the wealthy.¹⁹

The 56th Congress was Chandler's last. The Committee on Privileges and Elections had two cases attracting nation wide attention. The first concerned Republican Senator Matthew Quay of Pennsylvania, denied re-election by the Pennsylvania legislature because he was on trial for conspiring to illegally use state funds while Treasurer. Clark's case also received considerable news coverage. A Senator was quoted in the *Statesman* that, "It is the nastiest mess I have ever heard of during my whole public life," and the *Nation* lamented that, "No wonder that members of the Senate Committee described the affair as the most intricate case of corrupt politics ever known." However, Chandler did not let the press influence his heavy-handed administration of Clark's case. There were other, more compelling reasons.²⁰

¹⁹ Leon B. Richardson, introduction to *William E. Chandler: Republican* (New York: Dodd, Mead & Company, 1940), vii.

²⁰ Richardson, *William E. Chandler: Republican*, 591; *Statesman*, 18 January 1900; *Nation*, 22 February 1900; *Cong. Record*, 56th cong., 1st sess., 4612-4613; The legislature adjourned without a Senator, but when Quay was acquitted, the Governor immediately appointed him. The right of the Governor to appoint when the legislature failed to elect was routinely denied by the Senate, but Quay's power made the issue uncertain. After the Clark decision, Quay's case was set for a vote on 24 April. Chandler supported the right of the Governor to appoint, and when the committee voted against Quay, he moved to reverse the decision. Hoar supported Chandler, but the Senate rejected Quay by one vote.

Chandler's term expired in 1900, and his power in New Hampshire was slipping. Term limits was a hot issue, and victims of Chandler's sharp tongue clamored for his defeat. In three previous campaigns, he had enjoyed benevolent neutrality with the powerful Boston and Maine Railroad. Fearing railroad president Lucius Tuttle's power, he publicly attacked railroad policies, but secretly supported their interests. Tuttle now opposed him, and many former supporters abandoned him under strong corporate pressure. Chandler desperately needed support.²¹

During the investigation, Chandler also missed several sessions due to ill health. Significantly, he missed 26 February when Marcus Daly testified. Daly was a key witness in the investigation, yet the Chairman was not present during his testimony. We can only speculate about the reasons, but it is known that Daly, also ill, was treated gently by the committee and released early. Burr said that the small, stuffy committee room evidently aggravated Chandler's condition, for when the hearings were over, he collapsed, and recuperated in Hot Springs, Virginia, while working on the report.²²

On 15 May 1900 Senator William A. Clark made a lengthy speech on the character of the investigation, the majority report of the committee, and the political conditions in Montana. He excoriated the unfairness and non-judicial procedures adopted by Chandler, commended Senators Pettus, Harris, Pritchard, and McComas for trying to adhere to the rules of evidence, and claimed that malicious, perjured hearsay undermined his case. He said that the presumption of innocence was not applied, and it was never proved he corrupted the Montana legislature.²³

²¹ Richardson, *William E. Chandler*, 630-635.

²² Richardson, *William E. Chandler*, 593.

²³ Clark speech, *Cong. Record*, 56th cong., 1st sess., 5531-5536.

Clark discussed the charges, evidence, and his long struggle with Daly, asking how a man who had no ill feeling toward him could authorize unlimited funds to destroy him. He explained the power of Anaconda and the influence that they exerted over the citizens, economics, and politics of Montana. He concluded by listing his accomplishments, claimed no one had ever accused him of dishonesty except those committed to his ruin, and that, "I propose to leave my children a legacy, worth more than gold, that of an unblemished name."²⁴

Clark read a copy of a letter dated 11 May that he sent to Governor Smith in Montana, resigning from the Senate. He said he was conscious of the rectitude of his conduct, but was unwilling to remain in the Senate under the ruling of the committee that the legislature did not freely choose him as their Senator. Clark held no one responsible for the results, and thanked the Senate for its courteous attention, support and sympathy. Senators from both sides warmly congratulated him, and expressed their sympathies. However, beneath the genial exterior, a shrewd and outraged Clark was about to execute one of the cleverest and perhaps most controversial maneuvers in American politics.²⁵

²⁴ Clark speech, *Cong. Record*, 56th cong., 1st sess., 5536.

²⁵ *Cong. Record*, 56th cong., 1st sess., 4986-4987, 5021-5023, 5536; Clark to Neill, 15 March 1900, Neill Papers, Montana Historical Society Archives, Helena; *Inter Lake* (Kalispell) 15, 20 April 1900; Clark had planned his resignation carefully. Early Senate debate on Clark's case indicated that time was a factor. The committee recommended prompt action, but the volume of testimony aided Clark's request for a delay. A battle developed between Chandler and Hoar favoring rapid action, and Senators Bacon, Stewart and Bates who strenuously advocated a postponement. On 2 May the argument turned bitter when Chandler reported rumors that the delay would prevent a gubernatorial appoint, and he charged his opponents with aiding Clark's reelection efforts. Stewart accused Chandler of introducing an irrelevant scandal into the Senate, and Bacon said if a vote was pressed, he would consider having the entire 2677 pages of testimony read aloud on the Senate floor. Eventually, an agreement was reached that 15 May would be the date the Senate would resolve the issue. Clark had no intention of being disgraced, and was determined to beat his opponents at their own game. Neill had vigorously championed a plan for Clark to resign, and the Governor to call a special legislative session to elect a new Senator. Since early March, Clark had written to his leadership in Montana urging them to quietly gain control of the Democratic Party. However, Governor Smith adamantly stated that no special session would be called.

Clark was fed-up with Daly, Nolan, Campbell, Whiteside, the Amalgamated, and the political and legal turmoil of the past year and a half. He had been publicly maligned, threatened, and humiliated, and his reputation was tarnished from Montana to Washington. He would act decisively, using his enemy's methods to strike back. No longer was Clark the reluctant businessman coaxed and goaded into running for office in August 1898. He would not go the way of Caldwell, as the *Standard* assured its readers. Clark's rage boiled his Irish blood, and he decided to fight.

In addition to the reasons Clark gave for his resignation, there was one he did not reveal. The law said if the committee report went to a Senate vote and the vote went against him, the election did not occur and no vacancy existed. That would end the matter. However, if Clark resigned before the Senate acted, a vacancy existed and the Governor could appoint an interim successor. If Clark was appointed, he would retain his seat, rendering the Senate investigation moot and turn apparent defeat into victory.²⁶

There was a major problem with this course of action. Governor Smith was a Daly supporter, and according to Connolly, he was convinced of Clark's guilt and would never appoint Clark to fill the vacancy. The problem seemed insurmountable, but Clark had a plan. Lieutenant Governor A. E. Spriggs was a Clark man, and if he was the acting Governor, he could appoint Clark to the Senate. Clark had to get Smith out of Montana for the scheme to work. The question was how to get Smith to leave.

A plan was formulated a month before. On 17 April, after Hauser announced Clark would not resign, Neill sent a coded telegram to Hauser, but addressed it to

²⁶ *Cong. Record*, 56th cong., 1st sess., 4986-4987; Foor, "The Political Aspirations of William A. Clark," 173; There was little uniformity in the Senate regarding executive appointments. In the Mantle (1893) and Quay (1900) cases, the rejection indicated that the legislature's failure to elect prevented interim gubernatorial appointments. When Clark resigned before Senate action, it was a new situation.

Clark's residence at the Arlington Hotel in Washington, D.C. It said, "My idea was have him resign by telegraph and Spriggs call extra session. Legal steps to be advised by Governor Carpenter. If anything done wire me in advance so to be sure Spriggs is here." It is not known why a special session was necessary, since the acting governor could appoint, but it could add credibility to the appointment and indicate that Clark was the legislature's choice.²⁷

Neill sent another telegram on 18 April stating that a telegraphic resignation would not work and suggesting that Clark write two resignation letters, one to Governor Smith and the other to the Secretary of State. Neill told Clark to send both letters to his son Charles, who would hold them. If Clark decided to resign, Charles would immediately file them, creating a vacancy. If Spriggs was acting Governor, he could immediately appoint Clark to fill the vacancy. Everything was ready.²⁸

On 12 May Spriggs left Helena for Sioux Falls, South Dakota, to attend the week long Populist National Convention as a principal delegate. Soon after, Thomas R. Hinds, a Clark supporter and mining partner of Daly's old friend, Miles Finlen, told Governor Smith that Finlen wanted him to do some legal work on the title to a valuable mining claim he was purchasing in California. Hinds gave Smith a \$2,000 as a retainer and Smith left at once, leaving State Senator Edwin L. Norris as acting Governor. Clark had said he would not resign, and Spriggs was gone. Smith felt it was safe to leave.²⁹

As soon as Smith left for California, Spriggs received a telegram in Sioux Falls

²⁷ Neill to Hauser, 17 April 1900, Hauser Papers, Montana Historical Society Archives, Helena; Spriggs was a Clark supporter, and B. Platt Carpenter was a former Territorial Governor and Hauser's friend.

²⁸ Neill to Hauser, 18 April 1900, Hauser Papers, Montana Historical Society Archives, Helena; Much was made about the underhanded nature of using coded telegrams, but Clark and most business routinely used code to protect confidential information.

²⁹ *Cong. Record*, 57th cong., 1st sess., 3425.

stating, "Weather fine, cattle doing well," and immediately boarded a train to Helena. When he arrived on 15 May, Clark received a telegram in Washington, and Charles Clark presented the filed resignation letter to Spriggs. By eight o'clock that evening, Clark's appointment was on its way to Washington. Spriggs said many telegrams urged the appointment, and that, "it is my judgment that the selection should stand until such time as the people have an opportunity at the coming election to affirm or revoke it."³⁰

Daly's men were caught napping. Undoubtedly gloating over their victory in the committee and Clark's resignation, they underestimated his anger, resolve and intelligence, expecting him to turn tail. Instead, he outmaneuvered them and made them look foolish. Governor Smith learned of the appointment and raced for Helena without making a statement. In Ogden, Utah he said, "This man Clark has been convicted by the United States senate of perjury, bribery and fraud and it is an insult to send him back to that body," and said that the incident was "A disgrace, a shame, and a humiliation upon the people of Montana."³¹

Smith wired Attorney General Nolan to meet him in Butte, and they met with C. E. Collins, the State Treasurer, and a group of Daly men from Anaconda and Butte. The livid attendees sent three telegrams to Senator Chandler, Senate president William Frye, and Clark, stating the appointment was "disregarded and revoked...tainted with collusion and fraud," and naming Martin Maginnis to the vacancy.³²

³⁰ *Cong. Record*, 57th cong., 1st sess., 3425; *Helena Independent* 16 May 1900, *Anaconda Standard*, 16 May 1900; Christopher P. Connolly, *The Devil Learns to Vote* (New York: Corvici Friede. 1938), 216.

³¹ *Grass Valley (CA) Dispatch* to the *Helena Independent*, 16 May 1900; *Anaconda Standard*, 17 May 1900.

³² *Helena Herald*, 19 May 1900; *Congressional Record*, 56th cong. 1st sess., 6071; If the Governor disregarded the appointment because it was illegal, it is a mystery how he revoked it. He acted as if it was simultaneously illegal and legal. The telegram to Senator Frye merely revoked Clark's appointment; Smith feared he would be accused of accepting Clark's money and that it would end his political career.

Clark's scheme was sweet revenge, but at a price. The Senate was in an awkward position, and as the best legal minds wrestled with the question, some Senators felt duped. Although he had a legal right to the seat, some felt that such a trick was beneath the "dignified practices of the Senate." Such self-serving piety was not lost on the press. The *Washington Times* vigorously defended Clark, stating that "Senators are indignant and contemptuous of the excessive virtue displayed by the victorious corrupt Daly followers," and that Clark would get his seat. The general opinion was that a hostile Republican majority would send Clark home. Independent and Republican papers believed another representative would be more acceptable, and Democratic papers published names of Senate Republicans with questionable records.³³

The fight grew vicious, and the potential fallout and political damage escalated. Committee members proposed solutions but disagreed among themselves. Pettus, Harris and Pritchard defied Chandler to force a vote on the resolution against Clark. President pro tem Frye said Clark was stricken from the Senate roll, and if he presented proper credentials, would be sworn in, unless there were objections. Tom Carter presented Clark's credentials on 22 May but they were tabled. When Chandler requested funds from the Senate to investigate Spriggs' appointment, an exasperated Clark supposedly threatened to prevent Chandler's reelection in New Hampshire.³⁴

³³ *New York Herald*, 17 May 1900; *Washington Times*, 17 May 1900; *St. Louis Post-Dispatch*, 17 May 1900; *Baltimore American*, 17 May 1900; *Atlanta Constitution*, 17 May 1900; Large papers east of the Mississippi seemed impressed with Clark's cleverness, and to enjoy the Senate's conundrum.

³⁴ *New York Herald*, 17 May 1900; *Anaconda Standard*, 18, 19 May 1900; *Butte Miner* 19, 20 May 1900; A group of Butte "citizens" (Daly men) said that Clark was not legally elected, and could not resign. Chandler said the Senate could pass the resolution and make Clark's case analogous to Quay's, but the legislature had failed to act in Quay's case. The Senate was almost paralyzed, victims of their long-time political maneuvering; Connolly, *The Devil Learns to Vote*, 219; Connolly said Clark threatened to go wreak vengeance by preventing Chandler's reelection, but the threat is not documented in other sources.

The situation had spiraled out of control, and deciding the next move was difficult. Clark's advisors suggested waiting, although a few wanted a fight to the finish. Forcing a vote could create a filibuster, and a difficult battle was anticipated under any circumstances. Clark carefully considered his options. Planning for the future, he was working with his Montana supporters on the 1900 election. Ever the realist, Clark knew that the Senate would, "debate the question and carry it over in spite of us."³⁵

Satisfied that he had done his best, Clark watched the drama unfold. On 24 May Carter presented Governor Smith's credentials for Martin Maginnis, and on 25 May Chandler moved to have the credentials of both men sent to the Committee on Privileges and Elections. With a protracted battle looming and little time remaining, both sides agreed on 31 May to let the matter rest.³⁶

The crisis had passed, but not for Chandler. Not satisfied with blocking Clark, he was compelled to defend himself against attacks and the condemnation of the *Minority View Report* about how he handled Clark's case. Two days before Congress adjourned on 5 June Chandler submitted a "supplemental report" from the committee majority, accompanying the resolution declaring Clark's election void. The report addressed the charges against him, and ended by stating his methods were the same as for any investigation of that kind, and he did only what was expected.³⁷

When Clark returned to Butte on 10 June, he blasted Chandler in an intense harangue. After summarizing the events of the investigation, he explained his subsequent actions by stating that he had been "...harassed by the most devilish

³⁵ Clark to Hauser, 22 May 1900, Hauser Papers, Montana Historical Society Archives, Helena.

³⁶ *Butte Miner*, 1 June 1900; *Cong. Record*, 56th cong., 1st sess., 6017-6018.

³⁷ *Cong. Record*, 56th cong., 1st sess., 5 June 1900.

persecution that any man has ever been subjected to in the history of any civilized country, to say nothing about a free republic where protection is guaranteed to every one....When this man Chandler had bulldozed the committee into reporting against me...I withdrew from the Senate.”³⁸

Prior to the Spriggs appointment, the *Standard* lamented the lack of criticism and condemnation of Clark in the national press, but devoted vast columns to every negative comment. The *Miner* deplored the actions of the *Standard* and the Anaconda publicity department because it provided large eastern papers the opportunity to write the vilest untruths about Montana, calling it an uncivilized western town full of firearms, fights, and irreligious people. Daly’s attacks had created a tremendous amount of negative publicity about Montana, but Clark still enjoyed wide support. The fight was moving from the national arena back to the local area.³⁹

³⁸ *Butte Miner*, 11 June 1900.

³⁹ *Butte Miner* 20, 21 May 1900; There was an initial backlash against Clark after the Spriggs appointment. However, many papers later criticized the motives and actions of the Memorialists, Montana, the Senate, and Chandler.

CHAPTER 9

THE ELECTION OF 1900

During the political events of 1898-1900, F. Augustus Heinze battled copper companies in the Montana District courts. Although a Republican, Heinze supported Daly during his Butte years, until House Bill 132 passed in the legislature. Heinze fought the bill with every available resource and used every political favor to sustain Governor Smith's veto. When Daly's men ensured its passage, Heinze's loyalty ended, and when the Boston and Montana companies folded into the Amalgamated, Daly became an adversary. Clark watched these events closely during the Senate investigation and worked to strengthen his forces and built new alliances in Montana.¹

Clark had learned that an early start was important in politics, and by late spring his efforts were well organized. Clark wanted a full term in the Senate, a final vindication from voters. However, his vacant seat had only four years remaining. Republican Tom Carter's term expired 4 March 1901 meaning Clark had to win Carter's seat, and he had six months until the November election.²

In the local primaries, the issue was always Clark, whether he was supported or denounced. Volatile and caustic, the primaries during the summer of 1900 revealed that despite growing support, Daly's strength in the crucial Silver Bow and Deer Lodge

¹ *Engineering and Mining Journal* (May 1899), 70: 674-675; Forrest Leroy Foor, "The Political Aspirations of William A. Clark: 1898-1900" (PhD. diss., University of California, 1941), 198; H. B. 132 effectively neutralized Heinze's legal strategy for fighting Anaconda.

² Carter was elected in 1895.

counties remained formidable. Realizing that events from 1898-1899 could be repeated, Clark invigorated his campaign with new issues, new alliances and more hard work. It was a matter of pride and vindication, and Clark was committed.³

Clark solicited the support of labor and attacked the company store system. Recognizing Heinze's talents and relationship with the Butte Miner's Union, Clark saw a natural alliance. Heinze wanted control of the state district courts to help him fight Standard Oil, and Clark needed support in Butte, a Daly stronghold. Dan McDonald of the Butte Miner's Union also saw an opportunity, and convinced Heinze to give underground miners an eight-hour day at the at the current \$3.50 a day wage.⁴

The miner's request was justified. Wages remained static for twenty-two years, despite the increased work and hazards associated with deeper mines. Clark, always progressive in business, probably realized the change was inevitable, especially with widespread agitation for the shorter day in progress. On 13 June 1900 the twenty-second Butte Miner's Holiday, Clark and Heinze announced an eight-hour day for all underground work at the existing pay rate, effectively immediately. The miner's contributions were praised, and they reciprocated with resounding endorsements. It was a banner day for the Butte Miner's Union, and William A. Clark's political career.⁵

³ *Butte Miner*, 12, 13 June 1900; The Silver Bow Democratic convention assembled in Butte on 11 Jun 1900. The Daly-controlled machine in his old strongholds was still powerful, and despite charges of fraud and the usual accusations, Clark was out-voted. However, his delegates again broke from the Democratic ranks, because Clark knew he had strong support in other counties, and there was a strong possibility he could still control the state convention and seat his Silver Bow delegation.

⁴ Forrest L. Foor, "The Political Aspirations of William A. Clark 1898-1901" (PhD. diss., University of California, 1941), 207.

⁵ *Butte Miner* 14 June 1900; Clark was further honored when his role in the formation of the Union was remembered. In early 1878, Daly, then manager of the Alice mine, announced a reduction of fifty cents a day in wages. On the appointed Day, Clark and his partners announced they would maintain the existing rate. The miners marched to the Alice, and Daly agreed to maintain the old scale. The miners Union was organized that night, with fewer than 100 members. Clark announced he would continue to pay good wages, and close the mines when he could not. He loaned money at low rates, kept the Union's account at his bank, and donated land and loaned the Union \$40,000 for construction of the Miner's Hall.

Another factor in Clark's favor was Daly's declining health. After his testimony before the committee in late February, Daly traveled to Europe for treatment in a German spa, returning to New York on 9 June. The treat was unsuccessful. Bedridden and under a physician's care, Daly was no longer a force in Montana. His popularity slipped as the state reeled in the aftermath of the Senate investigation. Daly was held responsible for much of the bad publicity and political turmoil, and his decision to sell his vast holdings to the despised Standard Oil became a political liability. Clark's organization had little problem convincing Montanans the Daly machine was the servant of H. H. Rogers, the Rockefellers, and greedy trusts.⁶

Unable to lead the fight personally, Daly nonetheless opposed Clark through his loyal supporters: Governor Smith, Attorney General Nolan, Congressman A. J. Campbell and state Democratic committee chairman W. M. Crockrill. However, when the Miners Union petitioned the Amalgamated for the eight-hour day, local managers demurred, requesting time to consult with their superiors. Dividends might be lowered if the request was approved. The Amalgamated employed perhaps ten times more men than Clark and Heinze. The New York office flatly rejected the miner's petition, and Daly did not oppose the decision. It was a brilliant but risky strategic move and Clark and Heinze were lucky. Fortunately, it also benefited the miners.⁷

Heinze, a forceful and talented speaker, stirred the masses against the evils of Standard Oil. He cared little for politics, but business and politics were strongly

⁶ Clayton Farrington, "The Political Life of William Andrews Clark" (M. A. thesis, Montana State University, 1942), 256.

⁷ John Byrne, *Annual Report of Inspector of Mines*, Helena, Montana, 1900; *Helena Independent*, 19 June, 2 November 1900; *Butte Miner and Helena Independent*, 14 June 1900; In 1900 there were thirty-seven labor unions in Butte and 124 in the state. The *Reveille* (Butte) estimated that there were more than 20,000 union members statewide.

intertwined. Henize knew what he needed, and how to get it. What he and Clark needed most was control of the Democratic convention. This was nearly impossible, since a compromise between the two factions was unthinkable. However, when the Clark delegates walked out of the Silver Bow meeting and organized a separate state convention, there was a chance.

The platforms were stale and predictable. Clark favored the eight-hour day for all hazardous occupations, decried the Senate investigation committee as a vile persecution, and denounced everyone associated with it. The Daly delegates offered little reform and maintained the mantra of Clark's corruption, calling it the "crime of the century and a disgrace to the state, a shame to the American nation, and an insult to the senate."⁸

The Democratic National Convention met in Kansas City in July. Clark and McGinnis represented the two delegations. Frank Corbett and Judge N. W. McConnel presented arguments for Clark, and Governor Smith and Walter Hartman argued for McGinnis before a five-member sub-committee, who voted four to one to seat Clark's contingent. The Montana case had generated considerable interest, partly because of Daly's press and the Anaconda's publicity department. The McGinnis delegates appealed, and in the first hearing of the credentials committee, the members voted thirty-three to thirteen to deny the Daly representatives a hearing, closing the matter.⁹

The *Miner* crowed that "DALYISM IS DEAD AND DAMNED," and that the decision vindicated Clark over the Montana Supreme court and Committee on Privileges and Elections. The *Standard* disparaged Hauser and Clark, but had

⁸ *Butte Miner, Anaconda Standard*, 17 June 1900.

⁹ Foor, "The Senatorial Aspirations of William A. Clark," 214.

surprisingly little substantive rebuttal. The Anaconda men, lacking the backing and influence of Haggin and the vituperative energy of Daly, and with Standard Oil embroiled in litigation against Heinze, found themselves with little support on substantial issues.¹⁰

Only three weeks after his return to Butte, Clark had done the impossible, wresting the Montana Democratic Party from the decade-long control of Marcus Daly. Using the legal and oratory skills of Heinze, his shrewd intellect, the advice of devoted supporters, the eight-hour day issue, a vigorous effort energized by anger and determination, and turning the formidable power of Standard Oil against him, Clark captured the political machine, turning his old nemesis against its former masters.

After making final political and business arrangements, Clark went to Europe in late July for a two-month rest. Under enormous strain for two years, he prepared for a strenuous campaign. Both sides needed to control the Republican primaries, and Daly's men, with the support of Wilbur Sanders and the heavily populated counties, controlled the convention. The Democratic *Anaconda Standard* was more supportive of Clark's opponents than the Republican press. The platform called for an eight-hour day, obviously a political maneuver to offset Clark's and Heinze's initiative. The unions sensed an opportunity, formed the Union Labor Party, and held a convention in Helena on 18 September. The Democrats and Populists convened in Helena the same day.¹¹

¹⁰ *Anaconda Standard and Butte Miner*, 4 July 1900; *Helena Independent* 6 August 1900; The *Independent* wrote that, "The Syracuse republican, cowardly ruffian, brazen libertine, drunken scoundrel and easy liar who conducts the *Anaconda Standard* has made the discovery in his alcoholic imagination that the Kansas City convention was bribed."

¹¹ *Helena Independent*, 29 July 1900; Clark to Hauser, 24, 28 July 1900, Hauser Papers, Montana Historical Society Archives, Helena; *Cong. Record*, 56th cong., 2nd sess., 3426; Clark stopped in New York on his way to Europe. Rumors said that he had contributed heavily to the Democratic campaign fund and in an interview he said "I may have given a check for \$100,000 to the campaign fund. Perhaps it was more than that. I sent a contribution." Chandler said Clark promised \$300,000, but did not pay it.

The Clark strategy was to oust the Daly delegates and fuse the remaining smaller parties with their own. The central committee under Clark's control met 18 August and made rules in their favor concerning nominations and appointments. When the Democrats met, a request was made to the credentials committee to deny seats to the Daly delegates from Silver Bow, Deer Lodge, and three other disputed counties. The delegates voted 255 to 91 in favor of the motion. After a protest speech by John R. Toole, Daly's delegates held their own state convention the next day in Butte.¹²

The task of uniting the Democrats, Labor Party, and Populists was a formidable one. Nominating candidates for state offices, particularly Governor, proved difficult, but after a five-day session, a compromise was reached. The Populists joined the Democrats, but the Labor Party remained separate. Fortunately, harmonious platforms were adopted with the eight-hour day, condemnation of the trusts, especially the Amalgamated for controlling the business and politics of Montana, and the direct election of Senators. Clark worried about failing to fuse the Labor Party, which despite its friendly attitude, could still be under Daly's control.¹³

Daly was seriously ill in New York and filed his Will in Anaconda on 18 September. Clark returned from Europe during the state Democratic convention, and told a reporter his endorsement and seating in Kansas City was a personal vindication and a rebuke to the Senate Committee on Privilege and Elections. Clark learned Daly's lesson well and was not present during the convention, avoiding charges that he influenced its deliberations.¹⁴

¹² *Butte Miner*, 19 August 1900; Not surprisingly, the *Standard* did not condemn Daly's men for leaving.

¹³ Clark to Hauser, 23 April 1900, Hauser Papers, Montana Historical Society Archives, Helena; *Butte Miner* and *Helena Independent*, 5-8 September 1900.

¹⁴ *New York Herald*, 23 September 1900.

A reveling Clark gave an interview to the *New York Herald* on 23 September saying that Daly had no power except in the few counties where his companies operated, and that even these were tired of his methods. He said, "When Daly cannot rule he tries to ruin and the same policy is being pursued by his followers...Standard Oil rules the Republican party in Montana; its only hope with the democrats is to bring about disruption, which it is now trying to do. It will fail."¹⁵

Frantic, Daly's men organized the Independent Democratic Party on 2 October to weaken the Democrats and bolster the Republicans. Thomas Hogan, a Populist labor leader was nominated for Governor. Ironically, Hogan had said a week before that he would stop at nothing to keep his state from the clutches of Standard Oil, but the obvious ploy to split the Labor vote was successful, but Hogan said he could not refuse nomination. With the Democrats supporting the eight-hour day, a separate Union Labor Party, and the popular labor leader Hogan leading the Independent Democrats, the labor vote was in serious jeopardy of being split. The Republicans felt hopeful.¹⁶

This situation continued until 26 October, the last day to fill vacancies on the state ticket and ten days before the election. Heinze had delivered an effective series of stinging speeches against Anaconda and Standard Oil during October. Labor leaders agreed that the primary issue was the Standard Oil and the Amalgamated copper trust attempts to seize control of the state government and that all other issues were secondary. It charged Republicans with nominating company men to divide the Labor vote and said workers supported Clark's eight-hour rule and anti-company store bill.¹⁷

¹⁵ *New York Herald*, 23 September 1900.

¹⁶ *Butte Miner*, 6 October 1900.

¹⁷ *Helena Independent* and *Butte Miner*, 27, 28 October 1900.

As Heinze maneuvered to gain control of the courts, attacks against him increased. However, they were unsuccessful and actually helped him fight the Standard Oil “octopus.” He knew the strategies and tactics of A. S. Bigelow, J. B. Haggin, and H. H. Rogers from early negotiations for the purchase of properties, and successfully used this knowledge to attack Standard Oil, giving him great credibility with the miners. He skillfully won over old Daly men, arguing that he no longer had a voice in the company and after leaving Montana in August, would likely not return.¹⁸

On 6 November 1900 Clark’s strategy proved successful as his Democratic supporters swept the state and the remnants of the Daly machine imploded. Working together and against all odds, Clark and Heinze had defeated, at least temporarily, the power of Standard Oil and Marcus Daly, and it was a glorious day. Daly’s supporters suffered a double defeat. Just a few days after the election, Marcus Daly died in New York City on 12 November 1900 at the age of fifty-eight. The cause of death was Bright’s disease, a painful kidney disorder, but perhaps the most painful blow was learning that despite all the time, effort, and money spent to prevent it, William A. Clark would be a U.S. Senator.¹⁹

When the seventh legislature met 7 January 1901 the Amalgamated did everything possible to reelect Tom Carter, making the by now familiar jump from the

¹⁸ Augustus F. Heinze, *The Political Situation in Montana, 1900-1902* (Butte: n.p. 1902), pamphlet, 63 pages; speech of 19 October 1900, 13; The pamphlet contains five speeches given by Heinze in Butte during October 1900; Ellis Waldron and Paul B. Wilson, *Atlas of Montana Elections 1989-1976* (Missoula: University of Montana Publications in History, 1978), 26; The Democrats won 14 seats in the senate and 28 in the house, for a total of 42. Independent Democrats won 5 seats in the house. The Republicans won 9 senate seats and 23 house seats for a total of 31, the Populists won 7 and the Labor party had 8. Clark’s election was assured. Toole was elected Governor with 31,419 votes to the Republican David E. Folsom’s 22,691 votes.

¹⁹ *Anaconda Standard*, 6 November 1900; Daly had told his men “You have all fought well...the voters will not go back on their own best friends and interests at this time.”

Democratic to the Republican Party. Daly had done it often, and the Amalgamated was more closely tied to eastern capitalists and Republican values. Carter had earned his reputation and nickname “Corkscrew” through years of shifting loyalties. The Republicans controlled thirty-two delegates, Independent Democrats nine, and populists seven. Of the ninety-four delegates, Clark presumably controlled fifty-three, and the Amalgamated the remaining forty-one. On 16 January 1901 Clark received fifty-seven votes to Tom Carter’s thirty-one, becoming Montana’s Senator for a full six-year term.²⁰

Congratulations for Clark’s great victory and vindication poured in from Montana and the nation. The *Miner* ran telegrams and letters for several days. The *Great Falls Leader* said Clark’s right to the seat was untainted, and that it was safer in his hands than that of his opponents. The *Great Falls Tribune* reported that in Great Falls, “Genuine pleasure was expressed by the great majority of people...In the eyes of the people, he has passed through the fire of calumny and vilification unscathed and stands higher today because he has come out of that persecution waving aloft, unsullied and unharmed, the banner for the individual liberty for the people of Montana, and with which he entered the fight so many years ago...his life’s work has been appreciated, and it has brought him thousands of friends who admire him for what he is and not for what he has.”²¹

Clark’s determination, indomitable will, and refusal to quit helped him to succeed in politics as he did in business. Clark’s election was praised primarily because it

²⁰ *Butte Reveille*, 27 November 1900; Foor, “The Political Aspirations of William A. Clark,” 268-269.

²¹ *Great Falls Leader*, 17 January; *Great Falls Tribune*, 17 January, 1901; *Ravalli Democrat*, 23 January 1900; The *Leader* was being tongue in cheek. It had attacked Clark unmercifully, and said that while Montana should not be proud of the vindication, Clark’s title to the seat was unclouded and safer than in the Amalgamated hands. A few papers were critical, but many that opposed Clark’s election now praised it; The *Ravalli Democrat* said, “If the majority of the people of any given state are horse-thieves, it would seem they should have the right to select...the leading horse-thief among them.”

signaled a new phase in Montana politics, a time of hope for a new future. With Daly gone and Clark's ambition fulfilled, it was hoped that the evils of the past twelve years could be forgotten. In the future, there would not be Clark men or Daly men—only Montanans. Clark went to Washington to take his seat 4 March 1901. As the roll was taken, he patiently waited, having endured an unprecedented assault on his character and reputation in an effort to keep him from the seat he occupied, but he was smiling. The long, bitter struggle was over and he had won.

CHAPTER 10

EPILOGUE

Not surprisingly, the political and economic alliances forged during the campaign shifted with the vicissitudes of time. Soon after his election, Clark made peace with the Amalgamated. This surprised and angered many, but there were practical if not mandatory reasons. Clark and Heinze had achieved the goals of their alliance, and had little more to gain. However, Clark had much to lose. While in New York, Rogers apparently told Clark in no uncertain terms that Standard Oil controlled the Senate, and at any time two-thirds of the members could vote to unseat him. By making peace with Clark, Rogers could deal with Heinze.¹

The break with Heinze and other former supporters occurred naturally over time. Clark was a conservative businessman with large holdings and shared many issues with the Amalgamated. Most of their quarrel was over political matters and Marcus Daly. Now that he was gone, policies and attitudes changed, and people wanted and expected peace. Montana's economic prosperity depended on capital to continue its economic development, as the resources became more difficult to reach.²

The dissolution of the Fusion Party was also expected. Too many diverse groups had too little in common to sustain a working relationship. Clark told the

¹ Christopher P. Connolly, *The Devil Learns to Vote* (Corvici Friede, 1938), 242; Interestingly, Connolly accepted the practical necessity of Clark's decision.

² *Missoulian*, 17 January 1901; *Helena Herald*, 17 January 1901; The *Herald* said that Clark's election "marked the closing chapter in the celebrated political feud that has so many years been continued with a bitterness and energy unparalleled in the political history of this country and which has done much to bring Montana into political disrepute."

members that all pledges would be fulfilled, to forget the past and work for the good of everyone. Press attacks against Clark ended, and even Tom Carter courted Clark's favor. Despite suspicions that he would betray his campaign promises, Clark endorsed the eight-hour day, and it became law on 2 February 1901. A law also passed that required wages be paid in cash or bank check, prohibited employee coercion to patronize company stores, and prevented the assignment of wages to an employer. Despite his apparent "defection," the Fusion Party was satisfied that Clark kept his pledges to labor.³

Clark's detractors use his truce with Standard Oil as an example of his weak character and self-serving interests. However, the facts show that Clark had valid reasons to make peace if he ever hoped to accomplish anything in the Senate. Clark's avowed enemy, William E. Chandler, removed any doubts that Rogers' threats toward him were not idle.

As Clark suspected, Chandler had a special bond with the Daly supporters. He maintained a steady correspondence with Daly's men between March and November 1900 asking if charges would again be filed against Clark. Governor Smith, Attorney General Nolan, and A. J. Campbell conferred with Chandler from March 1900 until January 1901, providing him with information and a fair amount of lies, rumors, and speculation which he often repeated publicly, later to his embarrassment.⁴

³ *House Journals of the Sixth and Seventh Sessions of the Legislative Assembly of the State of Montana* (Helena: Independent Publishing Co., 1899-1901), 7th sess., 25; *St. Paul Globe*, 8 March 1901; The *Globe* said that Clark's record as a man and a politician was white when compared to Matthew Quay and Mark Hanna, who would also occupy Senate seats.

⁴ *Cong. Record*, 56th cong., 2nd sess., 3426; For example, Chandler repeated Governor Smith's unfounded allegation that Clark spent \$200,000 on the Spriggs appointment. Chandler also told the Senate that Clark promised \$300,000 to the Democratic National Convention, but it was proved he legally donated only \$100,000 as promised.

In the fall of 1900, Chandler was in a difficult reelection fight. He needed help to counter attacks from the Boston and Main Railroad's president Lucius Tuttle. His ally, Senator Penrose, solicited the support of H. H. Rogers, Marcus Daly and Senator Carter, since Chandler's handling of the Clark case had endeared him to Daly and hopefully Standard Oil, with its large holdings in the Boston and Maine. This provides a clear motive for Chandler's prejudicial handling of the Clark case, and why he was extremely defensive of his actions. Richardson wrote that Clark promised to do two things—secure his election in the next Montana legislature, and ensure Chandler's defeat for reelection in New Hampshire. In view of his financial resources, these threats were formidable. Both predictions were correct, but Clark's efforts to defeat Chandler were unnecessary when Standard Oil did not support him.⁵

In his last days in the Senate, a bitter and frustrated Chandler read a lengthy summation of the committee proceedings and comments into the *Congressional Record*, ostensibly since the case was never discussed upon the Senate floor. Senator Pettus strongly objected, accusing Chandler of spewing venom at a man he wronged, but Richardson said it was only a "genuine outpouring of an honest man, aghast at the spectacle of a multi-millionaire using his superfluous wealth boldly to buy a seat in the Senate of the United States and eventually succeeding in his quest."⁶

Senator Pettus could not remain silent. After Chandler's harangue he said, "Mr.

⁵ *Cong. Record*, 56th cong., 2nd sess., 3422-3436; Leon B. Richardson, *William E. Chandler: Republican* (New York: Dodd, Mead & Company, 1940), 632; Another possibility never suggested is that Chandler was opposed not by Clark, but by Sam Hauser, still the "grand old man" of Montana politics with powerful political and business friends. He remained in New York for most of the investigation, but he could barely contain his outrage at Chandler. Hauser had badgered Clark into running for the Senate to oppose Daly and the Amalgamated stranglehold on Montana. It was Hauser that vowed Clark would never resign, and he played a key role in Clark's political strategy. Hauser was a formidable enemy, and could have certainly opposed and punished Chandler during his campaign.

⁶ Richardson, *William E. Chandler*, 593.

President, this untimely, protracted, and most remarkable performance of the Senator from New Hampshire [Mr. Chandler] forces us all to remember that we are sons of Adam, and have inherited a very large amount of human nature. It teaches us a sad lesson, which ought to be emphasized so that we shall not forget it...this has been a terrible picture we have had here tonight. Let us turn away in sadness and pass on.”⁷

Why did Clark or anyone desire public office? Public office was considered primarily an honor and distinction, setting one apart. Except in times of crisis, most people believed the requirements of office were well within the abilities of anyone seriously interested. Financial rewards were seldom the reason for seeking office, since many candidates were wealthy. Holding an elected office was mainly a question of prestige, and the elected most desired the respect of his neighbors. In Clark’s time, vanity was the motive behind politics, although politicians today prefer the term “laudable ambition.” Elected office was an important marker in the social registry, and men of wealth sought to either enter that register, or move higher in it.⁸

Simple men achieving great wealth remembered their days of poverty and wanted their offspring to enjoy the pleasures and rewards of belonging to “society.” However, traditional society recognized but did not accept those with newfound wealth. Political office was a great equalizer, but there were too few offices at the higher levels. Each vacancy generally resulted in heated contests, and the results left one side satisfied and the others rebellious and disillusioned. When a compromise was reached, each side “settled” and the victor was continually harassed. William A. Clark was a

⁷ *Cong. Record*, 56th cong., 2nd sess., 3435-3436.

⁸ Richardson, *William E. Chandler*, 4-6; Clark’s family was part of New York society. However, Clark, like many others, learned that participation did not mean acceptance. Leading families were the product of “birthright and breeding,” and commoners attaining great wealth were merely tolerated.

predominant figure in Montana and American history, and in business was the equal of George Hearst, Jay Gould, J. P. Morgan and Andrew Carnegie, yet few people know of him. Those who do consider him the millionaire that bought a U.S. Senate seat.⁹

Students of Montana history know that the texts and papers devoted to it are permeated with uninvestigated assumptions that seldom square with facts. Valuable documents were often destroyed, leaving gaps that lent themselves to reckless speculation couched in historical fact. Students of Montana history must remember that many of their predecessors were unscrupulous, and biased to the point of incredulity.¹⁰

John Welling Smurr said in “A Critical Study of the Montana Constitutional Convention of 1889” that many histories suffered from political bias, and that it was risky to write Montana history. Incredibly, he believed that Connolly was “that rare type in Montana history, an actor and eyewitness who wrote down what he saw, and who published his findings shortly afterwards. We may at least suppose that a man who expected to make his living in Montana, and who attacked Clark in print as Connolly did in 1906, may be conceded the virtue of sincerity.”¹¹

Smurr’s comments are stunning. Connolly is a glaring example of the type of Montana historian that Smurr disparages, and is most responsible for generating the character assassination of William Andrews Clark and perpetuating the mythical reputation of Marcus Daly and his supporters. Connolly deserves praise for neither

⁹ Richardson, *William E. Chandler*, 5-6; *Cong. Record*, 56th cong., 2nd sess, 5536; Clark was surprised that his political ambition was the object of criticism. In his resignation speech, he said that a lesson taught in school was that, “one of our greatest freedoms is the ability of anyone to rise in public office.”

¹⁰ John Welling Smurr, “A Critical Study of the Montana Constitutional Convention of 1889” (M. A. thesis, Montana State University, 1951), 4; Clark’s years in the Senate are seldom mentioned, but of the studies made, even his opponents begrudging admit he did an adequate job. One of the best accounts is Clayton Farrington’s, “The Political Life of William Andrews Clark” (M. A. thesis, Montana State University, 1942), 265-313.

¹¹ Smurr, “A Critical Study of the Montana Constitutional Convention of 1889,” 6.

virtue of sincerity or courage of convictions. He was an attorney and committed Daly supporter, involved in nearly effort to malign Clark. A gifted writer, Connolly chronicled the Clark-Daly feud for the muckraking *McClure's Magazine*, which by 1902 was one of the country's top magazines.¹²

Connolly presents an interesting dilemma. Obviously a participant in many of the events described, his bias makes his story unreliable. Connolly's most damning charge, that Clark was convicted of bribery and denied a Senate seat, is false. The Senate investigative committee could not convict Clark; they merely recommended actions for a Senate vote. The committee recommended that Clark's election be declared "null and void," but the Senate never voted him out. Connolly's articles were damning to Montana's reputation and posterity. This paper helps explain why he wrote it.

By 1904, Montana politics was less volatile. The Clark-Daly feud was over, the War of the Copper Kings was ending, Standard Oil monopolized the copper industry, and Clark was a Senator. He was also remarried, a serious art collector and was building an elaborate home in New York. The events of the 1890s were fading, but the tarnish on Montana remained. It galled Connolly to see Clark's success, and more disturbingly, many people blamed Daly for the resulting negative publicity. Connolly thought he could set things right if he rewrote the story to place the blame on Clark. Daly would become larger than life, fighting to keep Clark from corrupting the state. With Butte's and Anaconda's Irish population, making Daly a hero was simple.¹³

¹² Harold Evans, *The American Century* (London: Jonathan Cape, 1998), 94.

¹³ It is relatively easy to find basic information on Marcus Daly. A deteriorating statue of Daly sits at the Montana School of Mines in Butte, but nothing memorializes Clark, an even more significant contributor to Butte's growth and development, as well of the entire West. Clark's mansion in Butte is still in use, but Columbia Gardens was consumed by the giant Berkeley Pit, an open pit mine developed by the Anaconda Company to tear the remaining ore from Daly's rich catacombs.

Connolly succeeded beyond expectation. Students of western history read texts based on his version of events, and while his bias is acknowledged, he is extensively quoted and readily accepted. Connolly was the ideal person to rewrite history, and for nearly 100 years his version prevailed. Clark was disparaged or forgotten, but he deserved a better. Clark suffered the fate of many historical figures who are wrongly portrayed. Traditionally, the historian let the facts “speak for themselves” without imposing anachronistic theories or personal prejudices, but facts cannot speak for themselves. They must be identified, selected, interpreted, and put into context before they are meaningful and incorporated into a framework of interpretation. A work of history is rarely proved absolutely wrong and never proved absolutely right, but it is found more or less convincing by different readers.¹⁴

Clark and Daly orchestrated most of the events embroiling Montana politics for fourteen years, but also played a pivotal role in the growth and development of the state. They were very different, yet they exhibited characteristics found in all successful men. Clark and Daly shared responsibility for the shameful events between 1889 and 1901, but Clark’s reputation suffered for a crime he did not commit.

In censuring Senator Chandler, Senator Pettus remarked on the efforts to ruin the reputation of William Andrews Clark. Pettus said, “Mr. President, if we inflict great injury upon a man we are absolutely certain to hate him. Why? The cause is that every time we see him and every time we hear of him we feel mean, and we charge our bad feelings on to that man whom we have thus wronged, and we hate him for our own bad conduct.”¹⁵

¹⁴ Neville Morley, *Writing Ancient History* (Ithaca: Cornell University Press, 1999), 15.

¹⁵ Pettus’ remarks in the *Cong. Record*, 57th cong., 1st sess., 3435.

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