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### Interesting History of Montana's Special Congressional Elections

Evan Barrett

*Montana Tech of the University of Montana*

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# Interesting History of Montana's Special Congressional Elections

A Newspaper Column by Evan Barrett

February 10, 2016

A Congressional death in 1945 and a federal judgeship appointment in 1969 triggered two Montana special Congressional elections like the one we'll have in 2017 once Rep. Ryan Zinke is sworn in as Interior Secretary.

On January 15, 1945, beginning his fifth term, Montana Congressman James F. O'Connor of Livingston, 66, passed away in Washington, DC. O'Connor had been a Montana District Judge, served one term in the Montana Legislature, and unsuccessfully tried three times in Democratic primaries to get to Congress. He lost in 1922 to Senator Burton K. Wheeler, in 1932 to Congressman Roy Ayers and in 1934 to Senator James Murray. In 1936 O'Connor was finally elected to Congress where he remained until his death.

The 1945 Legislature had established a June 5 statewide bond levy election. Governor Sam Ford then piggy-backed the special Congressional election on the same date to save the \$40 thousand cost of a separate election.

Attorney General Bottomly asked the Montana Supreme Court to require primary nominating elections, but the court declared that the political parties should nominate by convention. Lewistown hosted both party's conventions, Democrats on April 14<sup>th</sup> and Republicans on the 16<sup>th</sup>.

Democrats nominated Leo Graybill, Sr. of Great Falls and Republicans nominated Wesley D'Ewart of Park County. Park County farmer Edgar Spriggs, of the Socialist Party, and Independent Robert Yellowtail, a Crow Tribal official were also on the special election ballot.

On June 5, D'Ewart defeated Graybill by a 4032 margin (26,126 to 22,126 with the minor candidates getting 3619 votes). D'Ewart was re-elected four times but then, in 1954, was defeated when he challenged Senator James Murray for his Senate seat.

On February 27, 1969, new President Richard Nixon's first federal judgeship appointment went to Montana Congressman James Battin. Battin had been elected to Congress five times, starting in 1960 when he defeated Leo Graybill, Jr. On March 4, 1969, Governor Forrest Anderson proclaimed a special Congressional election for June 24. Again, both political parties held nominating conventions in Lewistown, Democrats on April 11-12 and Republicans on April 18-19.

Competing for the Democratic nod were John Melcher, 44, a veterinarian and former Forsyth Mayor, State Senator and Representative who had run unsuccessfully against Battin in 1966; Harold Gerke, 57, former Billings Mayor who served eight terms in the Montana House, two as Speaker; Jerry Cate, 29, Billings attorney who headed Bobby Kennedy's 1968 Montana presidential efforts and was later a Constitutional Convention delegate; and Jack McDonald, 40, a State Senator from Belt and chair of the Constitutional Revision Commission. At the convention, Melcher prevailed on the first ballot, getting 41 of 80 votes; Gerke got 21 votes, Cate 12 and McDonald 6.

A week later, Republican aspirants were Bill Mather, 46, Billings attorney, who served 4 terms in the Montana house and was 1969 House Majority Leader; Jack Rehberg, 39, Billings businessman-

rancher who served 5 terms in the Montana House and later ran unsuccessfully for Congress in 1970; Dr. M.F. Keller of Great Falls, who resigned as Republican Party State Chair to try for Congress and also served three terms in the Montana House; and Hank Cox, 46, a Billings teacher who served a total of three terms in the Montana House. Mather won the nomination on the third ballot with 80 votes to 69 for Rehberg, 4 for Keller and 0 for Cox.

Darby Witmer, a wheat farmer from Dawson County was on the ballot as the candidate of the Americanist Party, George Wallace's 1968 presidential party.

On June 24<sup>th</sup> after a campaign of a little over 2 months, John Melcher was elected to Congress by a margin of 2032 votes (45,473 for Melcher - 43,411 for Mather - 539 for Witmer). Melcher was reelected three times and then ran successfully to replace Mike Mansfield in the US Senate in 1976, where he served two terms.

In 1945, with a Democratic President, a Republican replaced a Democrat in Congress and in 1969, with a Republican President, a Democrat replaced a Republican in Congress. Voter turnout compared to the previous general election was 46% in 1945 and 72% in 1969. How will the 2017 special election compare with 1945 and 1969 once it is over?

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*Evan Barrett, who lives in historic Uptown Butte, just retired after 47 years at the top level of Montana economic development, government, politics and education. He is an award-winning producer of Montana history films who continues to write columns and record commentaries, while occasionally teaching Montana history.*

*Much of the information for this column comes from "Atlas of Montana Politics 1889-1976" by Ellis Waldron & Paul B. Wilson and from newspaper archives.*

(700 words in the body)