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A True Montana Melodrama

A Montana Public Radio Commentary by Evan Barrett

March 13, 2014

Much has been said about the appointment of John Walsh to the US Senate including comparisons to Montana's earlier Senate appointments.

It's interesting to look at the actual historical facts of the earlier situations.

Most recently, 36 years ago, Paul Hatfield, then Montana's new Supreme Court Chief Justice, was appointed by Governor Tom Judge to replace Senator Lee Metcalf, who had passed away. I recall this process well, having been an aide to the Governor and a friend of Hatfield.

After his strong election to the Supreme Court in 1976, Hatfield naively accepted the Senate appointment assuming he had some electoral strength. However, then Congressman Max Baucus had been actively preparing a run for Metcalf's seat because the Senator had been clear all along that he would not run again. As a result, Hatfield was only in the Senate for a little over 4 months before Baucus overwhelmed him in the 1978 primary election by more than a 3 to 1 margin.

Now, the appointment before that was more nefarious. In 1933, when Senator Thomas Walsh unexpectedly died while on the train to Washington to become FDR's Attorney General, Governor John Erickson was just beginning his third term. Erickson is the only Montanan elected governor three times. Erickson ambitiously seized the opportunity, resigned the Governorship and had his Lt. Governor appoint him to the open Senate seat, though Erickson only held it for two years.

However, the much earlier saga of Montana Copper King W.A. Clark's naked ambition for money and power, including five separate tries for a US Senate seat, is a true Montana Melodrama.

Right after Montana became a state, its 1st Legislature did not actually convene, but the Democrats and Republicans each met separately and "elected" two Senators. W.A. Clark was one of the Democrats so "elected" but when he presented his credentials to the US Senate in January 1890, the Senate, then controlled by Republicans, turned him down and seated the two Republicans.

Clark's second unsuccessful attempt was when Montana's 3rd Legislature refused to support him because of his on-going feud with the other major Copper King, Marcus Daly, and no one was picked by the Legislature. Governor Rickards then appointed Lee Mantle, a Republican, but the US Senate, then controlled by Democrats, refused to seat Mantle, leaving Montana without a Senator for 2 years.

Clark's third go at getting to the Senate was in the 6th Legislature, an effort that was notable for Clark's outright bribery that has been so well-documented in Montana history

books. But after taking the Senate seat, four months later on May 15, 1900, Clark resigned while a vote was pending in the US Senate on a resolution to remove him from office because of the blatant bribery.

But Clark's "resignation" was not really a capitulation. Clark forces in Montana had concocted a scheme that drew Governor Robert Smith to California. While he was gone, the Lt. Governor, a Clark ally, appointed Clark to the open seat that had been created by his own resignation – and did so on the very same day that Clark had resigned.

When the Governor heard what happened he immediately returned to Montana and rescinded the Clark appointment. Thus Clark's fourth attempt to get a Senate seat failed. Governor Smith then named a different Democrat to the Senate seat, but the Senate declined to seat him, again creating a vacancy in the Montana US Senate delegation that lasted for a year.

The 7th Legislature finally elected Clark to a six-year Senate term in 1901, in his fifth attempt; this time he was successful because, among other things, his Copper King rival Marcus Daly had died. According to noted Professor Ellis Waldron, "the legislature again elected William A. Clark to the U.S. Senate and he served an undistinguished term that satisfied his political ambitions."

The Clark quest was quite the Montana Melodrama. Notwithstanding the dramatic story line, I suspect it was never made into a movie because there was no happy or heroic ending. Essentially, the villain of the piece finally got what he wanted.

Now, these events at the turn of the 20th Century were some real shenanigans regarding US Senate appointments here in Montana.

To me, there is a huge difference between the naked ambition for power of Copper King Clark or the nefarious ambition of John Erickson and the 32 years of public service by John Walsh before he became a senator, including leading our National Guard in battle overseas. Any suggestions of similarity are unfair to Walsh, historically inaccurate and probably politically motivated. Historical facts are stubborn things.

This is Evan Barrett in Butte, thinking of Montana's real history when it comes to the US Senate.

*Evan Barrett, Butte, is currently the Director of Business & Community Outreach and an instructor at Highlands College of Montana Tech. These are his personal views. Much of the historical information comes from the Ellis Waldron/Paul Wilson book, **Atlas of Montana Elections, 1889-1976***