

The Peoples power league : a progressive organization in Montana 1911-1915
by Edrie Lee Vinson

A thesis submitted in partial fulfillment of the requirements for the degree of MASTER OF ARTS in History
Montana State University
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Abstract:
K. Ross Toole, professor of Montana History, has characterized the progressive era in the state as nothing more than "sound and fury and one small tax reform," Yet in the general election of 1912 the electorate adopted four initiative measures reforming the political process. This unprecedented fact is certain evidence of the success of the progressive spirit in Montana's political history.

In 1911, after repeated failures of Montana's assembly to legislate political reform, Miles Romney organized the People's Power League to circulate initiative petitions for a direct primary, presidential and vice presidential primary, popular nomination of senators, and a corrupt practices act. League leaders believed the passage of these measures would effectively take political power out of the hands of large corporate interests and give it to the people.

Politically, the League contained Democrats, Republicans, Progressives, Socialists and laborites. None of the prominent members held state elective office at this time. Professionally, they were lawyers, judges, newspapermen, merchants, bankers, doctors, public employees, ranchers, farmers, and a large contingent of union affiliated laborers. Representing a wide ethnic variety, they also ranged from new arrivals on the Montana scene to the older pioneers who came with the first gold rush.

Although the League managed to avoid economic, political and geographic schisms when dealing with political reform, it was only partially successful in achieving broad social changes. In 1914, the League's emphasis shifted from reform of the political process to legislation of social responsibility. The League initiated a measure for farm loans to aid Montana's agriculturalists. The same year the members sponsored an initiative for workmen's compensation to fulfill a promise made earlier to the union men. League leaders believed that these two issues would build a political farmer-laborer coalition.

Rural voters supported the League on the farm measure, but deserted it when voting on workmen's compensation. The farmer, though generally of the same economic status as the wage earner, was convinced by corporate interests that labor legislation would be applied against him, for he was, after all, an employer of labor.

In 1912 the People's Power League succeeded because the issues united progressives to pass legislation dealing with political reforms that each individual felt would increase his own power. But in 1914 when the issues shifted to non-political reform favoring one faction over another, the League's unity shattered.

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Date June 9, 1976

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by

EDRIE LEE VINSON

A thesis submitted in partial fulfillment
of the requirements for the degree

of

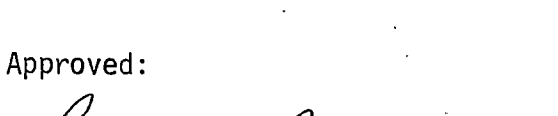
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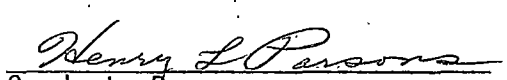
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Others deserving mention are William A. Johnstone, MSU Vice President of Admissions, who gave me information on his grandfather, W. K. Harber, a member of the People's Power League; Paul Davidson of Bozeman, who remembered Walter Hartman, the Gallatin County representative of the League; and Bessie K. Monroe of Hamilton who gave me information concerning Miles Romney, President of the League.

A special thanks goes to the late Ravalli Senator Miles Romney, Jr., son of the President of the People's Power League. Miles, Jr. was only ten years old when his father organized the League, but his vivid recollections of the activity, the men who visited his home to formulate plans for the League, his father's correspondence and acquaintances, and his father's relationships with state officials were most

helpful information. Miles, Jr's. continued interest in the political affairs of the state gave particular authority to his assessment of the contribution of the work of the People's Power League to state government.

Mr. Charles Fox photographed the cartoons from newspaper microfilm, and Fred Vinson produced the prints and maps. The Montana Historical Society gave permission to use the photograph of Miles Romney. Numerous friends and fellow students spent hours pouring over the typed pages to help eliminate errors.

The warmest of thank yous must go to my children, Thom and Leann, for carrying the burden of mother and housekeeper while their mother took on the role of student. And to my father, the man who never doubted me or neglected to encourage me, and who gave both moral and financial support, I dedicate this work.

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ABSTRACT

K. Ross Toole, professor of Montana History, has characterized the progressive era in the state as nothing more than "sound and fury and one small tax reform." Yet in the general election of 1912 the electorate adopted four initiative measures reforming the political process. This unprecedented fact is certain evidence of the success of the progressive spirit in Montana's political history.

In 1911, after repeated failures of Montana's assembly to legislate political reform, Miles Romney organized the People's Power League to circulate initiative petitions for a direct primary, presidential and vice presidential primary, popular nomination of senators, and a corrupt practices act. League leaders believed the passage of these measures would effectively take political power out of the hands of large corporate interests and give it to the people.

Politically, the League contained Democrats, Republicans, Progressives, Socialists and laborites. None of the prominent members held state elective office at this time. Professionally, they were lawyers, judges, newspapermen, merchants, bankers, doctors, public employees, ranchers, farmers, and a large contingent of union affiliated laborers. Representing a wide ethnic variety, they also ranged from new arrivals on the Montana scene to the older pioneers who came with the first gold rush.

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INTRODUCTION

Progressivism and the People's Power League

Traditionally, historians have associated the phenomenon of progressivism with a particular socio-economic class. Leaders of progressive reform movements were customarily typed as young, idealistic professionals from upper middle-class families. In turn, the target for reform activities was usually thought of as an urban political machine which drew its strength from newly arrived immigrants and the laboring class. Within the past few decades, however, these assumptions have been undergoing scrutiny and challenge. It is no longer possible to accept them as entirely and exclusively true.[1]

A recent study by John Buenker, for example, calls the traditional assumptions about progressivism into question by demonstrating that it was the urban "machine" politicians who saved the progressive 17th Amendment for direct election of senators from defeat by old-stock rural Republicans. Another repudiation of the conventional theory by Michael Rogin and John Shover has identified the prime supporters of California's progressive governor, Hiram Johnson, as a wave of newly-arrived immigrants. Equally at odds with the traditional assumptions is the fact that as soon as Johnson began to implement his progressive

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[1]Robert H. Wiebe, The Search for Order 1877-1920 (New York: Hill and Wang, 1967).

ideas, those who formerly supported him, professionals from established middle-class families, now began to desert him en masse.[2]

An increasing number of local in depth studies of the progressive period changes our generalized overview, but still no firm agreement on interpretation is available. Richard Roeder's study of the early years of progressivism in Montana, covering the period around 1906, located progressives variously in rural farming and ranching communities, in urban civic organizations and women's clubs, in labor unions, and among the "mainstreeters." Since progressives were found to have existed in all segments of the state's society, the related question was raised: who comprised the opposition? According to the study of K. Ross Toole, the Anaconda Copper Mining Company made up the opposition. Toole further claims that a progressive element within the state was negligible in that it failed to check the "special influence" of the company.[3]

An understanding of the participants within the progressive movement and an evaluation of the results of their efforts are but

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[2]Arthur Mann, ed., The Progressive Era: Major Issues of Interpretation (2nd ed., Hinsdale, Illinois: Dryden Press, 1975), pp. 95-107, 20-30.

[3]Richard Brown Roeder, "Montana in the Early Years of the Progressive Period," (unpublished Ph.D. dissertation, University of Pennsylvania, 1971); K. Ross Toole, "Rebuttal: When Is a Reform a Reform?" Montana the Magazine of Western History, XX (Autumn, 1970), p. 27; Toole, Twentieth Century Montana: A State of Extremes, (Norman: University of Oklahoma Press, 1972).

pieces of the puzzle of the progressive era. However, their goals can give us some insight into their character. Benjamin Parke DeWitt, a contemporary observer, described their proposals thus:

> Corrupt special influence must be removed; the structure of the government must be modified so as to allow a greater and more direct participation by the people in the conduct of public affairs; and, finally, the functions of the government must be increased in an effort to meet industrial and social needs.[4]

Theodore Roosevelt echoed the first of these objectives in a speech delivered in Oswatomie, Kansas:

> We must drive the special interests out of politics. That is one of our tasks today. Every special interest is entitled to justice--full, fair and competent--but not one is entitled to a vote in congress, a voice on the bench, or to representation in any public office.[5]

Thus, these two spokesmen of the period identify a central goal or issue of the progressive movement--to remove "special influence" and "special interest" from government power.

A revived emphasis on issues provides new guidelines in the historiography of progressivism. David Thelen's recent interpretation of American progressivism does not associate the reformist movement with any particular group or social class. He emphasizes, rather, those issues he considers to be characteristic of the early years of

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[4]Roeder, p. 223.

[5]"The Progressive Creed Proclaimed by Roosevelt," Montana Lookout, September 3, 1910, p. 1.

progressivism. Thus one person may have supported many issues considered as progressive, while opposing others equally reformative in nature. Thelen's method, then, allows the issue to indicate who were progressives on any given occasion.[6]

A study of the progressive era must include personalities, issues, and documentation of the accomplishments of the movement. These historical facts are abundant, although not widely known. In 1912, the Montana electorate passed reform measures of an unprecedented nature, each of them aimed at curbing special interest in state government. The passage of this legislation, clearly the results of progressive thinking, was accomplished almost entirely through the efforts of an organization known as the People's Power League, a fact which seems to have been overlooked by students of Montana history. Until we have thoroughly assessed the role played by the League in accomplishing the reforms of 1912, our understanding of progressivism in Montana will remain only partial and inadequate.[7]

The present study must, of necessity, limit itself to a detailed account of the origins and activities of the People's Power League, particularly the crucial role this organization played in initiating reform legislation in 1912 and 1914. In pursuit of this

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[6]Mann, pp. 31-45.

[7]Secretary of State Initiative files, 1912.

goal, the following questions will be addressed: How did the League come into being? Who were the main organizers of the League? Which groups and individuals comprised the League's opposition? Were the League's issues characteristic of those labeled as progressive? And, what were its successes and failures? This study will also attempt to locate the League's activities within the larger framework of the progressive movement in general.

CHAPTER I

REACTION TO THE TWELFTH LEGISLATIVE ASSEMBLY, 1911

In 1911 the People's Power League of Montana organized as a group of independent volunteers for the purpose of reforming the state's political processes through direct legislation. This group formed in reaction to the failure of Congress, successive legislatures, and party committees to respond to public demands for political reform. According to the League members, powerful agents of the Anaconda Copper Mining Company generally controlled both Democratic and Republican county and state conventions. Through their control of these conventions the agents nominated men favorably disposed to company interests. Critics inside and outside of the League accused the company of financing the campaigns of its favorites to such a lavish extent that independent individuals were unable to compete against them. Those elected to the legislature through company support neglected responsibilities to the public and yielded to the demands of the special interest that placed them in office. Legislators who were successful through this company-dominated convention system refused to pass political reforms that probably would remove them from power, despite the fact that they promised such legislation in their party platforms. Since the legislature refused to jeopardize its power

by accomplishing reforms for a more representative government, the League organized to handle the reform process itself.[1]

While the legislative assembly accumulated notoriety, a few of Montana's newspapers developed a strong tradition of avid, independent journalism. Although the mining interests which consolidated under the name of Anaconda owned a large portion of the state's presses, those editors who could not be bought refused to be controlled. These independent news editors, especially those speaking for the League, magnified an image of the all-powerful company to their fullest ability. But these editors adopted the theme from earlier generations rather than creating it themselves. Mining interests within the state suffered similar diatribes before the Anaconda Company arrived on the scene, and journalistic pressure against the mining interests continues today.

Contemporary critics dwelt on company control of the legislature and neglected to emphasize its real accomplishments. Historians tend to reflect these critics' views, and the "company theme" dominates most of their writing. Through exploitation of the bizarre or colorful nature of Montana's politics, such as the Clark and Daly feuds,

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[1] "Primaries in Missoula Run by Amalgamated . . . ," Western News, May 28, 1912, p. 1.

historians have bypassed the significant contributions of the legislature during the progressive era.[2]

Not all legislative sessions were devoid of accomplishments, particularly the session of 1911. Burton K. Wheeler, representative from Butte, considered that body to be one of Montana's most progressive assemblies. Yet in regard to political reform, the session failed to produce the desired laws. Critics, especially those of the People's Power League, claimed that this assembly fit the same mold of corruption and bizarre behavior cast by its predecessors.[3]

One of the most outspoken critics of the legislature was Jerre Murphy, a former secretary to Wisconsin's progressive Robert LaFollette. Believing that the legislators were always company controlled, Murphy rarely gave credit when credit was due. Illustrating his lack of

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[2]See Christopher P. Connolly, "The Story of Montana," McClures Magazine, August, pp. 346-361, September, pp. 451-465, October, pp. 629-639, November, pp. 27-43, December, pp. 198-210, 1906; Connolly The Devil Learns to Vote: The Story of Montana (New York: Covici, Friede, 1938); Carl B. Glasscock, The War of the Copper Kings: Builders of Butte and Wolves of Wall Street (New York and Indianapolis: Bobbs-Merrill Co., 1935); Merrill G. Burlingame and K. Ross Toole, ed., A History of Montana 3 vols. (New York: Lewis Historical Publishing Co., 1957); Richard Brown Roeder, "Montana in the Early Years of the Progressive Period," (unpublished Ph.D. dissertation, University of Pennsylvania, 1971), p. 106.

[3]Burton K. Wheeler with Paul F. Healy, Yankee From the West (Garden City, New York: Doubleday & Company, Inc., 1962), p. 95; Montana Historical Society Archives, Montana Governors' Papers, Legislative Series, Box 5, S1.

faith in the state house, Murphy warned the legislature that it was time for things to change:

> If it shall happen, in harmony with the politics and methods and influences whereby alien interests and influential politicians have made Montana infamous, that the present legislature fails in performance as some predecessors have done, it will also happen that independent citizens in various parts of the state actuated by common purpose, will undertake to give the voters of Montana an opportunity to vote directly for laws which will meet the public demand and which will be framed and voted upon by the people without any amendments or compromises or "jokers" to meet the needs of foxy statesmen or lawless combines.[4]

At least in the area of important political reform the legislature failed to heed his warning.

One of the main issues which surfaced in the 1911 session was the desire for a mechanism to give the people some voice in the selection of a United States senator. Prior to the 17th Amendment, the most highly publicized function of the assembly centered around its election of a senator. This duty usually aroused most of the complaints of bribery, corruption and special interest control. The Populist brought the first call for direct election of senators in the 1890's, but after the party folded around 1906 this portion of its platform became a part of the mainstream of politics.

Since 1893 the Montana Assembly had memorialized Congress to amend the constitution for direct election of senators or to call a

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[4]"Hints for Foxy Statesmen," Montana Lookout, January 7, 1911, p. 4.

special convention to amend it. Congressional failure to respond can be partly due to a desire for self preservation or perpetuation. The legislatures, not the people, had placed each senator in Washington, and they wanted to stay there.[5]

By 1909, after Congress' repeated refusal to act on the matter, some members of the legislature decided that the state would have to adopt some alternative course of action. But the type of legislation was subject to dispute. The conservatives who opposed direct nomination proposed that party conventions select senatorial nominees. The progressives wanted to by-pass corporate controlled conventions and allow the people to nominate candidates. Either way, by law the legislature made the final choice, so the old guard saw no need for a public voice in the decision making process. The various factions refused to compromise and the 1909 legislators had no more success in dealing with the question than they had in persuading Congress to tackle it.[6]

Attempting to prevent a reinactment of these irreconcilable

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[5]Roeder, pp. 106-107; Senate Journal of the Tenth Session of the Legislative Assembly of the State of Montana 1907 (Helena: State Publishing Co., 1907), SJR1, pp. 26, 329; Senate Journal of the Eleventh Session of the Legislative Assembly of the State of Montana, 1909 (Helena: State Publishing Co., 1909), HJR1, pp. 97, 230.

[6]Senate Journal of the Eleventh Session of the Legislative Assembly of the State of Montana, 1909 (Helena: State Publishing Co., 1909), SB9, pp. 16, 106, SB101, pp. 195, 280, SB122, pp. 271, 325, 380, HB43, pp. 39, 227, 279.

differences in the next session, the 1910 Democratic State Central Committee discussed the possibility of allowing voters within the party to express their choice for senator. This method could have shifted the responsibility for reform from the legislature another step down to the party level. The motion narrowly missed passage. Members favoring the motion declared that the "company" defeated it, while the opposition maintained that the airing of individual preferences might leave the party less united against the Republican candidate in the next assembly.[7]

When the 12th Assembly met in 1911 the senatorial nomination question was far from settled. In addition to conservative and progressive bills from the preceding session, the Senate provided a new "Republican" version of the bill. The Republicans finally agreed to allow voters an expression of choice, but believed that in order to maintain party purity, the legislators should be required to vote for the candidate receiving the highest votes in their own party. The House then came up with a "Democratic" bill for senatorial nomination.

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[7]Editorial, Montana Lookout, July 23, 1910, p. 4; "How the People Can Select a Senator," August 27, 1910, p. 1. Murphy related the views of Ravalli Senator Miles Romney from the Western News. Romney claimed the committee failed to pass the motion because Fred Whiteside of Flathead, Henry C. Stiff of Missoula, and C. H. Crutchfield of Ravalli, and "others of similar corporate connections" held proxies to defeat it. "Letters to the Editor," September 3, 1910, p. 3, carried the retort of Mr. Stiff, affirming that he authored the motion and that Whiteside supported it. The Democrats, however, were far from united in a choice for senator in the following session.

As both of Montana's senators were Republicans, the Democrats insisted that the legislature ratify the people's choice regardless of party. This provision would make the senator responsible to the people, rather than to party bosses, and possibly help elect a Democrat to office.

Other legislators outside these party blocs preferred to be free to support their own favorite, rather than being forced to vote for someone they personally opposed. Representatives who held considerable power within the party organization wanted conventions to do the nominating, thus allowing them to exercise their personal power in the process. On the other hand, legislators on the fringes of party power knew their influence could best be felt through the voice of the people. And, of course, the old die-hards wanted nothing to do with any of these bills and insisted on leaving the nomination and election of senators up to the legislature as the Constitution required.[8] Possibly each of these options was a valid expression of political philosophy as well as a means of increasing personal power. Yet the critical editors believed the wrangling over the proper method of

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[8]Montana Governors' Papers, Legislative Series, Box 5, S1. This series is most useful when several bills appear by the same title, as it includes the full text of each as presented to the legislature, plus amendments. HB1, SB2; "Big Fight on Direct Primary Law," Western News, January 6, 1911, p. 1. The title "primary" is misleading in our present use of the term. The law permitted voting on senatorial candidates in the general election, before the legislature made its lawful choice.

nominating a senator was but a ruse to defeat the issue. As an example, Senator Dixon wrote:

> This method of defeating legislation has been resorted to time and again in legislative bodies, and the responsibility for the failure of meritorious legislation attempted to be transferred to the shoulders of someone else.[9]

Equally concerned, but with somewhat less sophistication, Jerre Murphy accused the assembly of "throwing dust in the eyes of the people for the purpose of hiding the real issue." In his typical anti-company rhetoric, the battle as he saw it was not between the House and Senate, nor the Democrats and Republicans, but the company and the people.[10]

A joint-conference committee took on the enormous task of sorting through the various demands of each faction and came up with a hodge-podge version called the Everett bill for senatorial nomination. As discussed above, the Republicans insisted on legislator's party loyalty when electing senators while the Democrats wanted legislators to support the popular nominee regardless of party. As a way of avoiding a likely confrontation between parties, the committee simply ignored the issue. This left an opening for further arguments in the following session. The Committee's bill aimed at meeting both party and public demands by allowing the party to nominate its candidate, yet

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[9]Letter from Joseph M. Dixon, Montana Lookout, January 7, 1911, pp. 1, 12.

[10]"The Real and Non-Partisan Conflict," Montana Lookout, April 15, 1911, p. 15.

still leaving room for public nomination by petitions. Getting down to the practical aspects, the bill provided that the legislators themselves have a choice either to remain independent or support the people's choice of candidate. But to make this provision all above-board, the legislative candidates were to file pledges: 1) to be bound by the people's choice for senator, or 2) not to be bound. Therefore the voters would know in advance of electing a legislator where he stood on the issues.[11]

The joint conference committee undoubtedly believed that its concoction was a masterpiece of legislation, mollifying all concerned. The assembly passed the bill, possibly just to avoid further criticism, but the progressive editors made the Everett bill the laughing stock of the 12th Assembly.

The Western News coined the bill the "primary freak" and ". . . the joker of the Twelfth Legislature." Romney complained that the company controlled both party conventions and would prevent the people's candidate from getting on the ballot. W. K. Harber of the River Press asserted that the Everett law was a "step backward," allowing party

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[11] House Journal of the Twelfth Session of the Legislative Assembly at the State of Montana, 1911 (Helena: Independent Publishing Co., 1911), HB 427; pp. 625, 842. This is the bill that became law; Senate Journal of the Twelfth Session of the Legislative Assembly of the State of Montana, 1911 (Helena: Independent Publishing Co., 1911), SB192, pp. 481-82, 522, is the same as HB427, SB193, pp. 481, 485, came from the minority of the joint-conference committee.

bosses more effective control over senatorial elections. The Great Falls Leader responded

> . . . direct primary--rats! The nerve of the Twelfth legislative assembly in naming the thing put out as a "direct primary," is only equalled by the nerve of the Butte Miner in attempting to make political capital of the emasculated monstrosity.

And the righteously indignant Billings Gazette replied:

> When the people asked for bread they were handed a sackful of chaff from which every kernel of wheat had been extracted. They thought they were getting a measure whereby a recognized evil would be abated, and instead they got the "merry ha, ha."[12]

The cut-and-paste law to reform the senatorial election process failed to heal the breach between parties and conservatives and progressives, but the actual process of electing a senator in the 1911 assembly proved to be even more of a fiasco.

The Democrats held high hopes of choosing a successor to Senator Thomas H. Carter, the one-time Daly sponsored conservative Republican. But Carter wished to keep the seat he had claimed since 1895. When agents of the company failed to get a Republican majority elected to the legislature to support Carter, they turned their charm to Democratic members. Butte's Democratic representative Burton K.

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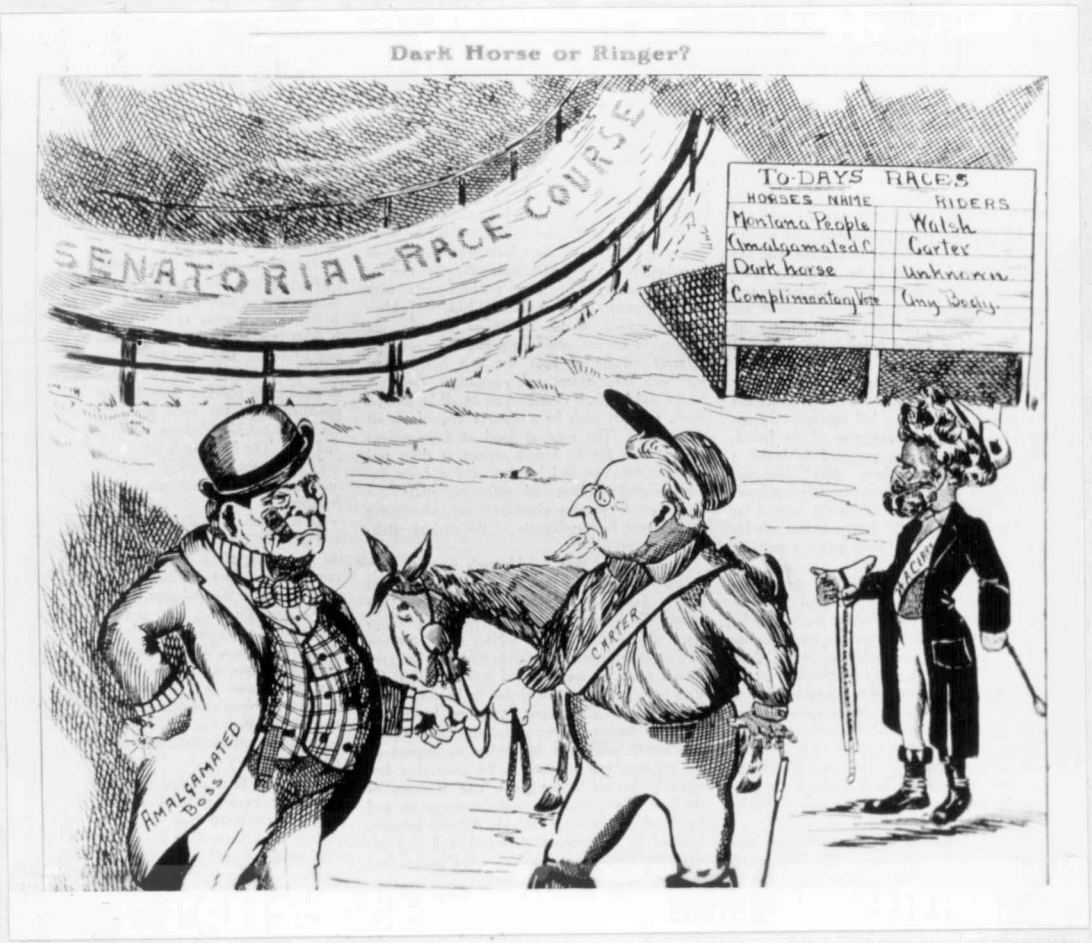
[12]"Today's Ballot Shows Little Change," Western News, March 3, 1911, p. 2; "For Popular Government," River Press, March 29, 1911, p. 4; "For Which Honor is Due Nobody," Great Falls Leader, as in Montana Lookout, April 1, 1911, p. 6; "Played With the People," Billings Gazette, as in Western News, April 11, 1911.

Wheeler claimed vote buying was extensive in the session, but especially in regard to the senate election.

Originally, the two parties expected a showdown between the aging Senator Carter and Thomas J. Walsh, a Democrat and acclaimed favorite of the people. Several legislators remained uncommitted expecting former Democratic senator and copper magnate W. A. Clark to throw his hat into the ring. Once W. G. Conrad, a third Democrat entered the race, no one candidate could accumulate a majority vote.

The senatorial election provided the assembly with a carnival atmosphere. Even the town folks joined in the hullabaloo. A Butte mainstreet pool room posted odds on the election. The clientele favored former Senator W. A. Clark in the betting at 6 to 5, with Carter running close at 7 to 5. Walsh supporters placed his chance at 2 to 1, while Conrad trailed at 3 to 1. This "senatorial handicap" made a debauchery of legislative responsibility, but what actually took place behind those granite capitol walls was an even worse mockery.

Balloting for senator continued for over two months. The insertion and deletion of various new names increased the confusion. During the closing hours of the session Montana had no man to fill Carter's seat. After the seventy-ninth ballot someone threw in the name of Henry Lee Myers, Democrat and District Judge from Ravalli County. At this critical moment Walsh and Conrad threw their support



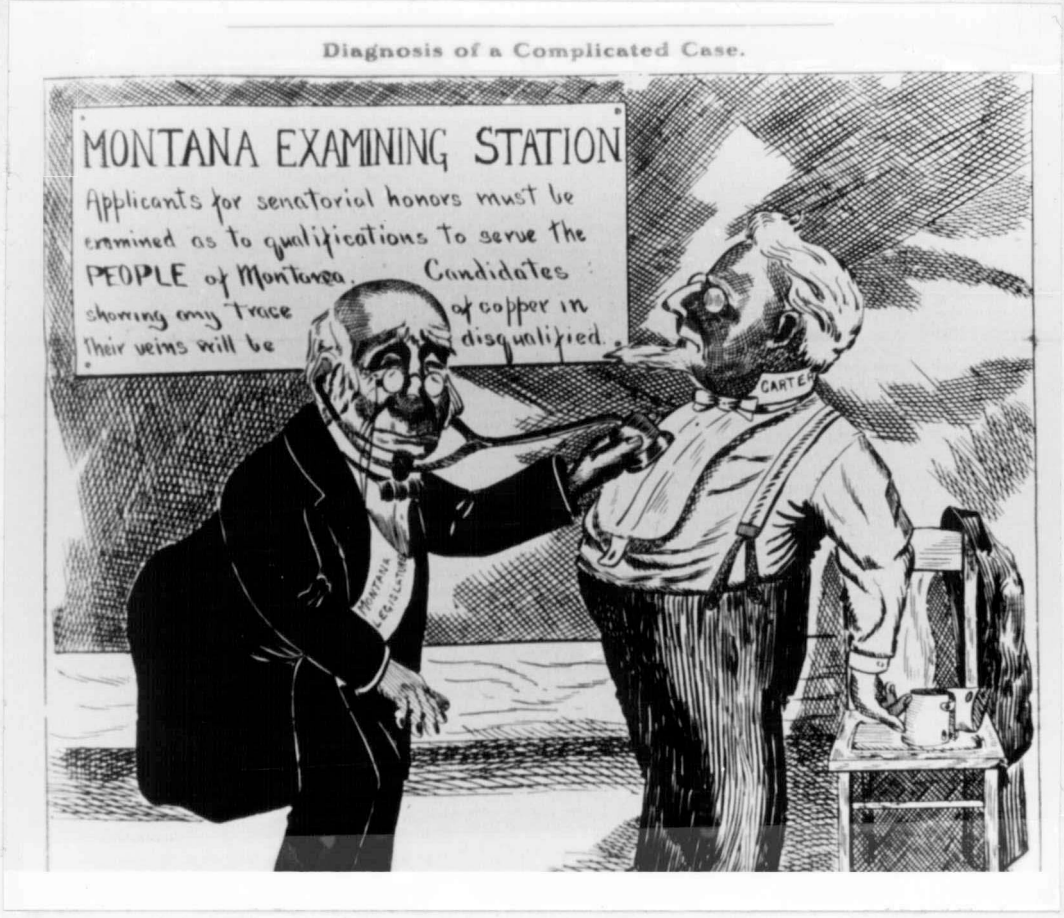
"Incorporated Horse Owner--If you think you are carrying too much weight to win with Amalgamated in this race, Tom, we have another acceptable Jockey willing to ride." Montana Lookout, January 28, 1911, p. 1.

to Myers in order to prevent either the re-election of Carter or sending no senator to Washington at all. Though Walsh believed Myers was independent and honest, ironically, the "company men" supported him too. Myers received a unanimous vote for senator on the 80th ballot, only five minutes before the legislature adjourned.[13]

Myers had played a secondary role in Fred Whiteside's exposure of W. A. Clark's alleged bribery of the legislature for a senate seat in 1899. During the twelve intervening years the people apparently forgot him. In the aftermath of the session, reporters, the public, and legislators alike busied themselves trying to identify the newly elected senator. The Western News bemoaned the event, claiming that one legislator thought he voted for Myer, manager of the Helena Hotel. Another colleague assumed that he voted for a State Senator Meyer of Carbon County. The legislative correspondent told the editor that "it was about the worst mixed up mess I ever saw . . ." The editor of the Harlem News, attempting to clarify the situation, wrote that ". . . he is a prominent sheep man of the Bitter Root Valley." "Not

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[13]Wheeler, pp. 87-88; Connolly, The Devil Learns to Vote, p. 298; Western News, January 24, 1911, p. 1; James Leonard Bates, "Senator Walsh of Montana, 1918-1924: A Liberal Under Pressure" (unpublished Ph.D dissertation, Chapel Hill: University of North Carolina, 1952), p. 20; "Odds on Senators Posted in Butte," Western News, January 17, 1911, p. 4.



"Doctor--Mr. Carter, I find that your heart is on the wrong side for the people of Montana, with strong symptoms of Amalgamated Fat Degeneration of your organs in The Record."
Montana Lookout, February 25, 1911, p. 1.

exactly a sheep man, brother," came the retort, "he simply got the goats of the other candidates."[14]

The Montana Lookout portrayed the new senator as a "corporate influence cupid," straddling a telephone wire interrupting connections between the people and the legislature. Editor Murphy believed the company arranged Myers' election to prevent Walsh from becoming senator. Later, his suspicions confirmed to his satisfaction, he reported that the "Montana State house . . .

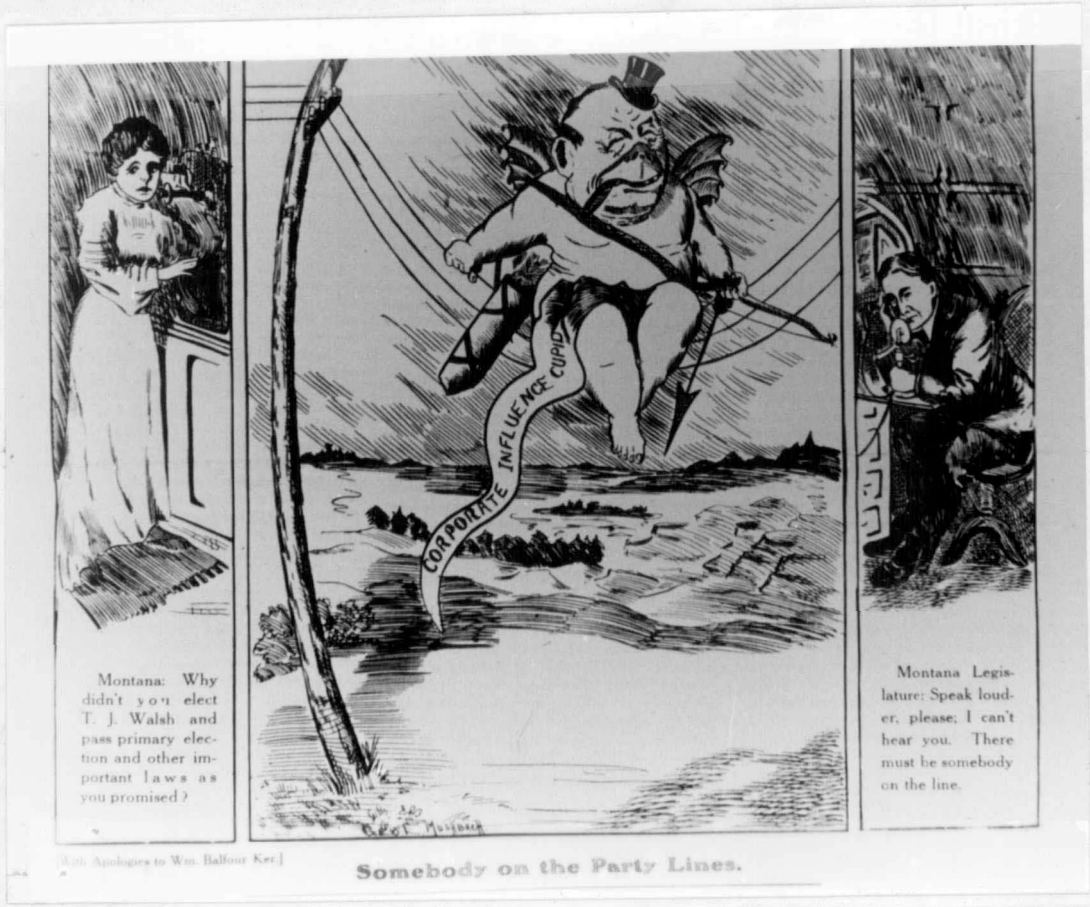
> has no more relation to . . . [Myers] election to the senate than it has to the coronation of King Edward, he is appealing more strongly to corporate and political bosses in this state than to the people of the state, and his talk is more like that of a caged parrot than of an informed and intelligent representative of an enlightened constituency.[15]

Historians still attribute the election of Myers to "machination of the company." Apparently company agents believed that Myers' election would help defeat Senator Joseph M. Dixon, a Republican from Missoula, who would be up for reelection in two years. Dixon's progressive political philosophy alienated both the company and President Taft, and he no longer held the privilege of federal patronage. Dixon

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[14]Ed. Western News, March 10, 1911, p. 2.

[15]"Corporate Influence Cupid," Montana Lookout, March 4, 1911, p. 1; "How a Successor to Senator Carter was Chosen," as above, p. 4; "Senator Myers' Principles and Obligations as He Sees Them," March 18, 1911, p. 1; "Montana Legislature and Reciprocity," May 6, 1911, p. 4.



"Montana: Why didn't you elect T. J. Walsh and pass primary election and other important laws as you promised?
Montana Legislature: Speak louder, please; I can't hear you. There must be someone on the line."
Montana Lookout, March 4, 1911, p. 1.

moaned that the interests chose a senator ". . . in my own back yard to make it embarrassing for me . . ."[16]

Many newspaper editors criticized the assembly for bungling attempts at reforming the process of senatorial nominations and for its choice of a senator. Yet the election of Myers aside, and despite the consensus of critics and historians, the 12th Assembly was not lacking in major progressive accomplishments. It passed a pure food and drug law, established a State Tuberculosis Sanitorium and a State Insane Asylum, improved Boulder River School for the mentally retarded, and provided for the adoption of orphan children. Its laws to prevent pollution of streams, to require sanitary working conditions, and to provide safety requirements in the manufacturing of toys for children are all excellent examples of the progressive spirit of legislation.[17]

Yet the session's failure to deal adequately with political reform earned it a reputation that historians have failed to repudiate. Most students of Montana history echo the sentiments of Jerre Murphy, the assembly's prime antagonist. Murphy would lead one to believe that even these progressive achievements resulted from carelessness rather

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[16]Bates, p. 21; Connolly, The Devil Learns To Vote, p. 298; Jules A. Karlin, Joseph M. Dixon of Montana. Part I: Senator and Bull Moose Manager 1867-1917 (Missoula: University of Montana Publications in History, 1974), pp. 106-108.

[17]For the full context of these and other laws, see Montana Governors' Papers. Legislative Series, Box 5, S1.

than intent. He reported that on the final day of the session the ". . . members had so many personal irons in the fire which had to be attended to that they could not remain in their seats to consider bills of interest merely to the people of Montana." Meanwhile, he continued:

> . . . [a] perfect horde of lobbyists . . . filled the aisles, lined the walls and occupied the seats of members and guests . . . . From 10 o'clock til one the next morning, an hour after the legislative session had legally ended, the same feverish, roaring mill of reckless legislation was kept going at top speed . . . . perhaps not five per cent of the members in either house even caught the numbers of the measures, much less the titles.[18]

Even allowing for Murphy's flare for dramatic exaggeration, the last day of the session had to be a wild scene. Before those last desperate moments leading to the election of Myers, the legislature passed 114 bills and dealt with numerous more. Only 223 bills passed in the total session, showing that more than half came out of the final work day. But in all fairness to the assembly, one must realize that no rule provided a cut-off date for introducing legislation. Bills dropped continually into the hopper right up to and including that last day. Still, the progressive laws passed by the 12th Assembly deserve special attention and interpretation. Regardless of Murphy's account as to how the legislation passed, only true progressives would

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[18]"How Combines and Lobbyists Pass Laws in Montana," Montana Lookout, March 11, 1911, p. 2.

have introduced such bills, and their work should be given prime consideration in the study of the progressive era in Montana history.[19]

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[19]Laws, Resolutions and Memorials of the State of Montana Passed at the Twelfth Regular Session of the Legislative Assembly 1911 (Helena: Independent Publishing Co., 1911); Senate Journal . . . 1911, p. 648

CHAPTER II

THE ORGANIZATION OF THE PEOPLE'S POWER LEAGUE

Montana's independent presses responded to the legislature's failure to achieve realistic political reforms by suggesting legislation by initiative. The Montana Lookout reminded its readers that politicians only claimed to support reform of the political process because they owed their own positions to boss power. Yet, editor Murphy added, even the politicians can not afford to oppose a popular movement to secure direct election laws, for politicians need public favor to stay in office.[1]

Having committed itself to legislation by initiative, the Western News proclaimed the ". . . beginning of the end of corporate dictation and corruption in Montana . . . . The great Amalgamated Anaconda copper trust will of necessity be retired from politics." As a means to this end, Miles Romney, a Democrat from Hamilton, organized a provisional or volunteer committee to draw up reform legislation and circulate initiative petitions among the state's voters. This

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[1] "Why Not a Primary Law by Direct Vote?" Montana Lookout, February 6, 1910, p. 4; "When Voters Retire the Bosses," Twin Bridges Monitor, as in Montana Lookout, March 25, 1911, p. 6; "Primary Election Law by Direct Vote," Montana Lookout, April 1, 1911, p. 4.

provisional committee evolved into the People's Power League of Montana.[2]

Known as the "wheelhorse" of Ravalli Democratic party, Romney was characterized as ". . . one of the most effective workers for progressive legislation" even before he began his efforts with the People's Power League. Formerly mayor of Hamilton and twice state senator, he brought both enthusiasm and experience to the League he fathered. And his greatest asset, his Western News, kept publicity about the newly organized League constantly before his reading patrons.[3]

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[2]"A Better Era Dawning," Western News, April 4, 1911, p. 2; "Text of Direct Primary Law Proposed by Provisional Committee to be Submitted Through the Initiative and Referendum," Western News, April 7, 1911, p. 1; "Program of the Provisional Committee of the People's Power League," as above, May 19, 1911, p. 4. Romney's enthusiasm was matched by the head-lines four columns wide.

[3]Secretary of State, Initiative File, 1911-1912, contains coverlets printed by Romney listing the names of the organizational members and county representatives. The identity of these men has been determined as far as possible within the following sources: M. A. Leeson, History of Montana 1739-1885 (Chicago: Warner, Beers & Co., 1885); Joaquin Miller, An Illustrated History of the State of Montana, (Chicago: Lewis Publishing Co., 1894); A Newspaper Reference Work: Men of Affairs and Representative Institutions of the State of Montana Butte Writer's Association (Butte: McKee Printing Co., 1914); Northwestern Gazetteer: Minnesota, North and South Dakota and Montana Gazetteer and Business Directory 1912-13 (St. Paul: R. L. Polk, n.d.); R. L. Polk, City Directory title varies (Kansas City, Missouri: local publishers, 1910-1915). Directories consulted include Anaconda, Billings, Butte, Chinook, Deer Lodge, Fort Benton, Great Falls, Havre, Helena, Kalispell, Lewistown, Livingston, Missoula-Hamilton, and Miles City-Glendive-Forsyth; Progressive Men of the State of Montana (Chicago: A. W. Bowen & Co., circa 1906); Robert George Raymer, Montana, The Land and the People 3 Vols. (Chicago and New York: Lewis Publishing Co., 1930); Helen Fitzgerald Sanders, A History of Montana 3 Vols.

Three additional newspaper editors joined ranks with Romney to form the propaganda base of the provisional committee. In Great Falls Robert N. Sutherlin, Democrat and manager of the long established Rocky Mountain Husbandman, provided wide circulation of the initiative plans among the farming element of the state. The well versed, cosmopolitan English gentleman William K. Harber, a Republican, carried the news from Fort Benton in his River Press to residents of north-central Montana. Rounding out the political spectrum Butte's Socialist Mayor Lewis J. Duncan disseminated information through the Butte Socialist and later the Montana Socialist, which claimed state-wide circulation.[4]

Progressive Jerre Murphy also supported the provisional committee for initiation, but never officially joined the League. Due to financial difficulties Murphy sold his Montana Lookout and eventually sought employment in California. Even there he continued his battle against corporate power in the state's politics by publishing a book entitled A Comical History of Montana. Before selling the Lookout

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(Chicago and New York: Lewis Publishing Co., 1913); Tom Stout, Montana, Its Story and Biography 3 Vols. (Chicago and New York: American Historical Society, 1921).

[4]See also Frank Grant, "Rocky Mountain Husbandman: Embattled Voice of the Montana Farmer," Montana the Magazine of Western History, XXIV (April, 1974), pp. 34-43; Montana Historical Library, Microfilm Collection, Records of the Socialist Party of Montana, Terrance D. McGlynn, "Lewis J. Duncan, Socialist: The Man and His Work" (unpublished article, April 19, 1969), 40pp.

Murphy advanced the cause of the provisional committee in an editorial which read in part:

> There is nothing partisan about a primary election law. Any good measure along this line must work to destroy undue advantages for public position, and necessarily cannot work to the advantage of one political party over any other. The least difficult way and the most successful way to do business will be by co-operation of progressive citizens in all parties in the work of circulating petitions and supporting the measure at the polls. . . . There is no lack of harmony in purpose. There should be no lack of harmony in performance. The one thing needful is to get the law.[5]

In addition to these journalists of varied political affiliations on the provisional committee, members of the bench and bar from both major parties lent their support. District judges who joined were Sydney Fox of the 13th District at Red Lodge; Edwin K. Cheadle, Lewistown's 10th District judge and later a major figure in the Progressive Party; and Robert Lee McCullock, the Democratic 4th District judge from Hamilton.

The lawyers who helped Romney draw up the initiative legislation and petitions included Walter S. Hartman, a Bozeman Democrat who served as a member of both the Executive Board of the State Agricultural College and the State Board of Education, John F. Duffy joined the committee as a Socialist from Kalispell. He later became

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[5]Jerre C. Murphy, A Comical History of Montana: A Serious Story for Free People (San Diego: E. L. Scofield, 1912); "Primary Election Law by Direct Vote," Montana Lookout, April 1, 1911, p. 4; Richard B. Roeder, "Who Was Jerre Murphy?" Proceedings of the Montana Academy of Sciences, XXVI (1967), pp. 82-86.

a judge. Also on the committee were A. G. Hatch, Democrat from Big Timber and Thomas J. Walsh of Helena, the only senator to be elected under the provisions of the Everett bill of the 1911 legislature.[6]

Other active committee members came from various professions. Edward Cardwell of Jefferson Island came to the territory in 1863 as a prospector and ventured later into mining, farming and stock raising. Always an active Democrat, Cardwell served in three territorial legislatures, the constitutional convention, and four terms as state senator. At the age of 81 he stood as a legend among the friends of popular government. Another Democrat, Tom Alexander of Forsyth, played an interesting role in the development of the territory. He came west as a soldier and Indian fighter, later went into mining and then the cattle industry. Alexander founded the town of Forsyth where he built a store, hotel and bank. Charles Wilson Chowing of Ennis, also a territorial arrival, came to Montana working for the Northern Pacific Railway. He served as State Lands Inspector, managed the

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[6]For additional information on Walter S. Hartman see: Montana State University, Special Collections, Q.K. Club [Quest for Knowledge], Hartman delivered several addresses to the group which display intelligence, wit, and iconoclasm. For additional information on Thomas J. Walsh see: J. Leonard Bates, "Thomas J. Walsh: His Genius for Controversy," Montana the Magazine of Western History, XIX (October, 1969), pp. 2-15; James Leonard Bates, "Senator Walsh of Montana, 1918-1924: A Liberal Under Pressure" (unpublished Ph.D dissertation, Chapel Hill: University of North Carolina, 1952).

Montana Cattle Company, and, in semi-retirement, ran a general store and post office. William E. Nippert of Thompson joined the committee from the Republican Party. Nippert worked as clerk of the district court, justice of the peace, and school master.

In addition to showing a wide geographical and professional spread, committee volunteers also represented a variety of party affiliations. Republicans were least represented, as conservatives within this party opposed the political reforms the committee planned to initiate. Those who actually joined may have endangered their party standing. That the committee contained a larger number of Democrats indicates greater party acceptance of the issues. Also, Romney's call for volunteers naturally attracted many persons who were acquainted with him through the Democratic Party.

The People's Power League organized officially on June 11, 1911. On that date the provisional committee met in Deer Lodge with representatives from the state's labor unions. The labor leaders agreed to join the League and give their support to the initiative campaign. In return, they asked the League to help them in a future election to initiate a workmen's compensation law, and to aid them in their drive for a referendum on the Donohue Military Law passed by the 1911 legislature.

Union representatives pledging their cooperation with the League were Max McCusker, Ed Carlton, James O'Leary and H. Jurner of

the Livingston Federated Railway Trades; D. J. Fitspatrick of Missoula Federated Railway Trades; Edward Suitor, T. S. Brown, Edward Thomas, T. J. Heron, Wolmer Hanson and Al Devine of the Deer Lodge Federated Railway Trades; W. S. Harter of Miles City, representing the workers of the Chicago, Milwaukee and Puget Sound Railway; Dan Leary and Andrew Mallon of the Anaconda Mill and Smeltermens Union; H. W. Nelson of the Billings Trades and Labor Council; Edward Shields of the Silver Bow Trades and Labor Council; Albert Michaud of the Miles City Trades and Labor Council; Phil Christian and Robert Squire of the Butte Miners Union; and Mortimer M. Donoghue and Oscar M. Partelow, President and Secretary respectively of the Montana State Federation of Labor. Others joining the League were W. J. Dorrington of Chouteau and Charles Dieter of Mondak.[7]

The voting strength of 25,000 union members practically guaranteed the success of the People's Power League. Labor leaders had actively engaged in politics in the state for quite some time. In the election of 1906 the unions fought hard for the passage of the initiative and referendum amendment to the Constitution, and in 1908 they became the first group to attempt to legislate through its

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[7]"People's Power League Behind Big Campaign--State Labor Organizations Unite with Provisional Committee to Secure Reform Legislation . . . ," Western News, June 13, 1911, p. 1; "PPL Organized," Silver State (Deer Lodge), June 14, 1911, p. 1; "People's Power League," River Press, June 21, 1911, p. 5.

provisions. The unions also increased the funds for League publicity by pledging financial support of $5 per union organization and $1 per each union member.[8]

At the League's first meeting, a constitution and set of by-laws were drawn up, containing a statement of the organization's central purpose:

> To secure by direct legislation through the medium of the initiative and referendum such laws as may be essential to the welfare of the People of Montana and to provide for a campaign of education. The principles of the initiative and referendum and recall apply to all matters pertaining to the government of the organization.

The election of officers solidified the bond between the provisional committee and the labor unions. Appropriately, Miles Romney was elected president, while Max McCusker of the Livingston Federated Railway Trades was chosen secretary-treasurer. An executive committee consisted of one member from each county who was responsible for circulating petitions in his area.

One of the first actions of the newly formed League was to support a referendum on the Donohue Military Law of the 1911 assembly. This referendum movement had begun earlier under the sponsorship of the Montana State Federation of Labor. Now the unions asked League support to circulate petitions in the non-industrial portions of the state.

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[8]Richard B. Roeder, "Montana In the Early Years of the Progressive Period," (unpublished Ph.D dissertation, University of Pennsylvania, 1971), pp. 150-152, 176; Secretary of State, Initiative Files, 1908.



Miles Romney, Hamilton, Montana. Founder and President of the People's Power League 1911-1915. Montana Historical Society Photograph.

The founding members also discussed several proposals for direct legislation. They wisely decided not to present too many bills in their first campaign, as the state's electorate had no experience with voting on initiative measures. They agreed that the first priority should be legislation to reform the political process. The members then voted to initiate four bills: a bill for direct election of senators to replace the Everett bill or "fake primary" law of the 12th Assembly; a bill for primary elections to supersede the company-influenced convention system of nominating party candidates; a bill calling for a primary nomination election of presidential and vice-presidential candidates; and a companion measure calculated to destroy company campaign corruption called the corrupt practices act.[9]

Laws such as these, they believed, would supplant legislative blundering and the corruption and control of party conventions by special interests, and would place political power into the hands of the people. It was hoped that the government would be truly representative once the people nominated and elected every official from the county court house to the White House. The representatives would act in the best interest of the public, legislating progressively to improve society. Democracy no longer would be the monopoly of a few

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[9]"People's Power League Behind Big Campaign . . . ," Western News, June 13, 1911, p. 1.

powerful or wealthy self-serving individuals or corporations, but would fulfill America's creed of a government by and for the people.

The direct primary was not a new issue in Montana. Originally the term primary referred to a meeting of county political party delegates convened to nominate candidates for local offices and choose representatives to the state party conventions. The state conventions nominated candidates for state offices and chose delegates for the national party convention. This method of selecting candidates excluded the voice of anyone outside the party hierarchy.[10]

The problems of this nominating system can best be explained in terms of a 1901 law, passed to strengthen party control over the primaries. It limited participation in the nominating process to delegates who promised to support the party in the general election. Anyone present at the county primary meeting was subject to the challenge of the party, and forced to swear his party allegiance before a judge. Any delegate falsely swearing the oath could be sentenced to one to three years in the state penitentiary. This law made party membership the equivalent of a strait jacket.[11]

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[10]Roeder, "Montana In the Early Years of the Progressive Period," p. 130.

[11]Laws, Resolutions and Memorials of the State of Montana Passed at the Seventh Regular Session of the Legislative Assembly 1901 (Helena: State Publishing Co., 1901), p. 115.

Bills for a direct primary as we use the term today were introduced in the legislatures of 1901, 1903, and 1905. In both 1903 and 1905 Governor Joseph K. Toole urged passage of a direct primary in his State of the State message. In 1905 the primary election became law.[12]

This was a legitimate primary law, but it contained many imperfections. The law was optional on a local basis, restricted to city or county use, and could be implemented only through petitions of the electors. According to contemporary critics, "the primary tended to discriminate against rural voters," as the elections fell during harvest time when farmers could not leave their fields to vote. A party in the minority also tried to take undue advantage of the other by nominating only one candidate for each office, then crossing party lines to nominate the weakest candidate for the opposition. Those against this particular act labeled it a ". . . trick . . . a pretense

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[12]House Journal of the Seventh Session of the Legislative Assembly of the State of Montana 1901 (Helena: State Publishing Co., 1901), HB10, pp. 9, 150, HB185, pp. 236, 256; Senate Journal of the Seventh Session of the Legislative Assembly of the State of Montana 1901 (Helena: State Publishing Co., 1901). SB66, pp. 56, 86; Senate Journal of the Eighth Regular and Extraordinary Sessions of the Legislative Assembly of the State of Montana 1903 (Helena: State Publishing Co., 1903), HB201, pp. 152, 185, HB269, pp. 175, 185; House Journal of the Ninth Regular Session of the Legislative Assembly of the State of Montana 1905 (Helena: State Publishing Co., 1905), HB136, pp. 115, 367-368; HB271, pp. 252, 345, HB256, pp. 239, 311, SB79, pp. 350; Laws, Resolutions and Memorials of the State of Montana Passed at the Ninth Regular Session of the Legislative Assembly 1905 (Helena: State Publishing Co., 1905), pp. 198-215; Roeder, "Montana In the Early Years of the Progressive Period," pp. 108-198.

to carry out the solemn promises . . . ," and complained of the added expense involved in two campaigns which favored the wealthy politicians.[13]

In spite of the fact that the Democratic, Republican, Populist and Labor parties all favored the direct primary election in their platforms of 1906, the 1907 legislature chose to repeal rather than amend the measure. The friends of the direct primary were so angered by its repeal that they pressured the 1909 session to revive it. A House bill for the measure passed, but the Senate refused to consider it. Senator Miles Romney tried to save the bill, and failing, introduced another in the Senate, only to see it die in committee. Attempts also failed to appoint a committee to study primary legislation.[14]

In his 1911 State of the State message Governor Edwin L. Norris requested a primary law that included the office of senator. A bill containing both primary elections and direct elections of U. S. senators further confused the issue. There were too many versions

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[13]Roeder, "Montana In the Early Years of the Progressive Period," pp. 130-132.

[14]Ibid, pp. 177-178; House Journal of the Tenth Session of the Legislative Assembly of the State of Montana 1907 (Helena: State Publishing Co., 1907), HB245, pp. 197, 577; Laws, Resolutions and Memorials of the State of Montana Passed at the Tenth Regular Session of the Legislative Assembly 1907 (Helena: State Publishing Co., 1907), p. 108; Senate Journal of the Eleventh Session of the Legislative Assembly of the State of Montana 1909 (Helena: Independent Publishing Co., 1909), HB26, pp. 33, 193-196, SB104, pp. 203, 298, HJR11, pp. 212, 279.

for Democrats, Republicans, conservatives and progressives to agree on. Separate bills appeared to satisfy each faction but only the Everett primary--dealing with senators, as discussed in Chapter I--passed into law. The state still had no direct primary.[15]

While the legislature battled over versions of primary and senatorial nomination bills, the Western News argued that

> . . . popular election of United States senators is important, yet representative government at home is vastly more essential--and this can be secured in this trust bound state only through the nomination of all public officials by direct vote.

Other editors echoed Romney's sentiments regarding the direct primary. The Chester Signal believed that "the direct primary method of selecting county officers was the nearest [to] perfect that has yet been devised." And one of the earliest advocates of election reform, the River Press, favored the direct primary because it ". . . places political power in the hands of the people, whose vote and influence

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[15]"Work of the Montana Legislature in Opening Week," Montana Lookout, January 7, 1911, p. 2; Senate Journal of the Twelfth Session of the Legislative Assembly of the State of Montana 1911 (Helena: Independent Publishing Co., 1911), SB2, pp. 7, 200, SB200, pp. 555, 559; House Journal of the Twelfth Session of the Legislative Assembly of the State of Montana 1911 (Helena: Independent Publishing Co., 1911), HB1, pp. 16, 453, HB36, pp. 40, 145; K. Ross Toole, "Rebuttal: When Is a Reform a Reform?" Montana the Magazine of Western History XX (Autumn, 1970), p. 27, says the Anaconda Company fought the direct primary "tooth and nail." He must be referring to activity within the legislature that prevented the passage of an effective primary law. The company did not fight openly against the initiated primary law, except perhaps to avoid discussion of the League's proposals in its presses.

cannot be controlled or traded by schemers who frequently directed the proceedings of the old-time conventions."[16]

Judging from party platforms, newspapers editorials and letters to the legislature, the majority of Montanans desired a direct election primary, and most people believed public nomination of candidates would decrease the political dominance of the Anaconda company. The real question then, was what type of primary law would best serve the interest of the voters. When the People's Power League took up this issue several laws from other states were studied as models.

The League chose to model its initiative after the Oregon law drafted by William S. U'Ren, which was the most popular model in the country. Oregon's law provided that voters state their party preference to the clerk and recorder when registering to vote. This system is called the "closed" primary. The Wisconsin primary law differed in that voters never recorded their party preference. Many League members, particularly those of the wage earning class, believed party secrecy to be extremely important. Due to the large measure of support the unions

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[16]"A Fake Primary Won't Go," Western News, February 17, 1911, p. 4; "Convention System In Practice," Chester Signal, as in Montana Lookout, September 24, 1910, p. 6; "Direct Primary Elections," River Press, as in Roeder, "Montana In the Early Years of the Progressive Period," pp. 108, 131.

offered, the League chose to adopt this "open" system of registration.[17]

The Anaconda Company with its subsidiary power and lumbering activities employed more men in the state than any other concern. The laboring men feared that party affiliation would be a determining factor in finding and holding jobs. Their concern may have been well founded. In March of 1912 the company fired 350 miners allegedly on the grounds that they were Socialists and refused to ". . . renounce their politics and withdraw from the socialist club." Many of these men reportedly held responsible positions and had worked several years for the company. If a "closed" system forced voters to disclose their party preference, the registration books would be open for examination. Many workers would be afraid to register, for party affiliation could be used by corporate interests to determine their hiring and firing of employees.[18]

The League's "open" system of registration drew more opposition than their other initiatives of 1912. Party purity, particulary to the

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[17]"People's Power League Behind Big Campaign . . . ," Western News, June 13, 1911, p. 1. The terms "open" and "closed" primary are often confused in the reporting of the period. For clarity the present usage and meaning will be maintained in this paper.

[18]"Butte Miners Vote Down Strike," Western News, April 2, 1912, p. 4. Most miners were not prepared to sacrifice their incomes to stand up for others' political rights, but the 1,121 votes to strike against the company's actions shows some measure of sympathy for the discharged miners.

Republicans, overrode any concern for the laboring men. The Republican Picket of Red Lodge complained that in the open primary

> . . . men of opposing political views, democrats, socialists, anarchists, populists, or men of any other party could demand ballots at the republican primary election, and no way would exist to prevent them using those ballots.

The Picket's main objection seemed to be against the People's Power League provision of the open primary, yet the editor opposed public nomination of any kind. He wrote that even in a closed primary voters would register as Republicans in order to ". . . defile their ticket," then vote as Democrats or Socialists in the general election. The editor's opinion of the voting populace of the state conditioned his stand against any kind of primary election:

> It is an easy matter for a man with lax principles and elastic sense of moral obligations to declare himself a republican or a democrat at the primary then vote the opposite ticket at the regular election. Only he himself, and he alone need know how he voted when sheltered by the privacy and sanctity of the voting booth. How is the law to reach a man who thus stultified himself? How is he to be punished under the law; where is the proof to be had that he did not vote the same at both elections?[19]

Writing for the People's Power League Robert M. LaFollette responded to the objections of critics of the direct primary. His faith in the people expressed generally progressive views towards the state's voters:

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[19]"Direct Primary Only a Farce." Republican Picket, April 4, 1912, p. 6.

> There has grown up in high places a scorn and contempt for the plain citizen. It has become common to refer to the people as a "mob" and to the people's rule as the "rule of the mob."
>
> Constitutions and statutes and all the complex details of government are but the instruments created by the citizen for the orderly execution of his will. Whenever and wherever they fail, they will be so changed as to make them effective to execute and express the well-considered judgement of the citizen.
>
> For over and above constitutions and statutes, the greater than all, the supreme sovereignty of the people! This is the people's government. They will not destroy it. They will not permit organized privilege to destroy its vital principle. They will restore and forever preserve it as government that shall be truly representative of the people.[20]

A desire for presidential and vice presidential primaries inspired the third initiative the League submitted to the people. The electorate of Montana never had an opportunity to voice its choice of a presidential nominee. Under the existing system a state party caucus chose and instructed the delegates to the national convention. Caucus members often echoed the desire of special interests within the state when choosing their candidate. The League's initiative was designed to obtain the expression of a popular choice in instructing delegates to the national convention.

The 1892 Populist platform endorsed popular election of the president, by-passing the state caucus and the electoral college. Yet,

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[20]"Written Exclusively for the People's Power League of Montana by Senator Robert M. LaFollette of Wisconsin," Western News, September 8, 1911, p. 4.

in variance with the pattern typical of other Populist political reforms, the older, established parties ignored this issue. Within the next two decades only five states gave their electorate a direct voice in nominating presidential contenders. Oregon led the way in 1910, although her provisions still maintained the electoral college intact. Only a national movement could remove this archaic vestige of privileged rule, as it was unlikely that the established parties would be willing to loosen their grasp on presidential selection.

The River Press viewed presidential preference ". . . the newest thing in legislation," and hoped Montana would join the leaders of this reform.[21] The most articulate support for this initiative came from Senator Jonathan Bourne of Oregon, who addressed the League in October of 1911. According to Bourne, the "federal machine" would have no power to perpetuate itself if the people, rather than the party bosses, chose the presidential nominees. Nor could a president hand pick his successor as did Theodore Roosevelt. Each candidate would have to demonstrate his own ability to gain popular acceptance. And most importantly, preference primaries would relieve ". . . presidents of any obligation to political bosses, campaign contributors,

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[21] Kathleen Hendricks, "The People's Party of Montana 1892-1893," (unpublished seminar report, Montana State University, 1974), p. 10; "Presidential Primaries," Kalispell Bee, October 10, 1911, p. 5; "For Direct Primaries," River Press, October 4, 1911, p. 5; "Preferential Primaries," June 26, 1912, p. 2.

national delegates or individuals--thus transferring the obligation from any known individual to the composite citizen, where it belongs."[22]

The "Cousin Jack" editors of the Tribune Review, Butte's cornish newspaper, favored presidential preference because they thought it would ". . . compel the enactment of primary laws" for all public offices. They were more skeptical of its success, however, fearing that Republican and Democratic leaders would fight to prevent the free expression of the people. Conservatives preferred, according to the editors, ". . . manipulating to suit their purposes. This means . . . [they] intend to force on the people candidates of their own choice, feeling confident that if they nominate them, the people will have to elect them."[23]

The battle between William Howard Taft and Theodore Roosevelt for the Republican nomination focused greater national attention on the issue of presidential preference primaries. Many party members of the progressive wing believed Roosevelt was the people's choice. Once the Taft machine renominated the president, the Roosevelt or progressive wing split off into a third party. These Progressives, as they called

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[22]"Senator Bourne Praises People's Power League," Western News, October 17, 1911, p. 4.

[23]"Preferential Primaries," Tribune Review, June 29, 1912, p. 4.

themselves, believed that a presidential primary would have blocked Taft's candidacy.[24]

The Republican Picket again took the lead in opposing presidential preference primaries. The editor alleged that such a primary would totally "demoralize" the Republican party because members of other parties could choose the Republican candidate. Expressing his typically conservative point of view, the editor went on to say:

> Presidential primaries conducted on anything like the system in vogue, are not only farcial but disgraceful to all concerned is evident to everyone save the demogogue who howls "let the people rule," meaning his kind of people, of course.

The editor was of the opinion that presidential primary legislation was ". . . not a credit to that wisdom which the American people are presumed to possess. . . . The idea is right, but the method of placing it in operation is rotten from the ground up."[25]

The Great Falls Tribune agreed that certain problems did exist with the proposed presidential primary, but the editor continued to support the initiative. He answered critics complaints concerning the

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[24]"'Progressive Republicans' Conference in Billings Results in Forming Organization," River Press, February 28, 1912, p. 1; "Dixon Makes Protest--Caustic Criticism of Action Taken by Republican Committee," March 27, 1912, p. 1; "The People Must Rule," March 13, 1912, p. 4; "Primaries August 24--Convention 26," Western News, August 9, 1912, p. 1.

[25]"Presidential Primary Impossible in Montana," Republican Picket, March 28, 1912, p. 9; "A Disgraceful Farce," May 23, 1912, p. 4.

expense of two campaigns by explaining that the corrupt practices act would make both campaigns less costly than the single one of previous years.[26]

Members of the People's Power League were determined to invest full political power in the hands of the people by giving them the right to nominate all candidates for political office from the presidency to the county level. But in order to prevent special influence from undermining that power during an election campaign, a fourth initiative, the corrupt practices act, was imperative.

Montana's first corrupt practices act came out of the 3rd Assembly of 1893. The law prohibited legislators from accepting bribes, bargaining or trading support for proposed legislation. At Governor John E. Rickards' suggestion, the following session extended the law to cover elections and campaign expenses.[27]

The law appeared to have very little impact. For one thing, there were no provisions restricting campaign expenses or political

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[26]"Blaming the Primary," Great Falls Tribune, as in River Press, August 21, 1912, p. 2.

[27]Laws, Resolutions and Memorials of the State of Montana Passed at the Third Regular Session of the Legislative Assembly 1893 (Butte City: Intermountain Publishing Co., 1893). p. 44; House Journal of the Fourth Session of the Legislative Assembly of the State of Montana 1895 (Helena: State Publishing Co., 1895). HB20, pp. 7, 11, 299.

contributions. Assessing the problem, the Terry Tribune stated that campaigns were conducted by ". . . simply the opening of a barrel, and sowing the state from one end to the other with corruption money--the largest barrel winning in the end." This extravagant campaigning prevented the election of any but the wealthy or those supported by special interests.[28]

During this time several states were experimenting with corrupt practice laws which permitted the League to study them and select the type most suitable for Montana. New York had its Hughes Publicity Law that limited campaign expenses and prohibited corporations from contributing. The desired effect was lost, however, as private contributions were not limited. A corporate official could finance a campaign personally, thus buying the services of a public office holder. The Progressive platform in Wisconsin proposed a more stringent law. It would require that all contributions and expenditures be accounted for and made public, including the names of the donors. The proposal also provided that the personal qualifications of all office seekers be made public prior to primary and general elections.[29]

The corrupt practices act initiated by the League placed limits on both campaign expenses and contributions to any one candidate.

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[28]Editorial, Terry Tribune, as in Montana Lookout, February 5, 1910, p. 6.

[29]Editorial, Montana Lookout, November 12, 1910, p. 2.

According to Romney the act would ". . . protect the purity of the ballot . . ." by eliminating bribery money, and would inform the voters as to who contributed to each candidates campaign. This, he believed, would effectively keep the company from contributing heavily to buy an office holder, or make the public so aware that they would not vote for a company supported candidate. Romney believed the law had "real teeth," and would provide equal opportunities for all desiring election, whether poor or millionaire. Oregon Senator Bourne praised especially the initiative's provisions for an information pamphlet mailed from the secretary of state to each voter prior to an election:

> The publicity pamphlet provided for by the corrupt practices act affords all candidates for nomination or election equal means of presenting before the voter their views of public questions, and protects the honest candidate against the misuse of money in political campaigns. Under the operation of this law popular verdicts will be based upon ideas, not money; argument, not abuse; principles, not boss and machine dictation.[30]

The last measure presented by the League was a referendum on the Donohue Military Law passed by the 12th Assembly. Daniel J. Donohue, a Dawson County Democrat, submitted the legislation. Donohue, a surgeon and president of the Samaratan Hospital in Glendive, was also a

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[30]"Text of Corrupt Practices Act Designed to Limit Campaign Expenses," Western News, April 14, 1911, p. 2; "The Corrupt Practices Act," February 21, 1913, p. 2; "Senator Jonathan Bourne Praises People's Power League," October 17, 1911, p. 4.

major in the state militia. His bill was apparently a re-codification of military laws, an attempt to conform with the federal or Dick Military Law. The law provided exceptionally liberal powers under which the governor could mobilize the national guard. It also required counties to build armories at their own expense, while the state stood the cost of pay and provisions for the militia when called into active service. All male residents from age 18 to 45 could be called to serve for up to three years.[31]

The Montana State Federation of Labor and the United Railway Trades immediately expressed opposition to the law as an excessive tax burden and as a measure repressing union or labor movements. Labor leaders feared that if a strike became necessary to secure workingmen's demands, the governor would call all strikers into the militia, appoint the employers as militia officers, and force labor to break its own strike. Thus labor organizations interpreted the law as a conspiracy of the company to control their employees. Their leaders complained to the Western News that the Donohue bill ". . . was dictated from No. 26 Broadway, New York, at the behest of the head officials of the Anaconda Copper Mining Company." The provisions of the law, they believed, were an employer's weapon to subjugate and punish the

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[31] House Journal . . . 1911, HB 220, pp. 235, 805.

workingmen. Max McCusker, the League's secretary, defined the law as special class legislation:

> . . . law abiding citizens of the state who pay the taxes and don't need military protection must pay a tax to protect Amalgamated Copper that never kept a law it could break or paid a cent of taxes it could evade.[32]

As noted earlier, at its organizational meeting the League agreed to help the unions secure referendum petition signatures on the military law. President Romney rose to the occasion with a satirical report that Montana was aspiring to become a "new world power":

> Among the new military powers that loom upon the world horizon and must be reckoned with in future international relations is our own home state of Montana. With military laws as exacting as those of Germany and Russia she aspires to a place in the galaxy of world powers.

Using the old tactic of argumentum ad horrendum, the Western News reasoned that with all the men in the militia and all the women in the Red Cross, there would be no one left to carry on the normal business of earning a living. There would be no production or incomes to support the militia. In short, Montana and her citizens would soon be bankrupt.[33]

Reviewing the situation more seriously, Romney recalled that the miners' and smeltermens' contracts with Anaconda expired the

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[32]"Union Men Don't Like State Militia Bill," Kalispell Bee, April 11, 1911, p. 1; "Militia Law Tyrannical Say State Labor Unions," Western News, June 16, 1911, pp. 1, 4.

[33]"Montana, New World Power," Western News, June 20, 1911 p. 2.

following year. If trouble arose in reaching a new agreement and the company could secure the militia to suppress opposition, it would have the upper hand in contract deliberations. Up to this time Montana had managed to escape the industrial violence that flared elsewhere. Yet, fearing that the out-of-state company owners were setting the scene to "start something," Romney conjured up memories of the bloody labor strife at Cripple Creek, Telluride, and Coeur d' Alene.[34]

The Montana State Federation of Labor began circulating petitions for the referendum on the Donohue military law to prevent any such company power play. Two months later the unions joined the League and the People's Power League carried petitions for the referendum also. The union men drew no obvious opposition to their efforts. Most newspapers gave the petitioners their support, or at least benevolent neutrality. Romney held the idea that, "It certainly will do no harm to have it voted upon, if the people approve the law, they can so declare by their votes; if they do not want it in the statutes they can nullify it." The value of a referendum on the military law, as he saw it, was

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[34]Ibid.

to make the public aware of its existence, allowing its "merits and demerits" to be aired.[35]

Although the People's Power League joined the referendum movement late, it had the necessary representation of volunteers in every county to secure petition signatures. The League's espousal of the referendum proved more than just a half-hearted effort to gain labor's support for the initiative campaign. League President Romney presented the first petitions to the secretary of state for this, Montana's first referendum. On June 30, only three weeks after the official organization of the League, the Western News editor punned that Ravalli County fired the ". . . opening gun against [the] military law . . ." The Ravalli petitions delivered to Helena contained 500 signatures, or nearly 50 percent of the country's registered voters.[36]

In less than three months the League completed the petition drive, assuring the state's first referendum on the ballot of 1912. The union men of 1911 placed great importance on the referendum of a law they believed threatened their relationship with the company. In

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[35]"Union Men Don't Like State Militia Bill," Kalispell Bee, April 11, 1911, p. 1; "The Referendum--Why Not?" Western News, June 13, 1911, p. 2; see also "Montana New World Power," River Press, August 9, 1911, p. 4; "Referendum Militia Law," September 6, 1911, p. 1; "To Invoke Referendum on the Military Law," Republican Picket, April 27, 1911, p. 1.

[36]"Opening Gun Against Military Law . . . ," Western News, June 30, 1911, p. 1.

Montana's political history the event is noteworthy in that the 1906 law providing for referendum was finally put to use.[37]

For quite sometime Montanans had complained about corporate power and the Anaconda control of the legislature. In the election of 1906 the voters passed a constitutional amendment providing for the initiative and referendum as a means of combating corporate dominance. The I & R was a public issue since the Populist days of 1892. Yet the value of the amendment remained to be tested. It was one thing to complain of corporate power and quite another to do something about it. The company agents and party bosses may have passed off the People's Power League as but a rumble in the distance. But the placing of a referendum in the general election of 1912, the first real exercise of the power of the people through the I & R, could not be ignored.[38]

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[37]"Referendum to be Tried for the First Time in the History of Montana," Helena Independent, September 5, 1911, p. 5; "Referendum Papers Filed With Secretary," Kalispell Bee, September 5, 1911, p. 5.

[38]Laws, Resolutions and Memorials . . . 1907, pp. 116-125; House Journal of the Third Session of the Legislative Assembly of the State of Montana 1893 (Butte City: Intermountain Publishing Co., 1893), pp. 201. 216, 308.

CHAPTER III

DELAYS, TRIALS, FRUSTRATIONS

Securing petition signatures for a referendum on the Donohue Military Law tested the efficiency of the People's Power League's state-wide organization. Within a short time Romney prepared and printed the petition forms for the initiative measures. The League's press representatives gave publicity to the petition drive and prepared the voters to face the issue in the 1912 election. But the petitions were not circulated immediately.[1]

The League leaders postponed their campaign when Governor Edwin Norris proposed a special session of the legislature to deal only with a primary law. In preparation for the session the governor appointed a special committee to draw up an appropriate primary bill to submit to the assembly. The six man committee was composed of three senators and three representatives who equally represented both major parties. The governor thought that if this bi-partisan group could decide on a primary bill opposition to it from the legislature would be unlikely.[2]

This special committee met in Helena on June 5, 1911, one week before the League organized in Deer Lodge. The committeemen agreed to

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[1] Interview: Miles Romney, Jr., May 2, 1975.

[2] "Norris Wants Primary Bill," Helena Independent, March 4, 1911, p. 3; "To Put the Primary Election Question Directly to Lawmakers," Montana Lookout, May 20, 1911, p. 1.

a bill modeled on the Oregon primary plan. According to the governor's instructions they mailed copies of the proposed primary to each member of the legislature. The governor requested each member to submit in writing his approval of this bill. Norris announced that he would call the special session only if a majority of the legislators responded favorably.[3]

Once the committee completed its work and presented the primary bill to the governor and legislative members, the state's traditionally pro-primary newspaper editors divided over the idea of the special session and the bill's provisions. The Missoulian approved of the governor's use of the committee as the quickest method of dealing with the assembly. Senator Joseph M. Dixon, who would be up for re-election in 1913 and stood a better chance of retaining his seat through a primary nomination, optimistically reported that:

> Governor Norris has the greatest opportunity of his life to follow in Woodrow Wilson's steps and convene the legislature, thus putting the question of direct elections squarely up to the legislature so that the people would know who is and who is not responsible for the defeat of the measure. The cost is a mere bagatelle compared with the tremendous public good that would follow.[4]

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[3]"Governor's Roll Call of the Legislature," Montana Lookout, May 20, 1911, p. 4, Murphy credits Sam Gordon and the Miles City Daily Journal with the idea for a special session; "Primary Election Law," Rocky Mountain Husbandman, June 29, 1911, p. 1; Editorial, Montana Lookout, May 20, 1911, p. 1.

[4]"Favors Direct Primary," Missoulian as in River Press, April 19, 1911, p. 2.

William K. Harber, League member and editor of the River Press, favored the special session particularly since he preferred the "closed" primary of the Oregon law. Harber believed that the closed primary would best keep party organizations intact. His main concern was that quibbling over the open and closed system would lead to the defeat of any primary. Another League member Robert N. Sutherlin of the Rocky Mountain Husbandman at first complained of the cost of an extra session, but later decided the money would be spent wisely if primaries could be held prior to the 1912 general election.[5]

Without committing himself to a stand on the special primary bill editor Jerre Murphy noted that the governor stretched his executive prerogative a bit by forcing a commitment from the legislators before the session assembled. Murphy also felt that any measure prepared without the participation of legislators from the four most populous counties would not receive enough support to pass.[6]

Always in opposition to any measure labeled progressive, Thomas E. Butler, editor of the Republican Picket, claimed to believe in the idea of direct election, but did not approve of any such laws in existence. Butler saw no ". . . crying demand for an extra

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[5]"Tricky Politicians," River Press, July 12, 1911, p. 4; Editorial, Rocky Mountain Husbandman, June 29, 1911, p. 2.

[6]"Governor's Roll Call of the Legislature," Montana Lookout, May 20, 1911, p. 4.

session," and could not justify what he estimated to be a cost of $50,000 to $60,000 for a law unfavorable to ". . . small communities."[7]

Other newspaper editors opposed the committee's bill because of its closed primary provisions. S. M. Roberts and O. S. Wood of Butte's Tribune Review echoed the opinion of the Missoula Sentinel that the special session would only provide a "bad law for Montana." As sympathizers of the working men, the editors disliked the provisions for declaring party membership.[8]

But Fred Whiteside, editor of the Kalispell Bee, insisted that the distinction between open and closed primaries was a more deeply significant one than most people realized. In addition to the objectionable recording of party preference, the closed primary proposed by the committee would still be subject to the 1901 party law that deprived the voters of freedom of choice. As mentioned earlier, under this 1901 law a voter could receive only his party's ballot. Thus he was denied the right to select a candidate from another party. If the voter did not select those candidates favored by party leaders his loyalty could be questioned, subjecting him to possible fine and imprisonment. And finally, in the general election the voter was bound by oath to vote for the majority of the candidates representing his chosen

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[7]"Go Slow on Primary Law," Republican Picket, June 1, 1911, p.4.

[8]"Bad Law For Montana," Tribune Review, July 8, 1911, p. 4.

party. The closed system therefore effectively denied each voter freedom of choice in both primary and general elections.[9]

Miles Romney based his resistence to what he termed "Norris' primary bluff" on his mistaken interpretation of the I & R constitutional amendment. Apprehensive that any law passed in a special session would be repealed, Romney insisted that the people must by initiative make the law themselves. "Any law enacted by the people through the medium of the initiative and referendum can be repealed only by a vote of the people. The governor cannot veto such a law nor can the legislature repeal it. It sticks." Romney was mistaken. Unlike a constitutional amendment, the legislature can amend or repeal an initiated law without a public referendum.[10]

Underlying Romney's mistrust of the legislature and Norris' intentions was probably a fear that a special session primary law would steal the fire of the People's Power League and jeopardize the the success of the other proposed initiatives. Depending as he did on

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[9]"Favors Primary," Kalispell Bee, August 1, 1911, p. 4. This title is not intentionally misleading. Whiteside surely was a champion of direct election, if not of the Governor's special session; Laws, Resolutions and Memorials of the State of Montana Passed by the Seventh Regular Session of the Legislative Assembly (Helena: State Publishing Company, 1901), p. 115.

[10]"The People Should Cinch It," Western News, April 4, 1911, p. 4; Revised Codes of Montana, 1907: Constitutions, etc., Political Code (Helena: State Publishing Co., 1908), p. LXXXVI. Others were also confused as to the provisions for repealing or amending an initiative measure. See "For Direct Primaries," River Press, October 4, 1911, p. 5.

the support of the trade unionists, Romney could not abandon their strong resentment toward the proposed closed primary. Rather than express such feelings, the League president shifted to the offensive position and challenged Norris to ". . . follow up his profession of faith in the doctrine of the initiative, referendum . . . by joining the People's Power League."[11]

When a majority of the legislators refused to sign Norris' request to support his special committee's bill, Romney felt justified in his position. The proposed session hung in limbo for quite some time, as the governor refused to commit himself any further. While Norris toured the East with other Western governors, Kalispell's Young Men's Republican League requested acting Governor William R. Allen to call the legislature into session to pass the bill. Allen refused on the grounds that the ". . . men haven't changed . . ." and would not pass the primary legislation.[12]

Senator Dixon was not willing to give up so easily. In spite of the lack of pledged support, he believed, "if the governor will only exercise his lawful function and convene the Montana legislature and put the question squarely up to them, they will pass the bill in less than a week." Even after the People's Power League initiative drive

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[11]Editorial, Western News, September 19, 1911, p. 2.

[12]"They Don't Want It," River Press, September 20, 1911, p. 3; "Will Not Call Extra Session," December 13, 1911, p. 5; "Allen Refuses to Call Extra Session," Western News, December 12, 1911, p. 1.

was underway, Dixon tried desperately to get a special session. By April of 1912 he also wished to have a presidential preference bill added to the special assembly's duties to insure Montana's support for Roosevelt on the Republican ticket. This would be the only means of counteracting the old guard Republican support for Taft.

Dixon's term in the senate would expire in March of 1913. Having lost the confidence of the conservative party leaders through his progressive activity in Washington, he knew he could never retain his seat unless the people had the opportunity to nominate him. Only a special session and primary election in 1912 could preserve his political future, as the initiative bill could not provide for a senatorial primary until 1916. But, Norris, who also eyed the senate seat, refused to act. Finally, on July 20, 1912, the time limit imposed by the governor for the special session expired.[13]

Meanwhile, by September of 1911, it was obvious to the leaders of the League that Governor Norris' special primary session would never materialize. Rather than postpone any longer they decided to make their opening move to secure signatures for their four initiative

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[13]"For Popular Government," River Press, December 6, 1911, p. 2; "Want Special Session to Pass Primary," Western News, April 12, 1912; "The People Will Rule," July 23, 1912, p. 2; Jules A, Karlin, Joseph M. Dixon Of Montana: Part 1: Senator and Bull Moose Manager 1867-1917 (Missoula: University of Montana Publications in History, 1974), pp. 117-118.

measures. Just as the League began its drive for petition signatures a threat to the whole process of direct legislation developed from outside the state. W. K. Harber called attention to events in Oregon that might defeat the League's efforts by striking down the I & R in every state that had adopted it.[14]

The question of the constitutionality of the I & R was the basis of a suit before the U. S. Supreme Court between the Pacific States Telephone and Telegraph Company and the State of Oregon. The people of Oregon, through the initiative powers of their constitution had imposed a tax of 2 percent on the gross earnings of the telegraph and telephone companies. For four years the company refused to pay the tax. The State won its suit against the Pacific States T & T in the Oregon Supreme Court. The Pacific States T & T then appealed to the U. S. Supreme Court on the grounds that the I & R law under which it was taxed was unconstitutional. T & T attorneys argued that other companies were taxed by the legislature after hearings, while only the T & T was taxed by the people, thus denying it "equal protection of the law."[15]

The case drew the attention of many champions of the I & R.

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[14]"Initiative Petitions Placed in Circulation Yesterday," Western News, September 5, 1911, p. 1; "Will Test Oregon Laws," River Press, September 27, 1911, p. 1.

[15]"Assault is Begun on Reform Laws," Western News, October 6, 1911, p. 1.

California, Washington, Colorado, Nebraska, South Dakota, Arkansas and Missouri sent lawyers to help defend the State of Oregon by ". . . fighting for the exercise of sovereignity by the people." Romney admonished that Montana, too, should stand with her sister states in ". . . this great legal battle for popular rights." Although Montana sent no representatives to Washington, the state's newspaper editors played the same roles of defenders and assailants as if they had been fighting this important legal battle themselves.[16]

The Supreme Court decided that the question was not judicial, that only Congress could oppose the measure, and ordered PST & T to pay its taxes. PST & T's failure to destroy the I & R was reason for celebration itself. Ironically, the actual trial added to the League's program by providing much publicity on the issue of direct legislation, and, in the long run, aided the League's drive to secure petition signatures.[17]

While the Supreme Court was hearing the PST & T case still another legal problem threatened to frustrate the League's efforts.

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[16]"Assault is Begun on Reform Laws," Western News, October 6, 1911, p. 1; "Initiative and Referendum Before Supreme Court," November 10, 1911, p. 2; "Why Isn't Montana Represented?" Western News, November 14, 1911, p. 4; "People's Power League Active," Republican Picket, September 28, 1911, p. 2; "The Way the People Do Things In Oregon," Western News, January 6, 1912, p. 3.

[17]"Initiative and Referendum Not a Judicial Problem." Western News, February 20, 1912, p. 1; "Voters May Initiate Legislation," River Press, February 28, 1912, p. 1.

The 12th Assembly had passed a bill ". . . providing for the registration of electors." This new registration law required voters to register with the county clerk and recorder, rather than the registry agents as in the past. The law possibly was a covert attempt to restrict the political involvement of a mobile voting population within the working class. Though seemingly innocent in nature the law proved to be a tremendous obstacle to the League.[18]

The River Press amusingly reported the measure as extremely exacting, requiring:

> . . . name, age, occupation, height, weight, nativity, naturalized (when and where), residence (street and number of section and township), post office, length of time in state, county, or city, school district or ward, and physical disabilities.

If all these questions could not be answered, one could not register. Most property owners were aware of the section and township lines, but tenants of the working class who did not own property and moved often were not so informed, and had trouble registering.[19]

At first the Ekalaka Eagle lauded the act as a favor to farmers, allowing them to register ". . . nearly anytime of the year." The

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[18]"Senate Journal of the Twelfth Session of the Legislative Assembly of the State of Montana 1911 (Helena: Independent Publishing Company, 1911), SB68, pp. 124, 318, 650; "New Registration Law Important to Voters," Silver State, May 24, 1911, p. 1.

[19]"New Registration Law," River Press, April 12, 1911, p. 4.

editor expected the law to increase voter participation in rural counties from 10 to 20 percent. But by autumn the Eagle's praise turned to panic. By some quirk of fate the wrong forms were sent to Custer County, and all registration prior to September 14 was declared void. As petition signatures for the People's Power League initiatives had to be certified as those of correctly registered voters, the initiative drive in Custer County had to start all over again. The Eagle notified citizens to return to the clerk and recorder to complete the correct forms. Registration continued, but as such a slow pace that the editor pleaded with his readers to get their names recorded. He even went so far as to request that people ask their neighbors and businessmen their customers to report to the clerk and recorder's office.[20]

Custer was not the only county having problems getting voters registered under the terms of the new law. Late in October only 10 percent of Ravalli's voters were on the books. The situation was so critical in Cascade by January of 1912 that W. K. Harber published one of his rare biting editorials entitled the "Duty of Citizenship":

> If you don't get your name on the big book, you are to all intents and purposes of no more account in the general mixup than Hong Lee, the Chinese rat catcher, who piles up

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[20]"Another Good Bill Passes," Ekalaka Eagle, March 3, 1911, p. 1; "Notice to Electors," September 15, 1911, p. 1; repeated September 22, 1911, p. 1; "Registration Slow," September 22, 1911, p. 1; "Voters Register!" November 24, 1911, p. 1.

> his trade on the far away banks of the Yang Tse Klang. And that is the truth. . . .
>
> The man who looks bored and tells you with a yawn that "I don't care to vote because politics are so wrotten don't you know," is a greater enemy to the country than the biggest political grafter who ever grabbed--for his negligence brings the grafter into being and for his civic rottenness he has politics beaten a Mormon block. . . .
>
> The outlook for registration is rather discouraging, and will mean a short vote next election, a showing of decreasing population which will hardly be good advertising for Montana--not to mention the election of officials without the full expression of the people. . . .
>
> Regardless of politics, it is every man's duty to register, and the duty of every other man to see that he does. Help along good government by taking your neighbor by the scruff of the neck, if he be small enough, and leading him to the registration office. Start a debating club upon the subject, and whenever a man sneers at the registration suggestion just mark him down on your book as a citizen who needs watching, or, if he doesn't need watching, he needs treatment.[21]

Naturally the problem of getting voters registered adversely affected the Leagues initiative campaign. The I & R law required that only registered voters sign petitions. Thus the new registration law necessitated two campaigns, one to get the voters registered, and another to get the petitions signed. In spite of the League's untiring effort, the Initiative Files in the Office of the Secretary of State

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[21] "Questions Asked When You Register," Western News, October 24, 1911, p. 1; "Duty of Citizenship," River Press, January 10, 1912, p. 4. In this lengthy editorial, quoted in part, Harber tried to reach every segment of Montana's society: the wage earners who felt threatened by Chinese immigrants; the businessmen who depended upon increased population to raise profits; the farmer who was considered to be the backbone of democracy; and the average middle class citizen, the "mainstreeters."

show that many of the signatures were rejected, often entire petitions, on the grounds that the signers had not properly registered.[22]

Even though the registration law appeared to carry a joker in the deal, it was not directly designed to thwart the progress of the League. The League did not form until after the law took effect. However, it may have been spurred by the demand for direct legislation to reform the political process, a concern much older than the League itself. The difficulty faced by the urban laborers in the registration process suggests a possible attempt to frustrate union use of the I & R. If that is what some legislators who voted for the law had in mind, the union leaders clearly surmounted the obstacle and became the backbone of the People's Power League's initiative campaign.

By the time the 1912 election rolled around apparently most of the dutiful citizens managed to get their names on the great book, as the number of electors increased considerably over the previous election returns.[23]

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[22]Secretary of State, Initiative Files, 1912, Of Custer County's 285 petitioners, only 178 names were acceptable.

[23]Ellis L. Waldron, Montana Politics Since 1864: An Atlas of Elections (Missoula: Montana State University Press, 1958), pp. 122, 130, 138.

CHAPTER IV

THE CAMPAIGN AND ELECTION OF 1912

The People's Power League stood in readiness for its initiative campaign during the summer of 1911. Romney delayed action until it was obvious that the governor's special primary session would come to naught. The League then began according to plan.

The day selected to begin the petition campaign turned out to be ideal. Practically every town with a sizable wage earning population in the state held a special Labor Day celebration. As citizens began gathering on September 4th for the big event the Leaguers solicited signatures from them. In addition to the usual parades, games, races, picnics, music and dancing, the festivities included an orator of the day. Some of these speakers took advantage of the opportunity to speak on the initiative and referendum, the League, and the four initiative measures.[1]

The League's initial success was phenomenal. Within four days the Western News reported that although Ravalli County had secured more than its quota of supporters, the campaign was continuing. Miles Romney had numerous lieutenants: petitions were to be found at such places as the Western News Office, W. B. McLaughlin's cigar store in

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[1] "Labor Day Celebration Program is a Good One," Republican Picket, August 24, 1911, p. 1; "Initiative Petitions Placed in Circulation Yesterday," Western News, September 5, 1911, p. 1.

Hamilton, and Appolonio & Watter's store in Victor. In Stevensville former legislator George W. Johnson carried petitions house to house, while Thomas Kane worked the Corvallis area.[2]

The first petitions certified by the Ravalli County clerk and recorder were delivered to Secretary of State T. M. Swindlehurst on September 12, 1911. League President Romney confidently announced that the campaign would be over by the first of October.[3]

In most counties other newspapers joined in the advertising as to where voters could find the petitions and affix their signatures. News offices seemed to be the most prominent places where the petitions were located, such as the Bozeman Chronicle, the River Press, the Havre Promoter, the Rocky Mountain Husbandman, and others. The Silver Bow Trades and Labor Council appointed a special committee from the Butte unions to carry petitions among friends, neighbors, and fellow workers.[4]

Ravalli County's success was more than matched by the efforts of Attorney Theodore Lentz in Missoula County. By the 5th of October he filed nearly twice the requisite number of signatures to qualify his

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[2]"Ravalli County Has Quota," Western News, September 8, 1911, p. 4; "Initiative Petitions of Victor and Stevensville," September 22, 1911, p. 4; "Progressives File More Petitions," February 6, 1912, p. 1.

[3]"Petitions are Sent to Helena," Western News, September 12, 1911, p. 2.

[4]"For Direct Primaries," River Press, October 4, 1911, p. 5; "The People Will Do It," Havre Promoter, as in Western News, October 6, 1911, p. 4; "Oregon Primary Now is Insured," Western News, October 24, 1911, p. 1; "Organized Labor is Working for Law," September 12, 1911, p. 1.

county, and continued to gather even more. Lentz attributed this achievement to the fact that:

> The powerful influences that have dominated Montana politics so long have succeeded in keeping this state in the rotten borough class. After the failure of the last legislature to fulfill its pledges in this regard the people came to realize that it was useless folly to longer entertain a hope of relief through the regular law making channels . . .[5]

By the 24th of October, two fifths of the counties as required by law had qualified with petitions to the secretary of state, but the total of 8 percent of the state's voters had not been attained. The League pushed on optimistically; members acquired more signatures, never letting up the momentum of the campaign. Even nationally prominent progressives followed the League's efforts in Montana. Newspapers favorable to the League published encouraging letters from such standard bearers of political reform as Senator Robert M. LaFollette of Wisconsin, Senator Jonathan Bourne of Oregon, and the founder of the the first People's Power League, William S. U'Ren of Oregon.[6]

The campaign received a further boost when the Missoula "Neighborhood Clubs" chose the initiatives as their topic of discussion.

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[5]"Missoula Petitions for Primary Laws Filed." Western News, October 6, 1911, p. 4.

[6]"Oregon Primary is Now Insured," Western News, October 24, 1911, p. 1; "Written Exclusively for the People's Power League of Montana," September 8, 1911, p. 4; "Senator Bourne Praises People's Power League," October 17, 1911, p. 4; "'I & R' Primary Measures Are Now Up to Voters," Western News, April 26, 1912, p. 1. U'Ren also aided Romney in organizational matters.

Theodore Lentz explained to the club members why the open primary was necessary to complement the Australian ballot. Others who spoke on the political reform of the initiatives included University Professor Joseph A. Underwood, Attorney Roberts, Attorney W. F. Wayne and Senator Joseph M. Dixon.

Dixon lauded the progressive measures initiated by the League, but unlike the other speakers, he did not directly endorse the People's Power League. The Senator may have had some reservations about the organization. In Romney's rendition of the meeting he credited Dixon with the following remarks:

> . . . A republic of this size must preserve its political parties and not allow itself to become divided into unstable groups. The possible elimination of political parties . . . [is] the only danger that presents itself in the New Propaganda[7]

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[7]"People's Power League Movement Discussed by Neighborhood Club," Western News, November 17, 1911, pp. 1, 7; Jules A. Karlin, Joseph M. Dixon of Montana: Part I: Senator and Bull Moose Manager 1867-1917 (Missoula: University of Montana Publications in History, 1974), p. 130. Karlin mistakenly credits Dixon with directing the initiative drive, and does not mention Romney or the League. Actually, Dixon's attitude toward the League seemed ambiguous. His Missoulian argued for the initiatives, reported on the League's progress, and often quoted articles and editorials from Romney's Western News. Yet he remained unaffiliated with the League, perhaps because it was outside of his control and threatened to have an adverse effect on his own power. He did, however, need the support of its Democrat and liberal Republican members. The attitude expressed in his Neighborhood Club speech was either less than genuine, or, perhaps an opinion he changed when he associated himself with the Non-Partisan Direct Legislation League, to be discussed later.

Because the League's membership represented a cross-section of political affiliation, it seemed to threaten the strength of party solidarity. This threat, however, was illusory. The League had no desire to shake its members' party loyalty or to run its own slate of candidates for any election. Its goal was to serve people of all parties by passing legislation that the assembly had repeatedly refused to pass.

It took longer than Romney had anticipated to secure enough petitions to place the initiatives on the November ballot. Obtaining signatures was not particularly difficult, but getting the signatures certified and counted proved otherwise. Many persons who signed the petitions failed to register under the new law, and their signatures were thrown out by the county clerks. In Custer County, where the wrong registration forms had been used, the clerk validated only 178 of the 285 names. In Yellowstone County only 262 of more than 300 signatures were verified.[8]

An entirely different problem arose in Jefferson County. Committeeman James A. Jergenson solicited 130 names, all of which were certified by the clerk and recorder, who promptly mailed them to Helena. After nearly two months Romney discovered that the secretary

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[8]"Custer County Files Petitions," Western News, October 24, 1911, p. 1; "Yellowstone Files Petitions," November 17, 1911, p. 1.

of state had never received them. Jergenson had to conduct his entire campaign again.[9]

Another problem of lesser importance arose due to the subdividing of counties. According to the I & R law, quotas for petitioning counties were based on the voter turnout in the last gubernatorial election, which in this case was in 1908. Four new counties had been created since that election, and they did not figure into the petition campaign at all. This placed a particular hardship of Chouteau County which was cut to one third its former size, yet required to file 8 percent of the 1908 election returns to qualify. W. K. Harber had to work extra hard to get the exceptionally high requirements in signatures. Hill County, which was formerly a part of Chouteau, tried to cooperate by sending 100 petitions to Helena. The secretary of state rejected them as Hill had no previous voting record. Lincoln, also a new county, tried unsuccessfully to get their petitions accepted. Despite the problem faced by all the older counties that lost territory, only Meagher was unable to qualify with 8 percent of its voters signatures.[10]

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[9]"What Has Become of the Jefferson County Primary Petitions?" Western News, January 12, 1912, p. 1; Initiative Files, 1912.

[10]Chart, Western News, April 16, 1912, p. 1; Initiative Files, 1912. Carbon County's petitions were not counted as they arrived too late. Romney complained of stalling on the part of the clerk and recorder.

In the following editorial Romney expressed concern over the many problems with which the People's Power League had to contend:

> Whenever afforded an opportunity the voters are eager to sign the petitions.
>
> And yet persistent, implacable opposition has been felt. A powerful and sinister, albeit unseen, influence has sought to paralyze the movement from start to finish. Even committeemen who were enthusiastic for the movement in the beginning were suddenly benumbed with apathy. In instances voters have been openly disuaded from signing and have professed fear of the consequences; county clerks whose duty it is to compare the petitions with the registration books and certify the same to the secretary of state have sought to procrastinate and have proved extraordinarily critical in making this comparison. In Butte, where the Socialist Party is strong and where agents of the Amalgamated Copper Company's political department are seeking to fasten themselves to the machinery of the party, just as has happened with the democratic and republican parties, an extreme element has been arrayed against the movement. They would apply the "doctrine of misery" and force everybody to join the socialist party in order to secure reforms.
>
> But all the powers and wiles of reaction represented by the entrenched corporate and political machines, will not avail.[11]

And Romney was right. In spite of all the obstacles the People's Power League campaign was successful. On April 24, 1912, the governor proclaimed that the four initiatives would be on the ballot for the November election. All four measures received more than the minimum number (5,455) of signatures necessary for their activation. Those in favor of the direct primary, the most popular measure, totalled 6,048.[12]

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[11] "What Has Become of the Jefferson County Primary Petitions?" Western News, January 12, 1912, p. 1.

[12] "I & R Primary Measures Are Now Up to Voters," Western News, April 26, 1912, p. 1; Initiative Files. 1912.

Elated over the petition campaign's success, Romney predicted that the measures would soon become laws, an event that would be ". . . educational, and tend to elevate the intellectual, political, and moral standards of the composite citizenship of the state." Urging voters to support the initiatives he believed would ". . . revolutionize the political status of the state." Romney expressed faith that the power of the company would come to an end:

> It will be impossible for the agents of the great copper trust who boast of employment of half the men in the state, to coerce or buy a majority of the voters in any given county, or the state as a whole, protected as they will be both in the primary and general election by the Australian ballot and a drastic corrupt practices act.
>
> If I sense the situation aright, the Montana public, while wishing these great corporations well in an industrial way, are determined that they shall no longer dominate political affairs.[13]

As the time for the general election drew near the People's Power League launched a third campaign to educate the voters to deal with this new method of legislating. It had been six years since the voters adopted the I & R statue, and the state's population had grown considerably within that time. Many of the newer residents were ignorant of this law that had never been used. As an example of the magnitude of the problem, the Tribune Review received an inquiry: "What are the referendum, initiative, primary and recall?" The Western News published an equally questioning letter to the editor

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[13]"I & R Primary Measures . . ." Western News, April 26, 1912, p. 1.

regarding the referendum on the Donohue Military Law passed by the 12th Assembly: "In voting against this act do we vote for referendum measure No. 300 or against referendum measure No. 301?" The ballot admittedly was more than a little confusing. In order for an elector who signed petitions "for" the referendum to defeat the law, he would have to vote "against" the referendum once the measure was on the ballot.[14]

Especially helpful to the League's educational campaign were provisions within the I & R law itself. The secretary of state had to mail each registered voter a copy of the entire text of the initiative and referendum measures on the ballot. Equally important to the League, the law also provided that anyone could prepare sufficient copies explaining their views on the measures to the public, and the secretary would mail these along with the text of the measures. The League took advantage of this provision in order to reach all the voters of the state. Romney drew up a persuasive analysis of the effect of the political reforms, printed 80,000 copies on his press, and delivered them to the secretary of state to be sent to the voters. The I & R also aided the League's publicity campaign by requiring that the governor's proclamation of the initiative and referendum election be

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[14]"Letters to the Editor." Tribune Review, April 27, 1912, p. 4; "How to Vote on Militia Bill #220," Western News, October 1, 1912, p. 1.

further publicized in one newspaper in every county once a week for four weeks at the county's expense.[15]

Celebrating the first anniversary of the League, Secretary Max McCusker boasted that the "well defined program . . ." had been "carried out in every detail." With the petition campaign successfully closed and the information mailed to every voter, the League breathed a little easier. All the work now behind them, the People's Power League had rather smooth sailing for a change.[16]

Once the regular campaign got into full swing the League picked up additional support from parties and candidates. Many of the candidates for elective office spoke on the People's Power League initiatives during the course of their public appearances. Most importantly, the Democratic State Convention endorsed the League and adopted the four initiatives as part of its platform. In Helena the Progressive Republican or "Bull Moose" convention also endorsed the League and pledged its support to the I & R measures on the ballot. The endorsement of Theodore Roosevelt, who attended the convention,

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[15] Laws, Resolutions and Memorials of the State of Montana Passed at the Tenth Regular Session of the Legislative Assembly, 1907 (Helena: State Publishing Company, 1907), p. 125; "First Anniversary of the League," Western News, June 14, 1912, p. 1; "Voters Will Make Laws," River Press, May 1, 1912, p. 4.

[16] "First Anniversary of the League," Western News, June 14, 1912, p. 1.

lent added support to the League from his personal admirers in various party circles.[17]

The Republican convention, which Romney accused of being company controlled, experienced divisiveness on the issue of League support and especially concerning the matter of presidential preference. Dixon and his followers wished to nominate Roosevelt as the Republican candidate, but the conservative element controlling the convention refused to allow party members to express their own choice.

In addition, the conservatives voted down a suggestion to adopt a platform supporting the People's Power League. As a result, a new sense of urgency for political reform, and especially reform of the presidential preference, emerged from the convention. Romney warned that in the next election ". . . the people will decide--not the conventions." And Dixon severely criticized the State Republican Committee for not permitting party members to decide which candidate to support at the national convention.[18]

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[17]"Walsh and Stewart the Nominees." Western News, August 30, 1912, p. 1; "The Bull Moose Name State Ticket," September 10, 1912, pp. 1-2.

[18]"Taft Men Name County Ticket," Western News, September 3, 1912, p. 1. Socialist papers during the time of this study are not available to determine their platform or stand on the League; "The People Must Rule," River Press, March 13, 1912, p. 4; "Dixon Makes Protest," March 27, 1912, p. 1; "Primary Bill in Congress," Western News, March 20, 1912, p. 4. Senator Albert B. Cummins of Iowa introduced a presidential primary bill to Congress to deal with the problem on a national level. Had his bill not been defeated, conventions would no longer play a role in nominating presidential candidates.

But Thomas E. Butler of the Republican Picket was well satisfied with the convention system of nominating candidates. In fact, he fussed that the voters already had far too much to decide. Butler complained that aside from the usual task of electing state and local officers, the voters had to nominate senatorial candidates as provided by the Everett Law of 1911. Adding to the chore, the electorate had to pass on four initiatives, one referendum, and a bond issue for a state asylum at Warm Springs. Despite the long and complicated ballot on November 5, 1912, only one out of four voters refused to pass on the additional measures. Practically 75 percent voiced their opinions on League reforms. Voters repealed the Donohue Military Law by nearly a two third majority. The four initiatives received even greater support, or over three fourths in favor.[19]

The Great Falls Tribune applauded the election results and credited the People's Power League with the victory. The editor expressed hope

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[19]"Voters to Have Much to Decide," Republican Picket, August 15, 1912, p. 2; Ellis Waldron, An Atlas of Montana Politics Since 1864 (Missoula: Montana State University Press, 1958), pp. 147-148. The vote on the Donohue Military bill was 41,749 against--21,195 for; direct primary, 46,437 for--12,879 against; senatorial preference, 45,620--12,442; presidential preference, 46,241--12,142; and corrupt practices, 44,337--13,645.

> . . . that the Power League will continue in existence; and after the coming session of the legislature, should that body fail to carry out the democratic platform pledges in any way, through the league the questions should be passed up to the people for action two years from now.[20]

A general progressive atmosphere was especially evident in the state legislative race. Seventy-five percent of the candidates filed pledge #1 under the Everett bill, agreeing to elect the senatorial candidate chosen by the people. Of those participating in the contest, only one individual was elected who filed pledge #2, refusing to honor the public decision.[21]

When the new legislature met the following January, it unanimously elected Thomas J. Walsh, the people's choice, to succeed Joseph M. Dixon as U. S. Senator. The Everett Law or "fake primary" worked after all, and Walsh had the honor of being the only senator elected under its provisions. On December 13, 1912, the Everett Law was repealed by the League's senatorial election law.[22]

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[20]"Voters Enact Laws," Tribune, as in River Press, December 4, 1912, p. 2.

[21]"People Will Name a U. S. Senator by Direct Vote," Western News, September 20, 1912, p. 1.

[22]Waldron, p. 138; Senate Journal of the Thirteenth Session of the Legislative Assembly of the State of Montana 1913 (Helena: Independent Publishing Co., 1913), pp. 63-64; House Journal of the Thirteenth Session of the Legislative Assembly of the State of Montana 1913 (Helena: Independent Publishing Co.,), pp. 67, 85-86.

Actually the League's senatorial preference law was never used. In May of 1912 Congress passed a resolution to amend the constitution to provide for popular election of senators. Montana's 13th Assembly ratified the amendment without a dissenting vote. On May 31, 1913, the Seventeenth Amendment to the Constitution replaced the League's initiated law, as well as the laws of 28 other states with similar provisions for direct nomination of senators.[23]

The fulfillment of the first program of the People's Power League, though dependent on highly organized and efficient volunteers, can be attributed to the non-partisan nature of its reforms. The issue was the reforming of the election process to give the electorate a true choice of its representatives in state and local government. Regardless of party affiliation each individual sought a voice in the nominating of candidates before the general election. The impressive number of voters favoring reform clearly demonstrates wide-spread disdain for the dictates of machine politicians and corporate influence under the old convention system. The passage of the political reforms also indicates the magnitude of progressive voters within the State of Montana.

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[23]"People Win Long Fight," Republican Picket, May 16, 1912, p. 1; House Journal . . . 1913, pp. 43, 169; Senate Journal . . . 1913, p. 205; 92nd Congress, 2nd Session, Senate Document 92-82. The Constitution of the United States: Analysis and Interpretation, Annotations of Cases Decided by the Supreme Court of the United States to June 29, 1972 (Washington, D. C.: U. S. Government Printing Office, 1973), pp. 34, 1565.

CHAPTER V

THE LEGISLATURE AND SOCIAL RESPONSIBILITY

The election of 1912 resulted in a tremendous success for the People's Power League and demonstrated that Montana's initiative and referendum law could be made to work. League leaders, however, did not give up their faith in the normal legislative channels, nor did they let up on their drive for reform. Yet the League did not see direct legislation as a substitute for the normal legislative process. It wanted the legislature itself to continue the reform movement that it had begun. Even before the secretary of state published the official election results, League President Miles Romney called a special meeting to draw up legislation for workmen's compensation. The League would then present the bill to the 1913 legislature for its approval.[1]

When the League turned to workmen's compensation it was shifting its emphasis from political to social reform. This shift in emphasis was typical of the progressive program. A contemporary student of society, Benjamin Parke DeWitt, outlined progressive goals as follows:

> The task of the progressive movement in the state is very plain and very definite. It must give to the people a real control over government at all times: before election by direct primaries, corrupt practices acts, . . . and an effective registration system; and after election by the

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[1] "Labor Unions and People's Power League Will Submit a Measure," Western News, November 26, 1912, p. 1.

> initiative, the referendum, and the recall. It must then use the government, thus restored to the people, to prevent and relieve social and industrial distress: . . . when bones are broken and health is gone, to relieve distress by placing upon the shoulders of society a part of the burden which the individual hitherto has borne.[2]

When volunteers first organized as the People's Power League in 1911, they agreed to sponsor a comprehensive workmen's compensation plan as soon as their political reforms were accepted. For quite some time industrial accidents had been a serious problem with which workingmen had to contend. Worker's efforts to deal with the situation through the legislative process were of long standing.[3]

Traditionally, the employer assumed no responsibility for industrial accidents. An injured employee's only recourse was to sue the employer in the courts, at great expense to himself for lawyer fees, and to the public for court expenses, if he hoped to get any redress at all. When suits were brought against an employer he relied on the customary defenses, such as contributory negligence, negligence of a fellow servant, and the doctrine of assumption of risks. Few cases were decided in favor of the employee.

Originally, the workingmen believed the solution to their dilemma would be an employer's liability law. Liability, they thought,

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[2]Benjamin Parke DeWitt, The Progressive Movement (© 1915, Seattle and London: University of Washington Press, 1968), p. 273.

[3]"People's Power League Behind Big Campaign," Western News, June 13, 1911, p. 1.

would negate the old common law defenses, making an employer responsible for all industrial accidents. Attempts to secure such legislation began in Montana as early as the 1893 legislature. After ten years of putting it off, the 1903 assembly passed the state's first employer's liability law.[4]

But the 1903 law apparently brought little redress of grievances for the working man. Years later the Montana Lookout reported that:

> Three thousand miners have been killed and injured in the Butte mines within the past nine years and only three damage cases have been successfully prosecuted in that period because it is almost impossible to secure a fair trial in such cases in Silver Bow County, such is the fear in which the public holds the Amalgamated Copper Combine.[5]

Correcting himself two weeks later, the editor reported that there actually had been four successful cases. F. Augustus Heinze,

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[4]House Journal of the Third Session of the Legislative Assembly of the State of Montana 1893 (Butte City: Intermountain Publishing Co., 1893), pp. 118, 123; Senate Journal of the Fourth Session of the Legislative Assembly of the State of Montana 1895 (Helena: State Publishing Co., 1895), pp. 28, 155; Senate Journal of the Fifth Session of the Legislative Assembly of the State of Montana 1897 (Helena: State Publishing Co., 1897), pp. 17, 36-37, 206; Senate Journal of the Eighth Regular and Extraordinary Sessions of the Legislative Assembly of the State of Montana 1903 (Helena: State Publishing Co., 1903), pp. 29, 91, 94, 215; Laws, Resolutions and Memorials of the State of Montana Passed at the Eighth Regular and Extraordinary Sessions of the Legislative Assembly 1903 (Helena: State Publishing Co., 1903), pp. 156-157.

[5]"Combine Handicaps to Justice in Butte," Montana Lookout, February 11, 1911, p. 1.

the last of the three Montana "copper kings" to hold out against Amalgamated, lost three cases with damages totaling $25,600. An English controlled company lost one case for $15,000. The Amalgamated-Anaconda Company reportedly never lost a suit.[6]

For years labor had failed to coordinate its attempts to gain a suitable liability law. Instead, each group of workers sought laws to cover its particular industry. This piece-meal approach to liability could be due to a lack of strong leadership to unite the various groups, or possibly even to divide and conquer attitude. Anaconda, for instance, would not be particularly against a bill to aid coal workers, whereas a general law would bring opposition from all employers of labor. In fact, in 1909 the coal company employees managed to get a permanent disability fund set up by the legislature. Unfortunately, the law was declared unconstitutional.[7]

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[6]"Human Rights and Legal Wrongs in Butte," Montana Lookout, February 25, 1911, p. 2.

[7]House Journal of the Seventh Session of the Legislative Assembly of the State of Montana 1901 (Helena: State Publishing Co., 1901), HB36, pp. 26, 193, HB65, pp. 87, 242; Senate Journal of the Seventh Session of the Legislative Assembly of the State of Montana 1901 (Helena: State Publishing Co., 1901), HB65, p. 136; Senate Journal . . . 1903, SB87, pp. 116, 196, 215; House Journal of the Ninth Regular Session of the Legislative Assembly of the State of Montana 1905 (Helena: State Publishing Co., 1905), HB1, pp. 9, 33; Laws, Resolutions and Memorials of the State of Montana Passed at the Ninth Regular Session of the Legislative Assembly 1905 (Helena: State Publishing Co., 1905), p. 1; House Journal of the Tenth Session of the Legislative Assembly of the State of Montana 1907 (Helena: State Publishing Co., 1907), HB348, pp. 326, 618; Senate Journal of

Congress also tried to break down the old common law of employer defenses through its interstate commerce powers. The courts threw out the first liability law, but upheld the 1908 law early in 1912. "The decision," commented the Republican Picket, "marks an epoch in labor legislation. The old common law, hedging in the rights of employers, is displaced in several particulars. . . ."[8]

Within the state, however, the old common law remained unscathed. Various labor groups expected the 1911 assembly to deal with the unsatisfactory situation, but the two bills introduced promised no aid. Anxious to settle the affair, Governor Norris appointed a committee of legislators to study the situation, to propose bills defining liability, and for the first time in Montana, to consider a workmen's compensation act.[9]

The governor's intervention spurred immediate opposition from

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the Eleventh Session of the Legislative Assembly of the State of Montana 1909 (Helena: Independent Publishing Co., 1909), SB54, pp. 90, 139; House Journal of the Twelfth Session of the Legislative Assembly of the State of Montana 1911 (Helena: Independent Publishing Co., 1911), HB375, p. 511, was an unsuccessful attempt to repeal SB56 of 1909. The law was declared unconstitutional according to: "Montana Workingmen Ask for Protection," Western News, December 13, 1912, p. 4.

[8]"Liability Law Found Legal," Republican Picket, February 1, 1912, p. 9.

[9]House Journal . . . 1911, HB109, pp. 99, 524, HB366, pp. 491-492.

in-state and absentee employers, who threatened an economic shutdown if any such legislation was approved. The legislature also opposed the governor's action. They refused to approve any of the committee's bills, including one to appoint a study commission to prepare legislation to submit to the following assembly.[10]

Following the 1912 election, the People's Power League believed its successes showed a popular desire for reform which would break down the conservative barrier to change. Still, various union leaders realized the need for a conserted effort for industrial reform, and they knew the League contained the strength necessary for success. Cooperation began to emerge on November 26, 1912, when various labor leaders and League members met to draw up a workmen's compensation bill. The League then held a special meeting on December 10 to present the bill to its members. Delegates from every labor organization in the state accepted the bill, and the League officially endorsed it.

Reporting the League's stand on compensation; Romney promised his readers that the legislation would:

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[10]Governor's Papers, Legislative Series, Box 5, folder S5, Telegram, F. H. Davis to Norris, February 15, 1911; Correspondence, Grant S. Erwin to Norris, February 14, 1911; House Journal . . . 1911, HB315, pp. 396, 729, HB316, pp. 396, 435, HB334, pp. 418-419; Senate Journal of the Twelfth Session of the Legislative Assembly of the State of Montana 1911 (Helena: Independent Publishing Co., 1911), pp. 434-438.

> . . . furnish certain, prompt and reasonable compensation to the victims of work accidents and their dependents, 80 per cent of whom have heretofore had no right to redress under the common law rules.
>
> . . . free the courts from the delay, cost and criticism incident to the great mass of personal injury litigation heretofore burdening them.
>
> . . . relieve public and private charities from much of the destitution due to uncompensated industrial accidents.
>
> . . . eliminate economic wastes in the payment of unnecessary lawyers, witnesses and casualty corporations and the expense and time lost due to trails and appeals.[11]

When critics of the bill charged that it would be unduly expensive, Romney responded that it would cost less than the present system, because all the money payments would go to the workers rather than to defray lawyers' fees and insurance premiums. Romney also added that the money paid out to the workers would remain in the state, as would the compensation funds, which could be invested in ". . . state concerns instead of being drained out of the state by premium remittances to eastern financial centers." And, finally, he pointed out that the system should reduce the accident rate because the bill provided for "education in accident prevention" and "state control of of statistical information" regarding accidents and compensation.[12]

When the 13th Assembly began Dennis Murphy, President of the Butte Miner's Union and representative from Silver Bow County,

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[11]"Labor Unions and People's Power League Will Submit a Measure." Western News, November 26, 1912, p. 1.

[12]Ibid., "Workmen's Compensation Act." Western News, January 3, 1913, p. 2.

introduced HB1. This was the bill drawn up by the People's Power League and labor leaders in late November. It specified safety regulations and prescribed penalties for violations. It listed accidents and the rate of compensation to be paid for each disability. It created an Industrial Insurance Department to enforce the law, and also withdrew compensation for the jurisdiction of the courts abolishing the common law employer defenses.[13]

Six other so-called compensation or liability measures were also introduced, causing considerable confusion. Romney, attempting to keep his reading public informed, reminded them that the workers supported the Murphy bill. The other bills, he claimed, were half-hearted, "insurance measures," or merely a "schedule of rates, the employer to retain all the old-time defenses . . . legalizing the present barbarous system."[14]

The labor committee held a hearing on the seven bills to determine which, if any, should be enacted. The major union

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[13]"Workmen's Compensation Act." Western News, January 3, 1913, p. 2. House Journal of the Thirteenth Session of the Legislative Assembly of the State of Montana 1913 (Helena: Independent Publishing Co., 1913), HB1, p 22.

[14]House Journal . . . 1913, HB134, p. 162, HB427, pp. 881, 907-908; Senate Journal of the Thirteenth Session of the Legislative Assembly of the State of Montana 1913 (Helena: Independent Publishing Co., 1913), SB12, p. 44, SB34, p. 67, SB134, p. 277, SB181, pp. 662, 649-650.

representatives supported the Murphy bill, while W. B. Rodgers, lawyer, and C. F. Kelley, manager and chief council for ACM, opposed all but the most insignificant of the measures. The House passed the Murphy bill, while the Senate approved the Minor bill recommended by ACM. Both bodies refused to compromise and another session closed without a solution to the problem of industrial accidents.[15]

Although labor's efforts to gain redress and compensation for industrial accidents had been frustrated for twenty years, the workers continued to press their cause, maintaining faith in the democratic process to achieve a solution. According to one historian, as early as 1901 the Montana State Trades and Labor Council believed that "political action was the only workable means of securing labor's ends." Within the first decade of the 20th century at least one small but vocal group, the Industrial Workers of the World, sought extra legal means to relieve its distress. Yet in 1913 the majority of the workers still maintained the position that legislation was the only acceptable method of dealing with their problems.[16]

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[15]"Workmen's Bill the Big Question," Western News, February 7, 1913, p. 1; "Compensation Hearing Ends Saturday," February 11, 1913, p. 4; "For Fair Compensation," February 25, 1913, p. 2; House Journal . . . 1913, HB411, pp. 607, 763; Senate Journal . . . 1913, SB108, pp. 219, 474.

[16]Richard Brown Robder, "Montana In the Early Years of the Progressive Period," (unpublished Ph.D dissertation, University of Pennsylvania, 1971), p. 37.

Labor had met with moderate success in previous times. In 1901, for instance, workers were granted a law regulating hours of employment. In 1903, a constitutional amendment established the 8 hour day and prohibited employment of children under the age of 16 in underground mines. And in 1906 the union men considered the I & R amendment to be a major victory for their cause.[17]

Displaying their confidence in the I & R laws, union leaders were the first to try to pass an initiated measure. In 1908 they circulated petitions to legislate employers' liability and to legalize unions. Their failure to gain the required percentage of signatures did not discourage them from attempting the same methods to promote a referendum of the Donohue Military Law. In fact, their association with the People's Power League showed the workingmen's determination to make the system work for them.[18]

It was only natural, then that when the 13th Assembly failed to pass the demanded legislation, the initiative process provided an option to which the unions would turn. "As soon as the smoke clears

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[17] House Journal of the Seventh Session of the Legislative Assembly of the State of Montana 1901 (Helena: State Publishing Co., 1901), HB1, p. 7, HB149, p. 177; House Journal of the Eighth Regular and Extraordinary Sessions of the Legislative Assembly of the State of Montana 1903 (Helena: State Publishing Co., 1903), p. 178; Waldron, p. 115.

[18] Secretary of State, Initiative Files, 1908. As mentioned earlier, they also petitioned for direct election of senator.

away--," Romney announced at the closing of the legislative session, a meeting of ". . . the People's Power League will be called . . . to initiate [a] compensation act."[19]

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[19]"Meet to Initiate Compensation Act," Western News, March 11, 1913, p. 1.

CHAPTER VI

A PROLIFERATION OF LEAGUES FOR THE 1914 CAMPAIGN

Prior to the 1912 election, most Montanans believed that the initiative and referendum amendment was not functional. The Helena Independent earlier recalled that the I & R was thought to be ". . . carefully guarded . . ." by the Republican Party, the last party to support the reform. Rather than appearing to oppose the measure, the Republicans had passed a bill that would be difficult, if not impossible to use. After the union's 1908 failure to legislate under its provisions, the ". . . friends of direct legislation declared that it was wholly ineffective." The People's Power League's success with the I & R encouraged other groups to give it a try. Before the smoke cleared and the People's Power League met, several new groups had already organized for the purpose of accomplishing direct legislation.[1]

One group, about which little is known, sought a referendum against an athletic commission law to legalize boxing. Another, led by Paris Gibson, organized to initiate a bill for the consolidation of

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[1] "Referendum to be Tried," Helena Independent, September 5, 1911, p. 1.

the state university system. In reaction to Gibson's group, a third group united as the Gallatin Valley Anti-Consolidation League.[2]

The most potentially powerful group organized on March 28, 1913, calling itself the State Non-Partisan Direct Legislation League. Centering around the figure of former Senator Joseph M. Dixon, chairman, the League consisted mostly of men actively involved in politics, many of whom were members of the legislature. These men were not political outsiders as in the case of most of the members of the People's Power League. Members of the Direct Legislation League were primarily Progressive Republicans, with enough liberal Democrats to justify the title. The legislation they wished to initiate was directed toward limiting the power of the Anaconda Company, but unlike the People's Power League, it was intended to benefit chiefly the middle class taxpayer. Their attempt to reform state governmental policy undoubtedly resulted from years of experience and frustration trying to work through the legislature. Failure to achieve their

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[2]Secretary of State, "Initiative and Referendum Measures Since Adoption of Constitutional Amendment Article V, Section I, Permitting the Referendum and Initiative" (Misc, 23a, Helena: n.p., 1967), Ref. #6 rejected the athletic commission in 1914. In the 1916 election, Init. #11 placed the commission on the ballot unsuccesfully. In 1919 the legislature passed the law again. Ref. #14 attempted but failed to repeal it in the 1920 election. Init. #9, consolidation of the university system, failed in 1914. "The Big Case Up to the Supreme Court," Western News, July 10, 1914, p. 1.

desired reforms from within the capitol walls forced the members to turn to the public and the initiative process.

The main concern of Dixon's League was to initiate legislation to regulate water appropriation for power purposes and to impose a license tax on corporate enterprises. The main target of the tax assessment was aimed primarily at the Montana "twins," Anaconda and Montana Power, and also at railway car companies, especially the Pullman luxury cars. For years these companies had enjoyed only slight taxation. Increased state revenue from the corporate sector of the economy would hopefully decrease the tax burden of the middle class property owner.

Other legislation of interest to this new League included: the permanent location of state institutions where they were already established, a counter move to Gibson's consolidation drive; permission for cities to levy taxes for developing electric lighting plants; and the establishment of a state farm loans program.[3]

The new League specifically invited Miles Romney and Walter Hartman, but otherwise made no attempt to extend a welcoming hand to the People's Power League as a whole. Dixon appointed Romney to the

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[3]"A Direct Legislation League is Launched," Western News, April 1, 1913, pp. 1, 4; Secretary of State, Initiative Files, 1914. This League should not be confused with the Non-Partisan League a farmer-labor coalition that developed a few years later.

committee to draw up legislation for farm loans, and Hartman to the one concerning permanent location of state institutions. Other members of the People's Power League attended the organizational meeting, but apparently without invitation.

The Butte unions also sent a delegation of People's Power League members to ascertain whether organized labor should support the new group. The reception of this delegation by Dixon's League must have been cool, as they participated only as observers, and failed to take any action favoring active involvement. Secretary Max McCusker spoke openly against the State Non-Partisan Direct Legislation League at the meeting. He feared that the new oganization was trying to steal the thunder of the People's Power League. The new League, McCusker said, would:

> . . . have the effect of weakening the original league, that it would weaken the moral effect, divide the strength of the forces believing in initiation and might lead to the flooding of the ballot with as many measures as were submitted in the State of Oregon last fall, when the people were asked to vote on 35 bills.[4]

Romney was probably not on the best of terms with some of the members himself, but he had a better sense of control over the situation. Rather than oppose Dixon's League and make enemies with the politicians in the face of a new election campaign, or commend it

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[4]"A Direct Legislation League is Launched," Western News, April 1, 1913, pp. 1, 4.

and possibly lose rapport with the laboring men who did not fit into the bourgeois group, Romney shifted the issue to the company, a point on which both Leagues could agree.

> If a flood of direct legislation shall ensue the privilege-seeking corporations that have so long controlled our legislative bodies have only themselves to blame. If, when they awaken from a drunken orgy of power they find themselves afflicted with a bad head-ache perhaps their managing directors will have the fairness to admit that they are but reaping the whirlwind.
>
> Come what will, however, we venture assertion that the majority of this state's electors, requisite to enact a law will exercise greater forbearance, conservatism, wisdom, and discrimination than any corporate controlled legislature that has misrepresented this state in many years.
>
> The people of Montana, sitting as a committee of the whole, in direct legislature assembled, will be awfully fair and just--perhaps that's just what the Amalgamated don't want.[5]

Just as the People's Power League remained divided or uncommitted as to how to respond to Dixon's League, the State Non-Partisan Direct Legislation League faced a similar problem. They could not agree as to whether or not they wanted the help of the People's Power League.

When the State Non-Partisan Direct Legislation League held their second meeting in Helena, Romney was ". . . present upon invitation . . ." to represent his League, rather than as one of the group.

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[5]"Three League Where But--," Western News, April 1, 1913, p. 2. Romney had criticized several of the League members for their actions in the legislature, especially Thomas Everett, the author of the "fake primary."

Romney offered the services of the People's Power League in cooperation with Dixon's League for circulating petitions. Helena Mayor Frank J. Edwards moved to refuse Romney's offer, but the motion failed to carry. The presiding officer appointed a committee of three members to make the necessary arrangements between the two Leagues.[6]

This committee apparently never called upon the League for help, which in point of fact, they actually needed. Dixon's League circulated petitions for the corporate license tax, but were unable to gather sufficient signatures to place it on the ballot. There is no evidence that petitions for their other measures ever got off the ground.[7]

Only where Dixon appointed People's Power League members to committees was he successful in reaching any of the new organizational goals. Hartman was a member of the executive board of the College of Agriculture and Mechanic Arts. His personal desire to keep the college in Bozeman allied him with the Gallatin Valley Anti-Consolidation League. Through his cooperative efforts the State Non-Partisan Direct Legislation League succeeded in stifling Gibson's consolidation

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[6]"Three Initiative Bills to be Submitted," Western News, September 30, 1913, p. 2.

[7]Secretary of State, Initiative Files, 1914.

scheme. And, when Romney picked up the farm loans initiative the People's Power League carried the entire campaign.[8]

Perhaps the politicians of the State Non-Partisan Direct Legislation League had no desire to wage the time consuming door to door campaign necessary to acquire support for initiative legislation. But they must have realized by the fall of 1914 that the People's Power League had the training, the experience, the network of tireless volunteers, prerequisites for I & R work in Montana. These essentials were the contributions of the common workingmen, the grass roots personnel of the People's Power League that Dixon's League never really accepted.

The People's Power League met on May 10th and 11th of 1913 at the Carpenter's Hall in Butte to formulate its plans for the 1914 initiative campaign. Workmen's compensation, a part of the initial program, was the main topic of discussion. The members decided to initiate the Murphy bill of the past legislative assembly.

The Murphy bill was changed to provide administration funding by the industries themselves, assessed according to payroll. Actual compensation costs were to be paid according to industrial types. For example, coal companies would pay the cost of compensating for accidents in the coal industry only; lumber businesses would pay only for

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[8]Waldron, p. 154; Interview, Paul Davidson, April 26, 1975.

lumbering accidents. This method, the League envisioned, would make industries more safety-conscious so as to limit their expenses. The total cost of compensation would be borne by the industries, not the state, the taxpaper, or the wage earner.

At the same meeting President Romney proposed that the People's Power League also sponsor the State Non-Partisan Direct Legislation League's initiative for farm loans. The League voted unanimously in favor of the motion. The farm loans bill, drawn up by Romney and Albert Besancon of Dixon's League, provided for 6% loans to farmers of up to one third the appraised value of their land from the state's permanent funds. This would be a considerable boon to farmers who were paying 10 to 12% interest on private loans.[9]

Farm loans was a reform new to the State of Montana, although from a national perspective the initiative was not ground breaking. Iowa had a farm loans act since 1857; Idaho had extended the loans for 22 years; and North and South Dakota, Oregon and Utah had also adopted its provisions. The States of Wisconsin, New York and New Jersey had farm loans at one time, but abandoned them due to, respectively, "fraud and mismanagement," "badly drawn laws," and inadequacy as a "satisfactory investment." In Congress, bills from farm loans at 4½ percent

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[9]"Preparing to Initiate a Compensation Act." Western News, May 2, 1913, p. 1; "Two Bills Proposed by Power League," May 13, 1913, p. 1; "State Farm Mortgage Proposed for Montana," July 1, 1913, p. 2.

interest were refused as "paternalistic," even though the banks could legally borrow from the government at only 2 percent. If legislation were to be enacted at this time, it appeared logical that it would have to be on the state level.[10]

Perhaps because Montana's homesteading took place at such a late period, it had only recently begun to confront the issue of farm loans. In 1911, Joseph Kirschwing, a Democrat from Cascade County, introduced HB98 for farm loans. The committee on agriculture, undecided as to what to do with it, passed it along to the attorney general for an opinion. He replied that should the bill become law, it would be unconstitutional. Both Leagues were undoubtedly aware of this opinion, as Kirschwing served on Dixon's committee with Romney to draw up the farm loans initiative.[11]

The rank and file members of the People's Power League picked up Dixon's League's proposal for farm loans and secured the petition signatures on their own. It may have seemed unusual that the wage earners were so eager to carry the cause of the farmers to the people. In the past, the farmer had no strong organization of his own through which to wield political power. With the homestead boom in full swing,

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[10]"State Farm Loans," Country Gentleman, as in Western News, April 29, 1913, p. 2.

[11]House Journal . . . 1911, pp. 85, 162; "A Direct Legislation League is Launched," Western News, April 1, 1913, pp. 1, 4.

the labor groups apparently hoped that the potentially powerful farming vote would join with them to curb the power of special interests over political affairs.[12]

Romney referred to the attempted marriage of labor and farmers through the People's Power League initiatives as ". . . an irresistible combination." Many of the Montana State Grange and Society of Equity local groups joined forces with the League, even though they were not organizations of a political nature themselves. The majority of the farmers, however, did not perceive a need to ally themselves with the wage earners. Perhaps the farmer did not yet realize how he could use a farmer-labor organization for his own benefit.[13]

When the People's Power League began circulating petitions in September of 1913, the expanded list of representatives included, in addition to earlier members, the following lawyers: E. H. Goodman of Townsend; George Maywood of Philipsburg; William M. Johnston of

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[12]Roeder, "Montana In the Early Years of the Progressive Period," (unpublished Ph.D dissertation, University of Pennsylvania, 1971), pp. 53, 58.

[13]"Initiative Campaign is About Ended," Western News, March 3, 1914, p. 1; "Dominick's View Same as Amalgamated," September 29, 1914, p. 1. The Organizer of the Society of Equity, Dominick McQuire, circulated petitions for compensation and farm loans. Later, changing his views, he wrote to members of the Society requesting that they vote against compensation, lest they also be compelled to pay under its provisions. See also: "Farmers Society Pass Resolutions Favoring Workmen's Compensation," October 27, 1914, p. 1.

Billings; Edward C. Russel of Lewistown and Theodore Lentz, the Missoula lawyer who was so helpful in the 1912 political reform campaign.

Retailers were also interested in supporting farm loans which would provide circulating capital among their customers. Independent businessmen joining the group were: James Holland of Holland and Son in Havre and John Blewett of the Fromberg Mercantile Company.

Other new League members included: a young Republican, James Jergenson, from Whitehall; Charles E. Sackett, Anaconda's court stenographer; and, rather ironically, Daniel J. Donohue, doctor from Glendive and commander of the state militia. Only the year before the League had initiated the repeal of Donohue's Military Law.

New union members throwing their lot with the League were: John C. Lowney, the executive member of the Western Federation of Miners; O. H. P. Shelley of Helena, State Manager of the Modern Brotherhood of America; Henry Drennan, President of District #27 of the United Mine Workers; Hurburtus Corkish, a Butte miner; Oscar M. Partelow, Secretary of Carpenter's Hall; and Dennis Murphy, former President of the Butte Miner's Union, who sponsored the compensation bill in the 13th Assembly.

The new Executive Committee contained three newspaper editors, nine lawyers, twelve union leaders, and six men in private business or other occupations. Membership in 1914 included some 33,000 union

affiliated laborers plus an undetermined number of others, many from the Montana State Grange and the Society of Equity.[14]

In spite of the larger Executive Committee, the initiative campaign proved to be more difficult than in 1912. It was not until June of 1914 that Governor Sam V. Stewart announced that the measures would be included on the ballot. In the previous campaign the People's Power League met with little opposition other than the negligence of company newspapers in reporting its activities. In 1914, however, the opposition was real, loud and clear.[15]

Romney claimed that 235 of Montana's 300 newspapers carried articles against workmen's compensation as initiated by the League. The text of these articles was presented so as to convince the farmer that as an employer of labor, the bill would put him out of business. Workers were also alarmed by the prospect of the legislation wrecking industry, and causing employers to seek other states in which to locate. Romney suspected that the editors were getting their propaganda from ". . . the top floor of the Hennessy building in Butte," the office of the Anaconda Company, "which has a fat slush fund

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[14]"For State Farm Loans and Workmen's Compensation," Western News, September 12, 1913, p. 1; "Two Bills Proposed by Power League," May 13, 1913, p. 1; Secretary of State, Initiative Files, 1914.

[15]"The Governor Submits the Bill to the People," Western News, June 5, 1914, p. 1; "Proclamation Issued for Farm Loans Bill," June 12, 1914, p. 1.

attachment." The Montana Socialist alleged that the slush fund amounted to $500,000.[16]

Romney tried to keep track of all the charges and print rebuttals in his Western News. In desperation over the volume of anti-compensation articles, he finally warned the editors to read the corrupt practices act passed by the people in 1912. Section 33 prohibited publishers from printing paid matter to defeat any ". . . measure before the people . . ." unless the person or organization buying the spaces was acknowledged.[17]

About four months before the 1914 election the anti-compensation crowd moved out into the open and formed the State of Montana Advancement Association. The Association sent speakers all over the state, but particularly to the farming communities, to fight the proposed compensation bill.

The friends of compensation immediately tried to expose the financial power behind the new organization. The Western News, the Butte Socialist and the Helena Progressive, especially, devoted time

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[16]"Farming is Not an Extra-Hazardous Industry . . . ," Western News, October 20, 1914, p. 1; "A Square Deal," September 23, 1913, p. 2; "Compensation and Suffrage," Montana Socialist, as in Western News, August 25, 1914, p. 1.

[17]"Another Lie Swatted," Western News, August 25, 1914, p. 2. Portions of this article are quoted from the Great Falls Tribune.

and energy to determining who the members were and their connections with the Anaconda Copper Mining Company or its subsidiaries.[18]

The People's Power League did not have the financial resources to counter the damaging campaign of the State of Montana Advancement Association, so its editors urged their readers through satire not to take the Association seriously. They teased that the Association would save the farmers from horrible fate and destruction. As the Butte Socialist put it, the company was like ". . . the snake who swallowed the frog in order to protect the frog from being annoyed by a fly."[19]

Yet Romney believed that the farmers would see through the company's selfish concern. He thought that the voters would read the bill and the League's information pamphlet carefully and make up their own minds to support the measure. He argued confidently that:

> It is well to know your enemies, also to know the fact that certain forces are against you, stamps your own work as economically sound and ethically sane. It is a good thing that vicious interests and the lawless corporations should be affiliated in efforts to defeat whatever legislation will

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[18]Interview, Miles Romney, Jr., May 2, 1975; "Getting Ready to Fight the Compensation Bill," Western News, August 11, 1914, p. 3; "Montana Farmer Must be Rescued," Butte Socialist, as in Western News, August 21, 1914, p. 1; "Who Are They?" Helena Progressive, as in Western News, August 25, 1914, p. 2.

[19]"Montana Farmers Must be Rescued," Butte Socialist, as in Western News, August 21, 1914, p. 1.

benefit the people as a whole. It makes them easier to fight, and it also proves to us that there is immeasurable value in good legislation.[20]

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[20]"Compensation and Suffrage," Montana Socialist, as in Western News, August 25, 1914, p. 1.

CHAPTER VII

"THE FIGHT . . . HAS ONLY JUST BEGUN"

The progressive reforms of the People's Power League encountered an even more serious obstacle than that posed by the State of Montana Advancement Association. On June 1, 1914, after gathering his petitions, Romney delivered 120,000 copies of information pamphlets on the initiative measures to the secretary of state for distribution to voters. While he was about this business, he was called in to speak with Governor Stewart, Attorney General Daniel M. Kelly, and Secretary of State A. M. Alderson about the validity of Montana's Initiative and Referendum Law.

Taking the initiative, Kelly told Romney that certain unnamed persons were questioning the law's validity and that he thought it best to test the law before the next election. Kelly explained that there were serious technical defects regarding the law's constitutionality.

In the first place he claimed that when the I & R originally came up in the election of 1906, two of the state's papers failed to give it sufficient "legal notice" as required by an amendment to the constitution. Furthermore, Kelly pointed out, that as I & R implied both legislative and executive powers, it should be expressed in two separate amendments rather than the present single one. And, finally,

Kelly felt personally that the cost of $100,000 per election was prohibitive and exorbitant.

Romney regarded Kelly's judicial hairsplitting as nothing more than a conspiracy to overthow the initiatives of 1912 and 1914. If there was such a plot, Secretary Alderson claimed he would have nothing to do with it, and promised to ". . . proceed with the initiative measures according to the law as it stands, regardless of an opinion from the attorney general."[1]

Others besides Romney believed that Kelly's action was a company plot. In editorials calculated to foment public ire, the Missoulian jumped to the conclusion that the elected ". . . state officers have been selected to do the will of the invisible government in this endeavor to defeat the people's expressed will." Romney seconded the Missoulian's indictment of the Anaconda, and added that the company's legal department has spent years searching for flaws in the I & R or in its operations. The filing of compensation petitions allegedly forced the company to attack the I & R in order to prevent passage of the League's initiative.[2]

In response to Kelly's impending legal assault on the I & R,

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[1] "Powerful Enemies of Popular Government . . . ," Western News, June 2, 1914, p. 1.

[2] Ibid.; "Is It a Last Ditch Stand?" Missoulian, as in Western News, June 2, 1914, p. 2.

Romney called a meeting of the People's Power League Executive Committee to be held June 5 at Butte in the Miner's Union Hall. The purpose of the special meeting was to meet the challenge against ". . . Montana's great body of progressive laws." The day prior to the meeting Romney and Secretary Max McCusker received telegrams from Alderson requesting a conference the following day. Suspecting that the conference was another ploy to postpone the League meeting, Romney went on to Butte and sent McCusker to Helena to represent the League.[3]

The Butte meeting was well underway when McCusker arrived to report on the Helena conference. "Professing the utmost friendliness to the League . . ." Stewart, Kelly and Alderson convinced McCusker that the I & R was unconstitutional, and insisted that the League start court proceedings against the law at once. The state officials had led McCusker to believe that the law was not valid until it was tested and proven otherwise. Even Alderson had backed down from his former stand due to the intimidation of the governor and attorney general. They had warned him that he personally would be responsible for the cost of printing pamphlets on the initiative and referendum measures if he proceeded without their consent.

The Butte miners refused to accept McCusker's decision to try

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[3]"Power League to Fight," Western News, June 2, 1914, p. 1; "An Appeal to Patriotism to Resist Attack on I & R," June 9, 1914, p. 1.

the case. They believed that Kelly was trying to convince the People's Power League to do his dirty-work for him. They considered the I & R valid as it stood, and were determined not to risk destroying themselves as a League by testing and chancing losing the case.

While the League itself refused to bring a test case, those in attendance voted to prepare a defense in case someone else did take it to court. Romney explained that ". . . since the state officials will not defend our constitution, it is up to this organization."

The League had no funds with which to hire lawyers to defend direct legislation, but it did have a battery of able men within its ranks, and others who would sympathize with its cause. Accordingly, the members voted to wire the following appeal to Thomas J. Walsh and C. D. Nolan of Helena, Alex Mackel of Butte, Walter Hartman of Bozeman, Edwin K. Cheadle of Lewistown and Joseph M. Dixon of Missoula.

> Gentlemen:
>
> Absolutely authoritative information having come to the undersigned that an attack upon the validity of the initiative and referendum clause of our state constitution, which would carry down with it our great body or progressive laws is already underway; we the undersigned unite in an appeal to each and all of you as leading representatives of the bar, the people, the several political parties and subdivisions thereof, to volunteer your services as a committee on jurisprudence to protect and defend the rights of the people in the courts should the occasion arise.

> Confident that you will respond to this patriotic duty and bespeaking for you the gratitude of all lovers of popular government, we subscribe ourselves, most respectfully.
> The People's Power League.[4]

While all believed that the Anaconda Company was behind this challenge to the I & R, company lawyer C. F. Kelley denied any connection or interest in the matter. Governor Stewart and Attorney General Kelly also claimed that they had no personal involvement. Romney and others took these denials at face value, and next suspected the state's lumbering interests of starting the whole thing.[5]

When the case finally appeared on the docket in early July, it was R. G. Hay who challenged the constitutionality of the 1906 initiative and referendum amendment. If the Anaconda Company or state officials spurred him into action, there was no evidence that they did so. But in any case Hay did have a special concern in the matter. Hay was a Helena saloonkeeper and prizefight promoter who backed the Kiley boxing law establishing a State Athletic Commission. This law was to be presented to the people for a referendum vote in the fall election. If the referendum failed to overturn the law, or better

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[4]"An Appeal to Patriotism to Resist Attack on I & R," Western News, June 9, 1914, p. 1.

[5]"An Appeal to Patriotism . . . ," Western News, June 9, 1914, p. 1; "Helena Lawyer May Test I & R," June 12, 1914, p. 1.

still, if the referendum were never held, Hay stood to gain financially.[6]

The People's Power League had a battery of lawyers to defend the I & R, including Walsh, Nolan, Mackel, Cheadle, and Wellington D. Rankin, Republican from Helena. Hartman and Dixon did not appear for the League, but Dixon's Missoulian, as Romney put it, ". . . set the woods afire" with his editorials for the cause.

Miles Romney was granted the opportunity of addressing the court to prove to its satisfaction that ". . . not only had there been substantial, but literal performance in the matter of notices and advertising the election." Then Judge Cheadle defended the concept of the I & R as one law. According to Cheadle's reasoning, without a referendum clause, an initiative law would be valueless. A law could still be initiated by the public, but without the referendum it could not be brought to a vote.[7]

After lawyers from both sides presented their arguments, the court acknowledged minor irregularities; but decided to uphold the

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[6]"The Big Case Up to the Supreme Court," Western News, July 10, 1914, p. 1. Hay was also a member of the Gallatin Valley Anti-Consolidation League, opposed to Paris Gibson's initiative to consolidate the state university system.

[7]"Romney is Confident I & R will be Upheld," Western News, July 10, 1914, p. 1. Twenty states had the I & R as one amendment. Only Nevada had the provisions in two laws. This state adopted the referendum eight years before it adopted the initiative; "Cheadle Argues for the I & R," Western News, July 14, 1914, p. 1.

constitutionality of the I & R. The court expressed the belief that "no rule of construction should be invoked which will trammel the people in their efforts to exercise the right reserved to themselves to change the constitution by popular vote."[8]

Romney was so elated over this decision that he celebrated by covering the headline section of the Western News with the American eagle. "July 16 is a red letter day in Montana History":

> The rights of the people have been upheld by the state's highest tribunal and a blow has been delivered which marks the end of the notorious bi-partisan machine. For the assault upon this vital was, unquestionably and admittedly the last ditch stand on the powers which have so long controlled Montana affairs.
> The victory of the people is complete.[9]

Having won the Hay case it appeared that the road was clear ahead. Nevertheless, another road block interferred with the workmen's compensation campaign and possibly even dealt the death blow to the League itself.

On June 13, 1914, labor problems erupted in Butte, and lasted throughout the summer. In the midst of a very complicated labor situation some of the miners condemned Butte Union officials as being

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[8]Reports of Cases Argued and Determined in the Supreme Court of the State of Montana from March 18, 1914 to November 23, 1914, IL (San Francisco: Bancroft-Whitney Co., 1915), pp. 387-419.

[9]"Montana is a Free State . . ." Western News, July 17, 1914, p. 1; see also "The Amalgamated Bi-partisan Machine is Busted . . ."; "For Life"; "The People Rule," p. 2.

company agents. This was unlikely, as the union leaders had fought the company through the People's Power League since its founding. Others claimed that the company arranged the violence in order to gain a more favorable contract with the unions through the presence of the state militia. Another probable cause of the trouble was the Industrial Workers of the World's opposition to a possible merger of the Western Federation of Miners and the United Mine Workers of America. Representatives of the latter two groups, who incidently were also League members, participated in the Butte Miner's Union Day parade that fell apart in a scene of bloody violence. After private citizens organized themselves for defense, the national guard imposed martial law over the troubled city.

The crowning blow to the League came when the militia commander Daniel J. Donohue arrested Butte's Socialist Mayor Lewis J. Duncan for neglect of duties. Both were League members. Butte's League membership split between those sympathetic to the dissident miners and the Socialist Mayor, and those who sought preservation of law and order and their property rights.[10]

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[10]Vernon H. Jensen, Heritage of Conflict: Labor Relations in the Nonferrous Metals Industry up to 1930 (Ithaca: Cornell University Press, 1950), pp. 325-353; Norma Smith, "The Rise and Fall of the Butte Miner's Union, 1878-1914" (unpublished M.A. thesis, Bozeman: Montana State University, 1961); First Biennial Report of the Department of Labor and Industry 1913-1914 (Helena: Independent Publishing Co., n.d.), pp. 32-33.

Martial law in Butte raised yet another problem. Military leaders banned public gatherings in the city, thus halting the campaign of the United Mine Workers for workmen's compensation, a campaign that promised to consolidate the weak bonds between coal miners and hard rock miners in the state.[11]

The presence of armed militia at the polls appeared to be the result of an obvious threat to middle-class citizens, whose former sympathy for the miners now changed to fear and suspicion. This mistrust was easily transferred to the People's Power League itself, which claimed to have 33,000 union men in its ranks.

Thus, in its campaign of 1914, the League faced an impressive number of real problems: organized opposition by the State of Montana Advancement Association; the legal battle of the Hay case; the erosion of unity caused by the proliferation of other leagues; and finally the adverse effects of Butte's civil violence. These all distracted public attention from the League's central concern, the legislating of social responsibility.

The cumulative effect of these adverse forces was to undermine party support for the People's Power League. When the League approached the political parties for endorsement of its causes, its controversial reputation proved a serious liability. Neither the

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[11]"Coal Miners to Fight for Compensation," Western News, August 25, 1914, p. 1.

Democrats nor the Republicans were willing to go on record in support of the League and its initiatives, but preferred to remain aloof. Only the Socialist and Progressive Republican Parties, organized originally as reform groups, continued to back the initiatives. But these parties represented only a small minority of the state's voters.[12]

In the election of November, 1914, the people of the state defeated the workmen's compensation initiative by a vote of 36,991 for and 44,275 against. Of the ten counties which favored the measure, all were closely associated with the industries of mining and lumbering. Within the Bitteroot Valley the journalistic persuasion of Romney's Western News, Dixon's Missoulian and Fred Whiteside's Kalispell Bee played an effective role in collecting favorable votes for compensation.[13]

In the industrial mining areas, of which Silver Bow was the hub, the measure passed, but surprisingly only a scant 43 percent of the voters expressed a preference on the measure. Outside of Silver Bow in the agricultural counties, Romney's "irresistible farmer-laborer combination" did not materialize. This may be partly due to the

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[12]"Progressives Endorse Compensation"; "Democrats Meet in Helena . . . ," Western News, September 15, 1914, p. 1; "Socialists of Montana for Initiative Bills," September 18, 1914, p. 1; "Senator Dixon Riddles Anti-Compensation Crowd," October 2, 1914, p. 2.

[13]Ellis Waldron, An Atlas of Montana Politics Since 1864 (Missoula: Montana State University Press, 1958), p. 153.

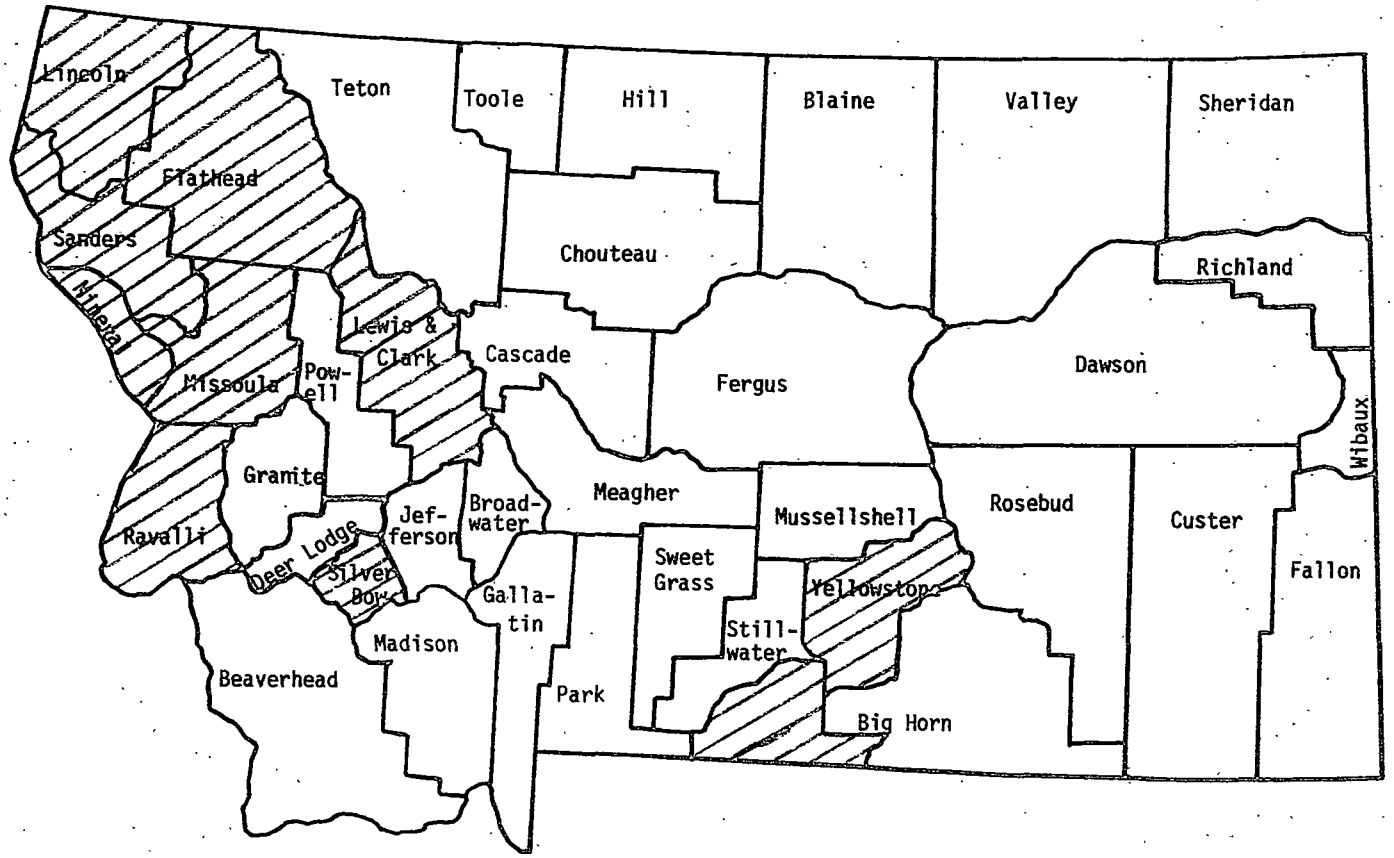
anti-labor sentiment resulting from the violence in Butte, and partly because of the inundation of the State of Montana Advancement Association propaganda. The old ideology of self-help reigned supreme, and the farmer felt no moral obligation to the wage earner, especially since the farmer was an employer of labor.

As for the League's standing, the election resulted in only partial success. The farm loans initiative which it adopted from the State Non-Partisan Direct Legislation League passed by a wide margin of 45,162 for and 27,780 against. The working class voters definitely favored the farmers on this issue, even if only in hopes of returned support. The four counties that did not pass the initiative were all agriculturally oriented.[14]

This opposition to farm loans may seem ironic at first glance, but these counties, Broadwater, Gallatin, Madison and Park, were the old established farming communities. Settled during the first gold rush to the region, these counties grew up with an expanding territory during a period of limited transportation when agricultural produce was as valuable as the nuggets found in Montana's streams. As residents of the first breadbasket, situated in lush, green, well-watered valleys, the voters had nothing in common with the newly-arrived, often

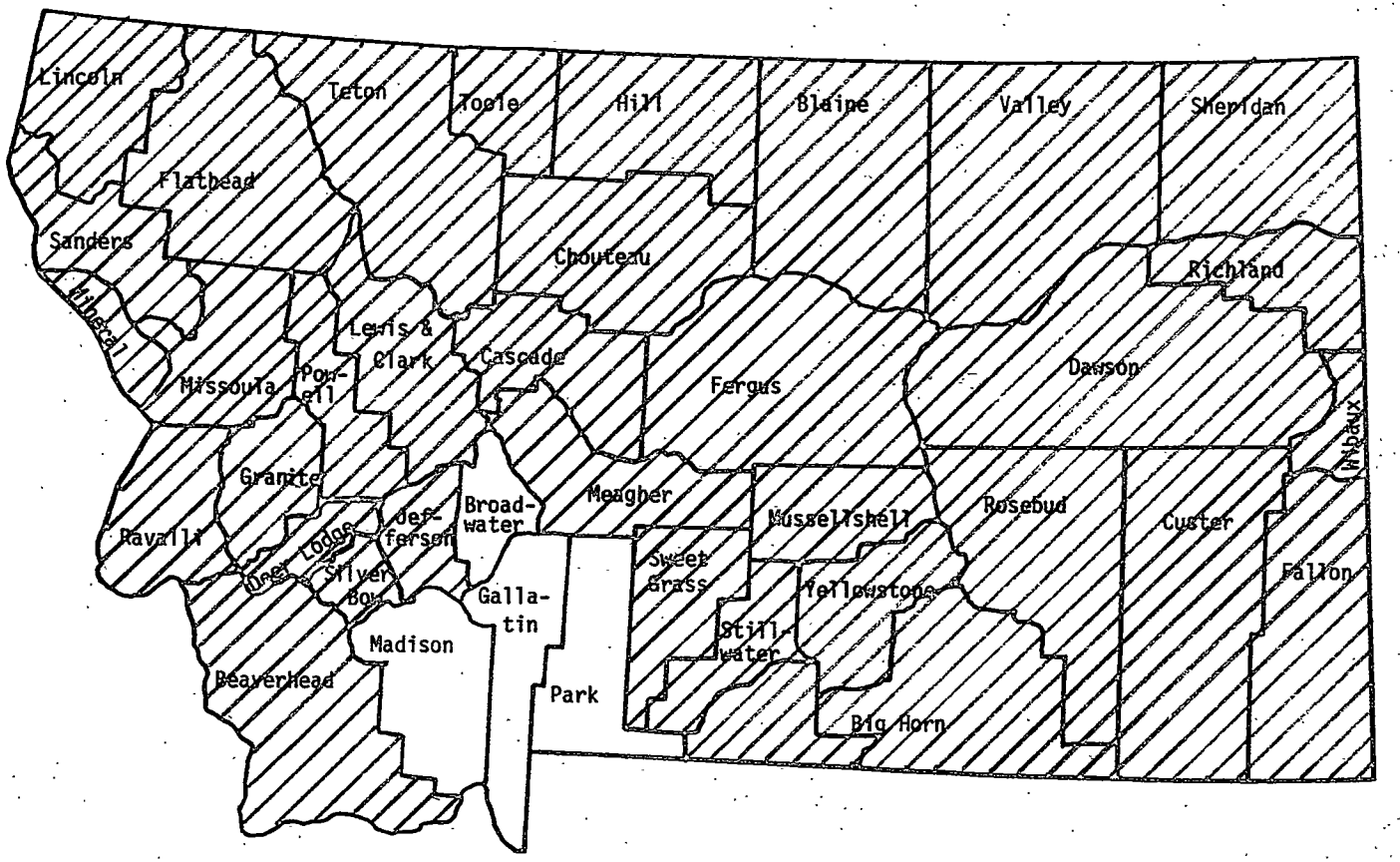
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[14]Waldron, p. 154.



Map 1. Workmen's Compensation Initiative 1914

for 36,991 against 44,275



Map 2. Farm Loans Initiative 1914

for 45,162 against 27,780

foreign-born homesteaders. They had made their own way in commercial agriculture in Montana, and they expected the newcomers to do the same.[15]

The limited support of the League in 1914, and the fact that it failed to sustain itself as an organization, suggests a decline in progressivism in the state since the 1912 election. Actually, the whole idea of legislating social responsibility was much more radical and complicated than the issue of political reform. Many voters probably realized the need for the legislation to deal with the expense of industrial accidents, but were confused by company propaganda, and possibly unwilling to go as far as the League's initiative provisions. Benjamin Parke DeWitt explained the division in yet another way;

> . . . the friends of progress are frequently the enemies of each other, largely through lack of mutual understanding and a failure to realize that they stand for practically the same fundamental things.[16]

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[15]Dr. Robert Dunbar, Professor Emeritus, Montana State University, an authority on water rights in the west, has found that all the old agricultural communities where water and climate conditions are favorable tend to be conservative and Republican. This division between old and new farmers explains at least one reason why Montana farmers were not well organized and politically influential.

[16]Benjamin Parke DeWitt, The Progressive Movement: A Non-Partisan, Comprehensive Discussion of Current Tendencies in American Politics (© 1915, Seattle and London: University of Washington Press, 1968), p. viii.

To union laborers within the People's Power League the results of the election may have signaled a devastating failure. To the League's President, however, there was no such word as defeat. Refusing to admit that the initiative had not passed, Romney announced "Compensation wins! . . . did not the Amalgamated Advancement Association pledge themselves, honor bright, to enact a workmen's compensation law at the next session of the legislature?"

Reasoning that because women could vote in the next election, and because the farmers would have low-interest loans and be less concerned about money, the public would accept compensation. For, Romney wrote, "Montana has just experienced the greatest educational campaign in her history."

> The initiative and referendum are here to stay and Montana folks are rapidly becoming quite proficient in the use of these tools--big slush funds and a muzzled press to the contrary notwithstanding.
> Bring on the Turkey![17]

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[17]"Fate of Men and Measures Still Shrouded in Doubt," Western News, November 10, 1914, p. 1; "Woman Suffrage and Farm Loans Wins," November 13, 1914, p. 1; "Compensation Wins," November 13, 1914, p. 2. The People's Power League took no stand on the issue of woman suffrage, but Romney was ready to claim their support as soon as the constitutional amendment passed. As for compensation, on November 6th and 10th, Romney believed it had passed. In spite of the expressed optimism, he was seriously concerned. In "The Vote on Compensation . . . ," December 29, 1914, p. 3, Romney suspected the results of the election had "been juggled" and "compensation has been defeated through misrepresentation and fraud."

CHAPTER VIII

THE AFTERMATH: REACTION AND RESTORATION

It is not yet possible to evaluate fully the impact of the People's Power League on Montana's political history. The details necessary for such an interpretation go far beyond the range of this study. More research is needed to discover the outcome of the League's introduction of legislating social responsibility, and the results of its reform of the political process. But the information presented here on the People's Power League and its reforms invalidates the older assumption that progressivism was negligible in the State of Montana. Some information concerning the immediate aftermath, the reaction and restoration of the political reforms, is clear. The issues pursued by the League will be briefly summarized in historical context in order to offer a tentative conclusion as to the value of the People's Power League's contributions. These highlights hopefully will encourage further research on these major issues.

The success of the People's Power League's 1914 farm loans initiative was short-lived. In March of the following year Attorney General Kelly gave his opinion that the law ". . . in its entirety, inoperative and void." Possibly in anticipation of this reaction, Fred Whiteside pushed another similar farm loans law through the 1915 legislature. Whiteside's farm loans law was quickly challenged

before the state supreme court on the grounds that it was ". . . obnoxious class legislation." The court refused to substitute its judgment for the voice of the people, and upheld the law, but declared unconstitutional an appropriation clause to underwrite the state's credit. Late in 1916 the court also reversed the attorney general's opinion of the People's Power League farm loans, and the state had two farm loan programs in force simultaneously. By 1917 the state had further stretched its credit by investing in the federal farm loans program.[1]

The issue of the League's social responsibility program to aid the farmers had gradually gained popular acceptance. But little did the League or other supporters of farm loans realize that their program would bring the state to the verge of financial ruin. During the

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[1] "Text of Initiative Farm Loans . . . Now Threatened by the Privilege Seeking Interests," Western News, January 15, 1915, p. 3; "Governor Stewart and State Farm Loans," January 19, 1915, p. 2; "Farm Loans Void Says General Kelly, . . ." March 12, 1915, p. 1; Laws, Resolutions and Memorials of the State of Montana Passed by the 14th Regular Session of the Legislative Assembly 1915 (Helena: State Publishing Co., 1915), pp. 486-491; "Notice Given of Senate and House Bills . . . ," Kalispell Bee, January 12, 1915, p. 2; "Farm Loans Bill," February 5, 1915, p. 2; "Compensation Bill Passed House, Whiteside Farm Loans Bill . . . ," February 19, 1915, p. 1; Senate Journal of the Fourteenth Legislative Assembly of the State of Montana 1915 (Helena: State Publishing Co., 1915), pp. 36, 502; Laws, Resolutions and Memorials . . . 1915, p. 36; Reports of Cases Argued and Determined in the Supreme Court of the State of Montana from January 24, 1916 to November 10, 1916 LII (San Francisco: Bancroft-Whitney Co., 1916), pp. 378-391; Reports of Cases . . . from November 10, 1916 to May 31, 1917 LIII, pp. 18-32.

years of abundant harvests and great demand for agricultural produce, a price ceiling on grain denied the quick profits expected by farmers. After World War I declining prices accompanied by severe drought bankrupt most of Montana's homesteaders. The state foreclosed on mortgages, but did not pay off this monstrous debt completely until 1958. The resources of the state were too small to deal with financial disaster on such a massive scale. The League initiated loans prior to the federal farm loan program, but only on a national scale could such a program work. When disaster struck one portion of the country, its losses could be covered by prosperous harvests in another section.[2]

Gaining popular acceptance for social responsibility to the working class was a far more difficult problem. The League failed to legislate workmen's compensation in 1914, but the law promised by the State of Montana Advancement Association was no more of a success. Although the legislature passed the company's bill in 1915, workers stood the entire cost of compensation, while taxpayers paid the cost of administration. Employers escaped almost scot-free with a meager

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[2]Richard Brown Roeder, "Montana In the Early Years of the Progressive Period" (Unpublished Ph.D dissertation, University of Pennsylvania, 1971), p. 229: Interview, Miles Romney, Jr., May 2, 1975; Senate Journal of the Fifteenth Legislative Assembly of the State of Montana 1917 (Helena: State Publishing Co., 1917), SB38, p. 76; Laws, Resolutions and Memorials of the State of Montana Passed by the Fifteenth Regular Session of the Legislative Assembly 1917 (Helena: State Publishing Co., 1917), p. 3.

$5 to $50 fee for safety inspections. The law was optional, not mandatory, and an employer could choose to sue in court under the old 1903 liability law, retaining all the old-time defenses. The union's made numerous attempts to amend the compensation law through the legislature, and finally in 1920 they circulated petitions for a new law. Again, due to industrial strife and further complications arising out of the "Red Scare." the unions failed to get public support to put the measures on the ballot. After years of corruption and fraud surrounding the administration of workmen's compensation, the 1975 legislature set up a new workingmen's compensation law. The results of this new program will hopefully be the subject of historical study.[3]

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[3]Senate Journal . . . 1915, p. 397; Laws, Resolutions and Memorials . . . 1915, 168-218; "Compensation Holds Attention of Solons," Western News, January 22, 1915, p. 1; "Elective or Compulsory," February 9, 1915, p. 2; "Test Vote in House Against Kelly Bill," February 19, 1915, p. 1; "Compensation in Name Only," February 23, 1915, p. 1; "A Counterfeit Bill Says Senator Kane,: March 12, 1915, p. 1; "A Counterfeit Bill . . . ," Western News, March 12, 1915, p. 1; "The Governor Vetos Leighton Law," Western News, March 2, 1915, p. 2; "Compensation Bill Passes the House 69-24," Kalispell Bee, February 19, 1915, p. 1; Second Biennial Report: Department of Labor and Industry: State of Montana 1915-1916 (Helena: Independent Publishing Co., n.d.), p. 8; Secretary of State, Initiative Files, 1920; Robert K. Murray, Red Scare: A Study in National Hysteria, 1919-1920 (Minneapolis: University of Minnesota Press, 1955); Arnon Gutfeld, "The Murder of Frank Little: Radical Labor Agitation in Butte, Montana 1917," Labor History, X (Spring, 1969), pp. 177-192; Reports of Cases . . . 1916 LII, pp. 6-12, 75; Montana Rules, Classifications and Rates For Workmen's Compensation and Occupational Disease (Helena: 3 Reporter Printing Co., 1971); Interim Study By the Select Committee on Workmen's Compensation (Helena: Montana Legislative Council, 1974). The Journals and Laws of the 1975 session were not available at the time of this study.

Aside from the problems the League faced relative to legislating social responsibility, its greatest achievements were the political reforms of 1912. Although these reforms met no serious opposition at first, the reaction to amend or repeal them began as early as 1915. Apparently the legislators were mostly reluctant to tinker with the people's laws, as they remained intact through 1918. Prior to the 1919 session, however, Romney's old dream of a farmer-labor political coalition threatened to become a nightmare for the politicians in office. A group of radical farmers were courting radical labor support under the title of the Non-Partisan League. Their combined voting strength could effectively dominate the primaries and throw the established politicians out of the race. In an attempt to curb this new threat the 1919 assembly repealed the primary, presidential primary, six sections of the corrupt practices act, and even amended the I & R. The law required that an amendment to the constitution be voted upon by the people, and, fortunately there were enough progressives in the legislature in insist that the other repeals have a public referendum also. The date for these referendums was set for September, 1919.[4]

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[4]"The Reactionaires Failed," Western News, March 23, 1915, p. 2; House Journal of the Fifteenth Legislative Session of the State of Montana 1917 (Helena: State Publishing Co., 1917), p. 7, HB8, p. 36, HB434, pp. 459, 600, HB288, p. 280; Senate Journal . . . 1917, SB62, p. 114; Fourth Biennial Report of the Department of Labor and Industry 1919-1920 (Helena: Independent Publishing Co., n.d.), pp. 11-48;

Governor Stewart, in a move to by-pass such a referendum and to forestall a primary election in 1920, called a special session of the legislature. Acquiesing to Stewart's wishes the special session repealed the 1912 laws outright without calling for a referendum on the repeal. It justified its high-handed policy by declaring the legislation ". . . to be an emergency law necessary for the immediate preservation of the public peace and safety." But the state's voters had learned how to use their own power through the People's Power League, and the people refused to take this legislative coup without a fight. Sufficient petition signatures were gathered not only to cause a referendum on the repeals, but enough even to hold the repeals inoperative until after the referendum. In the general election of

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"Who's Who in the Nonpartisan League: Also a compilation of quotations from persons and publications friendly to the League" (2nd ed. Helena: Montana Loyalty League, 1919); "How a Group of Radical Socialists Planned a Campaign to Unite Farmers, Workers, Dreamers With 'Red' Socialists"; "Nonpartisan League Secretary Writes Secretary of IWW," Helena Independent, February 16, 1919, p. 1; House Journal of the Sixteenth Legislative Assembly of the State of Montana 1919 (Helena: State Publishing Co., 1919), p. 13, HB143, p. 146, HB147, p. 153, HB233, p. 258, HB234, p. 258, HB268, p. 339, HB290, p. 363, HB403, p. 461; Senate Journal of the Sixteenth Legislative Assembly of the State of Montana 1919 (Helena: State Publishing Co., 1919), SB42, p. 100, SB124, p. 243, SB128, p. 243, SB176, p. 363; Laws, Resolutions and Memorials of the State of Montana Passed by the Sixteenth Regular Session of the Legislative Assembly 1919 (Helena: State Publishing Co., 1919), pp. 161-162, 214; "Primary Bill is Thru House After Wrangle," Helena Independent, March 1, 1919, p. 1; Laws, Resolutions and Memorials of the State of Montana Passed at the Tenth Regular Session of the Legislative Assembly 1907 (Helena: State Publishing Company, 1907), p. 125.

1920 the voters wiped out the destruction of the 1919 special assembly and restored the 1912 reforms initiated by the People's Power League.[5]

The salvaging of the primary laws in 1920 demonstrates that the League's "educational campaign" increased public awareness, for the voters knew how to exert their power over the legislature. It also attests to the public faith in the primary election as a means of controlling the state's political future, even though no drastic changes had been witnessed through its use. In yet another respect, the 1920 election reiterates the theory that progressives coined themselves thus according to issues, rather than an all-encompassing platform. Progressives united to pass the reform measures in 1912, each believing that the laws would increase his political power, then split on the issues of compensation and farm loans in 1914. Similarly they split again in 1920. Initiative petitions circulated that year, possibly even by the same group that sponsored the referendums, were

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[5]House and Senate Journals of the Extraordinary Session of the Sixteenth Legislative Assembly of the State of Montana 1919 (Helena: State Publishing Co., 1919), SB30 and 32, pp. 54, 114, 128, 191; Laws, Resolutions and Memorials of the State of Montana Passed by the Extraordinary Session of the Sixteenth Legislative Assembly 1919 (Helena: State Publishing Co., 1919), pp. 74-85; Secretary of State, Referendum Files, 1920, Ref #15 and 16; Ellis Waldron, An Atlas of Montana Politics Since 1864 (Missoula: Montana State University Press, 1958), pp. 174-175, 186, 219, 376.

unable to accumulate sufficient support to get workmen's compensation on the ballot.[6]

The election of 1920 is sufficient not only in respect to the people's protection of the primary laws, but especially in their ability to use them. The candidates chosen for the governor's race were neither company men, nor hard-core party regulars; they were the people's choice. Only a primary election made possible the nomination of such independent progressives as Burton K. Wheeler and Joseph M. Dixon for the gubernatorial race. In later elections other such Montanans without party or company backing have utilized the primary to garner public support. A few of these well-known personalities include James E. Murray, Jerry O'Connell, John Evans, and Lee Metcalf.[7]

In the years following the first world war, popularized as the "return to normalcy," the presidential preference was again the subject of legislative dismantling. Unable to withstand the opposition, former People's Power League member E. H. Goodman of Townsend, amended the legislation in include a referendum on the repeal. Presidential preference primaries had never regained the urgency it had in 1912

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[6]Arthur Mann, ed. The Progressive Era: Major Issues of Interpretation (2nd ed., Hinsdale, Illinois: Dryden Press, 1975), p. 31; Secretary of State, Initiative Files, 1920, Init. #17.

[7]Waldron, p. 175; Doris Ward, "The Montana Elections of 1920: The Role of Burton K. Wheeler" (unpublished seminar report, Montana State University, 1968), p. 3; Interview, Miles Rommey, Jr., May 2, 1975.

when Roosevelt lost his bid for the Republican nomination. As a state with few electorial votes, Montana failed to attract major personalities who would file for the primary election. The extra expense of two primaries, coupled with a lack of interest from within and without the state, convinced the voters to go along with the repeal of 1924.[8]

It was not until 1956 that Montana held another presidential primary. In that year both the presidential and state primaries were held together in June. The combination eliminated extra expense, but as before, major presidential contenders did not bother to enter the race. The legislature repealed the act before the next election. In 1974 the legislature revived the presidential primary, and the first election will be held in June of 1976. It is difficult to predict the outcome of such a primary, but the situation has not changed much since 1924. Still a state of small electorial votes, the prospects for attracting presidential hopefuls are not great. As with farm loans and

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[8]House Journal of the Eighteenth Legislative Assembly of the State of Montana 1923 (Helena: State Publishing Co., 1923), HB8, pp. 11, 186, 231; Waldron, pp. 155, 174, 210. The Presidential Preference Primary was repealed by a referendum vote of 77,948 for, and 57,540 against.

direct election of senators, the presidential primary requires reform on the national level.[9]

To imply that Montana had no progressive movement, or to deny that it was of consequence, is to ignore the historic importance of the People's Power League. The League was the first group successfully to make use of the I & R clause of the constitution. The League accomplished the first major overhaul of the political process of the state with initiative laws for direct election of senators, presidential and vice presidential primary, and especially the direct primary election. The League also can be credited with the first serious attempt to clean up politics in the state with the corrupt practices act. And of equal importance, the League recognized and advocated legislative social responsibility in the drive for farm loans and workmen's compensation.

From 1911 to 1914 the People's Power League formed a self-appointed, constant vigilance committee, keeping track of important legislation within the state and nation. It cumulated and published data relative to major issues and informed the public of the problems and their power to deal with them. The League's program was the first

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[9]Senate Journal of the Thirty-third Legislative Assembly of The State of Montana 1953 (Helena: State Publishing Co., 1953), SB207 pp. 96, 557; Waldron, p. 375; Laws, Resolutions and Memorials of the State of Montana Passed by the Thirty-sixth Legislative Assembly in Regular Session 1959 (Helena: State Publishing Co., 1959), pp. 676-679; "Montana Election '76: a peek at the future," Bozeman Chronicle, June 8, 1975, pp. 1, 8.

major attempt of a politically oriented group to form a positive program to implement solutions to problems.

The League's success in accomplishing its goals of political reform may be seen, from an historical standpoint, as a substancial challenge to company power in Montana. Thus the information revealed in this study should bring us to a re-evaluation of the history of progressivism in the state. Yet, ironically, while research on the People's Power League forces us to refute a traditional interpretation, the League itself played a substantial role in creating the same traditional view of Montana politics. It did this by perpetuating the myth of an all powerful company that kept a strangle-hold on the state's politics. The League was not the original source of this myth, which began before the turn of the century and continues today, but its propaganda gave tremendous impetus to the notion.

According to the progressive League leaders, the company defeated the wholesome reform measures in the legislature through an ability to hand pick the representatives in the nominating conventions. This cry of company rule and corruption served as a rallying point for all citizens who wanted a voice in political affairs, or who desired to clean up state politics.

In the past, the company had become a scapegoat for all that was evil in a moralistic society. Blinded to the real problems of an expanding state. the greater efforts were expended denouncing the

company, rather than coming to grips with it. With a program for political reform, the League struck a blow at the base of the company power.

The failure of the workmen's compensation initiative, the fight against farm loans, and the reaction to the political reforms later in the decade, all suggest that the League was not entirely successful in its attack upon the established power. Yet the defeat of the reaction within the legislature shows that their power was considerable.

League members never distinguished between conservative opposition and company power. Without knowledge of personal ideologies or corporate connections it is difficult to make such a distinction from better than a half-century vantage point. This leaves the alleged monolithic power of the company as an enigma. Perhaps one day the papers of the Anaconda Copper Mining Company can be studied to determine the extent of their control over Montana's politics. Then, the accomplishments of the People's Power League can be re-evaluated in light of a different perspective.

CONCLUSION

The People's Power League was a group of concerned citizens who organized in 1911 to initiate laws to reform the political process. The term "People's" signified a membership which included Democrats, Republicans, Progressives, Socialists, and Laborites. Professionally they were newspapermen, lawyers, judges, bankers, doctors, merchants, public employees, farmers, cattlemen, and union laborers. With representatives from each county, they succeeded in gaining signatures to place four initiatives on the 1912 ballot.

These four measures, the first under Montana's constitutional amendment for the initiative and referendum, were: direct election of senators, direct primary election, presidential and vice presidential preference primary, and a corrupt practices act. These laws were designed to remove political power from special corporate interests and their servants, and give it to the people. The four to one support received by the League's legislation in the 1912 election demonstrated the ability of the issues to transcend economic, political, and geographic divisions within the state.

The political reform laws of the League were neither new nor radical. These measures were first introduced to the legislature by the Populist or People's Party two decades earlier. Gradually, the issues gained popular acceptance, while the legislators continued to resist laws that would limit the prerogative of the party convention

leaders who placed them in power. The program of the League was but to unite the people already favoring the legislation and to provide the vehicle through which the petitions for reform were circulated.

In 1914 the direction of the League changed to legislation of social responsibility. Industrial accidents had caused such serious deprivations that the League sponsored a workmen's compensation act to alleviate distressed conditions. In the same year the group also initiated a law for low interest loans to help Montana's new homesteaders establish themselves in agriculture.

These two issues were relatively new in Montana, and had not experienced the publicity that could lead to general acceptance. The campaign was not just an effort to unite support and circulate petitions, but one of propoganda to persuade voters to take on a new responsibility.

The leaders of the People's Power League believed that the two initiatives were an "irresistable combination," and that they would coalesce farmer and labor elements behind their organization. This was not the case. The Anaconda Copper Mining Company fought workmen's compensation by turning farmers against it. The farmer was, as the company reminded him, an employer of labor.

The compensation initiative was defeated in the general election, partly due to the impact of the company's adverse publicity, but also because of radical labor problems which resulted in martial

law in Montana's largest industrial city. The voters looked upon the working class not as citizens who needed their support, but as the enemy from whom they needed protection.

The workingmen, however, did not desert the farmers on the farm loans measure, which succeeded in becoming law. The opinion of the attorney general that the law was unconstitutional sparked a rash of new legislation and court battles, leading to the ultimate acceptance and practice of the law. The League considered the farm loans law a major victory, but its provisions were hardly sufficient to aid the farmers through the period of drought that spread across the state.

The rhetoric of the League indicates that they were fighting what they believed was the political domination of the state by corporate power. Measured by their own standards, the League was successful, especially in the adoption of the primary election law. Many of Montana's politicians have risen to position of trust through the people's support and without company or party backing. This was not possible under the old convention system.

As a progressive organization the League's support in 1912 was directly related to the issues of political reform. Regardless of class, party or economic status, the voters believed political reform would increase their power at the ballot box. The program of the League was well organized and clear cut. The purpose was to

decrease the power of the company in the state's political affairs and make the representatives responsible to the people who elected them.

According to the progressive tradition, the reform of 1914 was designed to aid specific segments of society, yet not at the expense of all. Such laws were opposed as "obnoxious class legislation." The idea of legislating social responsibility was alien to a state of tremendous natural wealth, whose settlers had always made it on their own.

In retrospect the significant contribution of the People's Power League was its reform of the political process in 1912. For this, the League deserves a position in the history of the State of Montana.

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