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THE BATTLE FOR DIRECT LEGISLATION: MONTANA POLITICS

BEYOND THE COPPER KINGS, 1902-1906

by

Thomas A. Jacobsen

B.A., University of Montana, 1979

Presented in Partial Fulfillment of the

Requirements for the Degree of

Master of Arts

University of Montana

1987

Approved by:


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History

The Battle for Direct Legislation: Montana Politics Beyond
the Copper Kings, 1902-1906 (57 pp.)

Director: Harry W. Fritz *H.F.*

Montana historians have traditionally placed heavy emphasis on the indisputable economic and political power of the state's major industries--especially that of the copper industry. This study is an attempt to initiate a general reexamination of the political activities of ordinary Montana citizens and to describe one significant way they tried to set limits on the awesome power of the copper interests.

The "War of the Copper Kings" and consolidation of the Butte mining district have been portrayed as a watershed political event in Montana history. While many ramifications of this struggle have been explored fully the response of the Montana electorate has been virtually ignored.

The reaction of Montana citizens to the greatest assault on their political integrity during the copper wars, the "Great Shutdown" of October 1903, was specific and direct. In the wake of this political blackmail, the people of Montana embarked on a two-year struggle for a constitutional amendment providing for the initiative and referendum. This reform, it was believed, would give the citizenry the powers it needed to control the depredations of the copper magnates. Moreover, inasmuch as the reform had been proposed by minority parties continuously since 1892, the sudden adoption of the proposal by both Democrats and Republicans in their 1904 conventions and the approval of the amendment by a Republican controlled legislative assembly in 1905, demonstrates beyond a reasonable doubt that it was indeed a response to the corporate blackmail of the state legislature.

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The undisputed centerpiece of Montana political history is the famous "War of the Copper Kings." Despite their many differences, Montana historians agree generally with the most recent summary, which describes the lasting institutions that resulted from these great political and economic battles as "...the Anaconda Company, the city of Butte, the heritage of political nastiness."¹

The most celebrated "battle" in the war is the last, when Frederick Augustus Heinze's stranglehold on the Butte judiciary resulted in the complete shutdown of the Amalgamated Copper company's Montana industries and a desperate meeting of the Montana state legislature. With millions of dollars worth of ore disappearing in the wake of Heinze's "creative" lawsuits and no provision for change of venue under Montana law, the Company stopped all its operations to force the state legislature into special session to pass a single law, a so-called "fair trials law," that would provide for the easy disqualification of suspected partial judges. "The Great Shutdown," as the late 1903 power play has been dubbed,² is widely believed to have defined anew the parameters of political power in Montana, in favor of unquestioned corporate domination of the state's political machinery. To a high degree, this is perhaps true.

This belief has become so prevalent, with our

historians as its medium, that it has been ingrained in the very base of Montana political culture. C. B. Glasscock, in his seminal (though heroic) account, The War of the Copper Kings, glorified the Heinze sponsored Antitrust party that emerged in the wake of the special session of December 1903 as, "Men of Montana who believed that the fundamental principles of democratic government had been dragged in the muck of Standard Oil..."³ His analysis of the election of 1904 notes simply that Heinze lost his two "friendly" Butte judges. With the defeat of Heinze, no one remained to fight the great trust.

Joseph Kinsey Howard, in Montana: High, Wide and Handsome, has this to say: "The 'fair-trial' bill passed as a matter of course-- Heinze wisely did not fight it, for ironically, at the next election, Amalgamated ousted his judges and elected its own, thereafter the legislation it had paralyzed a state to obtain proved a lifesaver for its enemy, who could escape the judicial steamrolling that he had originated."⁴

The late K. Ross Toole, in Montana: An Uncommon Land, takes a similar tack: "Six-hundred and fifty delegates from every county in the state assembled in the capital city to protest in the name of a new antitrust party the fact of corporate participation in state and local government. But while the hurriedly assembled convention deliberated, the

legislators passed the fair-trials bill and quietly left Helena. Amalgamated gave the signal and Montana went back to work.

"F. Augustus Heinze lingered in Montana for a while, but the 'War of the Copper Kings' was over. In 1906, Heinze sold out to the Amalgamated."⁵

Michael Malone's The Battle for Butte: Mining and Politics on the Northern Frontier, 1864-1906, which has quickly become the definitive work on the subject, describes Montana in the aftermath of the shutdown in more detail: "Outwardly, Heinze seemed to stage as wild a campaign as ever in 1904, this time comparing his defense of Montana liberties with the anti-labor violence which the Rockefellers and their minions were working in Colorado. In truth, however, the old Heinze magic had lost its effervesence."⁶

These accounts of the final struggle in the great "War of the Copper Kings" are, in their very consensus, equally inadequate. Unheralded in each remains another major player-- the citizenry of Montana-- who impatiently suffered through the consolidation of the Butte mining district. Contrary to inferred acquiescence, Montanans fought fiercely (and to some extent, successfully) to contain the depredations of the copper magnates and to retain their political integrity. The "Great Shutdown," the events which

precipitated it, and those in its immediate wake (the campaign of 1904 in particular) served as catalysts for political reform in Montana, transferred the mantle of reform leadership from the populistic minority to the progressive majority, and eliminated the intense factionalism reform contingencies had suffered since the fragmentation of the People's party after the fusion of 1896. In the course of Heinze's quest to prevent Butte's monopolization, Montanans amended their constitution three times-- outlawing child labor in the mines, establishing the eight hour workday, and instituting procedures for "direct legislation" by the people and popular veto of legislative acts (via the initiative and referendum). They subsequently pursued, using these procedures, such typical progressive reforms as employer liability laws, state regulatory commissions, election law reform, corrupt practices legislation, direct election of senators, corporate taxation and prohibition.⁷

The initiative process was used no less than thirty-two times between 1908 and 1924, demonstrating clearly that whether successful or not, the progressive spirit was a vital force in Montana politics in that period. A study of the battle for the initiative and referendum reveals that the "Great Shutdown" of December 1903 was met with an intense campaign by Montanans to preserve and solidify their

liberties as citizens of a sovereign state. Introduced and defeated in every legislative session between 1893 and 1903, this elusive populist reform was approved unanimously by a Republican controlled legislature at the earliest opportunity following the shutdown. While, as we shall see, F. A. Heinze was not the main character in this drama, the efforts of his antitrust party in 1904 were not entirely in vain. With the initiative and referendum, Montanans felt they had a weapon powerful enough "to put all corporations out of politics both now and for all the years that are to come."⁸ Championed by Montana Populists since as early as 1892, the initiative and referendum became, by late 1904, an integral plank in the platform of every political party in the state.

In the early years of the Montana People's party, the initiative and referendum issue took a back seat to the Populist's crusade for the free coinage of silver. Only after the frustrating Democratic-Populist fusion of 1896,⁹ in which the Democrats endorsed free silver and the direct election of senators (stealing much of the Populist's "thunder"), did the campaign for direct legislation percolate to the top of the Populist reform agenda. With the ideological usurpation of 1896, the Populist party of Montana had lost its character as a bona fide threat to the two-party system and had become little more than a thorn in

the side of the Democrats. Populist party Chairman C. O. Reed, responding (evidently) to doubts as to the continued viability of the party, addressed the 1898 Populist convention on a dreary, overcast day in late September:

All the conditions that called the People's party into existence still exist. The party was born of necessity. It came into being because no other party had adopted as the basis of its platform, the initiative and referendum. It is impossible to disguise existing conditions and it is because of these conditions that the mission of the People's party is far from ended.¹⁰

Even though the abysmal failure of the Populist ticket in the election of 1898 confirmed the group's precipitous decline, Chairman Reed's words were no less than prophetic. The "existing conditions" Reed so feared were indeed, "impossible to disguise." John D. Rockefeller's Standard Oil Company had already embarked on the first steps of a plan to consolidate the Butte mining district into a single, massive operation.¹¹

Between 1898 and 1902, even as Standard Oil's holding company, the Amalgamated, was tightening its grip on Butte, the cause of the initiative and referendum made little headway. In 1900, the several new political parties that appeared, the United Labor party and two factions of socialists (the Social Labor party and Social Democrats) followed the Populist lead and highlighted the reform, but they were far removed from the seats of power.¹² There was

some support from the ranks of the Democratic party at the local level, and Heinze's antitrust, "Eight-hour Day" Republicans favored it, but this support failed to find expression in the state platform of either major party.¹³

By the fall of 1902, the antics of Copper King William Andrews Clark would help to change this. His well known bribery of the 1899 Montana legislature had translated into significant Republican gains in the state legislature in the election of 1900,¹⁴ and in 1902, he came close to destroying the Democratic party outright. In the safety of a six year term in the United States Senate, awarded to him by a Democratic/Antitrust (i.e. Clark/Heinze) coalition in the 1901 legislature, Clark no longer needed antitrust support. Accepting the inevitability of the consolidation of the Butte hill, he allied himself with the Amalgamated. Clark's defection went largely unheralded until the campaign of 1902. In cooperation with Clark, Helena banker and former Montana Governor Sam Hauser took control of the Helena Independent.¹⁵ Its previous owner-manager John S. M. Neill promptly bolted the paper with its talented editor W. G. Eggleston and established a new paper, The Helena Press. At first the Press remained sympathetic to Clark, Governor Joseph K. Toole and Heinze (who by now called himself a Democrat), and vowed to be faithful as long as they were opposed to Amalgamated control of state politics. The issue

of 13 September 1902 contained a lengthy interview with Governor Toole on "The Issues of This Campaign." Toole defended himself as a political friend of Heinze, "and of any man who has the courage to... steadfastly denounce the combination of trusts endeavoring to manipulate... all the political parties of the state...." He denied charges that he sought to increase the number of justices on the State Supreme Court and fill the seats with Heinze's friends and reaffirmed his commitment to the relatively anticorporate Democratic platform of 1900 (written when Clark and Heinze had joined forces against the Amalgamated). When asked what he thought should be in the 1902 platform, Toole did not at this time stray beyond the document of 1900. Particularly noteworthy as will soon become clear, he did not yet see any pressing need for an initiative and referendum amendment.¹⁶ The same issue of the Press defended Clark as it had Toole, assuring its readers that Clark had not and would not "sell out" to the Amalgamated.

Hauser's Independent, however, began to attack Governor Toole, promoting crony John Frey over Toole as delegate to the Lewis and Clark County Democratic convention from Helena's First Ward. This prompted four special single page issues of the Press between 16 September and 19 September. Clark was still not portrayed as an enemy, but Hauser was attacked viciously as an agent of "Jim Hill's railroads" who

wanted Toole out because of his stance on the assessment of railroad property for taxation purposes.¹⁷ The effect of Neill's campaign on behalf of Toole was a cause of concern to Clark himself. Writing to Hauser on 19 September, Clark worried, "The dirty work of the Neill crowd will not accomplish much, I hope."¹⁸ Both Frey and Toole were seated at the county convention, each with one-half vote. Toole, perhaps the most popular governor in the history of the state, was not elected to be a delegate to the state gathering. Only after this did the Press openly question Clark's commitment to the antitrust cause.¹⁹

Heinze's Butte Reveille also seemed surprised by Clark's defection. As late as 10 September, Clark was in good standing with the paper, at least on the front page. On the opinion page of that date, however, in response to reports by the Anaconda Standard that Clark had joined the Amalgamated camp, the Reveille intimated that it would not hesitate to abandon Clark were it true.²⁰ By the thirteenth, there remained no doubt. A meeting of the Democratic State Central Committee in Butte was besieged by a largely antitrust crowd. Governor Toole, having been ousted from the group attended anyway, as a proxy for Silver Bow representative J. J. Knowlton. Unable to conduct their business, Clark, according to the Reveille, joined Dan Hennessy, Con Kelly and several other pro-Amalgamated (and

until 1902, anti-Clark) political figures and left the meeting. "The bolting of Senator Clark with his lifelong enemies provoked the wildest merriment of the crowd," the Reveille chided.²¹

Neither Toole nor Heinze was seated at the 1902 Democratic State convention. The Independent Democrats, an ineffectual Amalgamated faction formed in 1900 in vehement opposition to Clark, were now in the party's mainstream at Clark's behest. The convention adopted a remarkably mundane platform by comparison to that of 1900, attacking Heinze's control of the Butte judiciary and directing its mild doses of antitrust rhetoric toward the railroads.²² While Governor Toole seemed, for the time being, willing to bide his time and maintained a low profile, Heinze and his followers teamed with the Labor and Populist parties. The parties fused, highlighting once again the initiative and referendum (along with a call to put the eight hour day, granted voluntarily by Clark and Heinze during the campaign of 1900, into the state constitution), and campaigned with the primary intention of subverting the Clark/Amalgamated Democrats.²³

The Republican party, meanwhile, was also undergoing a major transformation, but in the opposite direction. Joseph Dixon of Missoula, a Rooseveltian progressive, wrested control of the party from Senator Tom Carter, who had long

been expressly pro-Amalgamated. While the Republicans showed no inclination to endorse the initiative and referendum as the minority parties had, they did call for the direct election of senators and went farther than the Democrats to woo the labor vote, calling for a "fellow-servant law," a rudimentary employer liability measure.²⁴

The campaign of 1902 was probably the most vicious in Montana's brief history. John S. M. Neill, for example, had been a stalwart Democrat and a "Clark man" at that. Neill was among the group of Clark's close friends which in 1898 had convinced him to run for the U. S. Senate, and, as owner of the Helena Independent, had been instrumental in Clark's final triumph in 1901.²⁵ In 1902, however, following the Democratic convention, Neill's Press attacked Clark continuously and ruthlessly. It printed only the Labor Party platform and called vociferously for its readers to elect men to the legislature who would vote for an initiative and referendum amendment.²⁶ Heinze's Reveille was even more virulent in its anti-Clark campaign, engendering a hatred that would never be forgotten.²⁷ The Anaconda Standard joined with Hauser's Independent to castigate Heinze and the "rump" parties. Heinze, the Standard charged, was Montana's "Napoleon of politics" and his coalition the "Heinzeantitrustboltingdemocraticlaborpopulist

Party."²⁸ The Standard was confident of a Democratic landslide, but the Republicans had other ideas. With the Democrats monopolized by the hated Clark/Amalgamated faction and engaged in a bitter struggle with the antitrusters, who themselves seemed controlled by Heinze, the Republicans were able to secure the antitrust high ground. Joseph Dixon, for example, the G. O. P.'s congressional candidate, kept his Democratic opponent on the defensive the entire campaign, forcing him to answer the charge that he was an "Amalgamated man" throughout.²⁹

The Democrats were stunned by the outcome of the election of 1902. They found themselves with only eight representatives in the lower house of the state legislature and their slim majority in the state senate was maintained only by virtue of holdovers. Even the Labor party outpolled Clark's ticket, garnering eleven legislative seats. The lowly Populists also staged a minor comeback, winning six seats. Dixon won the job in Congress while Republican William Holloway, who had been conominated by the antitrust fusion parties, walked away with the election for a vacant seat on the state Supreme Court.³⁰ Clark's newfound political posture had proven a disaster. For the Democrats to rebound, as Governor Toole realized, something would have to change. Change it did.

Governor Joseph K. Toole was a party man, first, last

and always. He had retreated quietly when Clark kept him from the Democratic convention, but with the dismal performance of the Clark ticket, Toole came to the party's rescue. His address to the legislature of 1903 was a radical departure from both his own earlier positions and the Clark sponsored 1902 Democratic platform. With it, Toole emerged at the forefront of Montana progressivism. Toole's eloquent address embraced the gamut of populist-progressive reforms: women's suffrage, direct election of senators, direct primaries, the establishment of a railroad commission to oversee freight rates, increased powers for the state assessment board, a fellow servant law, and a constitutional amendment for an eight hour workday for mine workers in Montana. He placed the initiative and referendum at the foundation of the entire program. Toole spent more time talking about direct legislation than any other subject. His explanation of the need for and legitimacy of the amendment deserves a spot in the history of American democratic thought:

I know of nothing more in accord with the genius and spirit of democratic institutions than what is popularly known as "Direct Legislation." It has its birth in Switzerland. It is the very essence of government by the people.

It fosters and encourages the formation and exercise of deliberate and independent judgment on the part of the voter instead of a perfunctory, blind following of disloyal, dissembling and designing leaders.

It is the sure defense of the people against misrule and oppression.

It is the beacon light of safety when public servants are recreant to their trusts and defy public opinion.

It is our hope for the present, our refuge and safe anchor for the future.

It is the sure weapon with which to fight the briber and the lobbyist and drive them, like Hagar, into the wilderness.

It is the guarantee against the universality with which private interests take precedence over public interests.

Manifestly, the truth is, if the people are fit to delegate authority, they are fit to exercise it primarily.³¹

Toole's message, complemented by petitions calling for the amendment signed by a reported thirty-eight percent of Montana's voters, propelled what some observers saw as a "watered-down" initiative and referendum bill through the state House of Representatives, but it fell three votes short of the necessary two-thirds majority in the Senate.³² The session did submit an amendment for voter approval to put the eight hour day and a prohibition of child labor in the mines into the state constitution, but in the summer of 1903 the state Supreme Court held that the amendment had been improperly submitted, as it amended two sections of the constitution in one measure. The session also, as in that of 1901, approved a measure providing for the disqualification of judges. Toole did not veto the bill as he had two years earlier, but neither would he sign it. It became state law over this refusal, but was overturned by the high court shortly after the legislature adjourned.³³ The Republican controlled legislature, thus, was not wholly

averse to progressive reform on the labor front, but neither did it accept the mockery of the state's judicial system made by Heinze.

Even though the initiative and referendum was still too radical an idea for the Republicans in the state senate (nine of the eleven who voted against it were Republicans), it had finally found considerable support from both Democrats and Republicans in the House. Toole had succeeded in filling the ideological void created by Clark's vacuous party program and emerged from the session as the Democrat's undisputed leader. W. A. Clark would finish his senatorial career quietly. As Lee Mantle observed caustically some months later when Clark had abandoned all pretense at leadership, Clark prided himself on "taking his medicine."³⁴

Though Toole's message had spawned a brief outpouring of editorial support for the initiative and referendum from several of Montana's more progressive newspapers, the issue was dropped by summer.³⁵ In October 1903, however, an event occurred in Montana that would do more to stimulate popular demand for the amendment than a thousand editorials. Judge William Clancy, one of Heinze's two "kept" Butte judges, had been considering two highly significant court cases involving Heinze and the Amalgamated for two years. In October Clancy finally rendered his decisions, naturally to the benefit of Heinze. One decision awarded to Heinze the

lucrative Minnie Healy mine while the other had the net effect of declaring the Amalgamated an illegal trust under Montana law. The company could surely have reversed the decisions on appeal, but the delay would have allowed Heinze to continue pilfering its ore. Instead, the outraged Amalgamated simply closed all its operations in Montana, except its newspapers, throwing some fifteen thousand Montana wage earners out of work. The economy of the state was paralyzed, and winter was in the offing.

The Amalgamated soon made clear its terms-- it demanded a special session of the Montana legislature to enact for them a "fair-trials law" that, unlike that approved the previous March, would pass the test of constitutionality. Toole's hand was forced by the circumstances, especially after the Butte Miner's Union joined the chorus of support for the session. The company got its law. In a face saving gesture, however, the legislators also reconsidered the constitutional amendments they had botched in the regular session and submitted to the voters two separate measures, one for the eight hour day and the other prohibiting child labor in the mines.³⁶ Indignant opposition to the trust's heavy handed ways thus found immediate expression.

Still, Heinze would not admit defeat. He lashed out at Governor Toole for having "sold out" and as the special session convened, Heinze sponsored his own convention in

Helena to announce the formation of the Antitrust party. The gathering was attended by some six hundred-fifty irate Montanans from every county and every political party in the state. The Antitrust party knew the solution to the Amalgamated problem-- the initiative and referendum. Despite the split between Heinze and Toole, the new party adopted a platform that incorporated the governor's 1903 message nearly plank by plank, with the initiative and referendum at the top of the list.³⁷ "Toole's message stole by Heinze!" protested the Helena Press.³⁸

The "Great Shutdown" and the Heinze-Toole split added a new twist to an already hopelessly confused political situation. The Press and Reveille were now viciously opposed to each other and the former, in defending Toole's calling of the special session, was forced into the unenviable position of defending the Amalgamated's right to "equal" protection under the law. The republican press began to echo the Reveille's accusation that Toole had sold out. Neill, and a few days later Toole, made a trip to New York in January 1904. Though the truth will likely never be known, speculation was rampant that the two were there negotiating a deal with the Amalgamated, especially after Neill and his entourage visited Congressman Dixon in Washington while attending a meeting of the Democratic National Central Committee. Dixon reported to Lee Mantle of

Butte that he had no doubt that Neill had arranged an "understanding" between Toole and the Amalgamated and that he was now running Amalgamated's affairs in Montana. Even though, as Mantle replied to Dixon, "a close friend of Senator Clarks [sic]," told him that "Clark does not like a hair on Toole's head," he agreed there must be "some sort of understanding between T and the A people."³⁹ Toole, of course, denied that any deal had been made.⁴⁰

Heinze's Antitrust party was a cause for concern to both the Republicans and Democrats, though much moreso to the former. Despite the personal animosity between Toole and Heinze, after all, and the raging media war between them, the two supported essentially the same program. Many rural democratic weeklies did not even acknowledge the rift, and while none abandoned Toole, some did Heinze. R. N. Sutherlin's Rocky Mountain Husbandman, for example, defended the Cascade County Democrats, saying they were not a "Heinze club," but saw him as a "powerful ally in a cause against a common enemy."⁴¹ Miles Romney, in the Western News, came to Heinze's defense but, he quickly reminded his readers, Governor Toole's 1903 message had embraced every reform the Heinze party sought.⁴² The Rosebud County News, on the other hand, had been solidly in the Heinze camp throughout 1902 and 1903, but when Toole called the special session, the paper reported, "Extra Session December 1! Rejoicing

Throughout State!" The accompanying article portrayed Toole as heroic and cast doubt on Heinze's integrity.⁴³ Governor Toole suffered some criticism from other papers for having called the special session, but it did not last long.

The Republican party leadership was genuinely concerned with the potency of the Antitrust party. Joseph Dixon's mail between early December and mid-January was consumed with the question, and except for Missoula Republican Ed Donlan, it was believed that were the election held immediately the Antitrust party would sweep. Dixon, Supreme Court Justice Brantly, and Lee Mantle agreed on how to handle the problem: by making certain the Amalgamated kept its hands off the Republican party and by nominating a slate that included "one or two men that are known to be openly anti-Amalgamated in their political affiliation."⁴⁴

Heinze himself was subjected to incessant rumors that he was ready to give up the fight. Like Toole and Neill, he travelled to New York in early 1904 where, some papers thought, he was negotiating "direct with Mr. Rockefeller."⁴⁵ More likely, he was there to secure the financial and personnel resources he needed for his latest project, the launching of yet another newspaper in Butte. Another round of rumors soon surfaced, however, this time from a highly credible source, disgruntled Standard Oil associate Tom Lawson. Heinze, of course, denied everything.⁴⁶

The Evening News (Heinze's new paper), which impressed even Heinze's critics with its editorial cleanliness and relative impartiality,⁴⁷ launched the editorial crusade for the initiative and referendum. A piece entitled, "Let the People Make the Laws," was reprinted in democratic weeklies across the state in May 1904. "If there is one legislative reform," the News speculated, "which the corporate interests dislike to hear of more than any other it is the initiative and referendum."⁴⁸

Governor Toole was reluctant to let Heinze capture the left flank of Montana politics, especially since he had gone out on a limb in his 1903 message. On 12 June 1904 the Helena Direct Legislation League held an organizational meeting in the Electrical Workers Room, Atlas Block, in Helena. The group consisted of prominent Lewis and Clark County political figures from every political party and was led by Fred Sanden, James H. Calderhead, Judson Furguson and W. G. Eggleston. The group held a general discussion about the initiative and referendum and established an elaborate organizational structure. At a second meeting five days later, the group decided to promote a particular measure, one based on the Oregon law, which had been drafted for them by Governor Toole.⁴⁹

The Helena Press served as the mouthpiece of the H. D. L. L. from the start, becoming no less than an initiative

and referendum "fact sheet" through the summer of 1904. The Press ran several articles about the proposal each issue, relating to its history, its necessity, and its potential.⁵⁰ The league began its campaign in July, publishing an "Initiative and Referendum Catechism" in both English and German, to answer questions about and objections to the proposal.⁵¹ The literature committee of the H. D. L. L. innundated the state media with letters throughout the summer, to considerable effect, contemplating the advantages of the initiative and referendum from every conceivable perspective.⁵² The Press reprinted with pride the array of commentary from other state newspapers the league generated.⁵³

R. N. Sutherlin's Rocky Mountain Husbandman was among the other papers which ardently embraced the cause of the initiative and referendum. Sutherlin dutifully reprinted the H. D. L. L. communiques and went beyond them to address the concerns of the farming and ranching communities. The paper espoused no particular allegiance to Heinze and, as we have seen, remained unruffled amidst rumors of Heinze's capitulation. It acknowledged and apologized for the evils of labor unions in general (which, it was feared, could control ballot issues under the H. D. L. L. proposal) but argued that in Montana they were necessary-- especially in view of the corporate sponsored terrorism against the

workers of Cripple Creek, Colorado. Montanans, the Husbandman pleaded, could not allow themselves to fall into a "web of slavery" as had Coloradans, but must follow their "sister state" Oregon and adopt direct legislation. Populism, the paper continued, was an honorable movement "to protect the masses from the classes," and the initiative and referendum was not an "obsolete Populist fad" as the company press charged, but a measure that would "put all corporations out of politics both now and for all the years that are to come."⁵⁴ By the end of the 1904 campaign, Sutherlin was apologizing to his readers for his incessant ravings about the initiative and referendum.⁵⁵

The Miles City Independent, Butte's Evening News and Reveille, and Miles Romney's Western News were likewise adamant in their respective crusades for the amendment. They called on voters to scrutinize legislative candidates carefully for their position on the amendment and targeted for defeat members of the 1903 legislature who had opposed it.⁵⁶ The rural democratic press was universal in its support while the Clark and Amalgamated papers simply ignored the issue. The republican press, meanwhile remained skeptical until September. As late as 26 August 1904 the republican Daily Yellowstone Journal opined, "Republican Montana has no use for the initiative and referendum at this stage of the proceedings, if ever. However beneficial such

a policy may prove... it is, for this state,... nothing less than a plan where the vote of the thickly settled mining camps may control legislative action in the interest of the labor agitators and their corrupt corporation employers...."⁵⁷

Heinze's friends also formed a group, the Silver Bow Direct Legislation League, in July. Alex Mackel, Charles Dempster and J. M. Kennedy led the group, which oriented itself toward the Butte labor vote and used the Evening News and Reveille for expression.⁵⁸ While R. N. Sutherlin and the Reveille reported that such leagues were being formed in every county in the state, no evidence of other leagues has yet been discovered.⁵⁹

Following the spring party conventions, held to nominate delegates to the national conventions, both Democrats and Republicans marveled at the absence of Amalgamated influence in their gatherings. Though attending the World's Fair in St. Louis at the time, Governor Toole retained control of the Democrats. About the Democratic confab the Bozeman Chronicle noted, "the committee did a generous thing... by increasing the voice of the smaller counties [sic] districts in the nominating convention.... Many of the oldtime leaders who have been prominent in factional fights were missed."⁶⁰ The Republicans, while under the actual control of Dixon, were led nominally by

William Lindsay, Dawson County sheep rancher and legislator, a man of impeccable integrity recognized as completely free of Amalgamated influence. Lindsay, moreover, was on good terms with Heinze, who had spent much of the 1903 legislature courting his vote.⁶¹ Meanwhile, the Amalgamated newspapers announced that the company was "out of politics" and called on Heinze's Evening News to announce that his United Copper Company was getting out as well. Replied the News: "The News will announce that the United Copper Company, the Amalgamated Copper Company, the railroads and other corporations is [sic] out of politics when the voters adopt an initiative and referendum amendment to the constitution...."⁶² By all subsequent indications, as the campaign of 1904 showed, Amalgamated did indeed stay out of politics that year. If Toole, Neill or Heinze had at this time an "understanding" with the trust, this was its nature.

The fall political campaign began with the convention of the fledgling Prohibitionist party in Helena on 30 August, under the direction of J. M. Waters of Bozeman. Though the party named no state ticket, it did nominate three presidential electors and adopted a rousing platform that included a call for the initiative and referendum. Direct legislation was going to "secure a more complete suppression of the vices that afflict society" and provide

for a "more intimate relationship between the people and the government."⁶³

The intensity of antitrust, pro-initiative pressure from the state press reached new heights in August and September. When the major parties held their fall conventions, this pressure would bear fruit. The Republicans met in Billings the first week in September, with Lindsay at the helm. Though he was unquestionably independent, he had opposed the initiative and referendum in the legislature of 1899 and like many of his cohorts, still held serious misgivings about the proposal. After a long and protracted debate the party adopted a cautious resolution on direct legislation:

Resolved: That prudence dictates to every political party that it should enter upon experimental legislation with abundant caution; but in our judgment, conditions have arisen within the state which call for the passage of laws which shall secure better official representation, wiser legislative enactments and operate to restrain the mischiefs of ignorance and the appetite of greed, and to this end we cordially endorse passage of prudent, safely guarded initiative and referendum laws.⁶⁴

The convention also endorsed the eight hour day and child labor amendments which were to appear on the November ballot, the creation of a railroad commission to oversee freight rates and direct primaries. In short, they accepted all the crucial elements of Heinze's antitrust platform. Many democratic and some republican newspapers were puzzled

by the document. The Anaconda Standard featured a cartoon in which Heinze's discredited populist judge, William Clancy, was being joined on a platform (with the specific planks labeled) by Tom Carter and Joseph Dixon. The drawing was captioned, "New Guests on the Old Platform."⁶⁵ Throughout the remainder of the campaign the democratic press would ridicule both Lindsay's record on the initiative and referendum (Lindsay was the gubernatorial candidate) and the Republican call for a measure that was "safely guarded."⁶⁶ The Daily Yellowstone Journal had to swallow its pride and capitulate: "Taking it by and large, it was a novel thing for an assemblage of Republicans to do, this recommendation that favorable consideration be given to such policies as the initiative and referendum, the direct primary and other reactionary measures of populistic conception or adoption. However, things move apace."⁶⁷

When the Democrats finally convened in mid-September, Governor Toole was in complete control. He quickly disarmed the perennial disturbance caused by the seating of competing factions from Butte by seating both the Heinze and Amalgamated delegates, each with one-half vote. Fusion with the minor parties was rejected, but the Democrats adopted a platform based on Toole's 1903 message, and hence, one which was also close to that proposed by the antitrusters. Unlike the Republicans, however, the Democrats had no qualms about

the initiative and referendum. They "demand[ed] an initiative and referendum amendment, identical in all material provisions, with the amendment adopted by the voters of Oregon and sustained by the Supreme Court of that state...."⁶⁸

The Populist, Labor, and Antitrust parties fused again in 1904, and with one exception, endorsed the entire Democratic state ticket, amidst ample controversy. Heinze, still smarting from the events of December 1903 pushed for the nomination of William Lindsay for governor, while John MacGuinness, Heinze's right hand man supported Toole. MacGuinness, combined with the pro-initiative faction of the three parties, won the debate, but the Republican element of the Antitrust party regrouped and endorsed Lindsay independently.⁶⁹

For the first time, a unified Socialist party emerged to stage an aggressive and significant campaign in 1904. Under the leadership of Alexander Fairgrieves, president of the Montana Federation of Labor, the Socialists went on the offensive against the Labor party. The Laborites, Fairgrieves charged, had become a tool of the warring copper interests by failing to nominate a separate state ticket. The Socialists put forth a complete slate of candidates and endorsed the initiative and referendum. Their campaign was highlighted by a rousing trip to Butte by the party's

national leader, Eugene Debs.⁷⁰

The election of 1904 was a disaster for Democrats running for statewide office. Governor Toole and his running mate Edwin Norris were the only Democratic victors. Two factors are to blame for this-- the surprising success of the Socialist ticket, which polled an average of thirty-eight hundred votes for statewide offices (a number far greater than that by which the Democratic candidates lost) and the popularity of the Republican national candidate, Theodore Roosevelt. The Democrats did regain some lost ground in the state House of Representatives, but the Republicans secured a solid majority in the Senate. The antitrust Democrats won three legislative races and the Labor party seven. Among those elected were Fred Sanden, Charles Dempster, J. M. Kennedy, Charles Lanin and John MacGuinness, all of whom had had high profile roles in either the Helena or Silver Bow Direct Legislation Leagues.⁷¹

One small group of Republicans was swept from office in the 1904 election. Seven of the eleven state senators who had voted against the initiative and referendum in the 1903 session were up for reelection in 1904. Only one of them was returned to the legislature, despite the Republican landslide in the state senate. Six of these seven were Republicans who had been targeted for defeat by either the

Press or the Evening News,⁷² and at least one was subjected to a vicious character assassination by his local paper only days before the election.⁷³ The lone Democratic senator, Charles Hoffman of Bozeman, was also targeted by the antitrust press. Though he was popular enough to have been a rumored candidate for governor in the spring (the Daily Yellowstone Journal, contemplating the possible Democratic lineup in June, remarked in reference to the likely candidacy of George Hays that, "George seems to lean a little more to the line of scriptural duty.... He might be a valuable compromise between 'Joe' Toole and 'Charlie' Hoffman on the initiative and referendum issue."),⁷⁴ was elected Montana delegate to the Democratic National Central Committee, had represented Gallatin County in the legislature for eighteen years and was in attendance at the county convention, Hoffman was replaced on the ticket by Jerrie McCarthy, an Irish mine owner.⁷⁵

Despite the unanimity of the call for an initiative and referendum amendment in the campaign of 1904, the matter would not be easily resolved by the 1905 legislature. The Republicans, after all, wanted an amendment that was "safely guarded" and the Democrats, the "Oregon law." The battle for the initiative and referendum was the highlight of the Ninth Legislative Assembly.

The first two bills introduced in the Ninth

Legislature, House Bill 1 by Lewis and Clark County Republican Oscar Lanstrum, and House Bill 2 by Silver Bow Laborite Charles Dempster, were bills submitting to the voters an amendment for the initiative and referendum.⁷⁶ The House Committee on Privileges and Elections took control of the bills, combined them, and reported back to the full House on 25 January. Discussion of the bill on the floor was lively, or at least "protractive." The Lanstrum and Dempster Bill embodied the main features of the Oregon law and was, according to a communique to the legislature from the Montana Federation of Labor, labor's "ideal" bill.⁷⁷ As early as 14 January, Silver Bow Laborites had circulated petitions among all the parties to secure united action on H. B. 1.⁷⁸

The reason organized labor liked H. B. 1 was simple. The measure would have allowed an initiative on the ballot after only five percent of the legal voters statewide had signed it. Butte, or rather, Butte's labor organizations could easily secure the necessary forty-eight hundred signatures while several eastern counties working together could barely scrounge as many. Constitutional amendments were included as fair game for initiatives under the bill, with the same signature requirement.⁷⁹ Eastern Montana farmers and ranchers feared organized labor as much as they did the Amalgamated and were not about to support H. B. 1.

F. P. Leiper, a newly elected, self proclaimed political novice from Glendive led the rural opposition, urging as the majority report the adoption of a substitute bill. Charles Lanin read the minority report, which was adopted after an extended debate, 38-30, with three abstentions. Seven Republicans joined the Democrats and fusionists to get H. B. 1 over the first hurdle.⁸⁰

Meanwhile, on 5 January, Republican Ed Donlan of Missoula introduced Senate Bill 7. S. B. 7 was indeed a "safely guarded" proposal. Appropriations of money and reapportionment laws were excluded from the provisions, and not less than eight percent of the legal voters in each county were needed to sign a proposed initiative before it could be placed on the ballot. Referenda could be voted on only if ten percent of the legal voters from each county signed petitions within sixty days of the adjournment of the session at which the objectionable law had been passed. As with H. B. 1, the total number of legal voters was construed as the number voting in the last general election for Supreme Court Justice.⁸¹ The bill was ramrodded through first reading and referred to the Senate Committee on the Judiciary. The Committee ordered the bill printed and placed on the general file on 19 January.⁸²

Senator S. F. Ralston, Teton County Democrat, introduced Senate Bill 23 shortly thereafter. S. B. 23 was

identical to H. B. 1.⁸³ The Judiciary Committee, chaired by Fletcher Maddox, considered the bill and on 31 January, urged the full Senate to reject it. The Democrats and two Republicans could not stop the conservative Republican forces and S. B. 23 went down to defeat.⁸⁴ Then, taking the offensive, the latter sought immediate approval of S. B. 7. Ralston delayed the vote for a day, but after adding even tougher provisions (increasing the signature requirement to 10 per cent for initiatives), the Senate approved S. B. 7, second reading, on 1 February.⁸⁵

That same day, the House continued its battle. Leiper moved that the substitute bill previously defeated be placed on the general file while Lanstrum moved, as an amendment, that the House resolve itself into a Committee of the Whole to consider H. B. 1. The amendment carried. In what was probably the liveliest debate of the session, amidst the presentation of petitions from the Montana Federation of Labor signed by around a thousand people from across the state, and a highly active gallery, H. B. 1 could not secure the necessary two-thirds majority.⁸⁶

The Laborites offered a host of amendments to make the Lanstrum and Dempster Bill more attractive, raising the signature requirement for initiatives from five percent to eight percent and for referenda, from five percent to ten percent, and omitting constitutional amendments from the

provisions. The Republican holdouts, however, sought more safeguards. Alden Bennett of Madison County moved to strike the enactment clause from the bill and Wyllys Hedges of Fergus County moved for an eight percent initiative signature requirement and a five percent referendum requirement from a majority of counties. The bill's sponsors prevailed against these changes, but the final vote on H. B. 1 fell three votes short of the forty-eight needed. A motion to reconsider the following day was approved, but the bill failed once again.⁸⁷

The House was in a tizzy. The state watched with baited breath as the Montana Daily Record ran major articles almost daily about the initiative and referendum battle. On 3 February, Hedges pledged a new measure, which was actually the same one he had attempted to bully through on the first. It was introduced by Charles Murray of Cascade County on 6 February. Despite a Republican party caucus in its favor, the bill got nowhere.⁸⁸ The "Murray Bill" went before the full House on 18 February, and the engagement on the House floor on that date was typical of the House debates over the initiative and referendum. Leiper started the discussion, according to the Daily Record, with an extended address in its support, noting that it was a compromise measure designed to meet the opposition half way. He declared that the committee had unanimously agreed

to report the bill. At this, Charles Lanin rose to point out that although the Democrats on the Committee on Privileges and Elections had agreed to report the bill, they had also reserved the right "to antagonize it" on the floor. "And," he continued, "we are here to fight it out."⁸⁹

Leiper responded with an ad hominem against the Montana Federation of Labor, which had left a "circular" on the desk of every House member declaring against the Murry Bill and promising support for every candidate who opposed it should that opposition result in no initiative and referendum measure at all. "I should like to know," Leiper said, "if this organization has been empowered to enact laws for Montana. Its circular demands legislation along the lines of the Oregon amendment. If [it] does mean to intimidate, although I do not say it has intimidated any member of this body, I fail to understand its meaning. I consider it an insult to the independent voter.... We have submitted a fair compromise, and to the members of the Republican party in this body I would state that Ceasar has met his Brutus."

John MacGuinness, also a member of the committee, took the floor and urged rejection of the Murray Bill, saying that he thought that a happy medium between it and the Oregon law could still be reached. Leiper, however, was not through with the M. F. L. circular. He wanted to know how

many people were truly responsible for it. "I see but two signatures attached thereto," he said.

Charles Dempster replied that he had been at the M. F. L. convention in Hamilton where the issue had been fully discussed and the policy agreed upon, as the circular stated. Conservative Republican Everett declared, in response, that the people of the state had never heard the provisions of the Murray Bill so it was impossible for the M. F. L. circular to represent the members' beliefs with certainty. "In fact," Everett continued, "I have talked with some of its members right here in Helena who declared the circular did not state their beliefs or sentiments on the matter. I regard this circular as the rankest piece of lobbying on record in a Montana legislature."

Lanin could not hold himself back. Interrupting Everett, he stated that while the circular might not represent the views of every member of the M. F. L., it did represent the beliefs of a majority of the group, and that in the federation, a majority ruled.

Everett retorted, "Suppose the Amalgamated... were to come here and issue a circular of this nature, agreeing to endorse any man who supported a certain measure, and denounce those who did not. Is there a laboring man in the state who would not resent it?"

Fred Sanden then took the floor and called attention to

what he regarded as ambiguous language in the bill which lawyers "of known repute" had told him could be interpreted to require five thousand signatures in Lewis and Clark County alone.

The Daily Record continued, "The vote was taken on the substitute measure of Hewitt that the enactment clause be stricken out. The vote was close and division was called for, which resulted in a brief but spirited wordy war between Dempster and Lanstrum." Lanstrum had deserted the Oregon contingent, bowing to the Republican caucus. Four other Republicans, however, defected, and the enactment clause was stricken from the bill, killing it by a vote of 33-32. Back to the drawing board the legislators went.

A new conference bill, H. B. 256 was introduced with much controversy on 18 February.⁹⁰ It had a signature requirement of eight percent from one-third of the counties for both initiatives and referenda and added a new twist by providing that upon receiving the signatures of fifteen percent of the voters from a majority of counties, a referendum petition could stop enforcement of a legislative act until it could be voted on. Leiper once again led the opposition, declaring that "8 percent of the voters in one-third of the counties means that a little more than 1 percent of the voters can become a legislature within itself." The bill fell two votes short of the necessary

two-thirds majority on 21 February.⁹¹

By this time the state press had all but given up hope that the session would produce a direct legislation amendment. The Havre Plaindealer had lost the fiery demand for republican progressivism it had displayed during the 1904 campaign and was preparing for its readers a defense of the Republican majority. An editorial called "No Panacea for the People" said, "It is probable that no initiative measure will be passed by the legislature despite all political parties declaring for it in their platforms. At best the legislation could only be experimental and it is a question so intricate and complex as to the system whereby would accrue to the public the greatest benefit it is not fair to too sharply criticize the legislators in failing to pass such a measure."⁹²

The legislature, however, was not quite through. On 23 February, the Senate put S. B. 7 up for third reading. A series of amendments mediated its differences with the bills the House had been considering and the amended bill was given final approval.⁹³ The same day, Leiper introduced yet another House measure under a suspension of the rules, H. B. 286. This bill required the signatures of eight percent of the legal voters both statewide and in two-fifths of the counties to initiate a measure and five percent statewide and in two-fifths of the counties to refer. Constitutional

amendments, local or special laws and appropriations of money were excluded from the provisions. Referenda had a ninety day filing deadline and enforcement of a law could be stopped with the signatures of fifteen percent of the legal voters in a majority of counties. The number of legal voters was the number that had voted in the election for governor in the last general election.⁹⁴

On 24 February McDonald gave the Committee of the Whole report. Several amendments of a technical nature were offered and one of some consequence approved. The filing deadline for referendum petitions was increased from ninety days to six months after adjournment of the session at which the law to be referred was passed. The committee report was adopted and the bill as amended was passed unanimously.⁹⁵

On 27 February H. B. 286 was transferred to the Senate, where Fletcher Maddox of the Committee on the Judiciary urged concurrence. Ed Donlan moved to place the measure on the general file, and along with a host of other bills, it was again approved unanimously.⁹⁶ The bill was returned to the House on 1 March, only one day before the session was to end, where it was enrolled and delivered to Governor Toole.⁹⁷ He signed H. B. 286 in the evening of 2 March 1905.⁹⁸

At long last, Montanans were going to vote on a constitutional amendment providing for direct legislation.

While a multipartisan group including Fairgrieves and Eggleston remained to agitate for the measure during the campaign of 1906,⁹⁹ and the various political parties reaffirmed their commitment to it at their fall conventions,¹⁰⁰ approval of the fourth amendment to the Montana constitution was a foregone conclusion. On 6 November 1906, Montana became the fifth state in the union to adopt provisions for the initiative and referendum.¹⁰¹

The battle for the initiative and referendum, particularly in terms of the campaign of 1904 and the legislature of 1905, shows clearly the importance of this measure to the people of Montana. Only rarely have the people of that or any other state been in such agreement about the need for a particular reform. Even more rare was the degree of resolve displayed by the Montana legislature, amidst bitter animosities, to pass a single law. The battle for the initiative and referendum shows, moreover, that the people of Montana reacted quickly and decisively to the affront to their political integrity posed by the heavy handed blackmail of their state by the Amalgamated Copper Company. It shows, perhaps with less certainty, that the heretofore much maligned antics of Heinze and his antitrust party in the aftermath of the 1903 shutdown, were essentially effective. Heinze lost his two "kept" judges, to be sure, but they had already been negated by the special

session's "fair-trials law." The incredible money and energy he spent on behalf on the antitrust cause in the campaign of 1904, likely with the full knowledge that his own cause was lost, raises the interesting possibility that he was genuinely concerned with the fate of Montana citizens under Standard Oil hegemony.

While the initiative and referendum did not, as anticipated, put Amalgamated "out of politics," it proved a powerful solvent for the factional disputes which had plagued Montana reformers since 1892. The election of 1906 saw the final appearance of the Montana People's party as well as the variety of antitrust and labor organizations which had fielded candidates for six elections. Those who could not reconcile themselves with one or the other major party coalesced into a powerful Socialist party, which interestingly, sponsored the first three attempts to initiate legislation under the provisions of the new law in 1908.¹⁰²

The initiative and referendum in Montana did not curb the fundamental political and economic power of the copper interest in the state. It did, however, provide a vehicle for meaningful political involvement by civic minded Montanans, which has been used over a hundred times to debate literally every major political issue of the century.¹⁰³ With the enactment of the fourth amendment to

the original Montana constitution, Montanans declared their readiness for progressive change. That readiness would first come to fruition in 1912 when the People's Power League conducted the first successful initiative campaign in the state's history. In 1912, Montanans placed on the ballot four measures-- providing for the direct election of senators, direct primaries, a presidential preference primary and a corrupt practices act. All of these were approved by overwhelming margins.¹⁰⁴

Let us, therefore, add one more item to Michael Malone's list of lasting institutions which resulted from the great "War of the Copper Kings." Let us say that its legacy was "the Anaconda Company, the city of Butte, the heritage of political nastiness, and the initiative and referendum."

NOTES

1. Michael Malone, The Battle for Butte: Mining and Politics on the Northern Frontier, 1864-1906, pp. xiii-xiv.
2. K. Ross Toole, Twentieth Century Montana: A State of Extremes, Chapter IV.
3. C. B. Glasscock, The War of the Copper Kings, p.289.
4. Joseph Kinsey Howard, Montana: High, Wide and Handsome, p. 81.
5. K. Ross Toole, Montana: An Uncommon Land, p. 209.
6. Michael Malone, The Battle for Butte, p. 185.
7. See Appendix for a complete listing of Montana initiatives, 1908-1972.
8. Rocky Mountain Husbandman, 2 June 1904.
9. "Fusion" was a device by which political parties would join together for the purpose of increasing the likelihood of victory. Usually fusion occurred at the statewide or national level. Two or more parties would nominate the same candidates and agree to support part or all of each other's platform. Fusion would last only until the election. Generally, the fused parties would retain their individuality for legislative and local elections.
10. Butte Miner, 21 September 1898. See also the Anaconda Standard, 21 September 1898.
11. Michael Malone, The Battle for Butte, p. 135-140.
12. For Labor party information, see Thomas Clinch, Urban Populism and Free Silver in Montana, p. 162; for information on the socialists, see the Anaconda Standard, 4 November 1900 and the Great Falls Tribune, 27 October 1900; for evidence of their electoral impotency, see Ellis Waldron and Paul Wilson, Atlas of Montana Elections (hereafter referred to as Waldron and Wilson, Atlas, p. 26.
13. For evidence of early Democratic support, see the

Helena Press (hereafter referred to as the Press), 30 July 1904; for the early Heinze position, see Sara McNelis, "The Life of F. Augustus Heinze," p. 112. The Republican platform of 1900 is reprinted in the Montana Daily Record, 7 September 1900; the Democratic platform of 1900 is reviewed in Thomas Clinch, Urban Populism, p. 167.

14. Compare Waldron and Wilson, Atlas p. 23 with p. 26.
15. William A. Clark to Samuel T. Hauser, 17 and 19 September 1902; John S. M. Neill to Samuel T. Hauser, 25 October 1904. Samuel T. Hauser Papers, box 27, Montana Historical Society Archives, Helena. See also, Press, 4 October 1902.
16. Press, 13 September 1902.
17. Press, 16, 17, 18, 19 September 1902.
18. W. A. Clark to Samuel Hauser, 19 September 1902. Samuel T. Hauser Papers, box 27, Montana Historical Society Archives, Helena.
19. Press, 4, 11 October 1902.
20. Butte Reveille, 10 September 1902.
21. Ibid., 13 September 1902.
22. Helena Independent, 27 September 1902.
23. See Jules Karlin, Joseph Dixon of Montana, Volume 1, p. 39.
24. Missoulian, 28 September 1902.
25. Michael Malone, The Battle for Butte, p. 111, p. 161.
26. Press, 4, 11 October 1902; 8 November 1902.
27. Sara McNelis, "The Life of F. Augustus Heinze," p. 109.
28. Anaconda Standard, 6 October 1902.
29. Jules Karlin, Joseph Dixon of Montana, Volume 1, p. 38.
30. Waldron and Wilson, Atlas, p. 29.

31. Message of Governor Jos. K. Toole to the Eighth Legislative Assembly of the State of Montana, January 5, 1903, p. 35.
32. The Western News of Hamilton complained that the bill had been amended beyond recognition on 25 February 1903; the Press reported that thirty-eight percent of Montana's voters had signed the petitions on 28 February 1903; for the vote of the state senate, see the Senate Journal of the Eighth Regular and Special Sessions of the Legislative Assembly of the State of Montana, p. 162.
33. Montana Daily Record, 18 May 1903; Red Lodge Picket, 6 March 1903 and 22 May 1903.
34. Lee Mantle to Joseph M. Dixon, 18 January 1904; Joseph M. Dixon Papers, box 4, Archives, University of Montana Mansfield Library, Missoula.
35. See Press, 10, 24 January 1903 and 28 February 1903; Western News 4, 25 February 1903; Carbon County Chronicle, 13 January 1903 and 24 March 1903.
36. Laws, Resolutions and Memorials of the State of Montana Passed at the Second Extraordinary Session of the Eighth Legislative Assembly, p. 11.
37. Butte Reveille, 4, 11 December 1903.
38. Press, 19 December 1903.
39. Joseph M. Dixon to Lee Mantle, 11 January 1904; Lee Mantle to Joseph Dixon, 18 January 1904. Joseph M. Dixon Papers, box 4, Archives, University of Montana Mansfield Library, Missoula.
40. Toole was accused, for example, in the Red Lodge Picket, 7 January 1904 and in the Dawson County Review, 14 January 1904. He denied having made any sort of deal in the Miles City Independent, 14 January 1904 and the Carbon County Chronicle, 26 January 1904.
41. Rocky Mountain Husbandman, 26 May 1904.
42. Reprinted in the Butte Reveille, 12 February 1904.
43. Rosebud County News, 12 November 1903. See also the Forsythe Times, 12 November 1903.

44. Theodore Brantly to Joseph M. Dixon, 15 December 1903; Joseph M. Dixon to Theodore Brantly, 19 December 1903; Joseph M. Dixon to Lee Mantle, 11 January 1904; Lee Mantle to Joseph M. Dixon, 18 January 1904. Joseph M. Dixon Papers, box 4, Archives, University of Montana Mansfield Library, Missoula.
45. The first round of sell out rumors are printed in the Anaconda Standard, 20 January 1904, Daily Yellowstone Journal, 21 January 1904. The quote is from the Miles City Independent, 16 January 1904.
46. The charges of Tom Lawson appeared in the Carbon County Chronicle, 31 May 1904, Miles City Independent, 26 May 1904. Heinze's denial appeared in the Daily Yellowstone Journal, 23 January 1904 and Miles City Independent, 23 June 1904.
47. See, for example, the Forsyth Times 29 October 1903, 26 November 1903, 21 January 1904, and especially, 11 February 1904 for the paper's early attitude toward Heinze and the Evening News, as contrasted with the Forsyth Times of 17 March 1904, after the first issue of the Evening News reached the editor of the Times.
48. Evening News, 22 March 1904.
49. Montana Daily Record, 13, 17 June 1904.
50. Press, passim, June through September 1904.
51. Ibid., especially 25 June 1904 and 2, 9, 16 July 1904.
52. See Rocky Mountain Husbandman, 23 June 1904, 21 July 1904, 4 August 1904, 1 September 1904; Western News, 22 June 1904, 27 July 1904, 17, 24, 31 August 1904; Miles City Independent, 7 July 1904, 4 August 1904; Rosebud County News, 14 July 1904.
53. See the Press, 23 June 1904, 2, 9, 16 July 1904.
54. For the quote, see Rocky Mountain Husbandman 2 June 1904. See also Rocky Mountain Husbandman 23 June 1904, 28 July 1904, 4, 18 August 1904, and 15, 29 September 1904.
55. Rocky Mountain Husbandman, 29 September 1904.
56. See Evening News 16 June 1904, 23 June 1904, 16 July 1904, 20 July 1904, 21 July 1904; Press, 14 March 1903; Bozeman Chronicle 27 July 1904; Western News 4

February 1904, 12 February 1904, 27 July 1904; Miles City Independent, 7 July 1904, 4 August 1904; Butte Reveille, 25 July 1904; Rocky Mountain Husbandman 28 July 1904.

57. Daily Yellowstone Journal, 26 August 1904. See also the Miles City Independent, 1 September 1904, which castigates the republican press for failing to support the reform.
58. Butte Reveille, 11, 25 July 1904 and 8 August 1904; Evening News, 20 July 1904.
59. Rocky Mountain Husbandman, 18 August 1904; Butte Reveille, 8 August 1904.
60. Bozeman Chronicle, 23 March 1904.
61. On Lindsay's independence, see Evening News, 14 April 1904; on Heinze and Lindsay in the 1903 session, see the Press, 2 May 1903. See also the Dawson County Review, 1 and 29 September 1904 for background information on Lindsay.
62. Evening News, 5 September 1904; Butte Reveille, 8 August 1904.
63. Montana Daily Record, 31 August 1904.
64. Ibid., 8 September 1904.
65. Anaconda Standard, 11 September 1904. See also: Evening News, 8 September 1904 and the Bozeman Chronicle, 14 September 1904.
66. See, for example, the Rosebud County News, 6 October 1904; Butte Reveille, 30 September and 18 October 1904; Daily Yellowstone Journal, 10 October 1904; Dawson County Review, 29 September 1904.
67. Daily Yellowstone Journal, 10 September 1904.
68. The platform is reprinted in the Western News, 21 September 1904; the account of the convention is from the Montana Daily Record, 15 September 1904.
69. Anaconda Standard, 21 September 1904; Montana Daily Record, 21 September 1904.
70. See: Evening News, 8, 29 September 1904; Red Lodge Picket, 29 September 1904; Forsyth Times, 29 September

1904; Dawson County Review, 6 October 1904.

71. Compare the membership of the Ninth Legislature given in Waldron and Wilson, Atlas, p.31, with the membership of the Helena Direct Legislation League, Montana Daily Record, 13 June 1904, and membership in the Silver Bow Direct Legislation League from the Evening News, 20 July 1904.
72. See note 53 above. Also, the activities of the Direct Legislation leagues and the continuous editorial commentary in the state press made the initiative and referendum the dominant issue in the campaign of 1904, overshadowing even the presidential race.
73. Red Lodge Picket, 6 October 1904. For complementary information, see also the Forsyth Times, 25 October 1904.
74. Daily Yellowstone Journal, 30 June 1904.
75. Waldron Ellis. Montana Legislators, 1864-1979: Profiles and Biographical Directory, p. 83 and p. 104; Bozeman Chronicle, 18 May 1904, 27 July 1904 and 14 September 1904.
76. Montana Daily Record, 4 January 1905; House Journal of the Ninth Regular Session of Legislative Assembly of the State of Montana, pp. 6-7.
77. Montana Daily Record, 4 January 1905.
78. Ibid., 25 January 1905.
79. Copies of House Bill 1 were obtained from the Montana Secretary of State, Helena.
80. Montana Daily Record, 25 January 1905; House Journal, Ninth Assembly, p. 72.
81. Document is from the Montana Secretary of State, Helena.
82. Senate Journal of the Ninth Regular Session of the Legislative Assembly of the State of Montana, p. 45.
83. Senate Bill 23 can be reviewed at the Montana Secretary of State offices in Helena.
84. Senate Journal, Ninth Assembly, p.69.

85. Montana Daily Record, 1 February 1905; Senate Journal, Ninth Assembly pp. 70, 75-76, 78.
86. Montana Daily Record, 2 February 1905; House Journal, Ninth Assembly, pp. 108-112.
87. See Montana Daily Record, 16, 18, 20, 22, 23, 24 February 1905; Dawson County Review, 9 February 1905; Western News, 8, 22 February 1905; Havre Plaindealer, 25 February 1905.
88. Montana Daily Record, 6, 16 February 1905.
89. This account of the debate over the Murray Bill is from the Montana Daily Record, 18 February 1905 and House Journal, Ninth Assembly, pp. 226-227, 243.
90. Ibid.; House Journal, Ninth Assembly, p. 251.
91. Montana Daily Record, 22 February 1905; House Journal, Ninth Assembly, pp. 256-257, 271, 272.
92. Havre Plaindealer, 25 February 1905.
93. Senate Journal, Ninth Assembly, pp. 173-174, 177.
94. House Bill 286 is reprinted in full in House Journal, Ninth Assembly, p. 300.
95. House Journal, Ninth Assembly, pp. 299-301.
96. Senate Journal, Ninth Assembly, p. 209.
97. House Journal, Ninth Assembly, p. 384.
98. Montana Daily Record, 3 March 1905.
99. Ibid., 31 October 1906.
100. Richard Roeder, "Montana in the Early Years of the Progressive Period," pp. 177-178.
101. Encyclopedia of Social Reform, p. 385; Anaconda Standard, 20 October 1905; for information on the election of 1906, see Waldron and Wilson, Atlas, pp. 35-36.
102. These petitions were on file in the vaults of the Montana Secretary of State, Helena.
103. See the Appendix for a complete listing of initiatives

attempted in Montana under the terms of the fourth amendment of the original state constitution.

104. Waldron and Wilson, Atlas, p. 45.

APPENDIX

What follows is a complete list of all initiatives attempted in Montana between 1908 and 1972. It resulted from an inventory I conducted in the vaults of the Montana Secretary of State. This list includes forty-two initiative attempts for which there is no official record and which have no official number. These are distinguished by the placement of an "x" in front of the numbers I have assigned to them. Further information, such as copies of each measure, county by county tabulations of signatures obtained on each proposal, indications of sponsorship and the election results for those which qualified for the ballot can be obtained in a file I have established at the Archives of the Mansfield Library on the University of Montana campus in Missoula. Election results for those initiatives which qualified for the ballot may also be found in Ellis Waldron and Paul Wilson's Atlas of Montana Elections.

1908

xI 1	To Legalize Unions
xI 2	Employer Liability Law
xI 3	Direct Election of Senators

1912

I 302-303	Party Nominations by Direct Vote
I 304-305	Corrupt Practices Act
I 306-307	Direct Election of Senators
I 308-309	Presidential Preference Primary

1914

I 7	Workman's Compensation
I 8	Farm Loans Bill
xI 4	Corporate License Fee
I 9	University Consolidation

1916

I 11	Establishing a State Athletic Commission
xI 5	Investing Permanent State Funds in Farm Mortgages
xI 6	Metal Mines License Tax

1918

I 12	Legalizing Chiropractors
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1920

I 17	New Workman's Compensation
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I 18	University Mill Levy
I 19	\$5 Million Construction Bond for State Educational Facilities
I 20	\$20 Million Farmland Reclamation Bond
I 21	Revising State Taxation System
I 22	Metal Mines License Tax
I 24	Providing County Free Hospitals
 <u>1922</u>	
xI 7	Inheritance Tax
xI 8	Income Tax
xI 9	Labeling Wool Garments (Truth in Labeling)
xI 10	Reinstating Direct Primaries
xI 11	Defining Criminal Political Coercion
I 26	Pari-Mutuel Racing
 <u>1924</u>	
I 28	Metal Mines Tax
xI 12	Bank Depositors Guarantee Law
xI 13	Workman's Compensation
xI 14	Abolishing the Railroad Commission and Establishing a Public Service Commission
 <u>1926</u>	
I 30	Repeal of State Liquor Laws
I 31	Good Roads Gas Tax
xI 15	Bank Depositors Guarantee Law
 <u>1928</u>	
I. 32	To Enact Federal Liquor Laws
 <u>1930</u>	
xI 16	Workmans' Compensation "A"
xI 17	Workmans' Compensation "B"
 <u>1934</u>	
xI 18	Unemployment Insurance
 <u>1936</u>	
xI 19	Allowing Retail Liquor Sales
xI 20	Natural Gas License Tax
xI 21	License Tax for Electrical Generation Facilities
I 38	State Liquor Control Act
I 39	License Tax for Chain Stores
 <u>1938</u>	
xI 22	Fish and Game Commission Act
xI 23	Workmans' Compensation
I 41	State Highways Treasury Anticipation Debenditures Act of 1938

<u>1940</u>	xI 24	Creating a Civil Services Personnel Administration
	xI 25	Repeal of Direct Primaries
	xI 26	Creating a State Pension Plan
	xI 27	Fish and Game Commission Act
	I 44	Montana State College Bond
<u>1944</u>	I 48	Legalizing, Regulating Osteopathy
<u>1946</u>	xI 28	Motor Vehicle License Fee
<u>1948</u>	xI 29	To Outlaw Parking Meters
	xI 30	Repeal of 1947 Cigarette Tax
<u>1950</u>	xI 31	To Legalize Games of Chance
	I 54	WWII Veteran's Bonus
<u>1952</u>	I 55	Gas Tax for Highway Construction
	xI 32	Silicosis Workmans' Compensation
	xI 33	\$3 Million Bond for Warm Springs State Hospital
	xI 34	\$2 1/4 Million Bond for Boulder State Hospital
<u>1954</u>	xI 35	Silicosis Workmans' Compensation
	xI 36	Pay Increases for Legislators
	xI 37	Continuing Veterans Bonus
<u>1956</u>	xI 38	Right to Work
<u>1958</u>	xI 39	Making State Highway Commission an Elected Board
	xI 40	Making State Fish and Game Commission an Elected Board
	xI 41	Right to Work
<u>1964</u>	I 63	To Legalize Gambling
<u>1968</u>	I 66	Inventory Tax Relief

1970

xI 42

To Limit the Size of the Legislature

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