SENATOR BURTON K. WHEELER: POLITICAL HELL-RAISER
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Introduction. Burton K. Wheeler (1882-1975) may have been one of the most powerful politicians Montana ever produced. He was one of the most influential–and controversial– members of the United States Senate during three of the most eventful decades in American history. He was a New Deal Democrat and lifelong opponent of concentrated power, whether economic, military or executive. He consistently acted with righteous personal and political independence.

Wheeler came of political age amid antiwar and labor unrest in Butte, Montana, during World War I. As a crusading U.S. Attorney, he battled Montana's powerful economic interests, and championed farmers and miners. He won election to the Senate in 1922. He there became one of the "Montana scandalmongers," uncovering corruption in the Harding and Coolidge administrations.

Wheeler backed Franklin D. Roosevelt and ardently supported the New Deal. However, he forcefully opposed Roosevelt's plan to expand the Supreme Court. He also opposed U.S. involvement in World War II. He was defeated for re-election in 1946. He then practiced law in Washington, D.C., until his death from a stroke on January 6, 1975.

This article summarizes a new 480-page biography, "Burton K. Wheeler: Political Hell-Raiser," by Marc C. Johnson (University of Oklahoma Press, 2019). The numbers in parentheses refer to its pages. The biography is based on extensive research and new archival sources. Johnson has worked as a broadcast journalist and communication and crisis management consultant. He also served as a top aide to Idaho's former governor, Cecil D. Andrus.

Johnson states he was attracted to Wheeler because of his independence, willingness to buck the status quo, passion for civil liberties, defense of free speech, and championing the cause of the common person (xiii). His book is "an effort to provide a critical assessment and to understand the contemporary significance of a consequential American politician who had substantial impact on some of the most important events of the twentieth century" (xiv). It attempts to place Wheeler in the context of his times and to "explain how a political hell-raiser from sparsely populated Montana became one of the most important U.S. senators in the first half of the twentieth century" (xiv).

The Black Heart of Montana. Wheeler was born on February 27, 1882, in Hudson, Massachusetts, an industrial town 15 miles southwest of Concord. His father, Asa Leonard Wheeler, was a cobbler. His mother, Mary Elizabeth Wheeler, died while he was in high school. He first worked as a stenographer in Boston.[1] Wheeler graduated from the University of Michigan law school in 1905 (4). During a summer away from law school, he met his future wife, Lulu White. They agreed not to marry until he was established as an attorney and able to provide for them both. Lulu later became his chief political supporter and advisor, and played a significant role in his career (5).

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Wheeler rejected his law school dean's advice to seek work with a large eastern law firm. He instead went west, looking for adventure, opportunity and a climate to ease the asthma that plagued him all his life. He initially intended to settle in Seattle. However, after getting off the train in Butte, he lost his belongings in a poker game. He therefore settled there and began practicing law.[2]

After two years of work in a small law office handling real estate matters, criminal defense, injured workers' claims and some legislative lobbying, Wheeler married Lulu. They bought a modest home in a working-class, ethnically diverse neighborhood on Second Street (5-6). They had six children. The home is now a national historic landmark in view of his national political role.[3]

By 1905, the Anaconda Company was in its ascendancy. It continued to grow larger and became more influential over the next half century. It owned most of Butte's mines, copper and zinc concentrators, a leaching plant, refineries, a sulfuric acid plant, smelters in Butte, Great Falls and Anaconda, and other facilities elsewhere. It also owned water rights, timberlands and other real estate. It controlled many of Montana's daily newspapers, and the earnings of three-quarters of all Montana wage earners, directly or indirectly, as well as Montana's politics (7).

In 1910, Wheeler decided to run for the Montana Legislature. He received Anaconda's support and was elected as a Democrat at age 28, the youngest man in the House of Representatives. Wheeler's first major clash with Anaconda came when he bucked the company on the issue of electing a U.S. Senator. Senators were then elected by the Legislature. Democrats held 56 of its 101 seats. However, they were divided, producing a selection gridlock. More than 50 ballots were taken.

Anaconda's preferred candidate was W.G. Conrad, a Great Falls banker. Wheeler and other more progressive legislators favored Helena attorney Thomas J. Walsh. Legislators were promised bribes if they changed their votes or threatened with ruin if they didn't. Finally, Henry L. Myers, a judge and former legislator from Hamilton, was elected as a compromise candidate. Wheeler supported Myers on the last ballot, but only after Walsh gave up the race. As the result, Wheeler could not make the list of Silver Bow County legislative candidates or even be elected as a delegate to the county Democratic convention in 1912. However, his loyalty and courage impressed Walsh, who later became his mentor (9-10).

Wheeler refused to be intimidated or quit. With friends' encouragement, including Walsh, he announced a bid to become Montana Attorney General in 1912. He campaigned hard, but lost the Democratic nomination at the state party convention by three votes. Walsh later attributed Wheeler's defeat to Anaconda's power in Montana politics. Dan Kelly, who defeated Wheeler at the party convention and was then elected, resigned midterm to join Anaconda's legal department (10).

Walsh also refused to quit. In 1912, he was elected to the other Senate seat after Montana's voters passed a measure requiring the Legislature to select the candidate receiving the greatest popular vote in an advisory ballot. Anaconda quietly supported Walsh rather than an openly antagonistic Republican Joseph M. Dixon. Walsh and Myers then persuaded U.S. Attorney General James C. McReynolds to nominate Wheeler for appointment as Montana's U.S. Attorney. He was formally appointed as such in October 1913, the youngest U.S. Attorney nationally (10-11).

Wheeler's first several years as U.S. Attorney were routine. He still had time to maintain a lucrative private law practice. However, in 1916, he secured fraud indictments against 11 prominent, politically connected defendants involved with Northwestern Trustee Company, ostensibly created

to build Montana homes and apartments.Two were prominent Democrats. Defendants were charged with using the mail to defraud Montana farmers and other investors (11-12).

A ten-day jury trial, with Wheeler confronting the "cream" of the Montana defense bar, resulted in conviction of only two minor defendants. The most prominent defendants, including the two Democrats, were acquitted. Wheeler believed that Anaconda paid the defense lawyers' retainers. He refused to accept the outcome, claiming jury tampering. After considering the evidence, Judge George Bourquin found defense attorneys Dan Kelly and Albert Galen guilty of improperly influencing the jury, and fined each of them $500. As the result, Wheeler went from being an irritant to the Montana power structure to a dangerous adversary (12-13).

The Speculator mine disaster occurred in Butte in June 1917. As the result of an underground fire, 163 miners died, many while trapped against a concrete bulkhead that should have had iron doors to permit escape. 15,000 out of 16,500 mineworkers struck to protest their working conditions. Frank Little, an IWW organizer, came to Butte to rally the striking miners to its cause. He spoke to 6,000 people at a baseball field in July 1917, advocating a "worldwide revolution" and condemning American involvement in World War I. Less than three weeks after his arrival, he was hauled out of his boardinghouse, dragged on the street behind a car, then hung on a railroad trestle (13-14).

Wheeler thought that Anaconda had Little hung simply because was causing trouble for mine operators. He rejected the notion that Little's speech constituted grounds for his arrest, let alone his murder. A week before Little's death, Wheeler had investigated Little's alleged seditious language and concluded Little had broken no law.

Wheeler presented his results to Anaconda's legal counsel, who told him that other U.S. Attorneys had found ways to prosecute seditious speech and Wheeler ought to work harder to make an arrest. Wheeler increasing became the subject of "editorial venom" and complaints to the Justice Department about his performance. Those complaints also threatened renewal of his appointment for another four years (15-17). His tenure was notable for not issuing a single sedition indictment during World War I, particularly since Montana was a large IWW stronghold. In other parts of the country, IWW membership was suppressed under the sedition law.[4]

In response to Little's murder and another sensational sedition case involving Ves Hall, a Rosebud County stockman who had been acquitted of charges of making statements disparaging the President and the war effort, the Montana Legislature in a special session in 1918 authorized the Montana Council of Defense to take all actions necessary for the "public safety." The result was public hysteria touching every corner of Montana (18). Nevertheless,Walsh asked the Wilson administration to reappoint Wheeler, despite near unanimous opposition to him among Montana's conservative political establishment (19).

On June 1, 1918, the Montana Council of Defense summoned Wheeler to appear at an investigative hearing. He there faced "unrelentingly hostile and occasionally bizarre questioning" by Council members. The hearing led to a Council memorial sent to Walsh demanding public officials who were "vigorous and enthusiastic in the suppression of internal disorders." Wheeler offered to step aside. Walsh also was concerned with his own re-election prospects.

Finally, after meeting with Walsh in Washington, D.C., in October 1918, Wheeler resigned to avoid having Walsh defeated (19-23). He refused consolation prizes of other job offers. He instead

returned to Montana, unwilling to make a public statement supporting Walsh. After Wheeler resigned, Walsh was re-elected by fewer than 6,000 votes, with Anaconda's support. After the election, Wheeler wrote to Walsh stating he hoped he would have good judgment enough to remain out of office for the future, but had no doubts his enemies would take care of that (24-25).

Boxcar Burt Becomes Senator Wheeler. Wheeler almost immediately decided to run for Montana Governor as a Democrat, but with the endorsement of the Nonpartisan League (NPL), an "underfinanced, fragile coalition of radical farmers, labor leaders, socialists and perhaps even a few Bolsheviks." The NPL "effectively hijacked" the Montana Democratic Party in 1920 and installed Wheeler as its candidate. A nasty, bitter campaign resulted (26). At one point, Wheeler hid in a sealed boxcar at a political rally north of Dillon to avoid a crowd of angry men threatening to hang him. As the result, his nickname became "Boxcar Burt" (32).

Fearful of the NPL's increasing influence as "an increasingly angry and restive collection of radicalized farmers," the Montana Legislature had voted in a 1919 special session to suspend the state's new open primary law. However, since the law had been created by the citizen initiative process, voter approval was required to suspend it. Wheeler defended the open primary. Enough signatures were gathered to delay a repeal vote until after the 1920 primary election. (27).

Wheeler won the Democratic primary election, defeating William W. McDowell, Montana's Lieutenant Governor, who was supported by conservative Democrats, by more than 14,000 votes. He walked a tightrope between regular Democrats and NPL members (32). He began to refer to himself as a "Jeffersonian Democrat," in touch with the needs and aspirations of working people. He also ran against the Anaconda Company, stating that he would "put them out of politics." His opponents claimed his election would "destroy the economy" (33).

Wheeler's general election opponent was Republican Joseph Dixon. Although Dixon also had a progressive, independent streak, Anaconda supported him as the "lesser of two devils," believing he would be more reasonable and easily controlled (34). Newspapers and political operatives who had once denounced Dixon as a dangerous radical now embraced him. The Montana Power Company bought nine different full-page ads appearing in more than 200 Montana publications promoting the company's service to Montana and suggesting that Wheeler's election would put that in jeopardy. A charge was also leveled that the NPL supported "free love" (35).

The relentless negative attacks on Wheeler were outrageous but effective. Democratic Senator Myers abandoned the party and condemned Wheeler's followers as representing "the very worst elements of our society" (35). He also stated the Democratic ticket amounted to a "Bolshevik crowd endeavoring to sovietize our government." As the result, Wheeler won only seven counties. Democrats won only nine out of 108 seats in the Montana House of Representatives. Only 10 League-endorsed candidates were elected to the Legislature. However, the ballot measure to confirm elimination of the direct primary was defeated (36).

Wheeler was defeated because there was a national Republican landslide carrying Warren Harding into the White House. He received punishingly negative newspaper coverage, he was short of money, and the defection of Senator Myers made it easy for rank-and-file Democrats to abandon the entire Democratic ticket. Dixon was a capable opponent. Wheeler also was defined as a frightening, threatening, un-American candidate. Dixon and his supporters helped voters imagine a political monster who could be destroyed at the ballot box (36).

Wheeler wished Dixon well and returned to his law practice in Butte. However, his disastrous 1920 campaign changed him greatly, both as a politician and personally. He never again demonstrated the same level of hostility toward Montana's economic powers or opposed its economic interests. He instead turned his attention to getting even with Senator Myers (38).

Myers had been damaged by his rejection of the Democratic Party in 1920. He announced his retirement from the Senate, leaving his seat open for the 1922 election. Wheeler decided to run. He ran an effective primary campaign, focusing almost entirely on national issues. He won more votes than his three opponents combined. He appeared to have the unqualified support of all factions of the Montana Democratic Party (38). His Republican opponent was Congressman Carl W. Riddick, a Fergus County rancher. Riddick was a "lackluster" opponent. Wheeler won the general election by nearly 19,000 votes, polling over 13,500 more votes than he had two years earlier (39).

The outcome left Wheeler "jubilant," amounting to a "repudiation of the reactionary politics of the Harding Administration." Wheeler had subtly shifted his agenda from localized Montana concerns to a larger, national agenda. His radical impulses were "downplayed but hardly abandoned, while a new independent progressive began to emerge" (40).

The Investigation and the Frame-Up. Wheeler was officially sworn in as a Senator in March 1923. However, Congress immediately adjourned until December. Wheeler and Lulu sailed to Europe for two months of travel and sightseeing. They obtained visas to enter Russia. During a meeting with Soviet Foreign Minister Georgy Chicherin, Wheeler discussed diplomatic recognition of the Communist government and pressed the Soviets to honor their debt commitments (41).

Wheeler concluded that the Soviet regime's centralized controls and harsh restrictions on free expression ensured its eventual if not immediate failure. Nonetheless, he encouraged pragmatic involvement with it. Upon returning to Washington, he took up the cause of recognizing the Soviet government. That position prompted harsh criticism in Montana. Undeterred, Wheeler spent the summer of 1923 making speeches across Montana arguing that American farmers could do well by doing good and feeding starving Russians (42).

On his first day in the Senate in December 1923, Wheeler courted controversy and immediately established himself as a maverick by refusing to agree to a unanimous consent request regarding a proposed majority slate of committee chairmen (42). His objection set off a month of tense discussions and political maneuvering that resulted in electing a minority member, Ellison D. Smith, as chairman of the Interstate Commerce Committee on a 32nd vote. Wheeler became a member of that committee, the first step toward his eventually becoming chairman (44).

Senator Walsh began unraveling the Harding administration's corruption in handling Wyoming oil leases leading to the Teapot Dome scandal. Wheeler then set out to examine misdeeds concocted by members of the "Ohio gang," the collection of "scoundrels, hacks and political hangers-on" that Harding brought with him into the government, particularly the Justice Department. Attorney General Harry Daugherty, who had done more than anyone else to help Harding reach the White House, was the leader of the Ohio gang and a Harding confidant (45).

Upon becoming Attorney General, Daugherty immediately came under fire for how he managed the Justice Department. He also was widely criticized for favoring his political friends and ruthlessly punishing his enemies (46). Despite near constant attacks and poor health, he refused to step

down. After Harding died in July 1923 and despite pressure to fire Daugherty, Calvin Coolidge instead retained him as Attorney General (47).

Wheeler therefore began a campaign to build support for a Senate investigation. After consulting with Progressive leader Robert LaFollette, he proposed a resolution calling for the Senate Judiciary Committee to investigate the Justice Department and Daugherty. That effort failed. Wheeler then demanded early in 1924 that the Senate create a special five-member select committee, including himself, to investigate Daugherty for failing to pursue antitrust violations and for not taking action against Interior Secretary Albert Fall and his alleged co-conspirators in the Teapot Dome affair (47). That demand violated Senate protocol. However, Wheeler pressed ahead, believing a link existed between Daugherty and the oil-leasing scandal Walsh was investigating (48).

Daugherty counterattacked by accusing Wheeler of pushing a Communist agenda to bring him down. He also ordered the Bureau of Investigation to dig up dirt on Wheeler, and mobilized the Republican National Committee's substantial resources to smear, intimidate and silence Wheeler, and remove him from the Senate. Idaho Republican Senator William E. Borah went to see Coolidge about Daugherty's resignation. However, he was unsuccessful in obtaining it (49).

The Senate then passed a resolution authorizing a special committee to authorize an investigation as Wheeler had requested. Although chaired by Republican Senator Smith Brookhart, it was referred to as the "Wheeler committee." Wheeler was effectively conducting the investigation, propelled by witnesses who were "a colorful, quotable, circus-like cast of characters" (50).

Concerned about the damage the investigation might cause to Coolidge's 1924 re-election prospects, Republicans continued to attack Wheeler's Montana background (54). However, two weeks into the Senate hearings, Coolidge fired Daugherty because of conflicts between his role as Attorney General and his personal interests. The Senate also voted 70-2 to censure him (56). He was replaced by Harlan Fiske Stone, who later became Supreme Court Chief Justice (58).

Days later, on April 8, 1924, Wheeler was indicted by a federal grand jury in Great Falls for receiving money for representing clients while he was a Senator in connection with obtaining oil and gas prospecting leases under control of the Department of Interior (58-59). The next day,Wheeler defended his integrity on the Senate floor and challenged the Senate to conduct its own investigation. He was advised to stay in Washington to cooperate with it (60).

Senator Borah chaired the Senate's select investigation committee. It was unable to obtain the Montana grand jury records.The committee eventually concluded the charges against Wheeler were "unsupported by the facts," and that his services were limited to representing his client in Montana's state courts. There was no evidence of impropriety. Borah presented his majority report's conclusions over three days to the full Senate. The Senate approved the report by a 56-5 vote (64).

Despite the Senate's support, Wheeler's Montana legal quagmire continued for 18 months. A September 1, 1924 trial date was scheduled, the date Wheeler had selected to begin his Progressive Party vice-presidential campaign. After Montana's federal judges recused themselves because they knew Wheeler, an Idaho federal judge rescheduled the trial for April 16, 1925 (65).

Meanwhile, a second grand jury investigation began in Washington, D.C. during the summer of 1924. Wheeler was indicted there on March 27, 1925 on charges of conspiring to obtain govern-

ment oil and gas permits (67). That indictment was quashed in December 1925 (71). Wheeler's Montana trial resulted in an acquittal in April 1925 (70). It's clear to Johnson that Wheeler would not have been indicted if he had not insisted on investigating Daugherty (70).

The Progressive Campaign. In 1924, while under indictment in Montana, Wheeler abandoned the Democratic Party, at least temporarily, to become Robert LaFollette's vice-presidential running mate on the Progressive ticket (76). The Republican Party had nominated Coolidge as President and Charles Dawes, a retired general and Harding's budget director, as Vice-President. LaFollette and his supporters concluded there was no room for them in the business-friendly GOP (77).

Wheeler attended the Democratic convention as a columnist for William Randolph Hearst's International News Service. He wrote that the only way for Democrats to defeat Coolidge was to unite behind a progressive candidate like LaFollette and adopt a progressive platform (77).

The Democratic convention was a disaster. Democrats were badly divided on prohibition, religion and the Ku Klux Klan. It lasted longer than any in American history. After 103 ballots, it finally nominated John W. Davis, a former West Virginia congressman and Wall Street lawyer, as President. Wheeler helped convince Walsh not to run for Vice-President. Democrats finally settled on Charles W. Bryan, Governor of Nebraska and brother of William Jennings Bryan, as Vice-President. Wheeler promptly declared he could not support the Democratic ticket (78-79).

The LaFollette-controlled Conference for Progressive Political Action nominated him as President. LaFollette began his political career as a reform Governor in Wisconsion. He was then a Republican U.S. Senator. He consolidated the Progressive movement after Theodore Roosevelt's failed Bull Moose campaign in 1912. He had been active in national politics as a Progressive for more than 20 years. He and his followers advocated a fundamental shift in national priorities. They envisioned a country substantially different from the Coolidge Republicans or Davis Democrats (81).

The Progressive convention adjourned without naming a vice-presidential condidate, leaving that choice to LaFollette. LaFollette and a group of his key advisers met with Wheeler at his Washington, D.C., home in July 1924, shortly after the Progressive convention, to gauge his interest in running as Vice-President. Wheeler initially declined, but accepted the next day. He did so while declaring he was still a Democrat. He was aware that running might lead to a second indictment. His decision was based on refusing to let Daugherty and his crowd blackmail him (82). It brought an air of bipartisanship to the Progressive ticket. However, it also resulted in mixed reactions (83).

The Progressive ticket encountered ballot access problems in nearly every state. There were money problems, since the farmers and workers who turned out for Progressive rallies were unable to contribute much cash. There also were organizational problems. However, the ticket secured numerous prominent supporters (85).

Wheeler began campaigning with a major speech in Boston repeatedly criticizing Coolidge. He also dismissed Davis as "a man who would be willing to out-Coolidge Coolidge as a servant of Wall Street" (87). He thereafter often delivered several speeches a day. By mid-September, it appeared the LaFollette-Wheeler ticket was gaining traction, hoping to create a three-way deadlock in the Electoral College eventually leading to its election by the Senate (88). Wheeler honed his stump speech to focus on Republican corruption. The Republican strategy was to ignore him. Coolidge stayed in the White House, often silent. However, he used radio and newsreels effectively (89).

Wheeler campaigned in Montana and other western states. His campaign's peak occurred when he spoke before 20,000 people at the Hollywood Bowl in Los Angeles (92). His travels during the campaign were the most energetic efforts by any of the three parties' candidates. By election eve, he campaigned in 26 states, made more than 50 major speeches, and gave dozens of talks in smaller settings. In part because of Wheeler's success in the West, LaFollette chose to turn his attention to the East, instead of following up on what Wheeler had done to solidify western votes. Republicans made daily attacks on the "radical" Progressives (94). They also had a huge financial advantage (95).

In the election, LaFollette won only Wisconsin. The Progressives ran second to Coolidge in 11 western states, and did well in union areas and railroad towns.[5] They won 5 million votes, or 16.5 percent of the popular vote (94). However, they failed to articulate a consistent message. LaFollette and Wheeler concentrated so heavily on Republican corruption that they failed to offer a positive, compelling rationale for how their approach to addressing the nation's problems was superior to the Republicans or Democrats. Their message of dissatisfaction played poorly with voters who believed that a business-friendly Republican would keep the country on an upward trend (95).

The 1924 Progressive campaign laid the foundation for what became Franklin Roosevelt's 1932 New Deal coalition–farmers, organized labor, and ethnic and urban working-class voters. Many of the New Deals's demands had appeared in the 1924 Progressive platform (96).

LaFollette and three other Senators who had endorsed the Progressive ticket were censured and drummed out of the Republican Party in early 1925. Following a series of heart attacks, LaFollette died in June 1925. Wheeler was able to slip back into the Democratic Party with little obvious difficulty. However, he never again was a dependable party regular. He instead was "determined to carry on the fight" to make the Democratic Party a liberal party, instead of a "sectional party representing only the solid South" (96).

Within a few months, Wheeler defied the party by campaigning for and helping to elect progressive Republicans. Having experienced the national limelight during a remarkable first two years in the Senate, Wheeler was determined to expand his activity, particularly on foreign policy issues, while burnishing his reputation as a very independent Democrat (97).

A Son of the Wild Jackass. Wheeler's "ideal government" existed to protect individual freedom and prevent a concentration of economic or political power. Particularly after the 1929 stock market crash, he modified his views to support a substantial degree of federal government intervention in the economy. However, he never found centralized or concentrated power acceptable (98).

Wheeler's reputation and influence grew within the bipartisan Progressive bloc. However, effective leadership of that bloc was difficult and often proved impossible. Senate Progressives, including Wheeler, were seen as nothing more than "sons of the wild jackasses" (99).

Wheeler believed that World War I hadn't made the world safe for democracy, as Woodrow Wilson had proclaimed. Instead, it had impeded the advance of democracy, preserved British imperialism, and enriched bankers and munitions manufacturers. Accordingly, Wheeler and other Senate Progressives believed that U.S. involvement in any future European war must be avoided (99).

Wheeler also joined other Senate Progressives in assailing the Wall Street-inspired "dollar diplomacy" of the 1920s. He called for an investigation of U.S. policy and withdrawal of marines

from Nicaragua. He also voted for a 1928 amendment to a naval appropriations bill that would have cut off funding for the marine deployment (101). Although Wheeler supported an adequate national defense, he consistently argued that the military's principal mission was protection of the continental United States. He therefore supported Senate efforts to reduce military and naval funding (102).

Wheeler also regularly called for diplomatic recognition of the Soviet Union. Without normalized relations, the U.S. had little opportunity to influence Russian behavior or capitalize on the potential of vast export markets. Recognition need not imply "moral support" for the Communist regime. Diplomatic normalization instead made economic sense because "from a commercial standpoint we are losing millions" (102). Although acceptance grew steadily for this idea, it remained extremely controversial. Diplomatic recognition wasn't extended to Russia until Roosevelt became president in 1933 (103).

According to one analysis, Wheeler voted in support of the Harding, Coolidge and Hoover administration foreign policy decisions only 11 percent of the time. His support for Republican domestic policies was similarly minimal. He opposed Republican administrations on farm policy, tariff legislation, and Supreme Court appointments. He favored a proposal to require the government to buy farm products at pre-World War I prices, then sell them in overseas commodities markets. He opposed an ICC recommendation to consolidate the Great Northern and Northern Pacific railroads. He instead advocated a planned and coordinated system of coast-to-coast railroads (103-04).

Running for re-election in 1928, Wheeler defeated former Governor Sam Stewart in the Democratic primary. His Republican opponent was Joe Dixon, who had decisively defeated Wheeler in the 1920 Governor's race. Wheeler ran based on his support of farm legislation, lowering Montana freight rates, and exposing Justice Department corruption. He found broad bipartisan support (107).

Dixon ran on the basis that Wheeler had sold out his Progressive principles. In response, Wheeler constantly stressed his independence. The Anaconda Company supported Wheeler rather than its "implacable opponent" Dixon. Wheeler defeated Dixon by 12,500 votes, capturing 53 percent of the vote and winning 35 of Montana's 56 counties. After 1928, Wheeler never again faced a serious Republican challenger or from the conservative wing of the Democratic Party (107-08).

Wheeler's stock market investments lost heavily following the 1929 crash. In response, he expanded his outside income by lining up bookings on the paid lecture circuit. As the national and Montana economies deterioriated, he railed against the Hoover administration's ineffective agricultural and economic policies. He unsuccessfully opposed the protectionist Smoot-Hawley tariff, which raised tariffs on hundreds of imported goods to historically high levels (109). During the months of debate on tariff legislation, he also developed a deep personal dislike for Smoot (110).

In 1930, Wheeler opposed Hoover's nominations of Charles Evans Hughes and John J. Parker to the Supreme Court, based on Hughes' economic views and Parker's views on race. The Senate defeated Parker's nomination. Wheeler also seized the national political spotlight by endorsing Franklin Roosevelt in a national radio address delivered on April 26, 1930 in front of a crowd of 2,000 of the Democratic Party's elite at a Jefferson Day dinner in New York (113-14).

A Long and Bumpy Relationship. In 1930, Wheeler was determined to see Democrats unite behind a progressive candidate who could recapture the White House for Democrats in 1932. Wheeler thought Roosevelt was electable, that he was the most progressive Democratic candidate, and that

getting on board with him early would enhance his own influence within the administration, perhaps even as Vice-President. However, he and Roosevelt never established personal rapport. Eventually, animosity and deep mistrust came to characterize their relationship (114-16).

By the fall of 1931, Wheeler was confidently predicting a first-ballot nomination for Roosevelt and his eventual election, based on his observation of the steadily deteriorating economic conditions, particularly relating to farmers. As Roosevelt's prospects brightened, there were signs that the Democratic convention might dissolve into a long, bitter, politically damaging struggle, as it had in 1924. Political bosses and conservative party leaders were determined to stop him. Wheeler stated, "Democrats can win with Roosevelt or lose without him. They can take their choice" (119).

On January 22, 1932, Roosevelt formally declared his intention to seek the presidency by asking that his name be entered in the North Dakota Democratic primary. He was immediately opposed by Oklahoma Governor "alfalfa" Bill Murray, a shrewd agrarian populist. Wheeler responded to the Roosevelt campaign's call for help by making an effective radio speech on his behalf, claiming Murray was merely a "stalking horse" for a corrupt Wall Street crowd. As the result, Roosevelt won more than 62 percent of the North Dakota vote, taking nine of its ten convention delegates. Wheeler predicted that other western states were lining up behind him as well (120).

Wheeler first met Louisiana Governor Huey P. Long in 1929 and immediately liked him. Long's fights with Standard Oil in Louisiana resembled Wheeler's fights with Anaconda in Montana. Both considered themselves advocates for the common person. After Long was elected to the Senate in 1932, Wheeler quickly became his best friend there, helping to educate him about its rituals and personalities. However, Long delighted in flouting Senate rules and insulting his adversaries (121).

Early in 1932, Wheeler pressed Long to support Roosevelt for the Democratic presidential nomination. Long thought Roosevelt was a likely loser to Hoover and that there were stronger Democratic candidates. However, he eventually told Wheeler he would support Roosevelt. That support proved critical to keeping other southern delegations in line for Roosevelt (122).

In June 1932, Republicans nominated Herbert Hoover for a second term during a listless, colorless Chicago convention. The Democratic convention met there two weeks later. Roosevelt claimed commitments from half the convention delegates. However, a two-thirds supermajority was required. Wheeler, by then one of Roosevelt's inner circle of advisers, argued forcefully for abandoning the longstanding supermajority rule. That change could be made by a majority vote. However, violent resistance by Al Smith partisans and southern delegates caused Roosevelt to withdraw that proposal and stay with the two-thirds rule (125-26).

After three convention ballots, Roosevelt held a comfortable lead, but was well short of two-thirds. Mississippi delegates threatened to withdraw their support. However, Long was able to hold off that withdrawal until the next ballot. California, controlled by William McAdoo, and Texas, controlled by John Garner, then switched their support to Roosevelt. As the result, McAdoo was promised a voice in cabinet appointments and a major role in determining California patronage. Garner eventually received the vice-presidential nomination, both to balance the ticket geographically and philosophically, and to reward him for having delivered the Texas delegation (127-28).

Although he was in a position to be considered, Wheeler never admitted to desiring the vice-presidency and there's no evidence that Roosevelt ever seriously considered him (128). Some Demo-

crats thought Wheeler "desperately" wanted the nomination, that being passed over "wounded" him and that the hurt of being snubbed lasted (129).

Roosevelt's historic landslide win against Hoover (472 to 59 electoral votes) helped produce a nearly complete Democratic sweep in Montana. Governor John Erickson, a conservative Wheeler ally, won a third term in a tight race with less than 50 percent of the vote. Democrats also won both congressional seats. After the election, Wheeler went to Warm Springs, Georgia for conversations about the shape of Roosevelt's cabinet and other issues. There's some evidence Roosevelt considered Wheeler for a cabinet post. However, he never was offered a position (131-32).

Roosevelt instead nominated Thomas Walsh to be Attorney General. Walsh accepted the position because Roosevelt had promised he would be first in line for a Supreme Court appointment and guaranteed him a role in the cabinet as a first among equals. Walsh, a 14-year widower, then suddenly stole off to marry a vivacious, younger Cuban widow in Havana (132).

Two days before Roosevelt's inauguration, Walsh then died of an apparent heart attack in a Pullman car near Rocky Mount, North Carolina, while he and his new wife were en route to Washington, D.C. The circumstances were never conclusively determined and there was no autopsy. With little consultation, Roosevelt instead appointed Homer Cummings as Attorney General (132-33).

Wheeler was highly influential in selecting Walsh's replacement as a Montana Senator. He persuaded Governor Erickson to resign as such. Lieutenant Governor Frank Cooney then immediately appointed Erickson to Walsh's Senate seat until a special election to be held in 1934. After quickly reviewing the situation, the Senate seated Erickson. However, Wheeler was forced to defend Erickson and his role on the Senate floor. Erickson never again won an election. Cooney died of a heart attack in 1935. "The deal," as it was called, did not reflect well on anyone involved (134-35).

New Deal Irregular. During the Roosevelt administration's first 100 days, a special congressional session handled a "dizzying array of legislation." It included the Agricultural Adjustment Act, the Civilian Conservation Corps, establishing an unemployment relief system, requiring federal supervision of securities sales, authorizing the Tennessee Valley Authority, protecting homeowners from foreclosure, rewriting the nation's agricultural policy, and approving the National Industrial Recovery Act. This "headlong flurry" of political activity caused conservatives to speak out, objecting that Roosevelt was trying to become a dictator and his programs were un-American (136).

Wheeler also became a critic, particularly with respect to the growing concentration of power in the executive branch and a disturbing tendency for the President to assume near dictatorial powers while Congress's authority shrank. Typical of that concentration was the authority granted to the Department of Agriculture under the AAA, which was based on the domestic allotment theory. Wheeler supported the act with great reluctance, then often criticized it. He also was a thoroughgoing opponent of the NIRA, which permitted industry agreements and price fixing that otherwise would have violated the Sherman Act. The Supreme Court ultimately struck down much of it (137-38).

Wheeler believed that Roosevelt's legislative flurry was inadequate to turn the economy around. He instead supported a large-scale public works program, more trade (except for Montana copper, for which he demanded more protection), more direct relief for the unemployed, a farmers' reconstruction finance corporation, and remonetizing silver. By the time of Wheeler's 1934 re-election campaign, his frayed relationship with Roosevelt had become difficult to conceal (138).

Wheeler had supported remonetizing silver for many years with the "zeal of a revivalist." By January 1932, he planned to reintroduce William Jennings Bryan's "free coinage of silver" proposal dating from 1896, to put more dollars in circulation, increase the money supply, triple commodity prices and lower unemployment. Several other western Senators also supported the proposal. However, it died in the Senate Finance Committee. Wheeler next proposed remonetizing silver as an amendment to the AAA. That amendment was defeated by a 43-33 Senate vote (141).

Roosevelt then proposed a solution giving his administration near total control over any action related to silver, without consulting Wheeler. Wheeler was upset and felt insulted. He told Roosevelt that, as a free silver proponent, he was entitled to be included in any conference on silver legislation. However, he reluctantly agreed to support legislation permitting, but not requiring the administration to remonetize silver. This episode was the beginning of the end of any real political alliance with Roosevelt. Wheeler was on the outside of an administration that seemed to care little for his opinion on an issue he believed to be of overriding importance to the country (142).

Wheeler continued to press for additional action on silver. He pushed a unanimous Senate resolution instructing U.S. delegates to an international monetary conference to "work unceasingly for an international agreement to remonetize silver." The administration and delegates quietly ignored the resolution and adopted an ineffective silver purchase agreement (143).

In early 1934, the western silver bloc again increased its demands that the government start a program to remonetize silver. Wheeler was left out of several policy discussions involving the administration and those proponents. Roosevelt apparently had concluded Wheeler couldn't be dealt with on monetary policy and he wasn't going to waste time trying (143).

Wheeler took some credit for passage of the Roosevelt-endorsed Silver Purchase Act of 1934. However, historian Arthur Schlesinger, Jr. instead concluded that Roosevelt there surrendered to political blackmail by the silver bloc. He apparently feared that continuing silver debate could damage other administrative priorities and affect the 1934 congressional elections (143).

In early 1934, Wheeler was chair of the Senate Indian Affairs Committee. He had been active member of that committee since his earliest days in the senate. The BIA then delivered a draft of the administration's proposed Indian Reorganization Act, the "Indian New Deal," a sweeping rewrite of the law regulating relationships between Indian nations and the federal government. Among other things, the act proposed to end the practice of tribal land allotment in effect since 1887 (144-45).

Wheeler introduced the draft without reading it. He later criticized the proposal as too top-down, too bureaucratic, in essence a power grab that concentrated too much authority in the BIA. The administration was intent on pushing the bill through Congress prior to the 1934 mid-term elections. Wheeler therefore committed to securing its passage, but made significant changes (148).

The act's final version eliminated the court provision Wheeler found offensive, repealed the allotment laws, permitted the restoration of surplus tribal lands to tribal ownership, and provided for voluntary exchanges of restricted trust lands for shares in tribal corporations. It provided means to establish new tribal governance systems. It also required each recognized tribe by secret ballot to endorse or reject the law's terms before it would go into effect for an individual tribe. 173 tribes eventually endorsed the act, of which 93 adopted constitutions and 73 accomplished incorporation. However, 73 other tribes refused to do so, including several Montana tribes (149).

Wheeler became frustrated with how the BIA administered the act. After he left the Indian Affairs Committee chairmanship in 1935, he therefore cosponsored legislation in 1937 to repeal it. His stated reasons were that the act didn't do what it was intended to do and the Indians didn't like it. The Senate defeated that attempt. Wheeler never gave up on trying to eliminate the law (150-51).

Wheeler easily won renomination in the 1934 Montana Democratic primary. However, Erickson finished third to James E. Murray, a Butte attorney. Murray was a millionaire thanks to his law practice and inheritance. He showed no indication to defer to Wheeler as Erickson had done (150). He defeated Republican former Congressman Scott Leavitt in the general election (152).

Wheeler's general election Republican opponent was federal district judge George Bourquin, who had defended civil liberties during the turbulent World War I years. Bourquin criticized Wheeler's involvement in the "nefarious deal" that had put Erickson in the Senate. He also attacked the New Deal and the Fort Peck Dam project (152-53).

Wheeler ran as a committed administration supporter, putting aside his concerns about Roosevelt and the New Deal. Bourquin was ineffective as a candidate. Wheeler's victory was "enormous." He carried every county and won more than 70 percent of the vote. His election to a third term removed any doubt about who had become Montana's most powerful elected official. However, he had not earned favor or influence with Roosevelt (155-56).

Defeating the Power Trust. In January 1935, Wheeler became chairman of the Senate Interstate Commerce Committee, with responsibility for communications, transportation and energy policy. That position provided him a platform to investigate and legislate widely, including railroads, radio, tariffs and telephones (157). It also gave him the opportunity to reform the nation's electric utilities, including dismantling the massive utility holding companies that then dominated the industry. The six largest holding companies controlled 70 percent of the privately owned industry (158).

In Wheeler's view, few things could be worse for the country and utility consumers than such enormous concentration of control over a critical national industry. He contended that the opaque and complex layers of largely unregulated holding companies were little more than a monopolistic mechanism that drove up ratepayer costs, while fabulously enriching executives. It was impossible to determine how costs and revenues were apportioned across a single utility empire (158-59).

The collapse of Samuel Insull's midwestern utility empire in 1932 made holding company regulation an urgent national issue that became part of the Roosevelt-Hoover campaign. With Roosevelt's election, the political environment was primed for action. He created a National Power Policy Committee to develop options for regulating them (160). By fall 1934, the committee had considered a variety of such approaches, including total abolition instead of regulation. Roosevelt's 1935 State of the Union speech also appeared to call for abolition of "evil" holding companies (161).

Wheeler had prepared a proposal addressing holding company issues for introduction in the Senate. He set it aside in favor of a single administration bill that could first be passed quickly in the House. However, utility interests, bankers, business groups and insurance companies owning utility stock sought to persuade shareholders that the bill threatened their entire investment (162).

Congressional offices were buried in mail from worried constituents. Wheeler's committee received thousands of letters and telegrams opposing the legislation indicating they were coordinated

by lobbying interests, including Montana Power Company. Wheeler largely ignored them. However, he paid attention to his Montana constituents' concerns, telling them the bill was "an administration bill." Roosevelt finally acknowledged the bill's paternity a month after it was introduced (163-65).

By mid-April 1935, the House committee was hopelessly bogged down, Wheeler's committee therefore began its own hearings, completing testimony in two weeks (166). It then took a month in executive session to "mark up" the bill. Wheeler opened debate in the Senate on May 29, 1935. The 151-page bill granted broad new power to the SEC both to simplify and restructure holding companies along economic and geographic lines, and to break up holding companies that refused to dissolve voluntarily. It also gave the Federal Power Commission authority to define regional operating company systems by operational efficiency rather than financial investment (167).

After a week of Senate debate and substantial opposition to the bill, more than 70 amendments were offered, either to stall action, or to dilute or defeat it. Wheeler agreed to several changes, accepting language that the "death sentence" would not apply to holding companies operating primarily within a single state. However, he refused to abandon breaking up multistate, multiregional holding companies, even though doing so might doom passage of any reform proposal (169).

Because of the debate's uncertain result, Wheeler personally asked Roosevelt to publicly support the "death sentence" proposal immediately. Roosevelt gave him a handwritten note confirming that support that he would use at the moment of maximum political advantage. By empowering Wheeler to use the endorsement as political leverage, Roosevelt signaled he was fighting to secure the reforms that the Senate Progressives were trying to pass. The "death sentence" issue had become the most important issue of his first term, a test of his political strength (170).

Wheeler continued trying to balance the competing interests. He dramatically produced Roosevelt's note in response to a Senator's question as to whether Roosevelt really supported the "death sentence" provision. He also reminded the Senate that the only real advocates of eliminating it were the holding companies themselves (171). The Senate defeated an amendment to kill the "death sentence" provision by one vote. It then voted to approve the full holding company bill by a 56-to-32 margin (172). After a Senate investigation into the utilities' lobbying techniques, the House approved a weaker version of the Senate bill by a 321-81 margin, without a "death sentence" provision (174).

Wheeler led the Senate members on the conference committee to resolve the "death sentence" and other issues. After days of "wrangling" among committee members, Roosevelt sent a letter to House members arguing that the Senate had made real concessions on the "death penalty," and that the House should agree to the changes, end the debate and pass the bill. It received final congressional approval the next day. Roosevelt called it his greatest legislative victory (176).

The Public Utility Holding Company Act of 1935 worked together with the 1933 Securities Act and 1934 SEC Act to create a mechanism ensuring a preeminent role for the federal government in regulating big business (177). Over continuing utility company opposition, the Supreme Court upheld its constitutionality in March 1938. The SEC then slowly and deliberately reorganized the nation's utility industry. That process wasn't completed until 1952. By the early 1950s, it reported that the financial integrity of the nation's utility industry was stronger than it had been in 1935 (178).

By 1935, Wheeler was constantly sparring with the Roosevelt administration on other issues. He remained as independent as ever, regularly speaking his mind about the administration's short-

comings. However, he never seriously contemplated a direct challenge to Roosevelt in 1936. While managing the holding company legislation in 1935, Wheeler and other Progressive senators met with Roosevelt to repair the growing breach. They told him that his legislative program was "foundering" and that the country was demanding stronger leadership than he was providing. The meeting didn't address Wheeler's mounting grievances (180).

Although Wheeler had a major role in Roosevelt's 1932 campaign, he lacked enthusiasm for a second Roosevelt term. He therefore sought no role in the 1936 campaign, instead endorsing Montana Democrats. Through intermediaries, Roosevelt finally asked Wheeler to campaign on his behalf. Wheeler therefore undertook a speaking tour in several midwestern states. He then reported to Roosevelt that he would carry all those states and every state west of the Mississippi river. Roosevelt's 1936 victory over Alf Landon was one of the greatest landslides in American political history. It also carried the entire Montana Democratic ticket into office (181).

Nine Old Men and Wheeler. The Supreme Court repeatedly undercut Roosevelt's domestic programs through adverse rulings during his first term. However, he never mentioned during his 1936 campaign what he planned to do with the Court during his second term. After his landslide reelection, he believed he possessed both public and congressional support to push back against it. That was a historic miscalculation. Wheeler played a central role opposing him. That confrontation marked the end of any collaboration between them. It again confirmed Wheeler's independence. In retrospect, it also marked the beginning of the end of his political career (180-81).

Roosevelt announced his plan to "pack" the federal courts in February 1937. The plan had been prepared by Attorney General Homer Cummings. It provided for appointing a new judge to the federal courts whenever a judge who had ten or more years of service failed to retire within six months after reaching age 70. Its immediate effect would be to create six new Supreme Court positions and 44 new appointments to other federal courts. Criticism of this "sweeping and unprecedented proposal" was immediate, scathing, personal and bipartisan (184).

Wheeler immediately decided to oppose the plan. In May1936, he had refused a request from Tommy Corcoran, one of Roosevelt's senior aides, to introduce legislation expanding the Court by three members. In 1937, he again told Corcoran that he would have to oppose the President (185). He released a press statement making his opposition clear. Although he disagreed with many of the Court's decisions, Roosevelt's proposal was a "mere stop-gap which establishes a dangerous precedent." He instead should support a constitutional amendment to accomplish court reform (186).

Wheeler had additional motives for opposing Roosevelt's plan. He distrusted Cummings and considered him incompetent. His wife Lulu had a "visceral dislike" for Roosevelt dating back at least to 1932. She had warned Wheeler that when Roosevelt had gotten what he wanted from him, he would be discarded. Wheeler also was surely calculating his own possible trajectory to the White House. His leadership in the court battle might demonstrate that he had the broad appeal, political independence and liberal credentials to make him a worthy candidate in the 1940 election (187-88).

Wheeler's willingness to buck the White House alarmed and infuriated Roosevelt. Only Wheeler could instigate a large-scale rebellion that could unite Democrats and Republicans against the President. Wheeler was in constant contact with Senate Republicans in opposing the court proposal. Roosevelt's "grand coalition" was weakened by controversy over the Court as many conservative southern Democrats united with Republicans on a range of issues (188).

Wheeler became the Senate leader of the anti-court packing forces. As the result, he received offers of help from Republican and conservative Democratic sources. He dismayed old friends and many Montana constituents with his "fierce" opposition to the President and his apparently easy alignment with the economic royalists he had previously opposed. His position on the court proposal also placed him at crosspurposes with his longtime allies in organized labor (188-90).

As an alternative solution, Wheeler proposed a constitutional amendment, based on the 1924 Progressive platform and Theodore Roosevelt's Bull Moose presidential candidacy, permitting Congress to override judicial rejection of a statute by a two-thirds vote after an intervening national election. The idea was considered to be an "interesting political development." However, no one thought it stood much chance of being adopted (189).

Roosevelt remained confident he would eventually prevail. However, his political team both underestimated the determination of Wheeler and his supporters and overestimated Roosevelt's ability to force Democrats to close ranks. Roosevelt began making speeches supporting his proposal and tying the Supreme Court's rejection of his legislative proposals to urgent national needs (191).

In response, Wheeler argued in a debate with James M. Landis, Securities and Exchange Commission Chairman and designated administration spokesman, that Roosevelt was engaged in a one-man power grab and that he was overstating the threat posed by the Court. Wheeler was in accord with Roosevelt's desire to secure economic freedom for the wage earner, small-business man and farmer. His disagreement concerned how those goals should be achieved (193).

Senate Judiciary Committee hearings on Roosevelt's court plan began on March 10, 1937. The administration's strategy was to present a steady flow of favorable witnesses who would solidify Democratic support for the legislation. However, the opposition effectively cross-examined each witness at length, resulting in half of them not appearing. Wheeler was quarterbacking the opposition full-time. He also was the lead opposition witness. He produced a letter from Chief Justice Hughes confirming the Court was current in its work and that more Justices would not increase its efficiency. Observers thought the letter "pretty much turned the tide" against the court proposal (194-97).

Between late March and early April, 1937, the Supreme Court issued four major decisions affirming significant portions of Roosevelt's domestic agenda, including validation of the National Labor Relations Act. Those decisions caused him to lose ground in the effort to make dramatic changes in the Court. In response, Cummings quietly launched investigations into Wheeler's involvement in a Montana Power Company hydropower lease on the Flathead Indian reservation and the extent of Wheeler's approval of Montana patronage (198-200).

On May 18, 1937, Supreme Court Justice Willis Van Devanter announced his resignation. Senator Borah, with assistance from Wheeler, had prompted that decision. Wheeler quietly suggested it was time to broker a compromise, in which Roosevelt would nominate a liberal replacement, accept some compromise legislation and end the increasingly bitter debate. The Senate Judiciary Committee also voted 10-8 to recommend to the full Senate that Roosevelt's court bill "not pass." However, Roosevelt refused to accept any compromise (201-02).

On June 14, 1937, the Senate Judiciary Committee's formal majority report argued that Roosevelt's court plan had to be defeated to save the Constitution. Roosevelt's proposal violated "every sacred tradition of American democracy" and would foster a government "of men rather than of

laws." In response, Roosevelt launched a charm offensive for all Senate and House Democrats, organizing a weekend of socializing, recreation and political small talk at the exclusive Jefferson Island Club on Chesapeake Bay. However, it had little effect on easing intraparty tensions (204-05).

Shortly before the full Senate was to debate the court bill, Roosevelt asked Wheeler to come to the White House. He had grudgingly agreed to a compromise by which the Senate would allow appointment of an additional judge for every member of the court over 75 but limit appointments to one in a calendar year. He also wanted Democrats to step back and allow Republicans to lead the attack during the Senate debate. Wheeler responded that Roosevelt was wrong about the Court and that he would not back off. However, he also suggested that if Roosevelt dropped his proposal, there would almost immediately be additional resignations. Roosevelt was unmoved (206-07).

Beginning the Senate debate, Majority Leader Joseph Robinson offered Roosevelt's compromise. Wheeler's "full-throated vilification of the court proposal" occurred in a three-hour speech on July 9, including a furious indictment of the administration's motivations and tactics. He argued, "the nation was sliding toward a dictatorship of the executive branch." His performance was "self-righteous, belligerent, defensive, defiant . . . extremely effective, feisty and colorful" (208-09).

Robinson died of a heart attack on July14.The debate continued for several more days. However, Robinson's death was a turning point. Roosevelt sent a letter to SenatorAlben Barkley that was perceived as an order to continue the court debate and preferring Barkley as Robinson's successor. Wheeler responded that Roosevelt shouldn't make political capital out of Robinson's death (209).

Most of the Senators took a train to Little Rock, Arkansas for Robinson's funeral. After returning to Washington on the train, Vice-President Garner advised Roosevelt on July 20 that he was beaten. On July 21, Barkley was elected Majority Leader. On July 22, Wheeler, Garner, Barkley, judiciary chairman Henry Ashurst and other Senators agreed that the court proposal would be recommitted to that committee, thereby killing it. The full Senate voted 70-20 to do so (210-11).

Roosevelt took the defeat hard. He apportioned blame among those Democrats, Wheeler in particular, who should have supported him. The court fight also soured his relationship with his Vice-President, who didn't even attempt to bargain with Wheeler on the terms of surrender. Wheeler needed to head off a challenge from Congressman O'Connell, to repair relationships with organized labor and to reassure Montana's pro-Roosevelt Democrats that he had not abandoned them (212-13).

Roosevelt appointed Alabama Senator Hugo Black to replace Van Devanter on the Supreme Court. He eventually appointed eight Justices during the remainder of his presidency. They remade the Court along the ideological lines Roosevelt had sought with his court-packing scheme. It was widely believed that Roosevelt had lost the battle but won the war to liberalize the Court (213). Wheeler's willingness to buck the President, and to alienate many of his friends and supporters over a matter of such importance may indeed have been his most enduring contribution as a U.S. Senator.

Purge. Roosevelt resolved to even the score with those he considered responsible for the biggest defeat of his presidency. He set out to purge the Democratic party of what he called "outspoken reactionaries," particularly southern Democrats. He sought a fundamental realignment of the two parties–a strictly liberal Democratic Party and an unabashedly conservative Republican Party (215). Since Wheeler had straddled the partisan divide, he was an obvious target. However, he wouldn't face voters until 1940. Roosevelt's principal tactic therefore was to ignore him deliberately as not

being a real Democrat, while lavishing praise on other members of Montana's congressional delegation, particularly first-term Congressman Jerry O'Connell (216).

O'Connell was born in Butte in 1909. He was elected to the Montana Legislature from Silver Bow County at age 21. He received a law degree and was elected to the Montana Public Service Commission in 1934, then to Congress in 1936 at age 28. He began to cast himself as a more liberal, pro-New Deal, pro-Roosevelt alternative to Wheeler. His ultimate objective was to take Wheeler out in the 1940 Democratic primary when Wheeler would be up for reelection (216).

The White House hit list for 1938 included six Democrats who opposed Roosevelt's court plan. Wheeler immediately pledged to help campaign in any state where a Senate Democrat who had opposed Roosevelt was threatened (217). He refused to back away from the budding intraparty fight and predicted reelection of Roosevelt's opponents. His high-profile enemies helped enhance his national standing, which was magnified by widespread and generally flattering news coverage (218).

Roosevelt went on a campaign-style train trip to the midwest and far west during fall 1937. Wheeler was tipped that Roosevelt would ignore him. He therefore invited Roosevelt to Montana, then arranged to be in California when Roosevelt traveled through. He also lobbied Roosevelt to tell Montanans that power development at Fort Peck would go forward immediately. Roosevelt's speech at Fort Peck avoided mentioning Wheeler, but praised other Montana Democrats (219-20).

Wheeler responded to his challenges by going on the attack, quietly mobilizing his political network to oppose O'Connell's reelection to Congress in 1938. O'Connell continued his attacks on Wheeler, repeatedly referring to him as a "Tory." Wheeler's operatives recruited Helena School Superintendent Payne Templeton to run against O'Connell. Although Wheeler committed to support Templeton, he never did so publicly. O'Connell won the Democratic primary by 6,400 votes (222).

O'Connell's Republican opponent was Jacob Thorkelson, a Norwegian who became a naturalized American citizen. He graduated from the University of Maryland medical school, then came to Montana and became a medical doctor in Butte in 1920. He opened a home there, remodeled it into a medical clinic and landscaped the surroundings to make the grounds suitable for nude sunbathing. Wheeler never openly endorsed Thorkelson. However, he put the full force of his political network behind him. Thorkelson's campaign was orchestrated by Ed Craney, a trusted Wheeler personal and political friend, who owned a Montana radio network (223-24).

As the campaign intensified, O'Connell doubled down on his criticism of Wheeler, repeatedly stating that Wheeler had abandoned his old radicalism and sold out to Montana's business interests. He stressed that his reelection was about whether Montana supported Roosevelt. Wheeler convinced several labor leaders to abandon O'Connell and shut O'Connell out of any meaningful role at the state Democratic convention. He also worked quietly and skillfully to exploit tensions between the very liberal O'Connell and the conservative leadership of the Catholic Church. Craney used his radio stations to blanket his district with a steady barrage of anti-O'Connell commentary (225).

As O'Connell felt the heat, his speeches became more shrill. His attacks on Wheeler were more desperate. At one point, he termed Wheeler a "traitor to Roosevelt" and a "Benedict Arnold to his party." Major national labor figures refused to endorse him. Days before the election, he was unexpectedly attacked by *Labor*, the weekly newspaper of the influential railroad unions. Wheeler almost certainly caused that attack. Lulu Wheeler and a politically active friend also connected with

hundreds of women voters across western Montana, speaking to dozens of women's church groups about O'Connell's well-publicized divorce and his open conflict with his church (226-27).

The election was one of the biggest political upsets in Montana's history. Thorkelson won by just under 8,000 votes. In 1936, O'Connell had won all 17 counties in the district. However, he lost 13 of those counties in 1938. It was a stunning reversal of fortune that effectively removed O'Connell as a future threat to Wheeler. Instead of defeating the certifiably odd Thorkelson, O'Connell had devoted precious campaign time to attacking Wheeler, a battle-tested politician who exploited all his vulnerabilities (227).

O'Connell was defiant. He said his defeat would give him two years to "prepare for something bigger in 1940." However, he never came back. He won the Democratic nomination for his district in 1940, but lost the general election to Republican Jeannette Rankin, who had been away from electoral politics for more than 20 years. Mike Mansfield then won that seat in 1942.[6] O'Connell kept his hand in politics, editing a newspaper, practicing law in Butte and Great Falls, and working for the Progressive party presidential ticket in 1948. He died in 1956 at age 44. Wheeler waited years before acknowledging his role in defeating O'Connell (228).

Wheeler's purge of a Montana political rival was substantially more successful than Roosevelt's purge of Democratic opponents of his court plan. They were all re-elected. More generally, Republican strength in the House nearly doubled. The GOP also picked up eight Senate seats and more than a dozen governorships. By eliminating O'Connell as a threat to his 1940 reelection, Wheeler had gone some distance in re-establishing firm control over the Democratic Party. He continued to perfect that skill in establishing a genuine bipartisan machine in 1940 (229).

Roosevelt concluded that Wheeler wasn't a progressive or liberal at heart, but a New England conservative, the same as Calvin Coolidge. His heart was never in the progressive ideas in evidence in Montana. Johnson states this comment shows that Roosevelt never really understood the central features of Wheeler's personality–his independence and lack of regard for party labels (229-30).

Mr. Wheeler Goes for the White House. In 1939, Wheeler was debating with himself and occasionally in public about his and Roosevelt's political future as the Presidential and Montana Senate 1940 election year approached. Roosevelt concealed his own intentions about running for an unprecedented third term. He was directing and starring in an "intricate Machiavellian political drama, in which he was shrewdly maneuvering for control and playing for time" (233).

Wheeler had no choice but to quietly plot his own strategy while waiting for Roosevelt's decision. Any hope of displacing Roosevelt involved Presidential action beyond his control (233). To be successful, Wheeler would have to find a way to keep Roosevelt's coalition united, while also reaching out to more conservative, business-oriented Democrats who by the beginning of 1940 had lost faith in the New Deal. Wheeler was tired of Roosevelt and his most ardent supporters, and ready to see the end of the New Deal. Wheeler's concerns about Roosevelt's accumulation of power in the executive branch at the expense of Congress fueled his White House aspirations (233-35).

Despite Roosevelt's "grudge" and Wheeler's frustration with Roosevelt's inattention to domestic affairs, he worked to write comprehensive transportation legislation. He and Sen. Harry Truman conducted a nearly continuous series of investigative hearings on the railroad industry (235). As the hearings unfolded, both were astounded by the breadth and depth of financial chicanery

practiced by railroad executives and the tactics employed by the railroads' financial backers. The resulting transportation act bound errant bankers and lawyers to stricter business ethics, improved oversight of rail mergers, and brought water transportation under ICC control (235-36).

In response to increasingly serious foreign conditions, Wheeler acknowledged that a "very grave crisis" faced the world in 1939. However, he rejected the idea that the United States should attempt to "be the guardian of all the people of the world in whatever country they may be found." He argued that "conflicting economic interests" had created the international crisis. Americans needed to stay calm and unemotional to avoid being swayed by "a tremendous propaganda campaign" seeking to build sympathy for Britain and France (237).

As his 1940 Senate reelection approached in Montana, Wheeler's public statements noted the no-third-term tradition but avoided direct criticism of Roosevelt. He was uncertain about Roosevelt's plans and therefore uncertain about his own White House bid. Favorable reaction to his public appearances indicated substantial national appeal. Wheeler wrote to a friend that if Roosevelt was not going to be a candidate, he would not hesitate to challenge any of the other candidates (238-39).

Wheeler's presidential ambitions and attractiveness to factions in the Democratic party were regularly discussed in the press during 1939. At the end of that year, he denied a report that he had decided to enter the New Hampshire primary. However, Johnson states Wheeler had decided he would run if Roosevelt declined a third term and left the Democratic field open (240-41).

Wheeler was invited by United Mine Workers President John L. Lewis to speak to a UMW convention in January 1940. Lewis also led a movement to draft Wheeler into the presidential race, possibly as a third-party candidate.[7] Wheeler also received encouragement from other union leaders. His skeletal presidential campaign organization had active volunteers in 11 western states. Brochures were printed emphasizing his independence and stating his positions on various issues. As the national guessing game about Roosevelt's intentions continued, Wheeler received substantial and mostly favorable national press attention over the spring and early summer of 1940 (239-41).

Wheeler also had to give attention to his Montana reelection campaign. Montana Attorney General Harrison J.Freebourn, a prominent liberal, announced against Wheeler. His career was built around opposition to Anaconda and Montana Power. Freebourn's assistant, Lee Metcalf, who later became a Montana Congressman and Senator, also was determined to prevent a Montana delegation going to the national convention pledged to support Wheeler for president. The state Democratic convention ultimately passed a resolution commending Wheeler's "wise and courageous leadership," and instructing Montana's national delegates to support him for President if a Roosevelt third-term nomination failed to materialize (244).

Between the state Democratic convention and the national convention in Chicago, Wheeler delivered a series of bluntly worded speeches restating his unwavering opposition to assistance that might involve the United States in another European war. Every small step that Roosevelt took to offer assistance to Hitler's foes was a step toward American involvement (246-47).

Meanwhile, Roosevelt inflamed Wheeler and other noninterventionists by announcing, on the eve of the 1940 Republican convention, the appointment of two prominent, interventionist Republicans, Harry Stimson and Frank Knox, to his cabinet. Doing so contributed to the Republican

division between its interventionists and noninterventionists, and positioned Roosevelt as a unifying, nonpartisan figure. Wheeler characterized the appointments as creating a "war cabinet" (247-48).

Republicans nominated a moderately interventionist Wendell Wilkie, "the darkest of dark horses," as president at their convention. Wheeler immediately condemned him as "an acknowledged Wall Street lawyer." In advance of the Democratic convention, Wheeler gave a speech predicting that a peace-oriented third party would emerge if Democrats failed to stand fast against war. Without a clear peace declaration from Democrats, there would be "no difference" between Democrats and Republicans in 1940. A *New York Times* story covering the speech headlined, perhaps inaccurately, "Wheeler Will Run Even if Roosevelt Seeks Third Term" (249).

The headline ignited an immediate firestorm in Montana. Lee Metcalf immediately sent a letter to Montana Democratic leaders stating that Wheeler's statement was an "outrageous breach of faith," and that Wheeler had previously refused to support his party's nominee and bolted the ticket. Accordingly, Montana Democrats should let Wheeler run for President but nominate Freebourn for the Senate. Wheeler issued a hurried statement that he stood by his promise not to oppose a third term. He also sent a "scathing" response to Metcalf accusing him of "spreading false and malicious propaganda"(249-50).

Wheeler won a "lopsided" Democratic Senate primary vote. However, he won just 55 percent of the Silver Bow County vote, far below the 79 percent he received in 1928 and the 87 percent he won in 1934 (250).

In Chicago, Democrats finally nominated Roosevelt. However, many delegates felt they had been used and the convention had been sewed up before it began. Roosevelt selected Agriculture Secretary Henry Wallace as his running mate. To end speculation to the contrary, Wheeler promised loyalty to the party and said he would vote for Roosevelt in November. In 1940, the Democratic party still belonged to Roosevelt. His desire for a third term left no room for Wheeler (251-52).

In late summer 1940, the Roosevelt administration proposed the first peacetime draft in the nation's history. Wheeler strongly opposed it, warning that a peacetime draft would create a costly permanent military establishment. His Montana friends warned him that opposition to the draft was hurting him with voters at home. Wheeler was unmoved by their warnings. The draft bill was adopted, with broad public support (252-53).

Wheeler's views were out of sync with public sentiment. But his criticism of the draft and opposition to Roosevelt hardly seemed to register with voters. He won reelection by nearly 110,000 votes, or 73 percent, against Republican E.K. Cheadle, a former Republican central committee chairman from Shelby. Wheeler's total was 33,000 votes more than Roosevelt received. Nationally, Roosevelt won 38 states to ten for Wilkie. He also won the Electoral College by 449 to 82 (255).

America First. In early 1941, Americans were conflicted between helping Britain hold off the Nazis and staying out of war. Roosevelt had a high (71 percent) approval rating. Britain needed vast economic and military aid to continue to resist the Nazis. He therefore created the Lend-Lease program, involving a "simple loan of tanks, ships and planes" that later would be returned, to provide massive aid but still avoid war (257-58, 262). Wheeler believed Roosevelt was purposefully misleading Americans and deceiving Congress about his policies. He believed Lend-Lease represented a fundamental shift in U.S. policy, and that it was unconstitutional and a virtual delaration

of war against Germany. He therefore repeatedly accused Roosevelt of being a "warmonger" and "acting like a dictator" (257-58, 263-64).

Wheeler's critics questioned his patriotism and condemned him as a Nazi sympathizer. The FBI stepped up his surveillance and press coverage became more critical. However, his attacks on Roosevelt and his policies generated massive national attention, and his antiwar position enjoyed broad public support. He became a sort of shadow President, the administration's chief Senate critic, and the de facto leader of the America First Committee, an organization opposing American involvement in another war (258). Although Wheeler never formally became a member, he was its most sought after speaker in 1941. He also became closely identified with its eventual controversies (259).

Wheeler met Charles Lindbergh in June 1940. They shared a profound distrust of Roosevelt and a belief that his policies would lead the country to war. They therefore used America First as an expedient vehicle to try to stop the drift toward war. This "great debate" of 1940-41 tore apart families and friendships. Wheeler thought there should be a "negotiated peace" and developed an eight-point agenda for a negotiated settlement of the war (260-61). He also charged that the movie industry was turning out pro-war propaganda that required Congressional regulation (265).

Wheeler assumed a major role in opposing the Lend-Lease bill in the Senate. He gave a major speech over two days providing many reasons why it should not be passed, particularly because it placed so much unchecked power in the hands of any President. Montana Senator Murray offered a damaging critique of Wheeler's position, stating arguments against the bill "are not based on reason but on appeals to passion and hate" that "confuse and mislead" the public (267).

Although they both were Democrats,Wheeler and Murray engaged in a long-term personal and political rivalry marked by utter contempt, constant suspicion and continual jockeying for attention and dominance in Montana. They disagreed on many issues, particularly foreign policy issues, effectively canceling each other's vote. The feud continued even after Wheeler left office (266-69).

The Lend-Lease legislation passed the Senate by a 60-31 vote, with Wheeler voting "no." The House vote was 317-71. Roosevelt signed it on March 11, 1941. The first $7 billion was appropriated to finance initial aid to Britain on March 24, 1941. However, the initial debate unleashed by Lend-Lease continued with increasing intensity as the prospect of war became more serious (270).

The next issue became whether U.S. Navy ships should be used to convoy supplies to deliver American goods to British ports. Wheeler began a nationwide speaking tour in Detroit on April, 7, 1941, predicting that Roosevelt was on the verge of doing so. In other speeches, he again attacked the motion picture industry for producing newsreels and future films that were intended to bring an overwhelming call for convoys. He also rejected the idea that any U.S. President should try to influence events around the world (271).

A huge America First rally in New York's Madison Square Garden on May 23, 1941, was both the high-water mark for the antiwar movement and the largest live audience Wheeler had ever addressed. A crowd of 22,000 was inside the hall. Another 14,000 stood outside. Lindbergh, novelist Kathleen Norris and Socialist Party leader Norman Thomas were the other speakers (272).

Wheeler urged the crowd to muster the courage to fight to save their sons from the bloody battlefields of Europe, Asia and Africa, and against one-man government in the United States. He

called upon Roosevelt to become an international peacemaker and that he appeal to all the people of the world to stop war before it was too late. Lindbergh thought it was one of the best speeches Wheeler ever made (272-75).

As early as spring 1940, Roosevelt and many of his advisors regarded Wheeler, Lindbergh and other outspoken noninterventionists as adherents to beliefs that were disloyal, un-American and borderline treason. The administration therefore mounted an aggressive campaign to discredit Wheeler. Beginning in May 1940, the FBI tapped Wheeler's phone and spied on his family. The surveillance increased dramatically during the congressional fight over Lend-Lease. It was essentially political in nature, aimed at advancing the administration's congressional and foreign policy goals. It had little if anything to do with national security or loyalty (276-77).

Walter Winchell, a wildly popular gossip columnist and radio personality who had become an interventionist, "displayed a particular loathing for Wheeler." Winchell went after Wheeler, both directly and indirectly, for months. Wheeler believed Winchell was, at a minimum, a sympathetic, pro-British mouthpiece, and possibly on the British government's payroll. He in turn attempted to make Winchell the issue. Wheeler also engaged in several other high-profile press feuds, including with Dorothy Thompson, another popular columnist and radio personality (279-81). Historian Nicholas Cull later confirmed the British government had established a network of middlement to achieve a massive, sophisticated and concerted propaganda policy (282).

The avalanche of criticism directed at noninterventionists was unrelenting. In addition to verbal attacks, America First leaders were victims of discrimination and pressure. They often found it difficult or impossible to secure public buildings or parks in which to have mass meetings. Wheeler also received several credible personal threats during his national speaking tour (283).

In mid-1941, the war continued to go badly for Britain and the U.S. foreign policy debate further intensified. Roosevelt declared an "unlimited" national emergency was required. On May 21, a German U-boat torpedoed a U.S. merchant freighter in the south Atlantic. Roosevelt condemned the sinking as the "act of an international outlaw." Wheeler responded that 70 percent of the ship's cargo was war contraband subject to seizure or destruction by belligerents. Wheeler also considered Germany's invasion of Russia on June 22 simply another instance of European power politics, in which the U.S. had no business being involved (285-86).

Responding to aggressive steps by Japan, on July 21 Roosevelt froze Japanese assets in the U.S., in effect imposing a crippling trade embargo. He also closed the Panama Canal to Japanese shipping, and recalled Gen. Douglas MacArthur to active duty, placing him in command of U.S. and Philippine forces. Wheeler agreed with these actions. He thought the U.S. should quit trading with Japan (291). On September 4, Roosevelt implemented a "shoot on sight" policy as to German and Italian ships after a German U-boat fired on an American destroyer that had been following it. His explanation concerning that incident was "deceptive and incomplete at best" (291-93).

Big Screen, Big Leak. Wheeler's national profile could hardly have been higher. However, the constant attention, much of it negative and damaging, also began to exact a toll, particularly in Montana, where Wheeler's political support eroded throughout 1941.Wheeler had gambled his political future and his leadership of the antiwar movement had stretched him thin. He lacked the time required to attend to issues and relationships, or engage in retail politics in Montana. Montanans never really embraced the America First movement and it never became established there (295-96).

No charge leveled at Wheeler or the America First committee did more damage to the anti-war cause or have more staying power than the allegation that the organization and its followers were anti-Semitic. Despite his lifelong commitment to civil liberties and collaboration with leading members of the American Jewish community, the label has stuck to his legacy. Wheeler did too little to refute the charges or discounted the allegations, and thereby left them unanswered (297, 299). Charges persisted that the organization had been infiltrated by anti-Semites and that it was pro-Nazi.

In August 1941,Wheeler announced that his Interstate Commerce Committee would investigate "interventionists" in the film industry. He questioned why so many foreign-born men were allowed to shape public opinion. Critics charged that the Committee was "motivated by animus to Jewish studio heads."[8] Inept handling of the hearings and allegations that the investigation was motivated by anti-Semitism combined to create an avalanche of negative publicity for Wheeler and the noninterventionist cause in fall 1941 (300).

The film industry instead seized on the hearings to tell its story, casting studio directors as patriotic defenders of freedom of expression. It was represented effectively by Wendell Wilkie, who by then had become an outspoken interventionist. Its attack shifted consideration to the investigators' motives. The investigation failed to prove conclusively that a conspiracy existed or that British propaganda influenced Hollywood's creative output. In October 1941, the committee recessed its investigation without preparing a report (303-04).

By fall 1941, the Wheeler-Lindbergh relationship was the subject of intense general curiosity and speculation. As criticism of both men grew more intense, Wheeler increasingly found himself defending Lindbergh. On September 11, 1941, Lindbergh gave a nationally broadcast speech in Des Moines, Iowa that identified three main groups–the Roosevelt administration, the British and Jews–as agitating for war, and accused them of being un-American (305-06).

Lindbergh's speech immediately received a strong negative reaction that demanded an immediate and clear response. However, instead of denouncing anti-Semitism, after two weeks the America First board avoided the obvious and instead denounced its critics. Unlike many others involved with America First,Wheeler also never publicly condemned Lindbergh's comments. He instead gave a "halting defense" of Lindbergh's right to free speech. His speeches were interrupted by hecklers, he was pelted with eggs on at least two occasions, and he received loud jeers and boos as he spoke of Lindbergh's right to free speech and attempted to defend his own record (307).

In early October 1941, Roosevelt asked Congress to approve amendments to the Neutrality Act to permit arming merchant vessels and to permit ships to sail directly into British ports. Wheeler pledged to fight them, although he knew the noninterventionist bloc in the Senate lacked the votes to prevail. He and other like-minded Senators declined to filibuster the proposed amendments (308).

On October 20, with debate continuing in the Senate, the America First committee staged one of its last mass rallies at Madison Square Garden. Speaking to a crowd estimated at 20,000, Wheeler complained of the scorn, abuse and vilification warmongers and propagandists paid with British and Russian gold had heaped on the noninterventionists. He accused the Roosevelt administration of "foisting one war measure after another upon a peace-loving and unsuspecting people" (309).

After 11 days of bitter debate, the Neutrality Act revisions, including allowing U.S. ships to enter war zones, passed the Senate 50-37 on November 7, 1941. It was a clear win for the admin-

istration. The House concurred by an 18-vote margin. However, neither the naval incidents or loss of American lives changed congressional or public opposition regarding a formal declaration of war. Wheeler told Norman Thomas that the important thing was that they got as far as they did (310).

On December 4, 1941, two newspapers carried headlines, "FDR's War Plans!" Their stories were that the U.S. army and navy high command at Roosevelt's direction had prepared a confidential plan providing a blueprint for war on an unprecedented scale. Wheeler immediately denounced the war plan's existence. They confirmed his contention that Roosevelt was purposely misleading the American public about his real intentions. Roosevelt was infuriated by the leak and ordered the FBI to investigate it immediately. Suspicion centered on Colonel Albert Wedemeyer (who eventally became a four-star general), who denied involvement (311).

Wheeler much later admitted in his 1962 memoirs that he had leaked the documents delivered to his home by an unidentified U.S. army air force captain. He believed publishing the plan was warranted because its existence undercut repeated statements by Roosevelt and his followers that repeal of the Neutrality Acts, Lend-Lease and similar measures would keep the U.S. out of the European conflict. Wheeler also believed the leak had been authorized by General Hap Arnold (313).

Wheeler's desperate effort to keep the country out of war by leaking the top-secret war plan involved great personal and political risk. Had his role been revealed, he might have been prosecuted under the Espionage Act. While he took great pains to keep his fingerprints off the leak, he still acted to expose what he regarded as Presidential duplicity, always confident in the righteousness of his position. The incident faded quickly, overtaken by vastly more dramatic events in the Pacific (315).

War and Decline. Pearl Harbor marked the beginning of the end of Wheeler's influence in the Senate and accelerated a steady decline in his Montana political support. Upon learning of the Japanese attack, he supported a declaration of war saying, "The only thing to do now is to lick the hell out of them."[9] In private, he was despondent and resentful.Travel caused him to miss the vote and Roosevelt's famous "day of infamy" speech. However, Republican Congresswoman Jeannette Rankin voted against the war declaration, the only member of Congress to do so (316-18).

Despite pleas from some leading noninterventionists, the America First national board voted to dissolve the organization on December 11, 1941, when Germany declared war on the U.S. In assessing its importance, historians have concluded that America First performed an essential democratic function regarding a fundamental question–when and how the country decides to go to war. However, the debates it sponsored too often became an exercise in mudslinging (319).

Speeches by Wheeler, Lindbergh and others also damaged the movement's credibility and reputation. However, the Roosevelt administration's effort to intimidate and discredit it, and its assault on the patriotism and loyalty of its leading spokesmen, leave Roosevelt and his associates bearing a heavy historical burden for fostering a political climate where dissent and disagreement were considered tantamount to disloyalty (318-19).

The war brought great change to Montana. By 1945, more than 57,000 Montanans had served in uniform. Another 80,000 left the state to work in defense industries. As many as 2,500 Montanans died as the war's result, and only New Mexico recorded more combat deaths per capita. Wheeler became involved in the war effort in many ways. He lobbied for creation of a bomber crew training site in Great Falls, and military airfields in Cut Bank, Glasgow and Lewistown. He intervened to

broker an agreement to head off a Butte copper strike. He also helped arrange for thousands of prisoners of war to work harvesting Montana sugar beets and wheat (320-21).

In February 1942, Roosevelt ordered internment of 120,000 Japanese-Americans, almost all U.S. citizens living in California, Washington, Oregon and Arizona, based on "military necessity." The order, now viewed as one of the most egregious violations of civil liberties in American history, enjoyed widespread public support at the time. Wheeler privately protested the internment to various high-level officials. However, there's no record that he offered any public condemnation (321-22).

Roosevelt also pressed other initiatives aimed at eliminating domestic dissent or disloyalty. He repeatedly urged Attorney General Biddle to crack down on administration opponents. Wheeler objected repeatedly to the prosecutions, including the fact that all defendants nationally were indicted collectively in Washington, D.C. Based on his own record, he also had reason to fear he also might be indicted. An internal Justice Department report produced in 1946 stated that Wheeler had allowed his franking privilege to be used to disseminate pro-Nazi propaganda (323-24).

The "Great Sedition Trial" of 30 American Fascists plodded on for months. While it was proceeding, Wheeler and other Senators spoke out against it. The trial was finally suspended in late 1944 after the presiding judge died of a heart attack. In 1946, the Justice Department decided to end the prosecution. After originally linking Wheeler and other noninterventionists to the defendants, the *Washington Post* admitted that the whole exercise was a "mistake" and that, whatever the trial's outcome, "it will stand as a black mark against American justice for may years to come" (325).

The long-running feud between Wheeler and Murray reached a flashpoint in 1942 when Murray ran for re-election against Wheeler's old Republican friend Wellington Rankin. Wheeler encouraged former Congressman Joseph Monaghan to challenge Murray in the Democratic primary. When that challenge fell short, he quietly helped Rankin in the general election (327-28).

Rankin campaigned energetically against Murray, playing on voters' wartime discontent. He also put Murray on the defensive. Murray campaigned as much against Wheeler as he did against Rankin.Wheeler made no public comments during the general election campaign. However, he and his associates did everything possible behind the scenes to help Rankin, effectively mobilizing a bipartisan coalition. Wheeler avoided the state Democratic convention in September. The election was one of the closest in Montana history, with Murray winning by only 1,212 votes. Nationally, the Democrats lost nine Senate seats and 47 in the House (328-29).

In late 1942,Wheeler opposed new Selective Service legislation drafting 18- and 19-year-olds. He also opposed drafting men who had become fathers before Pearl Harbor. He instead argued that government employees should be transferred to the military. Congress eventually agreed to structure the draft so that fathers, although not exempted, were the last called to military service (330). Wheeler also argued that formulation of postwar strategy, including the shape of a new international organization to replace the League of Nations, was premature and should wait until Americans could gauge the situation that would exist at the expiration of the war (331).

The 1944 presidential election presented Wheeler with another dilemma. That Roosevelt would run for a fourth term was a foregone conclusion. Rumors persisted among politicians and the press that Wheeler might be drafted to replace Vice-President Henry Wallace as Roosevelt's running mate. However, Roosevelt never raised the issue. It was inconceivable that Roosevelt would accept

Wheeler on the ticket. There was too much bad blood and too many differences between them. Further evidence that Roosevelt never would have accepted Wheeler is that he had already identified Congressman Mike Mansfield as his hope for defeating Wheeler for reelection in 1946[10] (334-35).

Wheeler privately hoped that New York Governor Thomas E. Dewey, the Republican presidential candidate, would defeat Roosevelt in 1944. However, Roosevelt was reelected by the smallest margin in any of his four elections. Pre-war noninterventionists seeking reelection across the country in 1944, including some of Wheeler's foreign policy allies, were decimated. All the political trends in Montana and the nation were running against Wheeler's brand of noninterventionism. Increasingly isolated in the Senate, Wheeler remained "determined and unyielding" in the conduct of the war. His foreign policy ideas gained little support. He became ineffective and mostly ignored (336-38).

Roosevelt died on April 12, 1945. A month later, Wheeler led a Senate delegation to London studying communications problems in war-devastated Europe. After meetings there, the group took a month-long, 16,000-mile trip to assess communications issues. Wheeler also met with Truman and several other Democratic Senators on July 6, 1945, to discuss foreign policy issues. However, they were as far apart on those issues as Roosevelt and Wheeler had been (338-39).

After directing a vindictive argument against the United Nations proposal in the Senate, Wheeler ultimately joined 88 other Senators in voting for the UN Charter. Johnson speculates that Wheeler was maneuvering to have it both ways, mindful of his upcoming reelection campaign–raising concerns and generating headlines about how the UN would operate but in the end voting for the charter. If that was his political calculation, it may have been too little, too late (339-40).

Defeat. Wheeler's brand of progressivism became seriously dated in post-World War II America. Noninterventionism, once the prevailing foreign policy position both in the Senate and nationally, was out of fashion. By 1946, many Montanans saw Wheeler as an aging conservative, fighting old battles. His celebrated independence was often seen as mere opportunism. He was constantly having to explain himself, often not very effectively. He lacked a compelling message that made the case for his reelection. (341-42).

Mansfield received encouragement from many Montana Democrats to challenge Wheeler in 1946. Mansfield hesitated, then decided not to run because he didn't think he could win. He also was satisfied with his House seat.[11] He therefore decided to wait for a more favorable moment. However, Leif Erickson, a former Montana Supreme Court Justice and candidate for Governor in 1944, was willing to do so, even though he initially appeared to be a long-shot candidate. Erickson believed that Wheeler's foreign policy and national security positions had broadly alienated Montana voters, and that exploiting those issues was the key to victory (342-43, 348).

While many factors, including voter anger about Wheeler's foreign policy positions, contributed to his defeat, perhaps the most important factor was his loss of support among both the leadership and the rank and file of organized labor. Individual members of Montana labor unions and their families, who had once considered Wheeler their champion, abandoned him in droves. The CIO Political Action Committee, led by Sidney Hillman, founder and President of the Amalgamated Clothing Workers of America and a Jewish immigrant from Lithuania, organized to purge Wheeler because he had broken often with Roosevelt,was skeptical of the UN, and unwilling to "follow the PAC's internationalist line" (348).

Murray, with his own strong ties to organized labor, also worked to defeat Wheeler. While making every effort to avoid personal involvement, he did all he could to support Erickson's candidacy. His son Charles, who served as his chief of staff, coordinated efforts between Murray'Senate office and Wheeler's opponents. Murray also raised money for Erickson. Although Wheeler still had some high-profile union endorsements, they were no match for Erickson's support among rank-and-file Democrats and union members, who Wheeler once could have taken for granted (350).

Wheeler coveted and eventually received Truman's last-minute endorsement. However, that endorsement backfired as the result of how Truman had responded to coast-to-coast strikes involving nearly 3,000,000 workers by seeking injunctions, then threatening legislation to draft striking trainmen and locomotive engineers. Wheeler continued to enjoy national rail union support and refused to support the "draft the strikers" legislation, which was ultimately defeated in the Senate. However, Truman's endorsement became an immediate liability (351-52).

Wheeler also was assaulted by negative newspaper advertising and by a sensational book, *The Plot Against America*, smearing him. He initially was inclined to ignore them and to trust the intelligence of Montana voters rather than to strike back. He didn't appreciate until too late that he was involved in a campaign of attrition attacking his conduct, policies and character (352-53).

Wheeler then filed a complaint with the Select Committee on Senatorial Campaign Expenditures to investigate the book's origins and how it was financed. Counsel for the committee conducted a three-day hearing in Helena. The committee finally concluded that Erickson had not paid for the book, and that work on it was begun before it was known Erickson would be a candidate. The source of the money to produce and publicize the book remains a mystery (354-55).

Wheeler's defeat in 1946 was the most stunning upset in Montana political history. Erickson won 52.6 percent of the vote, outpolling Wheeler by more than 4,900 votes out of nearly 94,000 votes cast. Nearly 53 percent of eligible Montana voters went to the polls. Wheeler ran well in rural and agricultural eastern Montana. However, his modest margin there could not offset the losses he suffered in heavily unionized western Montana. He lost his home base, Silver Bow County, by 3,500 votes. More than any other single factor, organized labor's opposition cost him the election (357).

Wheeler, at least publicly, was gracious, saying, "the people of Montana have been very good to me." However, he later stated that he was not happy about losing or of the tactics used by the anti-Wheeler forces to defeat him. Erickson's showing in the general election confirmed that the Democratic primary had been about "anybody but Wheeler." Republican Zales Ecton, a conservative Gallatin County state senator, crushed Erickson in the general election. Ecton became the first popularly elected Republican senator in Montana history (358). Mansfield replaced him in 1952.[12]

Epilogue. In assessing Wheeler's career in 1946, *Time* magazine concluded that he had "wandered off into the dead end of isolationism.Somewhere he lost pace with history." That judgment was widely shared. Montana writer Joseph Kinsey Howard concluded that Wheeler "fell between two stools [parties] which were yanked out from under him just when he thought he had them securely anchored and while he was attempting to convert them into a bench" (361-62).

Wheeler opened a law office in Washington with his son Edward. The firm was immediately successful. It represented railroads, shipping lines and radio stations, defended Zenith Radio Corporation in various antitrust suits, and served as counsel to *Washington Times-Herald* publisher Cissy

Patterson, an old friend. Wheeler also argued cases with some regularity before the U.S. Court of Appeals and appeared before the Supreme Court on several occasions. He was part of a large group of politicians who stayed in Washington after leaving office rather than returning home (362-63).

Wheeler twice resisted overtures that he again become a candidate for public office, including a 1958 plea that he run for Montana Governor as a Republican. He never came close to reconciling with Murray, nor did Murray with him. He publicly endorsed the prospective primary candidacy of Arnold Olsen when Olsen considered challenging Murray in 1954. He also made several speeches attacking Murray. Murray won the 1954 Senate race, his last, by fewer than 2,000 votes (363).

Wheeler experienced a brief moment of rediscovery in 2004 with the publication of Philip Roth's book, *The Plot Against America*. The book's title is the same as the hit-piece used against Wheeler in 1946. It centers on President Charles Lindbergh and features a fictionalized Wheeler, an anti-Semitic, civil liberties-abusing, power-hungry politician, as Lindbergh's vice-president. The book was a widely-admired bestseller. There was little objection from historians to Roth's portrayal of Wheeler as a ruthless Fascist plotting to establish concentration camps in Montana. None of that happened. However, by then Wheeler was unavailable to offer any rebuttal (365).

Wheeler's daughter, Frances Sayler, worked on his biography for years. She died of cancer in 1957 without completing it. Her task had been complicated because the Wheeler family wanted a book providing "complete acceptance of [his] position on every major issue." Wheeler was anxious to get his side of his arguments with Roosevelt on foreign policy and domestic issues on the record in answer to the many memoirs of the New Deal period. Wheeler later used her considerable research to publish his memoirs, *Yankee from the West*, with coauthor Paul Healy in 1962 (365-66). He dedicated the book to his wife and daughter.[13]

Shortly before *Yankee* was published, Lulu Wheeler suffered a fatal stroke at age 78 at the Wheelers' cabin at Lake McDonald. Wheeler was devastated by the death of his wife and political partner of more than 50 years. He wrote to a friend, "I am sure I never could have accomplished whatever I have had it not been for her sterling qualities, her religious devotion, her strong character and her loyalty. In all my bitter fights in Montana and in Washington, she stood loyally behind me." He told another friend, "I probably would have been a bum–had it not been for her" (366).

Wheeler continued to keep regular office hours and maintain an extensive correspondence to the end of his life. He played golf often and lunched regularly at Washington's Metropolitan Club. He enjoyed winter retreats to the Arizona desert and summertime visits with his children and grandchildren at Glacier Park. By the time of his death from a stroke on January 6, 1975, just shy of his 93rd birthday, he had outlived nearly all his critics, adversaries and allies (366). He is interred in the District of Columbia's Rock Creek Cemetery.[14]

Johnson concludes that, even after defeat, Wheeler never doubted the wisdom of his foreign policy views. He continued until the end of his life to speak out against American military adventures around the world. In a series of oral history interviews conducted in 1968 and 1969, Wheeler offered a "scathing critique" of U.S. foreign policy, particularly in Indochina. In 1971, he supported publication of the Pentagon papers disclosing how Presidents from Truman to Johnson had led, or misled, the country into a tragic war (368). Before World War II, it would have been politically advantageous for Wheeler to hold his tongue and go along. But he refused and paid the price (368).

Historians and Wheeler's contemporaries have struggled to unwind, analyze and understand him. Some argue that Wheeler evolved from a fire-breathing radical to a flinty reactionary. Wheeler argued that he never really changed. He remained a Jeffersonian Democrat, an old-style independent, western progressive. He loved a fight almost as much as a victory. He remembered slights and held grudges. He was ruthless in dealing with enemies and also unflinchingly loyal to friends (369).

Johnson also concludes that the central feature of Wheeler's political life, his astonishing and remarkably consistent political independence, most distinguishes his career and sets him apart. His embrace of bipartisanship demonstrated his belief in a practical, constructive, often nonpartisan approach to government. His eagerness to buck his party and his President was extraordinary. No significant politician today, and few in history, approach his level of political independence (370)

The consistent characteristic in Wheeler's public life was that of an independent politician as one's own person, unconstrained by partisanship, willing to forge alliances without labels, committed to the perceived greater good, and without regard for the consequences. On his 80th birthday, Wheeler wrote, "If my career has brought me more than one man's share of fights, I regret none of them. Incessant conflict made me live life more deeply." Mansfield provided a fitting Wheeler epitaph: "B.K. left his mark for independence" (370).
(Rev. 6/22/20)

End Notes

1.*Burton K. Wheeler*, Wikipedia.org (viewed Aug. 18, 2019).

2.*Id.*

3.*Id.*

4.*Id.*

5.*Id.*

6.For further discussion see DON OBERDORFER, SENATOR MANSFIELD 44-48 (2003); Paul G. Ulrich, Senator Mike Mansfield 3 (2019) (unpublished).

7.Wikipedia article.

8.*Id.*

9.*Id.*

10.For further discussion see OBERDORFER 62-81; Ulrich 4-5.

11.*Id.*

12.For further discussion see OBERDORFER 99-103; Ulrich 6.

13.Wikipedia article.

14.*Id.*