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WHEN A WOMAN CAMPAIGNS

Emily E. Sloan*

Yes, I was the first woman elected to the office of county attorney in Montana, and that was way back in 1924. I suppose various conditions and incidents were heading me that way long before I ever thought of it. I have always taken an interest in national and civic affairs.

When I was a young girl, our family moved out to the northwestern part of South Dakota and established residence in a cattle shipping town, Belle Fourche. I know I was never more excited in all the days of my girlhood than during a certain campaign and election, where my father was candidate for County Judge.¹ Dad, over sixty, broke, and with still a number of youngsters to rear and educate, took his hickory cane and tramped the length and breadth of the populated portions of Butte County, in good old English style. Contrary to custom, he did not carry cigars nor a liquor flask, but was successful nevertheless. I didn't dream at that time that I would ever be in politics myself, though there was quite a little stir about equal suffrage just then, and, because women were scarce there on the frontier, I was allowed to attend the meeting called to organize their league. I was very enthusiastic about it the next day, and my father patted me kindly upon the head and said that was where I belonged. Whether he meant in politics or in boosting the cause of suffrage, I did not know.

Anyway, at the time of his death, my father called me to his bedside and asked me to kneel, and placing his hand upon my head, he gave me the blessing of the first born son,² though in reality I was the ninth offspring

* After studying at The University of Montana School of Law for two years, and just before she turned 41, Emily Sloan was admitted to practice in Montana in 1919. She moved to Billings where she opened her law practice and then moved to Carbon County where she ran for county attorney in 1922, 1924, and 1926. After she lost the election in 1926, she returned to Billings where she practiced until about 1938, when she moved to Washington to be with her daughters. For more biographical information about Emily and women in politics, see Bari R. Burke, *Foreword to When a Woman Campaigns: Emily Sloan's Races to Become Montana's First Female County Attorney*, 74 Mont. L. Rev. 343 (2013).

Emily wrote a memoir, *This Life of Mine*, that has not been published. Her daughter, Elsie Amlong, preserved a copy of the memoir, partially in hopes that someone would recognize Emily's historical significance and courage. Included in her memoir is this chapter, "When a Woman Campaigns." It is unknown when Emily wrote her memoir; she died in 1973. Bari Burke added footnotes and made minor grammatical edits for clarity and historical perspective.

1. Emily's father, Robert Mullenger, was an ordained deacon of the Methodist Episcopal Church who later read for the law and was admitted to the bar in 1890. He was elected County Judge (judge of the probate and juvenile courts) in 1894. Emily reported, "During the eight years Pa lived after coming to Belle Fourche, there was only one election when he was defeated."

2. "In the ancient world, to be first born son was to be the sole inheritor of all the assets, privileges, and powers of the father." St. Paul Center for Biblical Theology, *Lesson Three: Our Father, Abraham*, http://www.salvationhistory.com/studies/lesson/covenant_our_father_abraham (accessed Feb.

and sixth daughter in the Mullenger family and usually snubbed and “put in my place” by my older sisters and my mother. He said, “I die happy, because my hopes and aspirations will be fulfilled in you.”

He wasn’t Jewish, simply an admirer of Abraham’s seed. At that time, I was shortly expecting my fourth child, and I was greatly mystified as to his meaning, for my home was an isolated homestead, and I had little or no contact with the outside world. I’ve wondered sometimes since, in the midst of a legal battle, or in the thick of a campaign, when the thought of that unusual experience has flashed through my mind, if those on the brink of the Great Unknown do not see way, way into the future, with unflinching understanding.

I had moved to Billings to practice law after I passed the bar in June of 1919. During the summer of 1920, an election year, two attorneys³ came to see me shortly before the primaries and showed me a petition they had been circulating on my behalf to have me declared a candidate for representative in the state legislature, on the Democratic ticket. I was very surprised, and I said in protest, “In the first place, I’m not even a Democrat. I don’t know a thing about politics. I’m almost a stranger here. And I can’t afford to go into politics.” These two attorneys told me it was the custom for new attorneys to go into politics as soon as they could, and they were having trouble filling in the ticket and had paid my filing fee and, with a woman lawyer on the ticket, it would mean more votes for them. Then Judge Pierson⁴ came and talked to me and said the thing for me to do was to get into the lime-light and stay there. Next I knew, I was candidate for nomination.

I did very little campaigning. I had no idea where or how to begin, but I did pass out a few cards⁵ to people on their way to the post office. I had only two weeks, and the primary was soon over, and I wasn’t on the ticket. I think only the candidates voted for me, for I got just a handful of votes. That didn’t bother me; I didn’t know then that some very ignorant people

3, 2013). The blessing of the first born son is an old Jewish blessing that bestows sole inheritance of assets and privileges on the recipient. In this context, it appears to have been intended metaphorically, as a gesture of admiration and affection.

3. John Tansil and Guy C. Derry were the two lawyers who encouraged Emily to run. Derry later became a judge in Billings. He also was an alternate delegate to the Democratic National Convention from Montana in 1928 and 1932.

4. Judge George W. Pierson was born in Michigan on May 21, 1869; entered the University of Michigan School of Law in 1889, earning his LLB in 1891 and his LLM in 1892; practiced law for two years in Chicago; came in 1894 to Montana where he practiced law in Red Lodge until 1911, serving as City Attorney from 1894–1895, and then again from 1904–1906, and serving as County Attorney of Carbon County from 1895–1897. In 1911, he was appointed a judge of the Thirteenth Judicial District and remained on the bench until 1917, when he reentered a general civil and criminal practice. He was a lifelong Democrat. *Montana: Its Story and Biography: A History of Aboriginal and Territorial Montana and Its Three Decades of Statehood* vol. 2, 32 (Tom Stout ed., Am. Historical Socy. 1921).

5. Apparently, candidates distributed campaign cards to voters, which often included a candidate’s education and experience. For the text of one of Emily’s cards from a later campaign, see footnote 27.

sometimes represent the public in the state legislature, and I felt myself much too inexperienced and too ignorant of the wants of the people at large to have any qualifications whatever for a seat in the honorable assembly.

It was about two years later, and I had been persuaded to move to the small town of Joliet, in Carbon County.⁶ Joliet was in the same judicial district as Billings and about thirty-five miles distant, the sad remains of a once thriving pioneer town. Several attorneys from Billings told me that there was a good political opening in Carbon County. They said that the county attorney in Red Lodge, C. C. Rowan, had said he would not run again and that he would not have the job if it was handed to him on a silver platter. I pointed out that I was too new in the county to presume so much. They told me I was altogether too modest. The Judge said I'd been there thirty days and that was enough, and Mr. Tansil told me that I would have no opposition in the primaries and that there couldn't be a better set up for a new attorney. They all talked so much about the advantages of so much publicity, and they all said that whenever they had business in Red Lodge, the county seat, they'd all boost for me. I was probably easy to convince because it had been worse than a trying summer. Times were hard, and crops failed that year. The fees I received for legal services consisted of eggs, cottage cheese, buttermilk, fresh port, and a few green vegetables.

In the summer of 1922, all the campaigning experience I had ever had was that brief two weeks in Billings in 1920, when I had little or no idea of what it was all about.

It was that season that Dame Fashion took it upon herself to force the women back into long skirts after the freedom of the "shorts" we had been wearing after the First World War; Paris decreed that all dresses should be longer. I had bought a little navy blue jersey suit just before leaving Bill-

6. On its website, Carbon County describes itself as follows:

Carbon County, located in south central Montana, was created on March 4, 1895 from portions of Park and Yellowstone counties and includes an area of 2,066 square miles. The county seat is located in Red Lodge; other towns located within Carbon County include Bearcreek, Belfry, Bridger, Fromberg, Edgar, Silesia, Joliet, Boyd, Roberts, Luther and Roscoe. To the south and west lie the . . . Beartooth Mountains . . . includ[ing] Montana's highest [peak], Granite Peak with an elevation of 12,799 feet. . . . On the eastern edge of the county are the Pryor Mountains and the Big Horn River.

When coal deposits were originally discovered in the Red Lodge area, those portions were ceded from the Crow Indian Reservation to allow for development. . . . As the Crow Indian Reservation diminished[,] settlers moved in to acquire 160 acre homesteads. Settlers arrived from such diverse locations as England, Scotland, Ireland, Germany, Scandinavia, Finland, Austria, Yugoslavia, Italy and, Russia. Many of those early residents worked in the coal mines in the area, the largest of which was located between Red Lodge and Bearcreek. Oil and gas were also discovered in Carbon County with two abundant fields, the Dry Creek Field and the Elk Basin Fields. As the demand for coal dwindled, agriculture became a mainstay in the region"

Carbon County, *Carbon County Profile*, <http://co.carbon.mt.us> (accessed Feb. 3, 2013).

ings. It was plain and neat, and came about half way between knees and ankles. I was five feet six inches and weighed one hundred nineteen pounds. There were two other women candidates; one for county superintendent of schools and the other for county clerk and recorder.⁷ They told me very seriously how women didn't like my short dress, and they wouldn't wear such a short suit if they were me. Well, both of them were twice my size, and neither would have looked well in the type suit I was wearing. They wanted me to get one of the latest suits. I couldn't. I was proud, independent, and broke, and I was obliged to make the best of what I had. There was no way of lengthening the skirt, as the hem as well as the skirt itself was very narrow. It was about right for climbing in and out of cars, walking up broken stairways, crawling under wire fences, and going in and out of other rough and inconvenient places. I thought the issues of the campaign were more important to the people just then than the matter of the length of my skirts. I understood the cattiness behind that demand and was morally certain that if I got a longer skirt, there would be something else to drive me about; so I lifted my chin and smiled and made friends with everyone who could be approached.

During my earlier two weeks of campaigning, I found out quickly that the women I met had little or no interest in the approaching primary election. They were indifferent, cold, sarcastic, and even malicious on the one hand, and pitying, tolerant, sympathetic, and kind on the other hand. There was no encouragement, no understanding, no boosting, no faith, no hope, no commendation.

Offering a card to a stylishly dressed lady one day, she looked at it in a perplexed way, and then said, "My good woman, I never even heard of you."

I said, "Well, you hear of me now, and my good woman, I have never heard of you, either."

The color came quickly into her face, and she mumbled something, bit her lower lip, and went on. She had purposely been offensive and was surprised when I gave her to understand that I knew it.

Then I had talked with a neat appearing and pious looking woman of about sixty-five. She said she would be pleased to vote for me, and I gave her a card. She adjusted her glasses, and a bitter expression came over her face. She gave me an accusing and horrified look, twisted the card into bits, threw it on the pavement, and stamped on it. "And that," she said viciously, "is what I think of your Democratic party. And I thought when I looked at

7. Ellen M. Peterson was elected County Superintendent of Schools in the 1922 election. Anna D. G. Hough ran for County Clerk and Recorder that year, and she lost in the primary. *Official Returns Primary Nominating Election*, *The Picket Journal* 8 (Sept. 6, 1922) (Carbon County).

you, that you were a Christian. You have a most deceiving face, young woman.”

It made me a little giddy, but I had no answer for her. Such bitterness, such bigotry. And I had thought the same of her as she had thought of me. A man had stepped up to me who had evidently seen this intolerant old woman’s contemptuous action, and he said, “What are you running for, lady? May I have a card?”

When I gave him the card, he said, “You have my support, Miss Sloan, but let me give you a tip. Do your campaigning among the men. I’ve been watching you for an hour, and I haven’t seen one friendly woman. Why they are such cats I don’t know; but it seems they can’t stand seeing another woman get ahead in the world.”

I was to recall all this and more when I first circulated and filed my petition in Carbon County. I did Mr. C. C. Rowan, the County Attorney, the honor of calling on him before filing my petition. I felt that if he were going to run for reelection, I would have no chance at the nomination. He assured me that he had no intention of running again, that he had had his fill of being county attorney. So I filed my petition, and I went about my campaign, happy in the thought that I was not getting in anybody’s way. Alone very much of the time, I thought of what my father had said about his hopes and aspirations being fulfilled in me. I had been greatly mystified at that time as to his meaning, for not a thought of public life or a political career had ever entered my mind.

I wasn’t going out of my way campaigning, feeling that I needed all I could muster after the primary. Then a couple of weeks before said primary, Rowan announced his candidacy for reelection. This surprised me, for I had supposed that he had been sincere in his statement that he had no intention of running again. It didn’t give me very much time, and there wasn’t much I could do, but I went over to Red Lodge and to the other towns in the county and distributed a few cards. Every time I came back to Joliet, I was met with campaign propoganda that said nasty things about me. Being practically unknown, I couldn’t understand how anyone would or could say anything against me. I didn’t believe in throwing mud, and that was not my method of campaigning. I was instructed that if unfavorable things were said about me, I should fight back. I didn’t take that advice; I kept still.

Finally primary Election Day, August 29, 1922, came under the shadow of the Bear Tooth Mountains, and hot—blistering hot! The tin roof over my office fairly scorched me, and partly from habit and partly because people seemed trying to avoid me, I hiked out into the hills at sundown, and, coming unexpectedly into a clump of choke cherries bushes, I filled my hat with ripe cherries. It was dusk when I came opposite a big farm-

house, about a quarter of a mile from town. A woman's pleasant voice called, "Come in and rest a while on the porch, Emily Sloan."

As I sat down on the doorstep, she piled pine needle pillows behind me and asked if I knew what the election returns were.

"Suppose you phone and find out," I answered. "I've been out of town since dinner."

She gave me a queer little look and asked if I meant that I had not inquired *at all* what *any* of the returns were, and I laughed and shook my head. She disappeared in the house, and I heard her excitedly saying, "What? What? She is? Oh, joy!"⁸

A minute later she had almost landed me in a big rose bush as she gave me an affectionate slap on the shoulder, saying, "Emily Sloan, you're nominated! You're nominated, I say! Wake up! Snap out of it! And here I was feeling sorry for you. Why, I thought you hadn't a chance in the world."

"First round," I said with a sigh of relief, "Well, I'm glad it's over. Now for the real battle."

Then she spoke of my opponent and how very fortunate it was that there had been a three cornered race in the other party, for apparently, the most unlikely one of the three was nominated.⁹

I walked back into town thinking of what one of the judges of the district had said in advising me to be a candidate: "The thing for you to do is to get into the limelight, and stay there!" He said that the best way to get into the limelight was to go into politics. I was in the limelight all right. A stranger among strangers, without funds and without friends; none too husky, and business at a standstill. Oh, I had plenty to think about as I walked slowly back to town and into the telephone office to verify the report that I was candidate for county attorney!

There were a number of women there, and I put my hat full of cherries down on the counter and invited them to help themselves. They were all smiling except one—a big, tawdry woman who seemed to be eyeing me with suspicion. I was puzzled by the expression upon her face. It seemed to be accusing, but of what I couldn't imagine. A day or two later she made it a point to ask me if I intended campaigning in "them pants," referring to a

8. In the primary, Emily Sloan beat C. C. Rowan by a vote of 429 to 395. *Official Returns Primary Nominating Election*, The Picket Journal 8 (Sept. 6, 1922). Emily spent \$32 in the primary: \$1.75 for postal cards, the rest for advertising and printing. The newspaper said, "According to his statement, C. C. Rowan, defeated candidate for the democratic nomination for county attorney, had no expense, his account containing the following pointed statement, 'I paid nothing, did nothing, asked for nothing, and received what I asked for.'" *Some Find Election Race Is Expensive*, The Picket Journal (Sept. 13, 1922).

9. In the Republican primary, John T. Hays received 654 votes; E.P. Conwell received 416 votes; and Joseph E. McElvain received 626 votes. *Official Returns Primary Nominating Election*, The Picket Journal 8 (Aug. 29, 1922).

neat pair of knickers I had made out of my old divided skirt, and which I wore whenever I went hiking and which I had on the evening I had come into the telephone office. She volunteered that I wouldn't get any votes if I did. I took it all meekly and without comment. Then came a sophisticated girl from the east, and she told me she thought my little "trousies" were just too cute for anything, and she thought they'd bring me lots of votes. Whichever way I turned it was, "What are you going to wear?" One would have supposed it was a fashion parade I was about to enter, when in reality it would have been impractical to have worn pretty clothes if I had possessed them, and right then I had only the neat little jersey suit and a pretty white net frock.

I started out on my campaign like my father before me, only I lost the hickory cane. Of course, I was frequently picked up by friendly farmers and salesmen, for word got around that I was on a hiking campaign. Those gentlemen seemed bent upon getting all the legal information they could, gratis. I was very careful about giving out curbstone information, for I knew that like the accused criminal, anything I might say might be used against me.

One morning on my way to a farmers' picnic in Boyd, I was picked up by a newspaperman whom I happened to know. I spent the day trying to get acquainted with the farmers and their wives. I had great sympathy for the women, for I knew from bitter experience just what they were up against. I hadn't so much sympathy for the men. I felt they stood in their own light and were too stubborn to move out of their tracks. I was talking with two of these gray whiskered old boys when their respective wives appeared on the scene. They were introduced to me. Both were stone deaf. These men tried to explain who and what and why I was. I felt a chill chase along my spine.

The more the men shouted, the more their wives questioned. I realized I had to stand my ground. These women calmly surveyed me from sole to scalp, and suddenly I felt as if I were standing stark naked in their midst. One would have supposed that I had at least escaped from some unknown harem. Then the newspaperman drove up in his coupe and asked if I were ready to go home. Thankfully, I made my getaway.

As we drove away, my companion remarked, "You poor girl, God pity you!"

Surprised, I asked, "Why?"

"Do you mean to tell me," he exclaimed, "that you didn't see the expressions in those two women's faces? If ever I saw hate, and jealousy, and suspicion, it was all there. That's why I say, 'God pity you.' There won't be a hair left on your head by the time you have finished this campaign. It's too bad you ever had to go into it."

I was feeling that way myself, but I made no comment. There was too much thinking to do just then.

There were people in every community who asked personal questions, and they weren't always women. If I didn't tell what they wanted to know, I had something to hide; if I gave the desired information, then I "talked about myself."

The population of the county was largely composed of foreigners; the Balkan States, Finland, and Italy being well-represented. The women among this element were invariably kind and loaded me with flowers, offered me wine and cake, and I steadfastly turned down the drinks. They would sometimes insist upon making coffee or tea, and it was generally pretty awful when made by those from southern Europe, but nobody can beat the Finns for coffee. Whoever prepared the said coffee or tea, I always drank the same, and thanked them sweetly, and they didn't know whether I liked it or not. I found out quite early in the game that somebody had spread the story that I "high-hatted"¹⁰ people right and left.

Once talking with a Finnish man about his garden, I finally ventured to give him a card. He appeared to study it very deeply, and after a bit, he said, "How moocha costa?"

Astonished, I asked, "You wanted to know how much the cards cost?"
"Ya, ya."

I thought for a minute, then told him.

Shaking his head violently, he said, "Too moocha costa, too moocha costa. Too bad, too bad."

He told me to give the card to somebody who didn't know me, and that since I had spent so much money, he would vote for me without a card to look at.

Wandering on down the street I noticed a man at work pouring the foundation of his house. He evidently noticed me at the same time, and stood up smiling as he said, "My wife met you, Mrs. Sloan, and was very favorably impressed, and we are glad to give you our support."

At that minute a tobacco stained old denizen came along, and walking up to me, said, "Ain't you the lady runnin' for county attorney?" and as I gave him my card, he spluttered between guffaws, "There's a question I've been wantin' to ask you. Now, whadda you goin' to do in a rape case?"¹¹

10. To high-hat is to treat someone in a condescending or supercilious manner; snobbish or haughty. *American Heritage Dictionary of the English Language* 347 (4th ed., Houghton Mifflin 2000).

11. The assertion that women could not be lawyers because they would inevitably handle rape cases or other cases overtly involving sexual conduct was a common one. In fact, until the 1950s, female law students were often excused from class on the day that the crime of sexual intercourse without consent was studied. Ronald W. Chester, *Unequal Access: Women Lawyers in a Changing America* 44 (Greenwood 1985) ("In fact, it was quite common, whenever sex was to be discussed, for the women to be

Before I could reply, my friend with the trowel answered for me, quietly, but in a tone and manner that made me think I'd much rather have him for a friend than an enemy, "Now, old party, go starting something with the lady!" The old party slunk away.

The speech-making, rallying part of the campaign began the second week in October. I dearly love meeting new people and hugely enjoy public speaking when I can choose my own subject and have a friendly audience. I laugh sometimes when I recall some of those campaign speeches I delivered, trying to please both boosters and enemies, and not suiting myself in any case. I "kept notes on myself," as another candidate expressed it, and after the shouting was done, I found out that whenever I followed my own hunch, and said the things I really thought, I received a large vote. Whenever I was "conservative and inconspicuous" to suit my advisors, I lost heavily. I think there were those among the self-appointed advisors who very much wanted me to lose.

The day we started our party rallies, a farm candidate for the legislature stopped in Joliet, and I was allowed to ride in the back seat, while the candidate for county superintendent, whose weight must have been around two hundred pounds, rode in the front seat. I think in that thirty-five mile drive they turned around twice to see if my hundred-nineteen pounds were intact. Bruised and sore in spirit as well as body, I undertook to forget my griefs by always putting something happy into my speeches and dancing with whomever asked me after the rally. If I danced with the farmers and stockmen, it wasn't dignified. If I didn't dance, I was a highbrow.

After the first week, one candidate objected to speaking "after Emily Sloan," for "nobody listens to me after she's done," he told the Committee-men. I was taken seriously to task and while I felt that my life almost depended upon my being elected, I quietly took my place at the end of the program, and imagine my astonishment the next evening when the complaining candidate had filched my speech of the night before, almost word for word! My wits worked rapidly, and during the next two weeks I had this same experience each night, and not once did I fail to have something new and logical to tell my audience.

Then Rowan, the candidate I had defeated in the primaries, backed an independent candidate named Joseph McElvain. I was making too many friends, and that didn't suit him and his friends. Everywhere I went from then on, I met someone who was absolutely rabid about women office seekers. How frequently I was told that my place was in the home, nursing

dismissed."); see also Linda Diane Henry Elrod, *Washburn Law School Celebrates a Century of Welcoming Women*, 42 *Washburn L.J.* 853, 874 (2004).

babies. I found it didn't do any good to explain that I had already nursed my share. Nobody believed me, so I kept still.

I had campaign cards giving a brief summary of my education and experience, as most people seemed bent upon having my personal history. Certain other candidates objected, so the next thousand cards were minus this information. Presto! When I got in among the foreigners, they demanded the cards "with the story on the back," and that thousand plain cards were just that much waste pasteboard! Most of the candidates had their pictures on the posters, so I followed suit, and then vandals decorated or mutilated these pictures, according to their particular venom.

Once when we stopped at a ranch house, I found a very young mother nearly frantic with anxiety, rocking a two-year-old baby who had been stung by some insect. His little leg was greatly inflamed, and I, who had never been able to stand idly by and see any person or animal suffer, found out what first aid remedies she had on hand and treated the sting, and in a few minutes the baby slept and later awoke smiling. When I again came into the county seat, I was informed that I must NOT practice medicine! My opponents were saying sarcastic things about me. Better to let the baby die than have that happen. In this case, the girl had no telephone, was all alone, and thirty miles from a doctor.

Then came the rally in the hometown. In honor of these people, I wore the white net dress, modest and considerably longer than the blue jersey suit. What biting criticism it aroused; but I carried Joliet by a big vote. We went on from there to the county seat, and the lady who told me about my victory at the primary election called me in and almost forced me to borrow a beautiful black silk and lace dress, since I'd be on the platform with the State candidates. Imagine my dismay when I met the Honorable Joseph R. Jackson,¹² candidate for Associate Justice of the State Supreme Court, and the Honorable B.K. Wheeler,¹³ and both men exclaimed, "Why the black? Are you in mourning for the party? White is your color."

12. Joseph Raymond Jackson, born in 1880, served as County Attorney of Silver Bow County from 1917 to 1920; as a district judge for Silver Bow County from 1920 to 1925; and as a commissioner for the Montana Supreme Court during 1921 and 1922. He moved to New York City in 1926, where he practiced law through 1934. Jackson served as a judge on the Court of Customs and Patent Appeals from 1937 through March of 1952 when he assumed senior status. He continued serving until he died in 1969. Wikipedia, *Joseph Raymond Jackson*, http://en.wikipedia.org/wiki/Joseph_Raymond-Jackson (accessed Apr. 16, 2013); Judgepedia, *Joseph Raymond Jackson*, http://judgepedia.org/index.php/Joseph_Raymond_Jackson (accessed Apr. 16, 2013).

13. Burton Kendall (B.K.) Wheeler, born in Massachusetts in 1882, came to Butte, Montana, after receiving his law degree at the University of Michigan School of Law and entered Butte politics in 1909. Wheeler was appointed U.S. Attorney for the District of Montana in 1913 and served throughout World War I; he resigned in 1918. In 1920, Joseph M. Dixon defeated Wheeler in a campaign for governor, but two years later, in 1922, Wheeler was elected, as a Democrat, to the United States Senate where he served four terms (until 1947). During his first term as Montana's junior senator, he ran as the vice

I had to admit I liked white better, but I must needs tell them of the pow-wow about what the women of the county considered suitable duds for a lady candidate. I knew these gentlemen as members of the State Bar Association and had never thought of myself as anything but on an equal footing with them socially. I was much more at home with them than with those who were trying to run my campaign.

They said, "Come on with us."

I came into the packed theater with them, happy to be with people, for the first time during the campaign, who were above pettiness.

And that one pleasant experience cost me the election. That, and my blue jersey suit, for though the long skirt only lasted from July until December, it was enough. The women in the opposing party shouted long and loudly concerning the suit, though suits of the same kind were being worn by the hundred in other and larger places. I had so wanted women friends; I, who had lived so long and so lonesomely on a dry ranch, away from all advantages that even women in small towns enjoy.

The independent candidate was third in the finals,¹⁴ and shortly afterwards left the state, for after helping to defeat me, his political friends had no more use for him.

The day after the general election, a club woman remarked to me, "It's too bad you were beaten, for of course that ends everything for you. You'll never have the nerve to try again, now that you are down and out." Her voice was pitying and also had a note of finality in it. For a split second it was as if she had struck me in the face, but quick as a flash I asked, "Who said I was down and out? Indeed I am going to run again, and I'll be elected, too."

presidential candidate on the Independent Progressive Party ticket; Wisconsin Senator Robert M. LaFollette was the presidential candidate. In 1937, Wheeler led the opposition to President Roosevelt's court packing plan. Three years later, President Roosevelt asked Wheeler to be his running mate, but Senator Wheeler refused because he did not believe that the United States should enter World War II; later, after the attack on Pearl Harbor, Wheeler supported military intervention. After Leif Erickson defeated Senator Wheeler in his bid for reelection in the 1946 primary, Wheeler went into private law practice with his son in Washington, D.C. Burton Kendall Wheeler died in 1975. Robin Wheeler Azqueta, *Biography, Burton Kendall Wheeler*, available at The Burton K. Wheeler Center, http://wheelercenter.org/pub/pdfs/wheeler_biography_2011.pdf (accessed Apr. 16, 2013); SNAC: The Social Networks and Archival Context Project, *Wheeler, Burton K. (Burton Kendall)*, <http://socialarchive.iath.virginia.edu/xtf/view?docId=wheeler-burton-k-burton-kendall-cr.xml> (accessed Apr. 16, 2013); Ray Hill, *Burton K. Wheeler of Montana*, *The Knoxville Focus*, <http://www.knoxfocus.com/2012/12/burton-k-wheeler-of-montana/> (accessed Apr. 16, 2013).

14. In the general election on November 7, 1922, John T. Hays received 1,397 votes; Joseph E. McElvain received 1172 votes; and Emily Sloan received 1169 votes. *Official Returns, General Election*, *The Picket Journal* (Nov. 7, 1922).

She subsided rather weakly with a, “Well, of course—I wish you success, I’m sure.” But there was no encouragement in her voice, and I wonder if she ever surmised that I saw right through her.

It was right after the general election in 1922 that I moved over to Red Lodge, the county seat. Two years rolled by, and business was a minus quantity. I tried to become acquainted with the people, but there seemed little to no chance. A woman without a man friend never was invited anywhere; a woman alone was not snubbed, but simply not seen. I had a few bad collections and some justice court work, and a divorce case or two. If it had not been for the little money from my two sons once in a while, I would have gone hungry. They never knew how awful the situation was. I slept on a cot in the office and rent accumulated. If I had cash, I went out to dinner; otherwise, I boiled rice on an electric grill and pretended I enjoyed the feast.¹⁵

Then one day in 1924 I found myself again in the midst of a campaign.¹⁶ The party at last accepted me, with or without approval.

I went alone to such towns as were situated on the railroad and interviewed as many voters as I could. Then I sent out twenty-five hundred letters all personally signed. Two school teachers, Hope and Alma, helped me at night, folding and enveloping and sealing said letters. Hazel in the county superintendent’s office had mimeographed the letters for me. Then, when I would meet the ranch and farm people, they would say, “I got your letter, Mrs. Sloan. It was nice of you to think of me specially.”

I was beginning to find out that people could be kind. The Clerk of the District Court in Red Lodge, a Republican, offered me the use of his car. I was compelled to refuse, for I didn’t know how to drive, though he kindly offered to teach me. But his car had to be cranked by hand, and I was not equal to that and, just as important, I hadn’t the money to buy gas.

I was on my way to the depot one day, when a businessman met me and paused and said, “Starting your campaign, Mrs. Sloan? Well, good luck to you.” The first recognition I had from any businessman in that

15. Emily did have female friends and ones who, despite her deprivations, helped cheer her on. She wrote, “Lillie Karvonan, who was C. C. Rowan’s stenographer just across the hall from me, was a very intelligent and a very pretty girl in her early twenties. We used to go up on Rock Creek and cook supper over a campfire sometimes. She had such a sunny disposition that she was a great help in keeping up my hope and my faith.”

16. Several women competed in races in the 1924 elections in Carbon County: for County Superintendent, Gail A. Boyd defeated Mrs. Byron Downard on the Republican ticket and Mrs. Ellen M. Peterson, incumbent, on the Farmer-Labor ticket; and Miss Charlotte Dilworth ran against and beat Democrat J. Edward Nordstrom for office of County Treasurer. In state-wide offices, May Trumper ran for and was elected to the office of Superintendent of Public Instruction. *Woman Elected as Prosecutor*, Billings Gazette 1 (Nov. 7, 1924).

town, and as he went on, I found my eyes so dim I could scarcely see my ticket as I paid for it.

Then two women, a widow and her daughter in Fromberg in the eastern part of the county, gave me room and board while I was there. "We couldn't contribute any money to your campaign fund," one of them said, "and we hoped you would come here, so we could do our share." Bless their hearts! I didn't tell them there was no campaign fund for a lone and struggling woman, and I accepted their hospitality, gratefully, happily.

My opponent was the incumbent who had helped defeat me in the other campaign. I ignored him as far as I could, for it was impossible to deal pleasantly with the man who had all the old fashioned ideas of throwing mud to cloud the issues of the campaign; and he threw plenty. One day after coming in from one of the long trips, the chairman of the County Central Committee called on me and asked what was my policy in regard to my opposing candidate.

I said, "Oh, I don't have any policy. I just don't notice him."

"Fine," he answered, "You'll be elected. He is losing votes every day because of his utterly unwarranted attacks upon you. If you can hold out two weeks more, you'll have it won; though I'll admit it must be mighty trying on your patience." That was Tom Pollard.¹⁷

"Oh, I can hold out," I said, "for everything he says is so preposterous it needs no answer."

He said, "That's one way to look at it," and went out wishing me luck.

A few evenings later we were holding a rally in Bear Creek. The hall was packed. Came my turn to speak, and you could have heard a pin drop as I arose and came forward. There seemed a tenseness in the air. I could feel hate, and it seemed to be boring slowly but surely into my very heart. Who could hate me so, I wondered. I had harmed no one. I was speaking under an awful strain, and the hate seemed coming so close to me that I hesitated a second, then stopped as I beheld my opponent in the audience. I looked into a face so full of malice that for a short space I was staggered. Then I rallied, and I said, "I see my opponent is in the audience. I shall not change the course of my remarks." I went on, finished my speech, and took my seat. The applause fairly brought the house down.

I was congratulated right and left the next day before I started out with a car full of men candidates across the county. Roads were rough and ranches far apart. We had stopped where the men candidates had observed a threshing crew, and one of them said, "We'll leave you to corral the votes of those two women, Mrs. Sloan, and we'll get the men votes for you." And I was dropped off at the house.

17. Tom Pollard was the owner of the Pollard Hotel in Red Lodge.

One woman was an intelligent little German, and the other was from some backwoods settlement in the farther east. This second woman had four dirty offspring clinging to her filthy skirts, and the tatters of an old white embroidered petticoat swept the gumbo from beneath her wrapper. She started right in telling me that she didn't believe in women in politics, or in women voting, and after quite a tirade in which I had no chance to say anything, she wound up by asking, "Why don't you get a husband and raise a family, as a decent woman should?"

I had put up with about everything imaginable in my rounds, and this was the last straw, though I asked her coolly enough, "What assurance have you, madam, that I have not raised a family?"

"Well," she said defensively, "You don't look like it."

"I have raised four children, madam," I answered her proudly.

"Not in a place like this," she said.

"In a place much worse than this, for there were no pretty hills in the background, covered with pines, and no placid river running by my door, and no neighbors within miles. And let me tell you this; nobody ever caught me with my face not washed, and my hair not combed, and my children never looked like a bunch of little guttersnipes, either."

I turned and walked toward the waiting car. "I've lost you guys a vote out there," I said, as I took my place with them. Then I told them what had been said. The old war horse of the party laughed in appreciation.

"You undoubtedly did her husband a good turn. I'll bet she'll be dolled up for the next bunch of candidates that comes along."

There were days when most of the candidates grouched, and I had to watch Mr. Mushback,¹⁸ the old war horse, to keep his overcoat buttoned, for he would get into an argument upon the tariff everywhere we went, and I'd come along and find him shivering, with both coats unbuttoned, and usually facing the wind, and chewing the end of a black cigar. He was up in the seventies and by far the most sensible and pleasantest person among our county candidates that I had ever campaigned with.

One day, a schoolteacher offered me a loan. She said it would be a shame to lose that election for the want of a few dollars. I agreed with her, but Stanley¹⁹ had furnished postage for campaign letters, and I was riding in other people's cars and had enough to pay my board, so I told her that if I

18. J. E. Mushback was an assayer for the Minneapolis Mining Company, and he and his wife also had the post office. Jay W. Hanks, *History of Nye, Montana: The History of a Ghost Town*, available at <http://montanaherecome.com/Forty/history.htm> (accessed Feb. 4, 2013). In 1899 and 1900, he was Clerk of the District Court in Carbon County. He served in the Montana House of Representatives during the 1923 session. *Career of John Dunn, First Elected Sheriff of Carbon County*, *The Roundup Record-Tribune* 3 (Feb. 22, 1934).

19. Stanley was Emily's youngest child and her second son. He was a cowboy all of his life.

was elected I wanted to see my kids before I settled down to the office, and then a loan would be acceptable. But oh, I was running perilously close to the cliff!

Then there was a young wife way out in the wilds who was making a scrapbook entirely about me. She said she had saved items from the newspapers ever since the day she had read about my entering the University, because, she said, "If you can do such wonderful things, then when I am through here, I can, too." There was intelligence in her eyes, together with faith and aspiration, and I didn't tell her how thorny and steep the trail, for it was her inalienable right to find out these things for herself, and I secretly hoped it would be different for her. And I knew then that those who aspire to great things do not appreciate discouragement from one who appears to have achieved. They generally get the idea that such person wants all the glory for him/herself. I simply told her how complimented I felt that she should have so much interest in my career, and I meant it.

At one meeting with state candidates, ex-senator Myers,²⁰ instead of speaking on his own behalf, paid a fine tribute to me, and I was glad when I found he was elected to our State Supreme Court. As we came back to Red Lodge and were to occupy the platform with the state and national candidates, the Honorable John Erickson²¹ said to me, "You sit beside me. I've been on the go constantly for the past three weeks, and I'll expect you to wake me in time for my speech. By the way," with a little smile, "how would you like to deliver my speech for me?"

"Governor," I laughed, "I've heard that speech three times today, and I could deliver it, all right, but the people would mob me. But I'll wake you in time, so doze if you want to."

Then came Rowan, our Committeeman, and elevated his eyebrows as we were taking our seats upon the platform, and asked how *I* (poor, poor insignificant I) came to be seating myself beside the governor-to-be, and the Judge answered for me, "I asked Mrs. Sloan to sit here."

Rowan gave a rather bleak "Oh," and subsided. An able man in his profession, yet at another meeting in the same town when there was only

20. "Henry Lee Myers was born in Missouri on October 9, 1862. He was admitted to the bar in 1884 and began his law practice in Boonville, Missouri. He moved to Hamilton, Montana, in 1893, and served as the prosecuting attorney of Ravalli County from 1895 through 1899. He was a member of the state senate from 1899 until 1903, and district judge of the fourth judicial district of Montana from 1907 until 1911. He was elected as a Democrat to the United States Senate in 1911 and reelected in 1916, serving until March 3, 1923; he declined to be a candidate for renomination in 1922. He moved to Billings, Montana, in 1923, and continued practicing law until he was appointed associate justice of the supreme court of Montana in 1927. He resumed the practice of law in 1929, and died in Billings on November 11, 1943." *Henry Lee Myers*, Biographical Directory of the United States Congress, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=M001129> (accessed Feb. 4, 2013).

21. One of Montana's longest serving governors, John Edward Erickson was elected three times and served from 1925 to 1933. Two months into his third term, he resigned to become a U.S. senator.

one comfortable chair on the platform, and I was the only woman candidate present, he took the easy chair. But I was supposed to have grown up in the sagebrush, and this man hadn't learned that even women from the sage enjoy and appreciate courtesy.

At one meeting he told me not to talk with Senator Walsh²² because people would think I was trying to be important. I said that since the Senator was quite well-acquainted with me, I'd explain to him later, for I had had a number of very pleasant conversations with him long before this day. Rowan looked rather blank, and I think he never did sense that, like the old Kentuckian, I had been "twice to the mill, and once to meeting," and knew a few things myself.

I was told it was a pity I had no background. Well, my Uncle Jim was one of the leading men in South Dakota. He had been in the State Senate until he was so old that he declined to be a candidate any longer, saying that government was for the younger men, and it was for the older men to stand aside, but to be ready to help in an emergency. And my father was nobody's fool. His advice, too, was sought quite often in political affairs. My oldest brother had been one of the Wilson Electors, from the state of Washington. I didn't tell these things. It didn't seem to me they were campaign issues. I felt that it was what I myself was and not what my people had been.

Listening in on conversations before elections, I have heard varied and absurd reasons for voting against or for certain candidates. Such as, "too old," "too bald," "a darned Methodist," a "Roman Catholic," the clothing, teeth, manners, "old bachelor," "old maid," "divorced," "not in society," and I could go on and on. I was also inwardly shocked when I heard different county candidates swapping votes with members of the opposing party. I heard the women on my ticket say they were not under obligations to vote for other candidates in our party. To me that was like treason and entirely against anything I had ever heard from either my father or Uncle Jim.

22. Thomas James Walsh was one of the country's most powerful politicians in the 1920s and early 1930s when he directed the United States Senate's investigation of the Teapot Dome scandal, which resulted in the Interior Secretary Albert Fall's resignation and conviction for bribery. Born in 1859, in Wisconsin, Walsh attended the law department of the University of Wisconsin, Madison in 1884. That same year, he was admitted to the bar and began practicing in the Dakota Territory. In 1890, he moved to Helena, Montana, where he continued to practice law. He ran unsuccessfully for election in 1906 to the United States Congress and in 1910 for the United States Senate. He was elected as a Democrat to the United States Senate in 1912 and reelected in 1918, 1924, and 1930, serving from 1913 until his death on March 2, 1933. Walsh fought for Louis Brandeis's confirmation to the United States Supreme Court, women's suffrage, and laws against child labor. He died on a train en route to Washington, D.C., to accept the appointment as Attorney General in President Franklin D. Roosevelt's cabinet. *Thomas James Walsh*, Biographical Directory of the United States Congress, available at <http://bioguide.congress.gov/scripts/biodisplay.pl?index=w000104> (accessed Feb. 4, 2013).

Judge Goddard²³ told me they were all plugging for me. That meant the Yellowstone Bar Association. Judge Stong²⁴ asked one day how things were going. I told him some of the incidents of the campaign and some of the stories circulated by my opponent. When Judge Stong was mad his mouth always closed in a grim line, and this was one of those times. He was silent for a minute or two and then he said, “Well, Lawyer Emily, the old so and so has defeated himself with that venomous tongue of his. A smart man would have been content with a grin or a shrug, but he had to manufacture something amazing out of whole cloth. Don’t let it worry you. We’ll help you over this last hurdle. So far you’ve handled the situation like an old campaigner. I’d say you’ve borne up mighty well.”

At last came election day, and worn and weather-beaten, yet hopeful, the candidates scattered, each to his own precinct. Night time, and three women friends came to my office, and we played whist until about eleven o’clock. Then two went home. Then the phone, which had been ringing more or less all evening, giving me reports, jingled loudly. A man’s voice said, “Mrs. Sloan, this is from the Committeemen. We believe that your election is sure. We congratulate you!”

I could only murmur, “Thank you.”

Two more hours we waited, then in came a young bank clerk to take his wife home. She was Hazel, the girl who mimeographed my letters. He looked worried, and I asked, “What is it, Clare?”

He told me some of the candidates were losing heavily, and said rather uncertainly, “But you are still all right, Mrs. Sloan; but it’s going to be awfully close. But, oh, you’ve carried this town big, and you carried John T.’s precinct!” My opponent had been John T. Hays, a man about sixty years old. Everybody called him John T.

23. Judge O. F. Goddard was a delegate to the third Montana Constitutional Convention in 1889. *Judge Goddard Recites Events at Third Constitutional Convention Held in Montana 44 Years Ago*, The Roundup Record-Tribune 2 (Dec. 21, 1933). He was a district judge of the 13th Judicial District from 1925–1936. He was appointed in 1938 to replace Justice Walter B. Sands on the Montana Supreme Court and was Chief Justice in 1938–1939. *Judicial Branch, Chief Justices of Montana*, http://courts.mt.gov/supreme/chief_justices.mcp (accessed Feb. 4th, 2013).

One interesting story about Judge Goddard:

Judge Goddard came into Billings and opened a law office in 1883. Misfortune dogged his footsteps, for one of the first things that happened after his arrival at Billings was a fire which destroyed the building in which he had rented an office and which also burned his entire library, consisting, says the judge, of one copy of the Montana codes. Two other times in later years, Judge Goddard’s library was burned . . .

Lax and Supportive Juries Often Defeated Serious Efforts of Early Courts to Mete Proper Justice, The Philipsburg Mail 3 (Oct. 2, 1936).

24. “Robert C. Stong served as judge of the 13th judicial district from 1921 to 1937. He was elected county attorney in Yellowstone County in 1912 and served one term. Stong came to Billings in 1909 after graduation from the University of Nebraska Law School.” *Former Judge Stong Meets Death in Crash of Car, Truck*, Independent Record 8 (Nov. 8, 1945). Judge Stong was 65 when he died.

It was two in the morning, and I went to bed but not to sleep. If I won, I had a living for two years; if I lost, I'd just as well acknowledge to myself that I had no law practice, and go and look for a job. It was four thirty when I looked at the clock for the last time that morning before closing my eyes. I was awakened at eight by the phone ringing and ringing. Stupidly, blindly, I stumbled into my office, and took the receiver down.

"Mrs. Sloan, Mrs. Sloan—Emily—Emily—Emily, you are elected. Hurrah, and thank God! Come over and get your breakfast, child. Everybody wants to see you, and the boarders are all so glad."

I'd have given anything just then for a good, long sleep, but I wearily and dutifully crept into my clothes and dragged myself over there, about three blocks from my office and just across the alley from the court house. I passed several groups of people, all more or less strangers to me. Something seemed wrong. There was a tenseness in the air. Men took off their hats, soberly, respectfully as I passed them. The boarders were all gone, but the landlady was hilarious.

As I came back up the street, I heard John T. loudly proclaiming that he was ahead by two hundred votes. A businessman's dry comment reached my ears as I started up the stairs, "All the precincts haven't come in yet, John."

I went into Rowan's office and asked what seemed to be wrong, and he said, "There's a mix up in the count. I've bet a lot of money on you, and we're not giving up; but Gad, it's close!" Then, he added as I turned to the door, "Don't give up. Skinner's conceded the election, by thirty votes,²⁵ and when he gives in, you know the battle's won." John G. Skinner was the Chairman of the Republican Central Committee.

Half an hour later Lillie, this man's stenographer, came dancing in, her eyes like stars.

"Oh, it's sure, it's sure!" She exclaimed. "Oh, I'm so happy! Aren't you?" she asked catching me round the shoulders and whirling me round.

"Very," I smiled, "but I'm so sleepy."

All the precincts were not heard from before night, and those whose reports came slowly did not change the situation. John T. demanded a recount, and said recount gave me two more votes. So the victory was mine

25. The vote was Emily Sloan 1981 to John T. Hays 1951. *Official Returns, General Election, The Picket Journal* (Nov. 4, 1924).

on the narrow margin of thirty-two votes! And there I was, the first woman to be elected county attorney in Montana. That was November 1924.²⁶

And then I visited my kids.²⁷

26. Emily reported campaign expenses of \$12.25 in the primary race, *Losers Paid Most In Carbon Election*, Billings Gazette 5 (Sept. 13, 1924), and \$151.70 in the general election, the highest among the 18 affidavits filed. *Carbon's Candidates Tell Campaign's Cost*, Billings Gazette 7 (Nov. 21, 1924).

27. On December 11, 1924, The Picket Journal reported, "Mrs. Emily E. Sloan returned Sunday from a three-week visit with her daughter, Mrs. J. D. Sullivan of Slope Center, North Dakota, and with another daughter, Mrs. Ray Face of Stratford, South Dakota. Mrs. Sloan was recently elected county attorney and holds the distinction of being the only woman in similar office anywhere in Montana."

Emily's personal papers contain only one of Emily's campaign cards, and that card is from her 1926 campaign for reelection as county attorney of Carbon County. It reads: "From January 1, 1925 to June 30, 1926: 166 cases filed; 108 convictions, 38 dismissals, 20 acquittals. \$6,700.00 fines assessed in District Court. \$4,700.00 fines paid. \$1,212.00 fines paid in Justice Court. If this record pleases you, tell the world by your vote, November 2nd, 1926."

