



1938

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John M. Holzworth

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THE FIGHTING GOVERNOR

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William Ronger

THE
FIGHTING
GOVERNOR

*THE STORY OF WILLIAM LANGER
AND THE STATE OF NORTH DAKOTA*

BY
JOHN M. HOLZWORTH



THE POINTER PRESS · CHICAGO

1938

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Holzworth



Also by

JOHN M. HOLZWORTH



THE WILD GRIZZLIES OF ALASKA

THE RIVER OF NO RETURN

THE TWIN GRIZZLIES OF ADMIRALTY ISLAND

WOOF, THE HALF-PINT BEAR CHASER

THE BLUE BOOK OF DOGS

WILD ANIMALS OF NORTH AMERICA

BEARS, JUDGES AND POLITICIANS

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PREFACE

THIRTY years ago a skinny kid entered Columbia University in New York.

He was 2,000 miles from home, in a country strange to him. His country ways "marked" him as an outlander. So did his ill-fitting suit and a prairie drawl.

I think I was one of the first to recognize him as a "comer" at Columbia. I was only scouting for a Greek letter fraternity. I only sought a youth who would make his mark on the campus and be a credit to the fraternity.

I could not look beyond, to see that the skinny kid with the loping stride, who pounded doggedly around the quarter-mile cinder track at Columbia, would one day become an outstanding statesman, a national figure.

Had I been wiser, I would have known that then. But even to me, unwise and with the inexperienced eyes of youth, there stood out something in this tall youth that set him apart. After practice I introduced myself.

He said his name was Bill Langer.

My judgment that he would make his mark in college was borne out ten times over by his accomplishments. He was graduated first in scholarship in his class. He was class president. He was just about everything else important on the Columbia Campus.

The reason for his popularity is obvious. Bill Langer has a talent for friendship. There is character in the man. Everybody on the Columbia campus, thirty years ago, was proud to know Bill Langer. The most important man in school, he nevertheless had time to talk and to help in the problems of the most unknown freshman in the school.

Time has only demonstrated Bill Langer's capabilities. As governor of North Dakota, as the "boy prosecuting attorney" of Morton county, as state's attorney general, Bill Langer has kept unswervingly to the course he held in Columbia university.

He has kept his talent for friendship. Hundreds of thousands of farmers in North Dakota and the Middle West call him "Bill." He has kept his interest in the common man. Bill's battles, and he has been in half a hundred in his twenty-five years of public life, have been fought without exception in the interest of the common people who are his closest friends.

Bill Langer is still Bill Langer, despite adversity, despite honors. Neither changed him. There are those oldsters in North Dakota who still remember Bill Langer as a boy near Casselton. They will tell you he hasn't changed.

Once or twice in a generation nature spawns a great commoner. In him

are combined the simple, humble, honest virtues of the common people, refined to essence. These men have the inherent fairness and decency of the great mass of good folk. They have simplicity, and kindness is in them. They have the quick anger of the common people at injustice and greed.

They are, in a word, great commoners. They remain simple, unostentatious humble folk. They are the great ones of the earth, set here to protect and to lead the common people in whatever corner of the world they happen to live.

Bill Langer is one of those men. This is an attempt to tell his story.

Granted, it is short of the mark. No one could tell the story of Bill Langer and do him justice. He has written his own story on the history of North Dakota. His story is told in the lined faces of farmers, who are better off because he lived, and had courage to defend them when they were in danger of eviction and starvation.

His story is told in the great capitol of North Dakota, rising 19 stories out of the Bismarck prairie, built honestly and for the ages because Bill Langer scotched the grafters who were making the capitol building a thing with which to rob the common people.

His story is writ on the broad acres of North Dakota, where he was born, and where he saved his farmer friends from burdensome taxes, from mortgage foreclosure, from crooked wheat buyers, corporate tax dodgers and all manner of those who would victimize the common man.

This will tell some of the highlights in Bill Langer's Thirty Years' War with those who seek always to exploit the common man.

It is a story that begins at Columbia university, that has already carried him through the offices of county prosecutor, state's attorney general and the governor's mansion. It may lead, eventually, to higher posts, as the nation becomes more conscious of the man and the friend of man who is Bill Langer.

This is his story, written from the deep feeling of thirty years' friendship.

J. M. H.

CHAPTER I

THIS is a story of battle.

It is the story of one of the most exciting and important periods in American history. It is a story of common people, the ordinary men and women of North Dakota, aroused and united after long injustice, who defended their homes and the very bread of their children against tyranny and greed.

It is the story of Bill Langer and his friends, the wheat farmers and working men and salaried people and small merchants of North Dakota, who gave to the cause of democracy the inspiring example of the Non-Partisan League.

The story of Bill Langer and his friends is particularly timely now. An epidemic of dictatorships spreads over the world like a plague. Millions of common people die slowly, these mad days, in crushed obedience to a few men, insane with power, who have sought to stamp out the very idea of democracy. That ideal, that every man shall have a voice in his destiny, has seen dark and bitter days as fascist and nazi tyrants enslave whole races.

The story of Bill Langer and his friends needs to be told now. The world should know that the democratic ideal, backed by men and women with vision and courage, will triumph inexorably over the greed of the few who lust for power.

This, then, is the story of a movement and a man, of the Non-Partisan League and Bill Langer, its leader through the long fight, not yet ended, against special privilege and political corruption in the state of North Dakota.

Bill Langer is a product of the soil of North Dakota no less than the wheat which fills its granaries in the fall. His father and mother were part of the great migration which settled the prairies as a tide of common people flowed west in search of better homes.

His parents settled on a homestead near Casselton, in Cass County, North Dakota, in 1877. Bill Langer was born on that farm, nine years after the first sod was broken, on September 30, 1886.

Those were tough days in North Dakota. Knut Hamsun, Rolvaag and other novelists have told of the hardships endured by the sodbusters, drought and hail, grasshoppers and pests which combined to temper the steel of the men who stayed on the prairies to make an empire.

Bill Langer grew up in that tradition. There are men in Cass County who worked side by side with Bill Langer in the dawn-to-dusk harvest shift. He slopped hogs and walked his furrow and learned, by living them, the problems a farmer faces in his battle with the weather and the soil.



Bill went to the one-room country school and later to Casselton high school, where he graduated at the head of his class when he was 16 years old. He was at the head of his class again two years later when he was graduated from the law school of the University of North Dakota.

Langer passed his bar examinations when he was eighteen, three years before he could legally be admitted to practice as a lawyer. In the intervening time he decided to enter Columbia University.

Bill Langer is still a tradition at Columbia, largest university in the United States, thirty years after he studied there.

They still tell of Bill Langer's humiliating reception at Columbia. He was a tall, gawky farm boy. His haycock haircut, "store clothes" and middle-western speech made him conspicuous among the tailored New Yorkers from whom Columbia draws many of its student body.

He was proposed for membership in Sigma Chi fraternity. But when the ballot box was opened, there were twenty-two black balls and one white ball. Only his sponsor had voted for Langer. Such a crushing rejection would have broken the spirit of many 19-year-old boys, virtually friendless in an alien community.

But the kid from North Dakota put on a come-back that is still history at the greatest university in the United States.

He was graduated at the top of his class in scholarship. He was elected president of his class. He won the Roelker medal, awarded each year to the student who has been most outstanding in his class. He was elected chairman of the Junior Prom committee in an election where his opponent was Howard Ostenhout, who later became an eminent lawyer and one of the outstanding public spirited men of the country.

Langer, incidentally, led the Junior Prom in a rented dress suit. He remained, as he still is, the North Dakota country boy.

Finally, the fraternity which had almost unanimously rejected him unanimously named him to membership, and were proud that he accepted their pledge pin.

His outstanding record at Columbia University presaged his later career in North Dakota. Underestimated and dismissed lightly by those who judge a man by externals, Bill Langer came back to demonstrate innate qualities of leadership, character and scholarship that made him the most brilliant student at the largest university in the country.

In 1910, Bill Langer was 24 years old. He had a college degree and his way to make in the world. Because of his outstanding record, a Wall Street law firm headed by Francis S. Bangs, law partner of Grover Cleveland, offered him a post in their famous legal partnership.

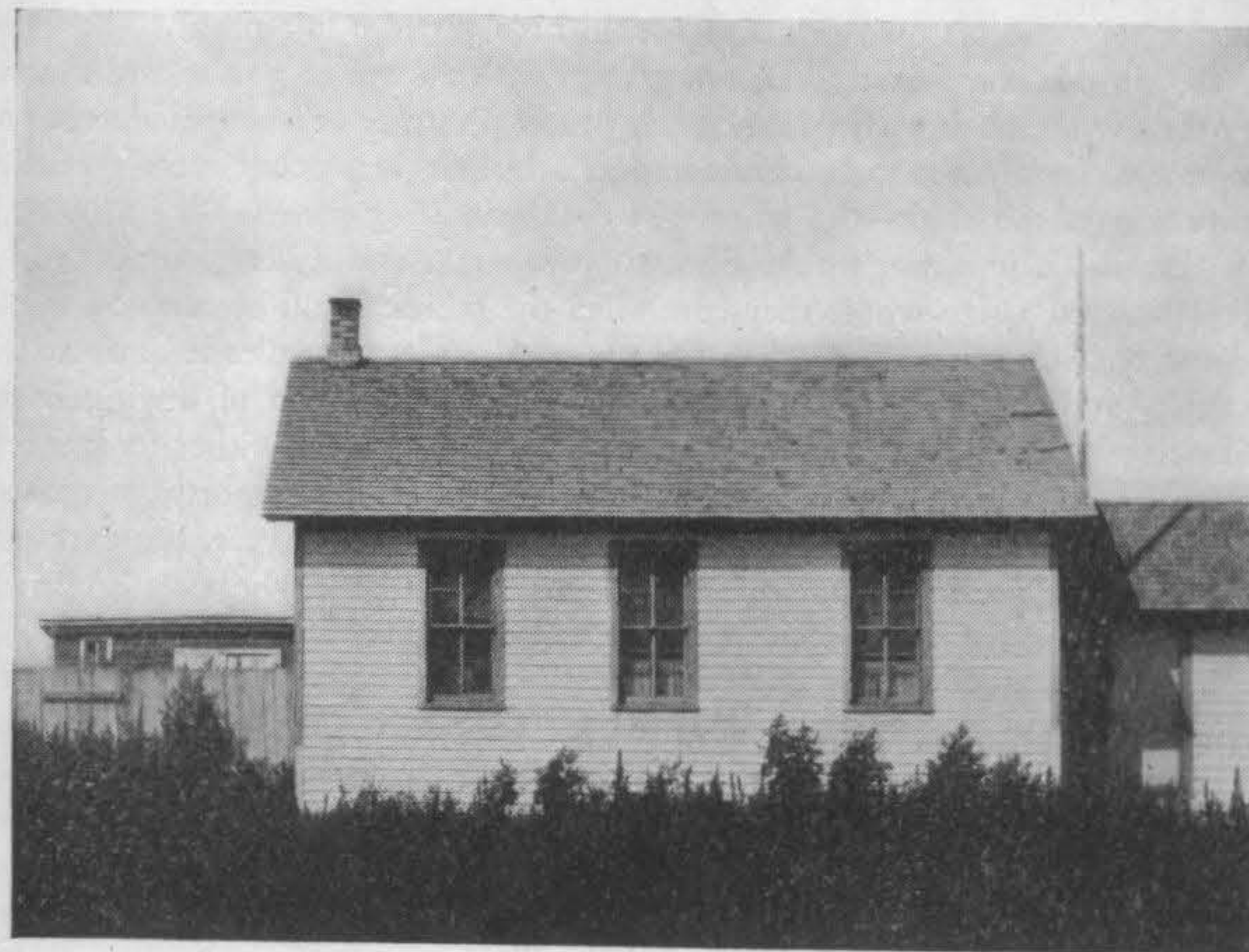
The young lawyer was faced with his greatest decision. But almost immediately he rejected the offer. There was too much North Dakota in Bill



Mr. and Mrs. Frank Langer,
Bill Langer's parents



Bill Langer in a fighting mood



North Dakota county school near Casselton attended by Bill Langer



CHAPTER II

LANGER was appointed assistant state's attorney in Morton county. His record as a trial lawyer became a byword in the district.

Less than four years after his graduation from Columbia University, Langer decided to run for state's attorney in the county. His home was in another section of the state. He was a newcomer. He had no money to make a campaign.

Despite these handicaps, Bill Langer made the race for the Republican nomination. He was fighting an entrenched machine which had been in the habit of distributing county offices to the faithful in machine-like fashion.

But Bill Langer had his record of accomplishment behind him. He went out to the country stores and the crossroads settlements in Morton county and met the folks. He won the nomination, in a bitter four-cornered fight, by a margin of less than 150 votes. Bill Langer came successfully through his first political battle. It was entirely a tribute to personal contact. After talking, man-to-man, with Bill Langer, the voters trusted him to keep his word.

Morton county in 1914 was "wide open." North Dakota was officially "dry" but in the sparsely-settled wheat country, the law was more generally observed in its breach. But Bill Langer promised to enforce the law as it stood.

The bootlegging interests supplied the funds for an anti-Langer campaign. The old guard Republican organization joined the Democrats in a coalition group to administer a political licking to the upstart who had challenged their domination.

But Langer went back to the people. As has been frequently mentioned, the hard-headed farmers of North Dakota, long familiar with democratic procedure, like to do their own thinking. They trusted the sincere young lawyer from Mandan. Langer administered a sound thumping to his heavily-backed opponent in the November balloting.

It would have been only human for the young attorney, his battle won, to have settled back for a breathing spell after his victory. But Bill Langer moved immediately to the attack. The day he was sworn in office, Bill Langer issued 167 warrants for the arrest of liquor dealers and vice operators. It was the largest number of warrants ever issued in one day in the history of the county.

Bill Langer made no distinctions in the enforcement of the law. Several respected druggists were amassing comfortable profits selling liquor on the side. Langer cracked down on them in the same series of raids which hauled in the acknowledged speakeasy operators.

THE STORY OF WILLIAM LANGER

Langer's two years in office in Morton county was a parade of success. He won case after case in criminal courts, but his forthright attack on the Standard Oil Company, the Northern Pacific Railway and other "kingmaker" corporations which maintained lobbies at the state legislature won him state-wide renown.

Langer, still the farmer boy from Casselton in his heart, was irked because nearly all the larger corporations escaped real property taxes by leasing railway right-of-way land for their industrial sites. Farmers and small residence owners paid increasingly heavy taxes, but the big corporations escaped scot-free.

Langer filed suit against the Standard Oil Company, the Northern Pacific Railway, the Occident Grain Elevator Company and an important lumber company in 1914 for non-payment of state and county taxes on buildings located on railway right-of-way property.

This was Langer's first tangle with the powers that be. The great corporations intimately concerned with controlling the state viewed the attack of the fighting state's attorney with alarm. They enlisted a battery of high-priced legal talent to smash the upstart flat.

Andrew Miller, Bismarck attorney, headed the counsel for the Standard Oil Company and the railway. It was this same Andrew Miller, elevated to a federal judgeship, who presided over Langer's trial on trumped-up fraud charges twenty years later, and the enmity engendered when Langer gave Miller a resounding legal spanking in the tax suits carried over the years, and it was only with difficulty that Langer was eventually able to disprove as baseless the charges against him.

Langer won the tax suit in the lower court. The railway company and the corporations were ordered to return \$30,000,000 in property to the tax rolls. In addition, they were ordered to pay six years' evaded taxes amounting to \$1,250,000.

It was a smashing victory for the "boy state's attorney." Fighting alone against high-priced defense counsel years his senior, Langer won his first major victory for the people of North Dakota. Taxes on homes and farms were lessened by just the amount the corporations were compelled to disgorge.

In a brilliant argument before the state supreme court, Langer won an opinion confirming the tax suit verdict. The corporations paid up.

The decision ordered taxes paid on 2,038 grain elevator sites, 1,000 lumber yards and their warehouse sites and 260 oil tank station sites along the railway right-of-way in North Dakota. It is small wonder that the corporations, which had for years been evading payment of taxes while householders and farmers shouldered the cost of state government, aligned against the fighting district attorney, and have remained against him in solid phalanx ever since. If a man is known by the enemies he makes, Bill Langer is incontrovertibly

and forever in the camp of the common people. Newspapers, grain elevator corporations, railways and the oil companies, representing the largest interests in North Dakota, have been his enemies ever since his first term as county attorney, when he defied the corporate lightnings and made them pay a fair share of the taxes of the state.

It might be well here to recall, for future reference throughout the battles Bill Langer had as attorney general and governor, that the reactionary elements of big business, as represented by the corporations operating in the state, were against him and militantly opposed him in every political campaign. A man may be as fairly judged by the enemies he makes as the company he keeps, and Bill Langer's enemies, disclosed by the records, have been the power companies, the elevator companies, the railroads and other million-dollar interests.

At the same time the militant young public official was tilting with the corporations, the oppressed farmers had been quietly organizing. Unable to obtain relief through the legislature as then constituted, they had turned to cooperative buying and selling organizations as a possible solution of their problems. The Society of Equity was organized, and the group established their own grain elevators in an attempt to combat the stranglehold of the elevator syndicates. This proved of little value, as their exploiters controlled the terminal markets outside the state of North Dakota. In addition, the legislatures passed discriminatory legislation which virtually throttled the cooperative elevators.

The farmers gradually came to see that their organization would necessarily have to adopt political methods to end political domination of their economic lives.

In 1915, the farmers of the state, through initiative petition and referendum, put through an amendment to the state constitution permitting the legislative assembly to lease, purchase or erect a terminal elevator at the head of the Great Lakes in Minnesota or Wisconsin. This would have struck at the monopoly's complete control of terminal elevator facilities. The amendment to the constitution, in effect a direct mandate of the people, was entirely ignored at the 1915 legislature, and protesting farmers were shooed out of the statehouse.

Fighting mad that their efforts to obtain some measure of economic freedom had been set at naught by the legislature, the North Dakota farmers organized the Non-Partisan League. Casting about for fearless candidates, with courage to defy the vengeful forces of big business, the Non-Partisan League noticed Bill Langer, just then concluding his successful tax suits against the biggest corporations in the state.

Langer was petitioned to run for attorney general of the state.

The fighting young attorney did not hesitate a minute. The problems of the



The Governor with Mrs. Langer and their children in 1926

farmer were close to him, an ex-farmer himself. He immediately aligned with the infant Non-Partisan League, a partnership that was destined to bring a New Deal to North Dakota in the years when Franklin D. Roosevelt was an obscure assistant secretary of the navy. The embattled farmers of North Dakota, backed by the small business men and working people, launched a liberal movement that spread through the midwest and exerted a profound effect on the trend of American affairs.

The liberal program of the Non-Partisan League, embracing old age pensions, farm problem solution and other familiar reforms, was taken over almost in toto by the Democratic party in 1932. The reforms Bill Langer and his friends secured in large part in North Dakota later came to be recognized as necessary reforms in any truly democratic government with the best interests of the common people at heart.

Bill Langer smashed into the state political arena as the candidate for the Republican nomination for attorney general. The stand-pat elements were against him to a man. He was 28 years old, and the youngest man ever to seek the post. Only his brilliant record as a militant foe of the interests made him a factor in the race.

Bill Langer came through the primary election with votes to spare. Despite the frenzied efforts of the politicians, the Non-Partisan League, with its solid bulwark of farmer-labor membership, swept everything before it.

The League sought a state owned flour mill and terminal elevator facilities; a state bank and credit facilities; state hail insurance for farmers at cost; workmen's compensation; a minimum wage and maximum hours law for women; a state-owned bonding company to bond all public officials and end the notorious political bonding racket, whereby favored politicians reaped a fat harvest of bond premiums; state loans to finance the building of homes (a housing administration 20 years before the New Deal was even thought of!) and other reform legislation which the stand-patters screamed was "socialistic" then. Now it is recognized that the infant Non-Partisan League of 1916 drew the liberal battle lines in the still-continuing battle between reaction and progress, and that most of the objectives hailed as fantastically visionary then have been obtained through the united efforts of such liberals as Bill Langer and other League officers.

Lynn J. Frazier, Hoople farmer, and Langer headed the Non-Partisan League 1916 ticket. Despite a frenzied coalition between the standpat Republicans and the Democrats, in which the two factions buried the hatchet in mutual fear of the progressive element, the Non-Partisan League Republicans swept the ballot in the November elections. The "fusion" ticket supported by the Old Guard Republicans who had controlled the state for years, and the Democrats, were hopelessly outdistanced as North Dakotans marched to the polls and ushered in progressive government.

Bill Langer became the youngest attorney general in the United States at the age of 29.

Langer assumed his new duties on January 1, 1917. His first attack was on a series of outdated "blue" laws, too silly and ancient to be enforced in a modern civilization. Fanatics were taking advantage of the whole series of old laws to persecute those who did not agree with their narrow views.

In one instance, a preacher had a farmer arrested for working on Sunday when he threshed grain on Sunday after being held up in his harvest all through the week because of rain. At Langer's insistence, the whole caboodle of outdated laws was repealed by the legislature, and thanks to Bill Langer, North Dakotans now may purchase medicine, buy newspapers, send a telegram, obtain milk for children and secure other necessary services on Sunday.

Immediately Bill Langer moved to attack again. Alex McKenzie was the acknowledged political boss of North Dakota prior to the advent of the League. The "boy attorney general" singled out the kingpin of the opposition, a powerful industrialist in his own right, for his first big battle as attorney general of North Dakota.

CHAPTER III

THE city of Bismarck suffered constantly recurring outbreaks of typhoid fever. The threat to public health worried the new attorney general. He called in bacteriologists and public health experts.

Their report was succinct and pointed. Impure and polluted water was causing the recurrent epidemics. The water was supplied by a private company owned by the political big-shot, Alex McKenzie.

Langer immediately opened legal fire on McKenzie, long accustomed to doing as he pleased in North Dakota. Suit was instituted to force the Bismarck Water Company to install a filtration plant for the protection of the public.

McKenzie protested volubly before the court against the order forcing him to make the plant safe. He protested that the expense would virtually result in confiscating his plant. Langer moved inexorably ahead with the suit. Then, as later, he held to his creed that human rights, in time of stress, supersede property rights.

With his first big-shot foe vanquished, Langer next challenged the dominant electric light and power corporation. He was convinced that the people of North Dakota were being "stuck" with excessive power tolls. "Old Bob" LaFollette, over in Wisconsin, had disclosed a shocking condition of excess profits levied against the common man's monthly light bill. Bill Langer immediately retained Haganah & Erickson, the Chicago firm of rate experts "Old Bob" had employed to reveal the power trust gouge in Wisconsin.

Langer was just nicely into his investigation of power company valuations when his second personal war on the corporations was halted by the entrance of the United States into the world war. Bill Langer had to wait 16 years for his chance to "crack down" on excessive power rates, but Bill Langer never forgot. Eventually, after he was governor, he trained his guns on the power rates and brought them tumbling down. That is another and later story.

Langer's liberal crusading was very largely sidetracked by the hectic days of the war. He was of war age, and tried three times to enlist. He was refused each time, the army refusing to waive its rule against accepting elective public officials. Langer made two trips to Washington in an effort to have the rule rescinded, but Frederic D. Keppel, assistant secretary of war, refused to permit the enlistment of the young attorney general.

Bill Langer was named attorney for the state council of defense, and took an active part in Liberty Loan drives and other war work. Under the Langer

plan, wheat acreage needed in the "battle of bread" was greatly increased in North Dakota.

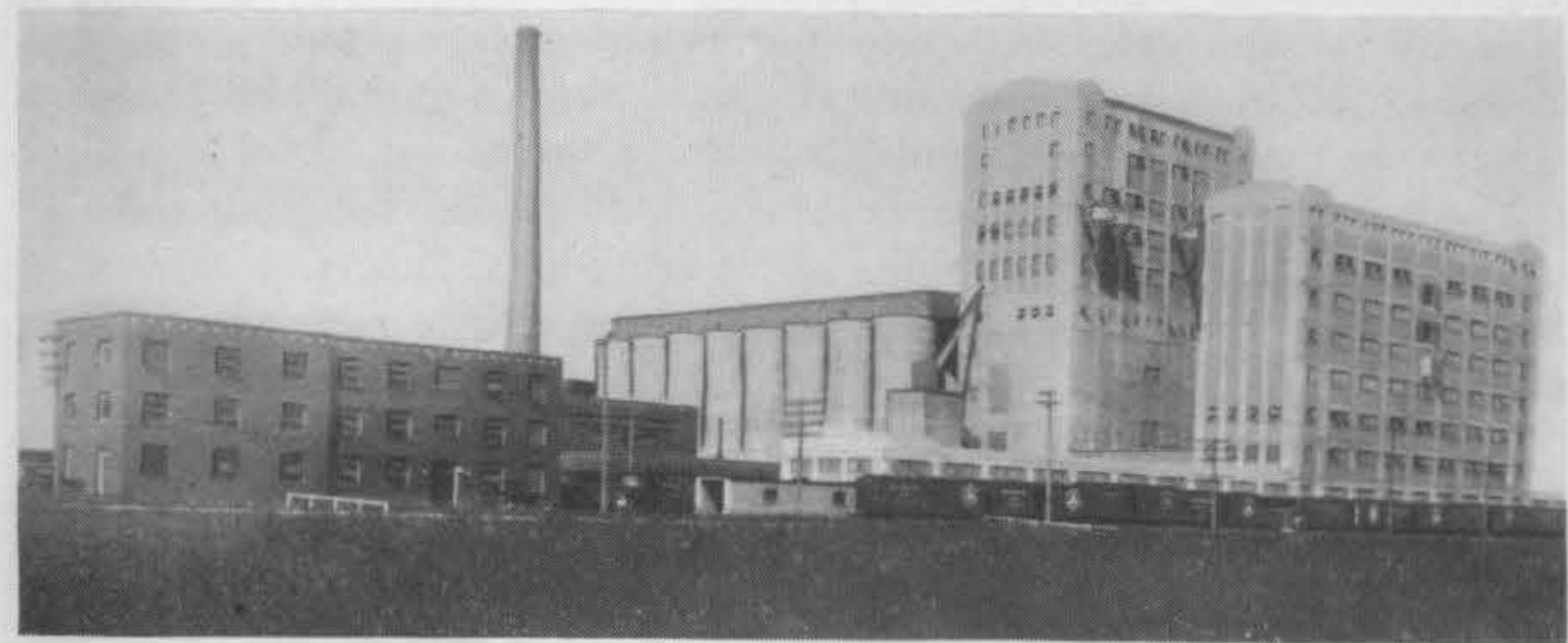
The young lawyer also demonstrated that he did not yield to war hysteria even in the midst of the war fever that swept the nation.

There were a large number of North Dakotans of German descent during the war. They were intensely loyal to the United States, and gave greatly of their sons and their wealth to aid the progress of the United States. But there were those fanatics in the state who proposed making it a penal offense to speak German. There were mothers, Langer knew, who had given sons to the American army, who yet could speak nothing but German. To stigmatize these loyal folk would be an unfair and meaningless persecution. Langer spoke against the proposal in defense council sessions, and eventually saw the plan thrown out.

After the war, Langer immediately returned to the crusade against special privilege and market-riggers who were robbing his farmer friends.

The "old line" elevator companies, which had enjoyed a monopoly of the lucrative North Dakota wheat business until the farmers organized to build cooperative elevators, conceived a plan to wreck the cooperative elevator system.

In communities where a co-op elevator was located, the syndicate jacked up its prices out of all reason. The co-op could not meet the prices offered the farmers by the syndicate and remain in business. But the elevator combine, in towns where no co-op elevator existed, offered ruinously low prices to the farmers there. They financed their high-price tactics with the profits accruing from purchases in towns without co-op elevators. Here, simply and clearly, was illustrated the utter heartlessness and callousness of Bill Langer's opponents in North Dakota. Utterly ruthless, they were ruining farmers without a qualm, to finance their battle with the co-ops.



Only state owned flour mill in the United States. Built in 1922 at a cost of three million dollars. Capacity four thousand barrels a day

Bill Langer hired twenty trucks one day. He loaded the trucks with identical grain from the same field and same threshing machine. Then he sent the trucks out to sell the wheat to the various syndicate elevators at scattered points through the state. He found the syndicate offering prices that varied by as much as 20 cents a bushel. Needless to say, the low prices were offered in towns without a competing elevator.

Langer immediately filed suit. Eleven grain elevator companies were named defendants in the action he instituted in behalf of the people of North Dakota. The cases were still pending when he left office in 1920, but the militancy of his attack on the wheat kings did much to better conditions for the farmer in North Dakota.

By 1920, the League had grown to a position of power in North Dakota. It had 50,000 dues paying members in the state. It had spread to fifteen neighboring states, including Minnesota, where the dominant Farmer-Labor party is today an outgrowth of the transplanted North Dakota League.

With success, the League attracted coat-tail riders. Promoters with something to sell the farmer wormed their way into the organization. Farmers were sold co-operative this and co-operative that by glib salesmen who professed the League creed and utilized League membership as a sales talk for their questionable schemes. Langer was determined to purge these elements from the Non-Partisan League. In his usual fashion, his decision made, he leaped into the battle. The League was split into factions when Langer, in 1920, announced his candidacy for governor. Boldly he advocated expelling the questionable hangers-on, some of them who had places of responsibility within the League. Naturally, they resented Langer's attack, and there was strife within the League.

Langer lost his race for the governorship, but as a result of his fight, sincere men emerged as leaders of the League, who drove the promoters out of the organization and kept it free of commercial exploitation.

At thirty-three, Bill Langer returned to the private practice of law in Bismarck. He already had an honorable public career behind him at an age when most men are barely started in their professions.

The major reforms sought by the League had been enacted. The economic program and social legislation the League desired was largely on the statute books. The work Langer set out to do was done. Langer kept away from the political arena for six years, building up a lucrative practice in Bismarck.

The League grew soft. Its objectives attained, interest fell off. A united and militant organization in times of stress and oppression, the League was killed by its outstanding success. Dissension between leaders no longer united against a common enemy was the order of the day. Membership dropped off and the forces of privilege, harried to their burrows by the League's earlier attack, began to take heart.

wasn't afraid

The organization declined until it was only a shadow of the fighting force that went out to battle in the elections of 1916. The League, in 1928, endorsed Langer for attorney general. But the forces of decay had done their work, and the whole League ticket was defeated.

The Non-Partisan League seemed destined for the graveyard alongside such political corpses as the Populist movement, the Society of Equity and other farm revolt groups that blossomed briefly and died a generation ago. That the League survived, and became again a potent force for liberal progress in North Dakota, is largely due to the efforts of Bill Langer.

Bill Langer, remember, was rejected by a 22-1 majority by his fraternity brothers. He came back to become the outstanding man on the Columbia university campus. History repeated itself in North Dakota. Bill Langer, licked, only then starts to fight.

After the rout of the League in 1928, the state executive committee, composed of Roy W. Frazier of Crosby, Fred Argast of Moffit and Carl Anderson of Buffalo, met in conference with Langer and contracted to turn the work of re-organizing the League over to him, with full authority and responsibility. The League was virtually bankrupt. Bill Langer not only devoted his time and personality to the task of revitalizing the moribund League, but also dug down into his personal funds to complete the work. That the League "came back" to sweep the state in 1932 is tribute to Bill Langer's influence with the farm folk in the back country.

In the 1932 convention, Langer won the Non-Partisan League endorsement for governor after a bitter fight. That first battle, for the League endorsement, presaged a four years as stormy and fraught with drama as any public official ever experienced in these United States.

Bill Langer moved to his campaign. His opponent for the League endorsement, T. H. H. Thoresen, refused to support Langer's candidacy. It was the first touch of the ill luck that was to dog Bill Langer through four of the toughest years in history, years bright with accomplishment, years memorable for high courage and political innovations.

The stage was set for epic drama in 1932.

CHAPTER IV

IN THE North Dakota primary election of 1932, Langer faced the initial handicap of running for the Republican nomination in the year when Franklin D. Roosevelt was at the crest of his initial popularity. Langer won the nomination in a contest with Frank Hyland. The conservative and stand-pat elements in both parties formed a "get Langer" coalition and united behind H. C. DePuy for governor.

The coalition, however, could not hold back the inexorable tide of League votes. The resurgent League elected its entire ticket in November. Despite the popularity of Roosevelt, who carried the state by a wide margin, Langer and his League-supported Republicans took over the state government.

Bill Langer went into office on January 2, 1933. The augurs were adverse even on the first day of his term. Bill Langer was in the hospital, seriously ill with influenza, when he took over the reins as governor.

He came to office in the darkest days of the first depression.

North Dakota was sore stricken. For three years in a row crops were near-failures. The years since 1929 had seen the bottom drop out of produce prices. Poor crops and poor prices spelled ruin to the farmers of North Dakota. Hardly a farmer was out of debt. Farm homes were mortgaged to the limit. Taxes were unpaid, and taxes had continued to mount throughout the depression, the lawmakers airily dismissing the plight of the farmers as they voted new levies.

In the twelve years from the time Bill Langer stepped out as attorney general, to his return as governor, the "old guard" had returned to power at the state house.

Besides the crushing tax load, the farm populace was denied the normal avenues of credit. Banks were closing daily, their vaults glutted with "frozen" mortgages the farmers could not pay.

State finances were in impossible shape. Langer inherited \$500,000 in unpaid bills from his predecessor. Teachers in state institutions were several months behind in their salaries. State bonds had depreciated to an all-time low of 62 cents on the dollar. Delinquent taxes in the state amounted to approximately \$25,000,000.

That was the situation confronting the governor as he took the oath of office on a sickbed.

His inaugural speech, read in his absence, was a blunt, outspoken document that faced the facts of North Dakota's insolvency and the menace to her people.

"We must balance the state budget," Langer said; "North Dakota goes into the coming year with unpaid borrowings of \$2,500,000." Langer's speech said, "We have arrived at a point where expenditures of taxpayers' money consume approximately fifty per cent of the cash farm income of the state.

"Continuation of such policies can mean only one thing—bankruptcy. Unless some immediate, drastic remedy is adopted to equalize taxation with income, complete ruin faces the farmers of North Dakota."

Bill Langer proposed the "immediate, drastic remedy."

He had campaigned on a platform of economy in the state government. Governmental economy is a hoary, antiquated plank in almost every political platform—even the present president of the United States, in his 1932 platform, promised a 25 per cent reduction in the cost of the federal government, but how far he came from keeping his promise is common knowledge. But Bill Langer was that rare politician who believed his promises were meant to be kept.

It is interesting to draw a comparison between Langer's state administration and the federal administration which took office in 1933, the same year Langer assumed his post as governor. Both Roosevelt and Langer promised economy in the conduct of government.

Langer whacked more than 53 per cent from the cost of government in North Dakota. Useless bureaus were ruthlessly obliterated. North Dakota really got economy.

The results nationally have been less happy for the taxpayer. Federal bureaus, most of them not under civil service, have been expanded. Never at any time in history have so many bureaucrats been on the federal payroll. Discounting all the relief payments made of necessity, the present federal administration has incomparably increased the cost of government.

Both administrations took office the same time. Both faced identical problems. Both promised economy. The 50 per cent slash in cost of North Dakota government contrasts strangely with the huge increase in federal expenditures. The difference between politicians who promise glibly, and politicians who keep their promises, is once again shown to be cold, hard cash, saved by the taxpayers.

Only on one point did Governor Langer hold out against budget reductions. He stood adamant against reduction of state aid to rural elementary schools. The state budget board had recommended a \$450,000 slash in state aid, which would have forced many elementary schools to close. Bill Langer, not many years removed from a country school, said he would rather the state's institutions of higher learning be closed rather than deny primary education to hundreds of farm children. Through his intercession, state aid to schools was continued.

But other state departments, which had basked under the fatherly protection

of previous administrations, felt the axe as Langer went to work to lop off unnecessary state expenses.

The state budget board, taking its cue from Governor Langer's demand for economy, recommended that appropriations for the general fund be reduced \$2,804,527.

In his inaugural address, Governor Langer said this was a start in the right direction, but demanded that at least another million dollars be whittled off the appropriation.

Typical of his attack on grand-scale spending were his recommendations that the \$1,293,000 appropriation for the state's penal institutions be slashed to \$810,512; that the state schools of higher learning take in their budget belts from a \$3,758,976 notch to a \$2,435,448 mark. The legislature had appropriated \$600,000 for maintaining state offices and departments. Langer urged that it be slashed to \$387,686.

He pointed out that state printing cost \$172,000 in the period from Jan. 1, 1931, to Nov. 1, 1932. Langer said revision of the printing laws would save the state at least \$50,000 annually.

The governor, in his inaugural address, came out in favor of a tax on chain stores, asked lowered statutory interest rates in the states, urged consolidation of the presidential primary with the June nominating primary to save the state \$100,000 in election fees, sought reduction in mileage allowed state employes and in general cut fiscal corners to the saving of state monies.

The farmers of the state backed Bill Langer to the hilt in his drive to reduce expenses. Years of crop failure and low prices had made them desperate, and they were in a mood to support any measures which would decrease the staggering tax load in North Dakota.

Following the inauguration speech in which Langer demanded governmental expense reductions, the legislature met for its biennial 60-day session. The legislature was largely dominated by Langer supporters, and they manifested a disposition to go all the way in giving North Dakota farmers a new deal—months before the national New Deal even began to talk about its program.

The legislature broke with tradition in its organizing sessions, electing a woman—Mrs. Minnie D. Craig of Esmond—speaker for the first time in history.

Langer encountered almost immediate opposition from those remnants of the "old guard" who still remained in the legislature. They organized an obstructionist bloc, and all the reform and liberal legislation enacted during Langer's first term as governor was passed over their opposition and sniping.

The newspapers of the state, still dominated by the industrialists, were equally unwilling to recognize the economic emergency and to cooperate with the liberal elements. The journals of the state, daily and weekly alike,

had opposed Governor Langer in his campaign. Their tempers were not improved by his smashing victory at the polls, and they carried their campaign against him throughout his terms of office.

But the farm groups were solidly behind the governor and the League program. The common people hailed his economy program as their first consideration at the hands of a legislature in a generation. With their support, Governor Langer was able to implement his program of relief with laws which still protect the farmers and working people of the state.

The first measure ever signed into law by the new governor was a controversial piece of legislation, daring in conception as it was novel. The measure empowered the governor to declare an embargo on the shipment of farm products out of the state when, in his judgment, "the returns thereon become confiscatory." The bill gave the governor power to employ state militia to prevent the movement of North Dakota farm products at ruinous prices.

This embargo measure was to become the vehicle of one of the most courageous acts ever performed by a state executive, when Langer defied the wheat kings and the united opposition to invoke its clauses. Governors of the neighboring states "crawfished" and refused to aid the embargo, but Bill Langer "went it alone," and his battle for increased returns to the farmer is one of the most thrilling in American history.

Another bill Langer approved provided for licensing and bonding livestock buyers. Unscrupulous buyers, held to no legal responsibility, had been bilking North Dakota farmers for years until the law was passed.

Another measure Langer actively supported through passage was the bank receiver reforms act. Several hundred banks in the state had closed, victims of the depression. These insolvent banks were in the hands of receivers. Bank receiverships, under previous administrations, were political plums distributed to the faithful. The receivers were more interested in prolonging their fat jobs than in realizing on frozen assets for the benefit of depositors. The lengthy liquidations provided soft berths for the politically faithful, and depositors lost thousands of dollars because of their inept and bungling methods. The Langer-supported law provided for speedier liquidation of closed banks' assets, and drastically limited the powers of receivers.

In those thrilling two months, with League legislators concentrating on the abuses that had grown up during boss-rule of the state, more liberal legislation was placed on the statute books than ever before in a similar period in North Dakota history. Governor Langer led the attack on outmoded and vicious laws.

Liberal measures approved included a lengthening of the period for redemption of foreclosed property from one to two years; replacing the unwieldy three-man highway commission with one responsible commissioner;

limiting attorney fees in foreclosure actions; abolishing the board of capitol commissioners created to build the state capitol destroyed by fire, and consolidating its duties with the existing board of administration; abolishing the unnecessary office of commissioner of immigration; abolishing the industrial survey commission; consolidation of all the inspecting and licensing work of the state government into one bureau, an economy measure that brought important savings; granting authority to the state railway commission to revalue the property of public utilities to determine the fairness of rates; creation of a state equalization fund to provide increased state aid for common schools.

The rate of taxation on inheritances was sharply increased; gross earnings of public utility companies were subjected to a 12 per cent tax; income tax rates, in the higher brackets, were upped. Under Bill Langer's guidance, the first system of state old age pensions was set up. Another law provided that taxes on real estate and personal property could be paid in instalments. Coal mine operators were required to carry compensation insurance to protect injured workmen. The child labor amendment was ratified with a thumping majority. A state-owned power generating plant was authorized.

Grain buyers were licensed, and grain inspection standards were set up for the protection of the farmer. Credit lines to farmers and home owners were liberalized to assist federal and state loan agencies.

Probably no other state legislature ever succeeded, during one session, in the passage of so much legislation in the liberal, progressive tradition. Most of the laws approved by that legislature, and subsequently signed into law by Bill Langer, later became national issues, and most of them are either already federal laws or are well on their way to enactment. That 1933 legislature in North Dakota, a liberal League group backed and supported by a liberal League governor, made legislative history and showed that organized liberals can function efficiently in the framework of a democracy.

But despite the great socio-economic strides made in humanizing state laws for the relief of the common man, the 1933 legislature and Governor Langer had to solve the toughest problem of all: where to get money to finance the state government for the coming two years, and how to bring state expenses into line with declining revenues.

Previous administrations had failed to grapple with the basic problem. The address of the outgoing governor when Langer took office offers a typical example of the "rose colored glasses" school of facing facts.

Ex-Governor George Shafer said: "Notwithstanding the drastic reduction of tax receipts in the past two years, the state government has continued to conduct all its business on a cash basis. It has successfully avoided both deficits in the treasury and the necessity for making loans for current operating expenses."

The anti-Langer press clarified the noble achievements of the ex-governor.

The newspapers suggested that all Governor Langer had to do was follow the policies of his predecessor, and all would be well with North Dakota finances. But it speedily developed that the outgoing administration's claim of "cash basis" was simply political window dressing. The cold figures told a different story.

Two days after the ex-governor made his "cash basis" speech, an overdraft of \$16,273 appeared in the state treasury. A legislative committee a week later reported that John Steen, state auditor under the previous administration, had received permission for a \$600,000 overdraft in the general fund in August, 1932. At the State Auditing Board meeting of January 6, four days after Bill Langer took office, state institutions presented unpaid bills of \$114,584. State aid to rural schools was unpaid in the sum of \$221,918.

The auditing board quickly discovered that the prior administration had left \$500,000 and more in unpaid bills for the new administration to deal with. The piled-up bills, the State Auditing Board said in a formal report to the legislature, constituted a grave emergency in state affairs.

The newspapers, which a week before had lauded the "splendid fiscal record," remained virtually mute about the subsequent disclosures of extravagance and failure to pay state bills.

Governor Langer said: "Other officials spent that money. I was elected to pay the bills." The new executive made a complete housecleaning of state finances his first objective during his first term as governor.

State finances were literally a mess. Out of the chaos of the previous administration's conduct of fiscal affairs, Governor Langer brought order and efficiency. In the darkest period of the depression, when state revenues from taxes were at their lowest ebb, Langer and the liberal legislature balanced the state's budget, restored its credit and brought a full measure of relief to the taxpayers of the state. It is an inspiring record of honest government honestly administered in the interest of the taxpayer.

The state of North Dakota in 1933 led every state in the union in reduction of the cost of state government.

That one sentence might well stand as eternal tribute to Bill Langer and the fighting legislators who stood shoulder to shoulder with him in forcing the reactionary opposition to yield at long last to the inexorable march of decent, honest government.

Those League farmers in the legislature, under the leadership of Bill Langer, put through an economy program without parallel in American history. Only Milwaukee, with a liberal government in charge of city finances, can show a comparable record. The North Dakotans handled public money with the efficiency of private finances, and the cold figures show the result of their labors.

Expenses for the 1931-33 biennium before Governor Langer took office were \$10,007,841. Appropriations for the 1933-35 biennium, after the League legislators finished their "pruning," totaled \$4,758,945. Saving: \$5,348,896.

When a determined legislature and a militant governor can slash the cost of state government 53 per cent, and still provide efficient state government, it is proof that the previous administrations, whether or not vicious in intent, were careless and inefficient with the people's money.

The Langer-League economy program meant simply that for every \$1,000 taken from the taxpayers of North Dakota by previous administrations, the new government took only \$470.

Every department felt the economy "pruning shears." Unnecessary bureaus, which had grown up as soft spots for friends of the reigning political bosses, were summarily abolished, and further savings resulted.

Finally, when the legislature had completed its yeoman work of cutting governmental cost, Bill Langer went into action and saved the state \$592,928 by exercise of his veto power on yet other appropriations.

That was the first step in giving North Dakota a people's government. Bill Langer might well have rested on his laurels then, but he was only getting started in his battle against waste and the policies which had made the farmer's burden so heavy.

The state board of equalization, which determines the valuations of real estate for tax purposes in North Dakota, met in the summer of 1933. Bill Langer was ex-officio chairman.

He immediately proposed that the valuation of all farm lands be slashed a flat 20 per cent. He was outvoted on this motion, but at his insistence the board did agree to reduce farm land valuations 10 per cent. This reduced valuations by \$68,000,000, and resulted at once in a 10 per cent saving in taxes paid by the farmer.

Residential property in urban areas was also reduced in taxable valuation by \$7,000,000 under the Langer tax-reduction drive, resulting in marked savings for the small home owner.

In 1932, the levy against North Dakota taxpayers for general fund purposes was \$2,213,354. After Governor Langer had forced through the economy program, the general fund levy was only \$1,350,375. Millage rates for 1932 were 6.83 mills. This dropped, under the Langer program, to 4.35 mills in 1934.

These were real results. The taxpayers of North Dakota, counting our hard-earned dollars for taxes, knew that Bill Langer had given them an economy program that really meant dollars saved, instead of being merely a collection of pretty campaign promises.

CHAPTER V

BILL LANGER, in his concern for the welfare of the North Dakota farmer, focussed national attention on the plight of agriculture in 1933, when he invoked his now-famous farm mortgage moratorium.

This drastic and courageous exercise of executive powers crystallized sentiment in favor of national legislation to aid debt-ridden farmers. Real, concrete attempts to deal with the farm problem followed Bill Langer's action—and it was action, the first actual move made in the United States that got results.

Some explanation of the background of the plight of North Dakota farmers in 1933 is necessary to know the motives behind that daring action of the new governor.

Crops had been poor for several years. Prices were at their lowest point in the long depression. Avenues of credit were entirely closed to the farmer. Taxes, until Langer came to office, had mounted steadily as the farm income decreased.

North Dakota's average farm income for the 1924-28 period was \$240,000,000 annually. This comfortable production plummeted to approximately \$60,000,000 in 1931, and \$68,000,000 in 1932. Taxes levied in 1932 by the "old guard" represented one-quarter of the net farm income. The North Dakota farmers simply could not pay these crushing levies, and tax delinquencies stood at an all-time high of \$25,000,000.

Thousands of thrifty, once-prosperous North Dakota farm families faced the loss of acres which had once yielded a prosperous living. The money lenders were preparing to "move in" with foreclosure orders. It has been axiomatic that money lenders make their greatest profits in times of stress, when property is acquired for a fraction of its real value, held against the inevitable rise when times grow prosperous. Such "smart business" has always been part and parcel of past depressions, and contributed in no little measure to the misery of the times.

The North Dakota farmers were in worse plight than ever before. They stood to lose their lands, their farm machinery, their livestock as relentless creditors flocked to the kill. The farmers were harried to distraction. Faced with utter ruin, they were in an ugly temper. Men in such desperate straits are the raw material of revolution.

Then, on April 17, 1933, Bill Langer made his famous mortgage moratorium proclamation.

That one move, made on his own responsibility, stamped Bill Langer irrevocably as a champion of the common man. The proclamation, embodying



Governor Langer comes from the hospital to his office to sign first moratorium

the liberal principle that human rights supersede property rights in times of crisis, forbade foreclosure of mortgages on real or personal property in North Dakota until further notice.

Langer held that "the public health, welfare and morale" of North Dakota citizens were threatened by the depression conditions and danger of foreclosure on their homes, and issued his proclamation as an emergency decree. National guardsmen were ordered to forcibly prevent state or county officers from executing foreclosure orders or eviction notices.

That proclamation still commands the respect and tribute of progressive elements. The moratorium accomplished its purpose. Harassed husbandmen of North Dakota were given a "breathing spell" and a chance to work out their economic salvation. There were no bloody "mortgage riots" in North Dakota, there was no bombing of creameries, and attacks on state officials in that state, as occurred in others when embattled farmers sought to prevent foreclosure on the acres they had watered with their sweat and were in danger of losing.

The common people had the attention of the "powers that be" in North Dakota. Their relief came from the governor's mansion itself, and they were not forced to take the law in their own hands to gain simple justice. The law, in North Dakota, was on their side.

Governor Langer's mortgage moratorium gained him the undying gratitude of the farmers and home owners of his state. It also won him the enmity



of the creditor classes, and that enmity persists to this day. Such liberal acts as Bill Langer's mortgage moratorium contributed largely to the vicious persecution he underwent later when a conspiracy of the moneyed interests came close to wrecking his life.

The courage displayed by Bill Langer in issuing his moratorium is illustrated by the knowledge that he had a safe political "out" which he could have used as an alibi to keep from issuing the proclamation. At a previous election, when times were not so desperate, the people of the state had voted down a mortgage moratorium law. Langer could have used that as an excuse to keep from antagonizing the powerful creditor interests, but he picked the forthright method of meeting the issue squarely, and the mortgage moratorium stands as a monument to his courage and progressive beliefs.

The moratorium was later supplemented with other executive edicts, forbidding eviction for non-payment of rent in certain instances, forbidding foreclosure on the stocks of small business men by wholesale houses and blocked eviction of farm tenants.

Bill Langer adopted a "no fooling" enforcement attitude after issuing his moratorium decree. He could have issued the decree, basked in the favorable publicity it engendered among humanitarians, and then have nullified it by failure to enforce its provisions. But Bill Langer, as usual, meant business. When word came that certain sheriffs and creditors were disregarding the moratorium decree, Bill Langer sent national guardsmen out, and effectively stopped mortgage foreclosures.

The contrast between events in North Dakota and in neighboring states is worth noting. National guardsmen were called out in other states to subdue farmers battling with foreclosure officers to save their homes. In North Dakota the governor employed the military to save the farmer's land.

The mortgage moratorium served its purpose. There are hundreds of farm families in North Dakota, still inhabiting lands and making a living today, who would have been forced to the transient wanderings of casual laborers, had not Bill Langer issued his moratorium to give them a financial breathing spell.



National Guardsmen enforcing Governor Langer's moratorium against foreclosures and forced tax sale. The Guardsmen are shown handing over to the sheriff the papers preventing foreclosure and eviction of a farm family in Sioux County, the picture being taken on the court-house steps at Fort Yates, N. D., in November 1933

CHAPTER VI

THE 17-story modern office building that is North Dakota's state capitol is unique in the history of state governments.

For one thing, it was built within the appropriation passed by the state legislature. New state capitols are usually a field day for grafters and expense-padders.

It has almost twice as much usable space as other state capitols. It is a practical building, designed for the orderly administration of government, and not as a vast, echoing monument to governmental inefficiency.

It has the true beauty of functional design. North Dakotans are proud of their capitol structure. One of Bill Langer's greatest battles for good government made the building what it is today, a truly practical government structure, built at reasonable cost.

The original North Dakota state capitol was swept by fire in December, 1930. The 1931 legislature authorized the construction of a new capitol, and appropriated \$2,000,000 for the purpose. The Capitol Building Commission of three members, appointees of the "old guard" on Dakota politics, were named to supervise its construction.

When Bill Langer came to office in 1933, the conduct of the capitol construction work was a stench to liberals. Inefficiency and outright dishonesty were rampant. The building was progressing at an incredibly slow pace, and the commissioners were tossing money around to the winds. It appeared that the "gravy train" for complacent contractors, architects and politicians was running under full throttle, and that the usual graft-ridden story of state capitol construction would be repeated in North Dakota, with the original appropriation spent and the people "stuck" for additional tax money to complete a half-finished structure.

One of Bill Langer's first acts as governor was a demand for a legislative investigation of the new capitol and the Capitol Building Commission. Three senators and four representatives were named to probe the mess.

The legislative committee returned its report and filed thirty detailed charges of malfeasance and misfeasance in office against the old guard capitol builders. It was charged that the state had spent \$50,000 more than necessary on architects' fees. They declared all bids on the structure should have been rejected, being in excess of the legislative appropriation. They alleged that one contractor had given a check on a closed Iowa bank in lieu of bond, and named myriad other irregularities.

One member of the Capitol Building Commission had hired a man in his

office as counsel to the commission. No evidence was found that the hireling ever performed any work for the state, and it was found that he was not even admitted to practice law in the state. The commission had authorized the unnecessary sale of \$400,000 in capitol bonds before the funds were needed, and the state was paying interest on the issue. It was charged that the state had lost \$2,343, to name but one instance, because the board refused to accept the offer of one contractor to furnish his own bond, apparently because the commission wished to place the bonding, and its fat bond premiums, with politically-favored agents.

The legislature had specifically provided that North Dakota labor be used in construction of the capitol. The legislative investigators found that this provision had been almost entirely disregarded, and that contractors were employing out-of-state labor almost exclusively, although thousands of North Dakotans were begging any kind of work.

The legislators acting under Langer's demand for a full probe found that the law providing for payment up to 90 per cent for work already done by contractors had been flagrantly violated. Payments had been made, it was found, when materials were unloaded from the cars, even before the materials had been hauled to the capitol site. The plain intention of the legislature that North Dakota materials be used in construction of the new capitol was also flouted, the report said. "The whole record indicates that the Chicago architect deliberately planned to avoid using brick which was the only material which might have been bought in North Dakota," the report declared.

Finally, the report charged that construction was ordered at a period of adverse weather conditions which increased the cost of construction by at least 50 per cent. The North Dakota winter prevented actual construction, but the salary of construction superintendents and other high-priced technicians was going on without interruption.

There were other irregularities charged. Capitol Building Commissioners had spent more than \$5,000 in jaunts about the state. Commission employes had drawn expenses without presenting vouchers prescribed by law. The commission had not published a financial statement as the law directed. Unlawful expenses had been freely allowed by the commission. The furniture and family of a member of the contracting firm building the structure were transported from Illinois to North Dakota at state expense. Evidence of flagrant "padding" of expense accounts was also found.

The commission also wasted \$20,000 in elaborate cornerstone laying ceremonies, the legislators charged, and further declared this expenditure wholly out of place, as the construction had not progressed to a point where the cornerstone could be laid in its proper place. But the commissioners had their "show," and the old guard made pompous speeches, and the taxpayer pungled up \$20,000 for their entertainment.

The investigating committee, after making its disclosures, recommended that the board of capitol commissioners be abolished, and its work turned over to the state board of administration, already in existence.

In making the probe, the legislators found that one member of the commission had collected expenses from three separate state funds, turning in triplicate expense vouchers for trips he made about the state. He collected blithely from the capitol commission, the national guard and from the Missouri river commission for the same trips. No doubt he enjoyed traveling at such a handsome profit.

One commissioner immediately resigned when his dishonesty was revealed by the Langer-inspired investigation. Subsequently indicted for trial on fraud charges, he entered a plea of guilty.

Bill Langer moved to attack the two remaining commissioners. His complaint was hardly filed until the "old guard" appointees turned in their resignations. The work of the capitol commission, which had been a joyride for its members and employees at state expense, was turned over to the board of administration.

It is interesting to note that the disclosures made officially by the capitol investigating committee exactly bore out charges made by Bill Langer during his campaign for governor. Langer had charged that the "old guard" commission had paid out \$150,000 in architect's fees "before ever a brick was laid in the new capitol."

Old guard newspapers joined in a vicious attack on Langer after he made these charges. The Fargo Forum, in an editorial titled "Gone Berserk," declared that Langer was "crazy or of unbalanced mind" to bring such charges against the "business like" methods of the Capitol Commission. His allegations that \$150,000 had been paid the architects were called "Pure bunk."

When the investigating committee audited the Capitol Commission records, payments totaling \$142,800 to the architects were found to have been authorized, almost exactly bearing out the charges made by Bill Langer months before.

When Langer took over the work of pushing the new capitol to completion, contracts in excess of the \$2,000,000 originally appropriated had already been let by the bungling, crooked Capitol Commission he forced to resign. The total of contracts let was \$2,036,050 at that time, and these did not allow for any extra expense bound to occur in construction, nor was any provision made for completing the structure. The retiring Governor had asked for \$350,000 to complete the structure in his farewell message.

Governor Langer also manifested a complete sympathy for the common laboring man during the construction of the new capitol. Common laborers on the structure walked out on strike May 16th, 1933, demanding 50 cents

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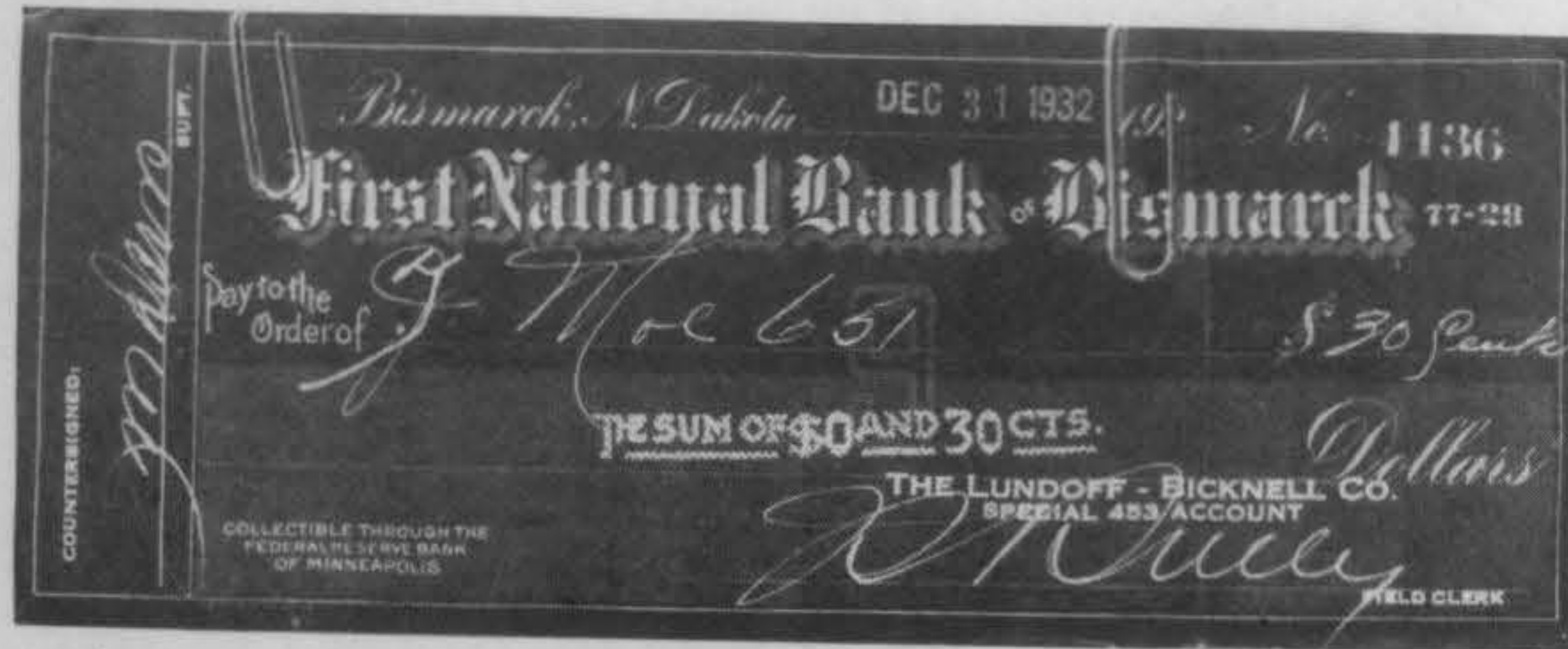
an hour and better working conditions. The wages of all skilled workmen on the structure had been specified in the contracts let by the state, but the contract did not fix the wage to be paid common laborers. The contractors were paying but 30 cents an hour. Unemployment was widespread, and hundreds of family men were eager to get any sort of work. The contractors took full advantage of their want, instituting a vicious "part time" system.

Bill Langer, still the common sort of cuss who led the Columbia University Junior Prom in a frankly hired dress suit, went out on the firing line to get the low-down on the strike and its causes.

He found that workers were compelled to spend hours in idle waiting at the building site before being called for a few hours work. The company would hire a gang of common laborers, work them at top speed for a few hours until they began to tire, and then hire another crew from the hundreds waiting, anxious to obtain any sort of job.

Governor Langer interviewed a man named Ted Moe in the crowd of strikers. Moe, he discovered, had a wife and five children to support. Desperate for work, Moe often was at the capitol site at 3 a.m., to be the first in line at the hiring window. Each morning he followed this routine, spending hours patiently waiting for a call. One week his check was for 30 cents. To obtain that, he had been forced to remain "on call" throughout the week, yet had had only an hour's work.

Bill Langer revolted at the unfairness of the system imposed on the needy laborers. He had them appoint a committee of five to confer with him. They met him frequently, in his office and his home. Bill constituted himself as a negotiating committee of one in an effort to obtain concessions from the contractors, but they stood pat on the letter of their contract that did not specify wages for common laborers, and refused to compromise. Meanwhile the strike went on.



A photostatic copy of the check received by Mr. Moe in payment for a week's part-time work under the vicious employment system which led to the strike of common laborers in building the North Dakota State Capitol

The strike dragged on at stalemate until May 24. The contractors refused to grant any concessions, and the men remained adamant. Langer notified the contractors that unless they resumed construction, the state would take



Governor Langer laying cornerstone of North Dakota's state capitol, 1933

over the work. Bill, his sympathies with the men, meant to provoke a showdown.

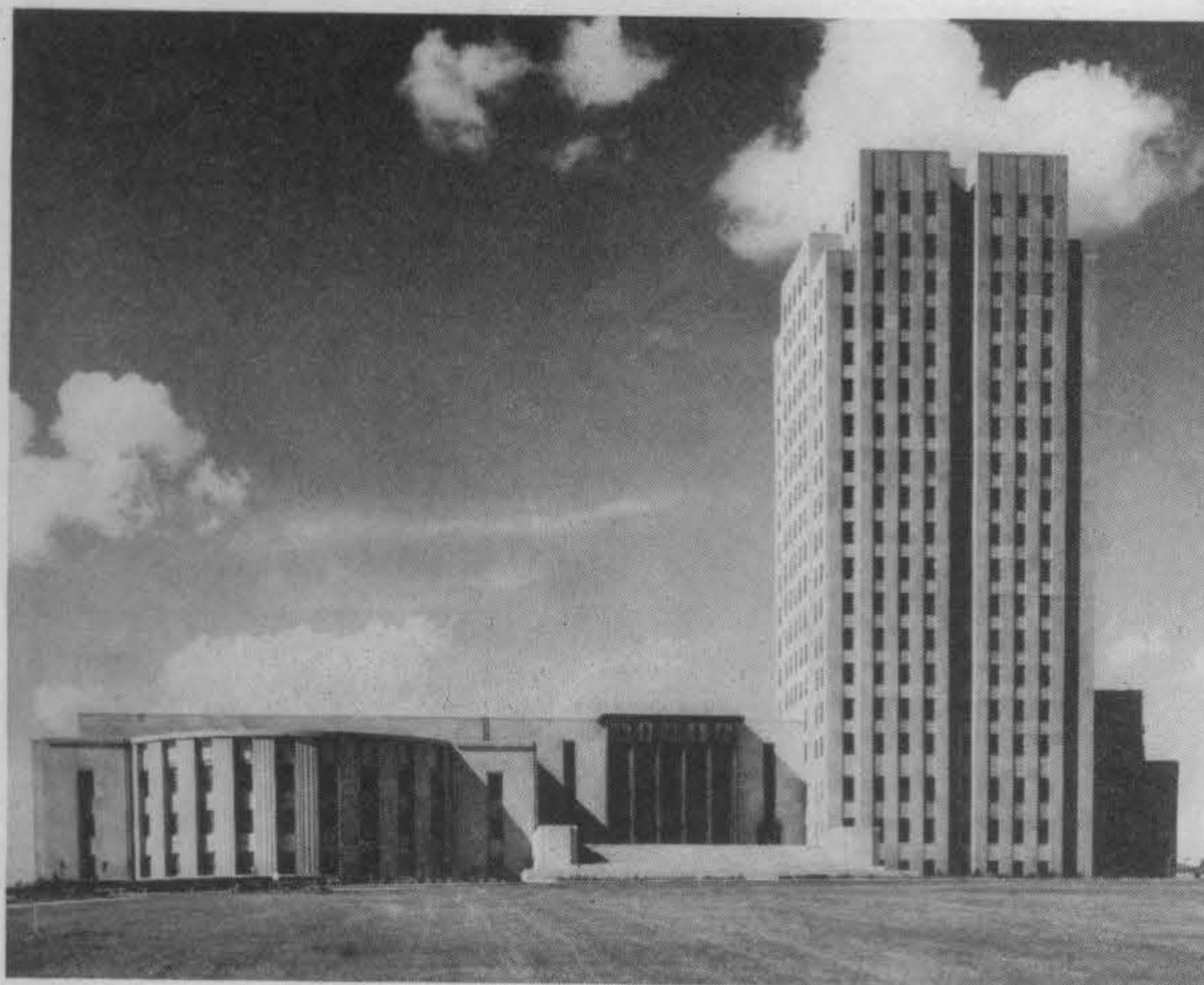
The contractors decided to attempt to break the strike with imported labor. Sixty determined strikers on picket duty, huddled in the drizzling spring rain at the capitol site, ready to resist the strikebreaking attempt. A fleet of contractors' trucks, loaded with men, moved slowly up the hill. Armed with stones and bricks, the strikers met the advancing trucks. The picket lines held, and only a handful of strikebreakers got through into the construction site.

The strikebreakers, recruited from Mandan and Dickinson by the contractors, listened to Governor Langer explain the issues at stake in the strike, and almost to a man refused to aid the contractors, and returned home. After the initial riot and the later dispersal of the strikebreakers, a truce was ar-



ranged between the strikers and the contractors, pending conferences on their differences.

The conferences dragged on without result until June 1. The truce expired,



North Dakota's two million dollar state capitol at Bismarck

and 150 strikers again took up picket line duty, armed to resist any attempt to resume construction. Bill Langer, to prevent any further bloodshed, ordered out 80 national guardsmen to patrol the capitol site. Chicago scabs were chased down the hill by national guardsmen with fixed bayonets.

Langer's action finally convinced the contractors that further efforts to make the men swallow the inequitable 30-cent wage and the "part time" system was useless, and a conference that night produced an agreement ending the strike. The contractors agreed to a 40-cent minimum for common laborers and 50 cents hourly for mortar mixers. The "part time" system was abolished by an agreement not to employ any man less than eight hours a day unless, in the opinion of the state building inspector, such emergency work was necessary. Overtime pay was amicably arranged, and the laborers involved voted a resolution commending Bill Langer for his friendly counsel and assistance during their walkout for decent working conditions and wages.

The Board of Administration, faced with the problem of completing the structure within the \$2,000,000 appropriation, immediately went to work, at Langer's insistence, to pare down contemplated costs. Excessive charges for stone carving, marble work, extra fancy hardware and other expensive knick-knacks contracted for by the previous administration were thrown out, and practical, less expensive decorations and hardware substituted.

Upshot of Bill Langer's drive against corruption in the Capitol Building Commission was the completion of the magnificent new structure within the time limit specified, with decent wages paid even common laborers, with the \$2,000,000 appropriation not exceeded and \$5,000 of the allotment still unspent.

North Dakota has a capitol building practical and of simple beauty. The tower section rising 19 stories, is 241 feet high and contains all state offices.

Its cost per cubic foot was less than half the cost of two capitol structures, in Louisiana and Nebraska, completed about the same time. It contains 80 per cent usable space, the highest ratio of usable space to cubic content of any capitol structure. Nebraska's capitol contains 50 per cent usable space, Minnesota's 29 per cent and Louisiana 70 per cent, to make but a few comparisons.

The story of the North Dakota statehouse is a typical story of Bill Langer's constant fight to save money for the taxpayers and to drive professional politicians, mulcting the people with slick schemes, out of public office. The statehouse stands as a monument to his integrity and his insistence on integrity in those around him in public office.

CHAPTER VII

BILL LANGER'S story moves toward a climax now.

For years he had battled the forces of special privilege and graft. Since he first held public office in Morton county, and stepped on the toes of the railways and milling corporations in the tax suits, Bill Langer had been making enemies among the highly placed.

Those enemies, growing through the years as he lambasted one set of plunderers after another, had one burning ambition—to "get" Bill Langer. They hoped primarily to remove him as a constant menace to their schemes for shady profits and exploitation of the North Dakota public. They hoped, in accomplishing his downfall, to discredit the Non-Partisan League, which represented true democracy and threatened their old rule by an oligarchy of grain barons, milling kings and railway princes.

The farmers had seized power, through the League, in the 1916 elections. They had not maintained power long. But by 1932, conditions under the political bosses had become so flagrant that the farmers again revolted and sent Bill Langer to the governor's chair.

After his successful attack on the corrupt Capitol Building Commission, all the forces of special privilege in North Dakota joined hands to encompass the downfall of the fighting governor who wrecked their most potent schemes for profit at the expense of the state.

Before their conspiracy could function, Bill Langer had given them another reason for wrath. Balked in his efforts to obtain an investigation of power rates in 1917 when the United States entered the war, and everything was sublimated to the military needs of the day, Bill Langer remembered his unfinished chore. His hands free after cleaning up the capitol mess, Bill Langer moved against the electric light and power trust.

He was convinced these companies were evading their fair share of taxes. He believed their rate structures were based on unfair valuations. Most of the power companies in North Dakota were subsidiaries of the powerful national holding companies, lately the target of federal legislation. In taking them on for a finish fight, Bill Langer was again adding to his list of powerful enemies.

Swiftly Langer marshaled his attacking forces. The power companies had for years been escaping taxes by paying taxes on an ad valorem base, enabling them to conceal assets and turning in valuations of their own fixing. The new taxation law abolished the ad valorem base and substituted a flat 12 per cent levy on the gross operating income of the utilities. Governor Langer

backed the measure through passage. Langer was approached by a power company executive before he was to sign the measure. The man attempted to persuade Langer to veto the measure. Bill refused, and was bluntly told that the power companies would institute recall proceedings unless he changed his mind. The measure became law over Langer's signature.

Another Langer-backed law was the statute empowering the state railway commission to investigate the books of the utility companies, and to re-evaluate their properties, the better to fix a fair rate base.

Finally, neglecting no angle to attack the utilities monopoly, Langer opened fire on the rates charged the state for electric power and light in state buildings. Three experts were named by Langer to report on the state's electric power purchases. The committee found that the state was paying 5 to 9 cents per kilowatt hour for power in the penitentiary, the state training school, state-house and other state buildings. Langer held these charges were grossly excessive, and at his insistence, the legislature authorized expenditure of \$350,000 for construction of a state-owned power plant to furnish electricity to the state buildings.

The mere announcement that Bill Langer was preparing to build a power plant brought the power companies into line. The corporations had learned by this time that Bill Langer doesn't bluff. Hat in hand, the utilities companies agreed to a drastic reduction in rates charged for power supplied the state. They agreed to furnish all power required by the state at a flat rate of one cent per kilowatt hour.

Governor Langer's initial victory over the power trust saved the state \$40,000 annually. He insisted that the power firms contract to supply power at the one-cent figure for ten years, and today the North Dakota taxpayer continues to enjoy the savings engineer by Langer's first round knockout of the power trust. The \$400,000 saving, over the ten-year period, was an important contribution to his economy plan.

The effort to force the power companies to pay a 12 per cent gross revenue tax went into the courts. Six power companies, representing the major power interests in the state, joined in the suit against the law.

The fight to make the power companies pay an increased share of state taxes was based on an official report of the state tax commissioner which showed that the six companies, in 1932, paid out more money in interest and dividends than it cost to run the whole state government. The League legislators argued that any firms able to pay such handsome returns could afford to pay a larger share of the cost of government in the state where they made their profits.

A three-judge federal court in November 1934 ruled that the 12 per cent tax was unconstitutional, on the technical ground that the state board of equalization and not the legislature had the sole right to determine tax rates,

and also that the rates must be computed and based on ad valorem methods.

The state at first planned to appeal the decision to the United States Supreme court, but abandoned the move when it was decided it would be easier to amend the offending law. The legislature of 1935 ratified a state constitutional amendment designed to overcome the legal objections to the move, and the Langer-inspired drive on excess profits seems likely to come to fruition.

Langer's administration continued to carry the fight to the utilities. The Northern States Power Company, after a costly court battle, was forced to pay \$83,000 in additional taxes after revaluation by the state board of equalization had increased its tax load.

The law passed by the 1933 legislature empowering the state railway commission to investigate utility values on which rates were based also began to bear fruit.

The railway commission moved into Grand Forks, largest city in the state, to appraise and evaluate the properties of the Red River Power Company. Henry G. Owen, fighting city attorney, cooperated with the railway commission investigators to disclose that Red River Power valuations were heavily padded to serve as a basis for excessive rates. The board, after a thorough probe, slashed valuations by more than \$500,000. The board also ordered sharp reductions in power rates, netting Grand Forks residents annual savings of more than \$72,000.

Savings to residents of Fargo, largest city in North Dakota, were estimated at \$200,000 a year in lowered rates after the railway commission investigators struck "water" in their drilling into the valuations set on their properties by the Union Light, Heat and Power Company, a subsidiary of the Northern States Power Company. The citizens of Minot, third largest city in the state, benefited by an estimated \$60,000 a year in electric bill savings after the administration was through wringing the "dampness" out of their valuations.

Likewise, residents of 60 towns in southwestern North Dakota, including the capital city of Bismarck, derived important savings when the railway commission ordered a flat 25 per cent reduction in rates after the company refused a suggestion to slash rates by 15 per cent.

The "direct action" clauses empowering the railway commission to regulate utility rates, which Governor Langer signed into law after the 1933 legislature, has proved an effective club to bring power rates down to a fair level.

The state moves against excessive rate structures brought reductions not only from the investigated concerns, but other utilities came forward with voluntary reductions when the Langer administration made it clear that the day of excessive rates was over in North Dakota.

Besides the power utilities, Governor Langer opened fire on the three major railway lines traversing the state, the Great Northern, the Northern Pacific and the Soo Line.

In 1933 the state board of equalization fixed their combined taxes at \$3,139,391. The railways immediately took the valuation case to court, and upheld payment of all taxes pending adjudication of the issue. The companies asked a combined reduction in taxes totaling \$1,250,232. When the legal battle was over, the taxpayers of the state had another reason for patting the Langer administration on the back. The railways were ordered to pay more than \$1,000,000 of the amount they sought to have canceled.

The Langer administration continued the sharpshooting at the utilities by instituting a move to obtain lowered freight rates on intrastate shipments. Later the railways sought freight increases which would have added \$4,000,000 annually to the state's freight bill, a payment which would have come out of the profits of the farmer on his grain to a large degree.

Ben C. Larkin, president of the state board of railway commissioners, and F. P. Aughnay, commission rate expert, represented the state before the interstate commerce commission, and the people of North Dakota won another smashing victory. The I. C. C. rejected the grain rate increase and also a proposed boost in the dairy produce freight rate. It was simply another interest where the "divine right to profit" at the expense of the farmer and common man was denied the big corporations by the Langer administration.

Illustrative of the need for an alert state administration, always vigilant to detect corporate efforts to secure unfair advantages, is the fact that the total valuation of the railways, for tax purposes, was set at \$171,633,448. Governor Langer was chairman of the tax equalization board which set this figure. The next year, under the administration of Acting Governor Ole Olson, after Bill Langer had been harried temporarily out of office by trumped-up charges, the railways obtained a \$34,000,000 reduction in assessed valuation, their 1934 taxable valuation being set at \$137,296,862. The common man's millage rate went up that year, because there was no Bill Langer around to keep that \$34,000,000 on the state tax rolls.

These constantly reiterated attacks on the power companies, the railways, the money-lenders and securities companies specializing in livestock loans were bitter enemies of Bill Langer. Old guard politicians, who had enjoyed soft pickings as the pets of the corporations were enlisted in the ranks of his to-the-death foes. The milling companies had long memories, and Langer's battle against them, as a spearhead of the 1916 League fight, aligned them in the enemy camp.

They were to become even more bitterly inimical to the battling governor when, in 1933, he invoked his wheat embargo, a move destined to perpetuate his name in history along with his mortgage moratorium as two of the greatest and most humane moves ever made by a governor in defense of a stricken people.

CHAPTER VIII

THE fall of 1933 was a tough period for North Dakota farmers. The national New Deal had promised aid to the farmers, but nothing had reached North Dakota except the vapors of Brain Trust theoreticians.

Crop prices were ruinously low. The Brain Trust's Ph. D. farmers had not yet finished tinkering with their later outlawed Agricultural Adjustment Administration program. The farmer could get oceans of assurance that "everything will be all right by and by, when we get our program under way." None of the promised relief came NOW, when it was needed, and into the breach stepped Bill Langer, fresh from his farm moratorium fight, eager to help his farm friends.

He had repeatedly demanded of federal agencies that something be done, something concrete and practical, to guarantee the farmer the cost of growing his crop plus a decent margin of profit for his work. He urged a federal law to fix minimum prices of all farm produce at a point above the cost of production. But the New Deal's cerebral classroom farmers rejected his plan. It was too simple. They wanted something involved and looking like a college thesis. Meanwhile, the farmers wanted something practical. They wanted, in short, the cost of production plus a decent margin, as Bill Langer had proposed.

The shilly-shallying of the federal government, swept into office on the high tide of hope for a real New Deal for the farmer and working man, disgusted Bill Langer. The Democratic administration was given one of the most sweeping mandates to overhaul the government on liberal lines a party ever received. But month after month, while farmers over the country lost their homes, the professors debated and theorized and argued. Bill Langer's break with the New Deal can be traced to the fall of 1933, when they failed signally to bring relief to the helpless farmers throughout the middle west.

Langer's increasingly tart comments on the New Deal, charges that there was little to choose, for practical value to the real dirt farmer, between the hidebound reactionary policies of Hoover and the beautiful theories, which got nowhere, of the New Deal, strained amicable relations to the breaking point. Thousands of farmers began to see that the New Deal, which they had elected with such high hopes the year before, was bogging down in a welter of pedagogical idealism.

Time has proved Langer's foresight. The first AAA program failed to accomplish its purposes and was thrown out by the Supreme Court. The second

AAA law finds itself totally unable to cope with the surplus crops in the fall of 1938, and is in drastic need of major amendments. Every new crop season brings the farmer more and more to the belief that Bill Langer's original proposal, federally-guaranteed cost of production, is the only solution of the farm problem.

But when the highbrow statisticians and theory-mongers in the Department of Agriculture failed to do anything for the farmers in the fall of 1933, Bill Langer took action. He has never failed to couple action with theory to meet the problems of North Dakota farmers face to face.



Bill Langer signing the Proclamation declaring the embargo on wheat

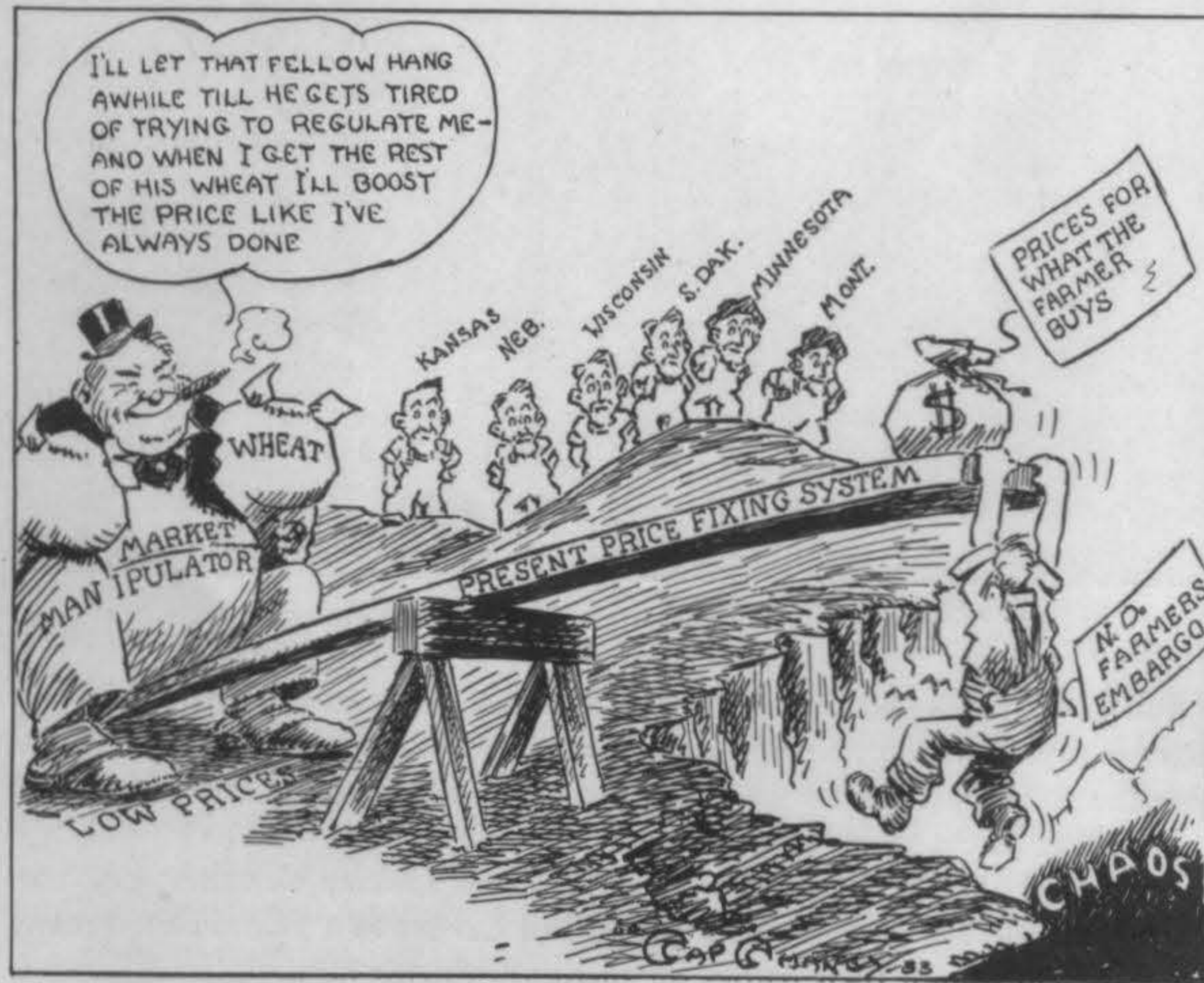
Bill Langer invoked the famous wheat embargo. Under terms of the first law he signed in 1933, he was authorized to forbid shipment of wheat outside the state when prices were "confiscatory." He decided, in mid-October, that wheat prices were down out of all reason. He invoked the embargo powers, and all movement of grain from North Dakota elevators was summarily halted. The farmers were behind Bill Langer to a man. For too many years he had fought their battles for them to mistrust him.

Cash wheat prices at Minnesota terminal points boomed upward five cents the first day the embargo was in effect. The following day, they jumped another five cents. The beneficial effects of the Langer embargo were instantly felt.

North Dakota produces by far the largest amount of hard spring wheat of any state in the union—a type of wheat high in protein content necessary to make first-patent flour. Withholding the huge North Dakota supply from the market really hampered the plans of the millers. Removal of the hard northern spring wheat from the market upset all market-manipulating plans.

The North Dakota move also “jarred” Washington into action. The day after Bill Langer announced his wheat ultimatum, Harry L. Hopkins, relief administrator, and Henry Morgenthau went into the wheat pits and purchased 11,000,000 bushels of surplus wheat for relief needs.

Previously, Langer had sought to have the governors of Minnesota, South Dakota, Montana, Iowa, Nebraska and Kansas join him in declaring the wheat embargo. The six governors immediately wired Langer commending him for his courageous action and lauding the plan, but none of them found courage to match Langer's. They all found some excuse to keep from joining the embargo proclamation. Their failure to take action seriously hampered



the effectiveness of the plan, but Bill Langer had made up his mind, and went ahead.

“The embargo goes into effect as announced,” the farmer’s governor announced, “If necessary, North Dakota will ‘go it alone’ but the wheat embargo sticks.

“North Dakota, with one-eighth of the nation’s wheat crop in elevators in the state, will set an important example to other producing centers.”

Langer’s dramatic embargo focused the attention of the whole nation on the farm problem. National farm organizations commended his stand, and farmers everywhere wired their support of the militant governor. The effectiveness of the embargo was immediately demonstrated. Fifty million bushels of Dakota wheat were dammed behind its state borders by the governor’s order. The National Guard was held ready to enforce the embargo.

The temper of the farmers is best shown by a telegram signed by more than 100 wheat farmers in Sargent county.

“Your action in placing an embargo on wheat is the best thing that has been done in this state in forty years. We are with you until hell freezes over.”

The embargo ordered by Bill Langer caught the imagination of the American public. Newspapers and magazines devoted reams of paper to telling the story of the only governor in the wheat country willing to risk the wrath of opposing factions to “go to bat” for his wheat farmers.

The embargo continued in strict force for a month. No wheat moved out of the state.

In mid-November, a crisis developed. North Dakota raises three-quarters of the nation’s supply of durum wheat, a softer grade used in macaroni. With three-quarters of the supply off the market, prices rose steadily. When prices presently increased markedly, Canadian producers of durum discovered they could pay the 42-cent duty on each bushel of durum, and still ship to the United States at a profit. Bill Langer foresaw this possibility, and appealed to President Roosevelt to increase the tariff a full 50 per cent, as he was empowered to do by law. But President Roosevelt, evidently following Wallace’s advice declined to assist the daring program.

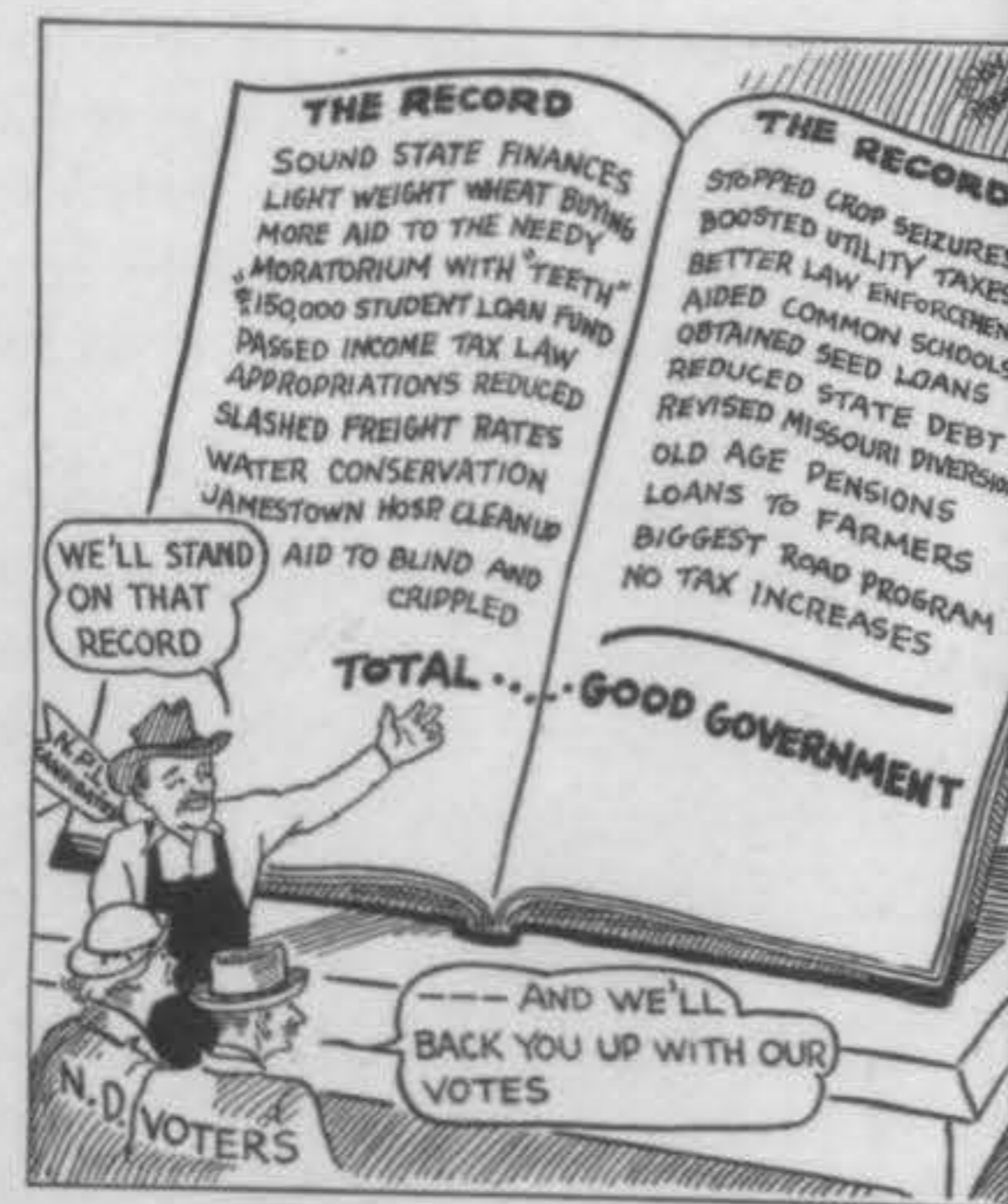
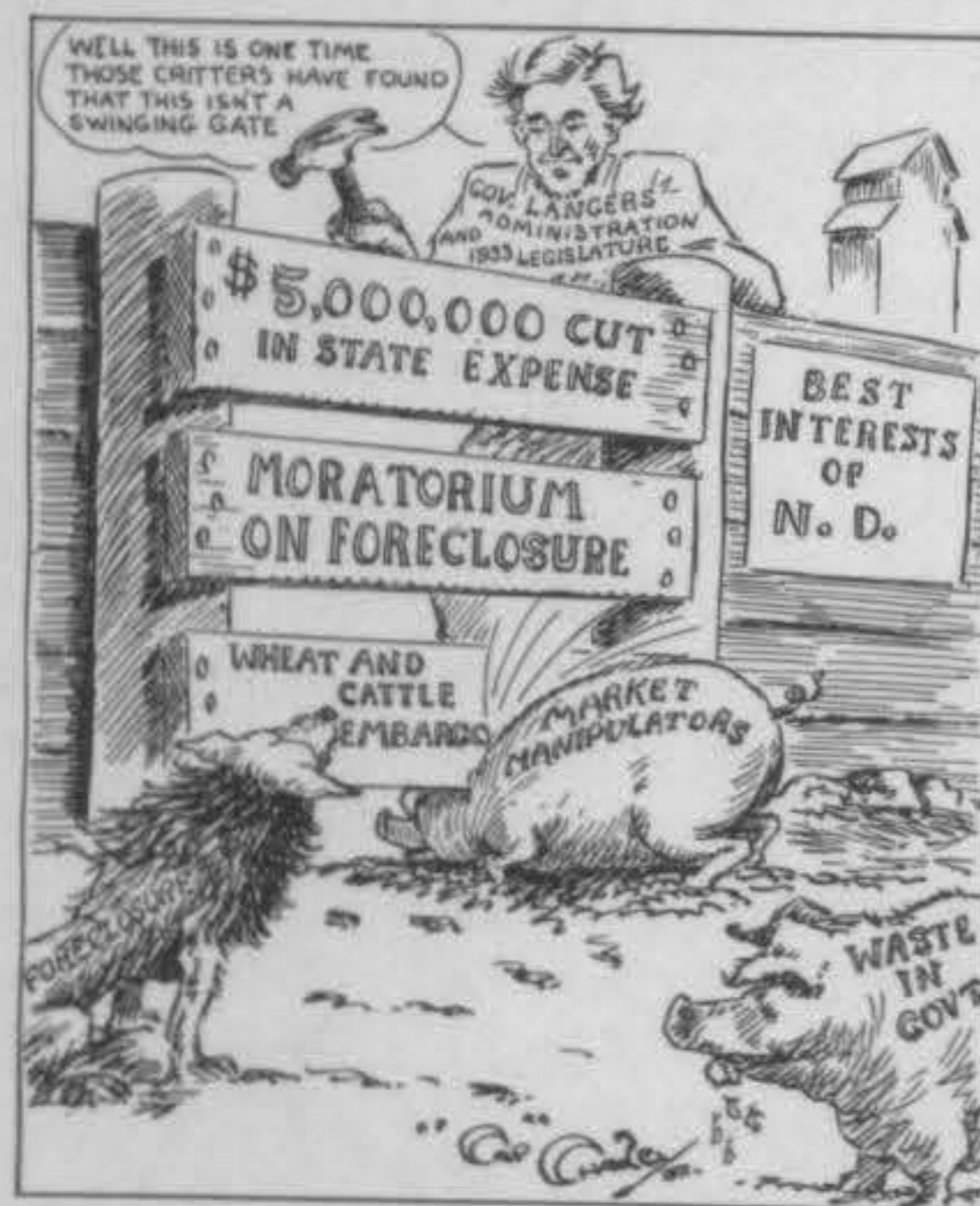
To forestall Canadian shipments, and because the price of durum had risen to between 89 and 92 cents a bushel, high enough to bring a small profit to the North Dakota farmers, Langer decreed a relaxing of the embargo on durum wheat for a ten-day period. This move not only blocked threatened importation of Canadian wheat, but relieved the tension on wheat storage facilities in North Dakota, choked to capacity by the impounded grain.

Wheat prices continued their upward trend, and Langer lifted the embargo entirely on December 5. Farmers at last could get a living price for their wheat. On the same day the wheat embargo was lifted, Governor Langer clamped down an embargo on the shipment of beef animals from North

Dakota, judging the market beef price then prevailing to be confiscatory.

Late in December, although the wheat embargo had been relaxed, thirty-five elevator operators filed an action in District Court against Langer seeking an injunction against the embargo. Attorneys for Langer and the railway commission contended the embargo was a proper exercise of the police powers of a sovereign state. The federal court opinion declared the embargo was in violation of the interstate commerce clause of the constitution, and that a state, regardless of economic conditions, had no right to interfere with the interstate flow of goods.

But, even though outlawed, the Langer embargo served its purpose. The desperate plight of the middle western farmer was dramatized on a nationwide scale for the first time, and the necessity for farm relief was graphically shown. The practical results of holding one-eighth of the nation's wheat off the market were also salutary. No. 1 Dark Northern Spring Wheat was quoted at 49 cents a bushel two days before the embargo was made effective, and five weeks later the price had boomed to 72 cents a bushel.



The farmers of the middle west still remember the North Dakota embargo. Efforts to organize a farm strike were attempted by farmers in other states, but North Dakota was the only commonwealth with a governor with courage to make a positive move.

Bill Langer was that governor.

His embargo really started fireworks on the middle-western farm front. Two days after his embargo proclamation, Milo Reno, president of the Farmers' Holiday association, called a national farm strike. He protested that

the federal government had kept the farmers waiting like stepchildren at a family reunion dinner, dangling a post-dated check for relief before their eyes, but doing nothing now, when the immediacy of their need dwarfed all other considerations.

For the next two months, embattled middle western farmers joined in embargoes at scattered points throughout the middle west. Milk trucks were dumped and fired. Heads were broken in rioting to keep farm produce from moving to market and depressing prices. The farmer was on the move in the fall of 1933, and a national farm rebellion was very near that year after Bill Langer brought the need for concerted action home to the farmers with his wheat embargo.

The administration finally realized the temper of the farmer, and the first AAA was hastily passed and initial benefits went into the corn-hog and wheat areas that year. The action of the courageous North Dakota executive finally got results from the lethargic New Deal.

They will remember the wheat embargo a long time in Washington and the mid-west. It touched off forces which not even yet are quiescent, and gave hope that someday real government aid, along the Langer line of guaranteed cost of production, might one day be forced from the federal government if farmers were sufficiently well organized.

CHAPTER IX

THE governors of eleven farm states met in Des Moines, Iowa, on October 30, 1933 to discuss the problems of agriculture and the incipient farm rebellion.

Leading officials of the farmers' organizations of the country also attended the governors' conference on agriculture. Out of the two-day conference came a 10-plank platform for farm relief which it was decided to transmit to Washington.

Bill Langer, still fighting, was in the thick of the conference. His reiterated proposal for a guaranteed price for farm produce, to be pegged at a fair level, precipitated the only real difference of opinion at the conference. Governor Floyd B. Olson of Minnesota also supported the pegged price plan, declaring that the production of food should rank as a public utility, and enjoy the benefits of price stabilization accorded other utilities.

Langer also plumped for a joint embargo by the governors of all the states at the conference.

"The way to get action is to declare an embargo of farm goods from every state," Langer declared. The huge audience of farmers present cheered the young North Dakota executive frenziedly. Milo Reno, E. E. Kennedy, national secretary of the Farmers' Union, William Hirth of the Missouri Farmers' Protective Association and other farm leaders staunchly supported his embargo proposals.

The other governors present refused to join in the embargo declaration. Their 10-point program asked fixed minimum farm prices; regulation of marketing of raw food products on the domestic market; licensing of producers and processors and dealers in basic food commodities; asked warehouse surplus determination to keep surplus off market domestically; tariff exclusion of all agricultural products grown in the United States; currency inflation under proper safeguards; payment of Fourth Liberty Loan in new currency; asked no advance fee on federal farm loan applications; lowered federal farm loan interest; reappraisal without cost to borrower on commissioner's loans when commissioner has recommended loans less than 75 per cent of the appraisal.

Governor Langer submitted a minority report urging an embargo on farm products.

Governors Olson, Langer, Berry of South Dakota, Schmedeman of Wisconsin, and Herring of Iowa were named to take the conference report to Washington.

The governors asked, in a three-hour conference with Secretary of Agriculture Wallace, that minimum prices be fixed for basic farm commodities, \$1.02 per bushel for wheat; 75 cents a bushel for corn; \$8.50 a hundredweight for hogs; \$6.70 a hundredweight for beef; 36.6 cents a pound for butterfat and \$2.08 a hundred pounds for milk.

Next day, while the farm world was literally "holding its breath" at the importance of the negotiations, President Roosevelt turned down every proposal of the farm-state governors. F. D. R. said the plan would be "unworkable" and "unacceptable" to the nation's farmers. Farmers, he said, were highly individualistic and resentful of regimentation. The president placed his faith in the old AAA control program, and time has shown that program, and its AAA successor, as having failed to solve the farm problem.

The governors' committee, forced to go home empty-handed to their farmers after their flat rejection by Roosevelt and Wallace, declared they were "disappointed and disgusted."

There was continuing violence in the other states outside North Dakota, as farmers sought to take matters in their own hands and enforce a produce embargo. Cheese factories in Wisconsin were dynamited; men were killed in several farm sectors. Only in North Dakota, where Bill Langer had invoked the embargo, was there peace. Bill Langer had done something besides talk. Action appealed to the League farmers.

But the failure of the governor's committee to get more than a brief hearing and a curt admonition to "run along and let us settle it" from Roosevelt and Wallace definitely soured Bill Langer on the New Deal. He had gone along with the governor's spirit of cooperation, anxious to give Wallace and Roosevelt the benefit of their knowledge of conditions in the middle west. They were "shushed," albeit smilingly, by the man with the famous smile. But the smile didn't help the condition of the farmers. Henceforwardly blunt Bill Langer was an unrelenting foe of pious Henry Wallace whenever the secretary of agriculture preached one of his nebulous sermons on farm relief, telling the farmers with mortgages to meet and children to clothe that "everything will be all right, just you wait." They wait, the farmers, with increasing impatience. Baloney has buttered no parsnips, nor paid any interest on the mortgage in the farm belt. There has been temporary alleviation of certain emergencies by outright grants, but Bill Langer's reiterated statement that there has been no basic solution of the problem is not now questioned, even by the most rabid New Dealers.

Bill Langer, after mature deliberation and bringing one of the keenest minds in politics to bear on his analysis, has formally charged that the appointment of Henry Wallace as secretary of agriculture has cost the farmers of North Dakota twice as much in cold cash as they received from the federal government in AAA and soil conservation benefits.

Though never pulling his punches in criticizing the New Dealers' inept solution of the farmers' problems, Governor Langer on several occasions commended many of President Roosevelt's liberal ideas which were later to be put into effect through Acts of Congress. He commended highly the President's long range program for the solution of the farm problem such as better land utilization, removal of submarginal regional land from cultivation, and his insistent promotion of water conservation which would eventually do much to assist the farmers of North Dakota. But while in agreement with such long range programs to benefit the farmer, Langer repeatedly stated that the immediate pressing needs of the farmers of the West and Northwest had been given little relief and assistance by the New Deal administration and was of the opinion that drastic amendments to the present Agricultural Adjustment Act were necessary to the end that the farmers be guaranteed the cost of production of their products. That the National Administration has thus far failed miserably in solving the serious problems of the farmer is hardly open to dispute. At the time this is written Secretary of Agriculture Wallace is dashing about the western farm country making speeches in an effort to placate the irate farmers, whose patience is at the breaking point, as a result of the tumbling of prices for their wheat, corn and other products. In an effort to stem this tide of revolt the administration is now buying millions of bushels of grain from western farmers at prices far above the market quotations. Of course, as Governor Langer stated over the radio recently, election is near and the New Deal facing defeat on many fronts is again attempting to buy the farm vote.

North Dakota harvested a short crop in 1933. Bill Langer asked Wallace to take steps to see that the small amount of good seed wheat remaining in the state be preserved, through loans, for the 1934 spring planting. But with customary New Deal vacillation, nothing was done until too late. Loans were delayed and farmers were held up three to five weeks in their planting. That summer, a scourge of black rust swept the spring wheat belt. Late-seeded crops were hardest hit. Most of them were not even fit to harvest.

The case of rye was also another indictment of the New Deal's methods in North Dakota. The state produces more rye than any other state. Repeal of prohibition and short crops created an abnormal demand for the grain. This combination of short domestic supply and increased demand should have boomed prices, with consequent benefits to the people of North Dakota. But the farmers waited in vain for the price to increase.

Despite repeated protests of Governor Langer, the federal government refused to invoke the escalator clause in the rye tariff, and millions of bushels of rye from Poland, Argentina, Canada, Hungary and other countries profitably climbed the low tariff wall, and American rye growers "took it on the

chin." The administration made a perfunctory investigation, and nothing came of it.

Bill Langer protested in vain against the contradictions inherent in the New Deal's farm policy. Agriculture was refused the same tariff protection accorded industry on the ground that it was necessary to let foreign nations sell farm produce here so they could in turn buy industrial goods from us.

American farmers were paid a bonus for NOT producing surpluses, and then the bonus was, in effect, taken away from them when foreign produce was dumped on our shores to depress prices for the balance actually grown on American acres.

Langer showed that federal official reports disclosed an increase in rye imports from 14,000 bushels to the astounding total of 12,000,000 bushels in the space of a year. This was at a time when North Dakota rye raisers were in dire straits, with no market at a fair price for their goods because foreign rye was available so cheaply in such quantity.

The following table, showing the increases of importation of farm prod-

UNITED STATES IMPORTS OF COMPETITIVE FARM PRODUCTS, 1937 AGAINST 1932

Item	Unit	1932 Imports	1937 Imports	Percent of Increase
Corn	Bu.	347,627	86,337,248	24,736
Wheat	Bu.	10,026,000	17,434,837	74
Barley, Malt	Lbs.	52,532,636	371,243,456	606
Rye	Bu.	87	206,860	237,670
Hay	Tons	13,858	146,149	955
Butter	Lbs.	1,052,598	11,110,762	956
Cattle	Head	97,040	494,943	410
Hogs	Lbs.	34,155	16,555,218	48,371
Fresh Pork	Lbs.	1,657,500	20,876,569	1,160
Hams, Bacon, etc.	Lbs.	3,015,489	47,422,022	1,473
Fresh Beef	Lbs.	796,594	4,665,558	485
Canned Beef	Lbs.	24,793,497	88,087,133	255
Total Meat Products	Lbs.	46,749,702	191,906,012	310
Eggs, in Shell	Doz.	243,784	520,189	113
Dried Yolks	Lbs.	1,193,000	5,426,358	355
Frozen Yolks	Lbs.	422,060	1,482,862	251
Egg Albumen	Lbs.	1,275,790	2,844,073	123
Wool and Mohair	Lbs.	58,097,521	326,034,700	461
Dried Milk	Lbs.	69,620	2,924,157	4,805
Hides	Lbs.	188,013,286	312,035,407	66

ucts from foreign countries, used by Governor Langer at farm conferences and in his recent political campaigns demonstrates vividly the harm done to the farmer by permitting farm products to flow into this country.

The following table also prepared and used by Governor Langer in conferences and recent political campaigns, contrasting what the farmer received for his wheat crop 18 years ago and today and what he could purchase with such crops, amply proves his assertions.

SALE PRICE	1910	SALE PRICE	1938
1660 BU. @ 70c	\$1162.00	1660 BU. @ 60c	\$996.00
PURCHASE PRICE	1910	PURCHASE PRICE	1938
1 Grain Binder (horsedrawn)	\$145.00		\$300.00
1 Drill	125.00		240.00
1 Wagon & Grain Box	100.00		150.00
1 Mower	50.00		100.00
1 Rake	30.00		45.00
Harnesses for 5 horses	85.00		150.00
1 Gang Plow	65.00		125.00
1 Harrow	18.00		30.00
1 Cultivator	35.00		75.00
1600 Ft. of Lumber (Sufficient to build barn 48 x 28) (12 Ft. Eaves)	480.00		800.00
AVERAGE TAX (On Quarter Section of Land)	25.00		75.00
TOTAL	1158.00	TOTAL	2065.00
WHEAT SALES	1162.00	PURCHASE	2065.00
PURCHASES	1158.00	WHEAT SALES	996.00
BALANCE	4.00	DEFICIT	1069.00

But although his protests at Washington did little good, Langer's militant leadership in the farmer's fight for justice made him a national figure. He was constantly sought to address farm organizations. He never failed to criticize what he called the contradictory and unsuccessful farm policies of the administration. It is small wonder that the New Deal politicians were found side by side with reactionary Republicans when they saw a chance to knife Bill Langer in the back in as vicious a display of political thimble-rigging as this country has ever seen. They came close to "getting" Bill Langer,

but they, like the Sigma Chis of 1908 and the "old guard" of 1920, underestimated the fighting qualities of the governor. He came back to score one of the most dramatic victories of his career, but not before a combination of New Deal Democrats special privilege groups and the disgruntled reactionaries he chased out of office successfully brought fraud charges against him, saw him sentenced to 18 months in federal prison and generally disgraced.

But Bill Langer, the kid who wouldn't quit at Columbia, came back again to the utter consternation of his enemies, and won vindication from the courts and from the people at the polls. The charges against him were found to be wholly baseless, voted by a grand jury of his political enemies, tried before a judge Langer had licked in the tax suits in the years when he was district attorney of Morton county, and timed to explode on the front pages of the opposition papers just before election. New Deal stuffed shirts and old guard treasury-raiders were in the pack that snapped at the heels of Bill Langer. They had been aroused to utter fury by one thing and one thing only. Bill Langer had dared to tell the truth about them, about the incompetence of the New Deal and the dishonesty of the old. They hated him, with the desperate hate of men who have suffered the sting of public humiliation deservedly.

This gang of character assassins sought to clothe Bill Langer in the same mantle of iniquity they wore. They made only one mistake. The little robes of cheap political tricksters weren't big enough to fit a man of Bill Langer's stature. They couldn't make it stick.

CHAPTER X

IN TWENTY years of public life, Bill Langer held to his course unswervingly. Since his first term in office he had been at war. Tempered by half a hundred battles in the interests of the people of North Dakota, Bill Langer was ready for the biggest battle of his life that broke just before the Non-Partisan League convention of 1934.

The enemies he had made in twenty years joined forces for the supreme effort to "smear" the man who had made life miserable and unprofitable for them for so long. Power trust, grain trust, reactionary and visionary politicians, the railroads—all had met Bill Langer in the politico-legal arena, and all of them had been ignominiously defeated.

They were out for revenge. They had been accustomed to having the cards stacked in their favor in all their enterprises. That Bill Langer had met them and defeated them, times on end, despite the heavy odds of money and position in their favor, was bitter medicine.

Now they were prepared for the supreme effort. Their backs were literally to the wall. They had to lick Bill Langer in 1934, or go down the gray road to political limbo. Utterly desperate, they groped for any issue that would serve to belittle the man who towered over them like Nemesis.

Look at the line-up again who were ranged against the governor of North Dakota:

There were the railroads, smarting under a whacking big increase in taxes.

There were the grain syndicates, whose buy-cheap-and-sell-dear program had been upset by the Langer wheat embargo.

There were the power trusts, forced to fix fair rates to the little consumer after years of enjoying swollen profits.

There were the "Charley McCarthy" newspaper interests of the state, singing docilely the song set them by these interests, whose prestige was waning as Langer defeated them again and again.

There were the politicians he had turned out of office, the "old guard," some of whom he had sent to jail after exposing them outright as public swindlers and cheap grafters.

There were the New Dealers, accustomed since their overwhelming 1932 victory, to genuflecting "yes men" in state government, who had been shown up as inept and visionary bunglers by Bill Langer.

There were the big employers of labor, frightened when Bill Langer took the side of the common laborer in the capitol strike.

There were the money-lenders, howling for revenge when the Langer

moratorium prevented them from grabbing hundreds of fat North Dakota farmsteads for a fraction of their real value.

There were factions within the Non-Partisan League, professional office-holders, balked by Bill Langer in their scheme to make the Non-Partisan League another boss-ridden political machine.

There was, lastly, Senator Gerald P. Nye, the great peace advocate who howled for blood as a country editor during the World War. He was the same Senator Nye who in 1917-18 joined the vultures in vicious vilification of great "Old Bob" LaFollette, of Senator Asle J. Gronna of North Dakota and Senator Reed of Missouri, and the little handful of great and courageous men who dared to oppose America's entry into the World War.

He was the Senator Nye who, after bending every effort of his paper to brand Old Bob and Gronna as cowards, slackers and traitors in 1918, dared to weep crocodile tears at the grave of that same Bob LaFollette after Nye had become a professional lecturer for peace, and to declare that the grand old man he crucified in print was "the greatest inspiration of my life."

Those were the enemies ranged against Bill Langer in 1934. Nye the turncoat, knowing that Langer's magnificent accomplishments had dwarfed his own frantic grabs for the limelight, the interests, the railroads, the reactionary Republicans and the visionary Democrats. They united, normal political opponents, liberal and conservative, stooge and tycoon, in an unholy alliance against one man, Bill Langer, just then carrying a load as governor of North Dakota which would have killed an ordinary man.

Bill Langer, today, is proud of those enemies. They came near to accomplishing their purpose. Their conspiracy almost succeeded in branding Bill Langer as a common felon, it almost ruined his personal and political life, it almost deprived him of his very right to vote.

But Bill Langer, supported by his farmer and laborer friends, the same staunch allies he had in his past political battles, came through the fire unscathed, a greater figure than before.

The story of that conspiracy, how the united wolves leaped for the kill, and how a man fought back to honor and position after being charged as a political poor-box robber, is one of the epic sagas of American politics.

He fought the good fight, engaged a vicious circle of enemies in politically mortal combat, and emerged as a hero to the people of North Dakota.

CHAPTER XI

BILL LANGER'S career was distinguished by the almost unanimous opposition of the newspapers.

The Non-Partisan League, unable to find a single mouthpiece to counteract the vicious propaganda inspired by the powerful bosses, decided to establish a paper. The *Leader*, once the apex of 53 weekly newspapers and two daily papers published by the League at the height of its power after 1916, was revived by Governor Langer and the Non-Partisan League.

When the League disintegrated, before its 1932 revival by Langer, its publications died. More than ever the League and Langer were without a publication to tell their side of the story of the battle against corruption and greed and graft. The "kept" newspapers, unable to find anything amiss in Langer's record, ignored the triumphs of the League in the field of good government. That League members should know of the work being done to clean up state finances, the *Leader* was made into a statewide weekly. It soon became one of the state's dominant publications.

The editor of the *Leader* was Oscar J. Buttedahl who was born and raised on a North Dakota farm, and had worked his way through the state university, graduating with highest honors. It was under his able direction that the *Leader* became known nationally as a fearless progressive newspaper and attained a large circulation in all the western and northwestern agricultural states in addition to that in North Dakota.

League finances were in desperate shape. In the golden years, farmers gladly paid \$16 a year dues for League membership as "insurance" against exploitation by the interests. Their newspaper subscriptions included their dues.

But many of the farmer-members of the League had no cash in 1932, let alone \$16. They could not support a paper, and the League was hard-pressed for funds. Bill Langer, indeed, had advanced large sums from his own pocket to revivify the League.

Langer and the League council decided to ask for financial aid from the men and women who had secured employment in the state administration by virtue of the League victory in 1932.

Past administrations had brazenly demanded that state government employees "kick in" with a percentage of their salaries as campaign funds. Even stenographers were forced to pay as high as fifteen per cent of their small salaries to the bosses. The contributions were an outright donation, a tax levied by the powerful IVA administration under threat of job "amputation" if the state employee dared refuse to contribute.

Such a levy against low-salaried minor clerks was anathema to Bill Langer and the League. They had before them the disgusting example of political "donations" which came to light in the 1932 primary campaign. The letter, inasmuch as it comes from the camp of those who professed to be utterly horrified at Bill Langer's open, honest program for financing the League, is worth including. The letter is written by the state treasurer of the IVA (Independent Voters' Association.)

THE BANK OF NORTH DAKOTA

Bismarck, N. D.

June 22nd, 1932

Dear John,

I am enclosing my check for \$27 as an additional contribution from myself, making a total of \$2,729.95 which we have remitted to you to date.

We still have a small balance to collect from certain employees, some of, who *do not want to contribute*. In case they *do not contribute, certain measures will be taken not to their liking*. (Italics ours.)

I certainly hope that Langer will be defeated along with the rest of the League ticket; North Dakota has had more than enough of the Langer ilk.

Yours very truly,

GEORGE W. JANDA

Audits Department Director

The Democrats also collected outright levies from office holders for campaign funds. Affidavits showed a ten per cent levy was common practice during the term of John Burke, democrat, as governor.

But the plan worked out by Governor Langer to finance the struggling League in the cause of good government was unique in that the state employee solicited to help could aid the League without being taxed a penny.

Employees who owed their positions to the League were solicited to pledge to buy subscriptions to the League paper, the *Leader*, equal in amount to five per cent of their salaries.

The subscriptions became the property of the employee. They could be re-sold, and the employee would not be out of pocket one cent for helping the League to which he owed his job. It was certainly an improvement over the previous system, which said frankly that "in case they do not contribute, certain measures will be taken not to their liking."

There was nothing surreptitious about the League finance plan. It was published in the *Leader*. It was a frank and open financing measure, one of the few political campaign-fund solicitations that was completely above-board and honest. Hundreds of employees who chose not to buy the subscriptions remained "unpurged" in their positions.

But this honest plan, the first ever offered where the contributing employee could get his money back, became the basis for felony charges against Bill Langer. The old guard factions which collected funds under duress used the infinitely cleaner, open Langer plan as a vehicle for their conspiracy to defeat Bill Langer and send him to prison as a felon.

The day drew near for the 1934 convention of the Non-Partisan League. Trouble had been brewing for some time within the organization. The farmers, backbone of the League since its inception, realized uneasily that they had been the victims of a "fast one" at the prior convention. Not a farmer was named to the state executive committee, directing agency of the League. A group of state office-holders, later to desert the League, had engineered the coup in the excitement of a resurgent League convention in 1932.

Executive committee chairman was John Nystul, Fargo, head of an insurance firm and building and loan company. Vice-chairman was E. G. Larson, Valley City, member of a loan and credit company firm. C. N. Lee, Bismarck, a state insurance department employee, was secretary-treasurer.

The break between the League executive committee and Bill Langer came not many months after he took office. The first skirmish occurred the day he first sat at the governor's desk. Nystul, on that day, came to Bismarck to demand that he be trusted to distribute all state patronage. Nystul proposed to set up a sort of League "super-government" to make the governor's office a "rubber stamp" affair to be used as a sounding board by politicians within the League. Governor Langer refused to deal with Nystul, and enmity developed over his refusal to let Nystul appoint his political pals to state office.

While he was engaged in his battles throughout his first administration, the executive committee stealthily sought to undermine the governor's influence. A clique of state office-holders, determined to play the role of "king makers" joined the undercover movement.

Dissension crept into the League. The executive committee, hoping to provoke an open breach, ignored the demands of League county chairmen to call a conference, to bring smoldering differences into the open, and present a united front against the forces of reaction. But the executive committee did not want the breach to heal. They "made hay" in stirring up strife while Bill Langer had his hands full with state and national problems as governor. The state officials leading the revolt refused to support the League newspaper, and instead secretly financed the *North Dakota Times* in a campaign of abuse against Langer.

In October, the state officials who were jealous of Langer's mounting importance held a secret meeting at Fargo. They announced they would not accept endorsement by the League on the same ticket with Langer.

The storm had finally broken.

The battle between reaction and Bill Langer had seen its first gun fired.

The effort of the state officials to disrupt the rank-and-file of the League, to divide it and make it impotent as a political force, was destined to end in dismal failure. The county organizations, the dirt farmers on the firing line, knew that Bill Langer had "gone to bat" for them and their homes with the mortgage moratorium and the wheat embargo. The rank-and-file stayed loyal to Bill Langer, and the state officials, who had hoped to lead an exodus from the League when they left, found themselves in the unenviable position of being out in the cold, an army staff of generals without any followers.

Their first effort to disrupt Langer's supporters flopped flat. The unholy alliance seeking to "smear" Bill Langer saw that more drastic means were necessary to discredit Langer with his people. Thus was the conspiracy hatched and timed to explode just before the 1934 convention, too late for Langer to refute it.

Early in 1934, there was no pretense of harmony between the League bolters and Langer. Bill Langer was "marking time" until the state convention of the League, when his rank-and-file supporters would take care of the turncoats who had deserted the party in hatred of Langer, whom they could not force to install a patronage system.

The state officials who led the bolt and the executive committee which deserted sought to forestall their certain political extinction at the League convention. Still nominally the executive committee, although informally repudiated by most of the membership, Nystul and his committee refused to issue a call for a state convention. They didn't want the militant farmers to meet. They knew what would happen.

Under the League constitution, members in each of the 2,242 voting precincts in the state name delegates to a county convention. The county convention delegates meet a week later and elect delegates to the state convention. In addition, the county convention members are chosen as a county executive committee, this group acting as an advisory council to the state executive committee.

That was the set-up for the showdown at the League convention of 1934. January passed into February, and still the state executive committee stalled, failing to call the convention. More than 40 county executive committees held a meeting in Bismarck and demanded the state executive committee issue the call as provided in League law.

The county executive committeemen also openly charged that the Nystul faction was giving away League membership cards in a frantic effort to secure the election of favorable delegates.

The executive committee, finally forced to the wall, issued an order for

the state convention to be held March 6, at Valley City, in the heart of anti-League territory, although the convention had always been held at Bismarck in previous years.

Both factions eagerly awaited the election of delegates to the county conventions February 27, a week prior to the state convention. The rank and file met in precinct meetings February 20 to elect county convention delegates. The result was a smashing vote of confidence in Bill Langer. The farmers remained utterly loyal to their old friend.

The bolters realized that their effort to split the Non-Partisan League had failed completely. No honest means could shake the faith of the farmers and workers in the Bill Langer they had watched grow from a boy district attorney into a governor commanding national attention in his constant battle for the common man.

The bolters had one more card in their effort to take a trick. A so-called "Committee of 100" called another state convention to be held at Jamestown, immediately after the regularly called state convention at Valley City March 6. This "Committee of 100," although containing some former League members, had no connection with the League, and the "convention" it called was held to have no standing as a League affair.

The "rump" convention was obviously called by the bolting state officials to gain endorsement of their coming candidacies by a convention packed with their stooges. This effort to hold a rump convention was the final act of disloyalty, a refusal to abide by the will of the majority, duly and properly elected by the League membership.

The conniving politicians were licked, and they knew it. North Dakota was solidly behind the man who had led her out of the wilderness in his two years in office, who had given her hope when the way was darkest. There was a statewide wave of indignation at the effort to call a "rump" convention. The temper of the state left no doubt in the minds of the Rumpers that it would need a dishonest coup of great dramatic import to down Bill Langer.

This coup they proceeded to engineer.

CHAPTER XII

THE pre-convention sentiment and the almost unanimous election of pro-Langer state convention delegates, made it clear that Bill Langer would be the Non-Partisan League endorsee for a second term as Governor.

Desperate measures were needed if he was to be stopped. Desperate indeed was the plight of the unholy alliance of Big Business-New Dealers-Old Guard.

On March 1, five days before the convention was to open, they exploded a perfectly-timed bombshell, designed to blow Bill Langer to pieces in a single outburst of doubt and disgrace.

Harry L. Hopkins, one of the chief dervishes of the New Deal, summarily dismissed Langer as the titular head of the relief administration in North Dakota. Hopkins based his dismissal on charges that Langer accepted "political contributions" from employees working in the state relief office in Bismarck. Control of North Dakota relief was placed in direct control of federal agencies, with Judge A. M. Christianson named as administrator.

Thus did the New Deal, without giving Langer a chance to defend himself, enlist in the coalition out to "get" the governor. The New Deal could not forget the verbal spankings administered by the governor to the administration on the sore subject of farm relief failure. Henry Wallace must have been pleased when his fellow theoretician dismissed Langer under a cloud.

The "kept" newspapers of the state exulted in a wild paean of abuse that violated every tradition of journalistic ethics. They did not bother to try Bill Langer; they merely assumed he was guilty. The unholy alliance was gleeful. It was unthinkable, they believed, that a convention of pious, God-fearing and scrupulously honest farmers would endorse a man dismissed in disgrace and facing possible criminal charges of violating federal law.

The vultures moved toward the stricken leader. They were surprised to find the supposed victim of their assassination plot politically alive and fighting back. The plotters had underestimated the loyalties and intelligence of the North Dakota farmer.

Despite the unprecedented viciousness of the press attacks, which accused Langer of stealing "misery money" from relief recipients, which accused the governor of crimes from graft to bribery and worse, the League delegates withheld judgment.

Senator Nye moved in to bury his dagger in the back of the man who had committed the high crime—against Nye—of eclipsing Nye's accomplishments. Nye knew that the people of North Dakota were even then talking of send-

ing Bill Langer to the United States senate, there to give more senatorial time to the welfare of North Dakota and less to abstract bleating for peace, at so much per bleat on the lecture platform.

Senator Nye arose on the senate floor the same afternoon Harry Hopkins sent his telegram removing Langer. Nye, with a transparency all too evident later, demanded that his rival in the next election for senator be prosecuted, and thus removed from menacing Gerald's \$10,000 a year job, plus his \$15,000 a year from peace lectures, plus his princely expense accounts.

"I approach with more than a little embarrassment a subject upon which I feel called upon at this moment to speak," said Senator Nye on the senate floor. Well he might have felt embarrassment. Most men would have been downright crimson with shame at taking part in such an attack, at rushing to condemn the highest official of a state on charges later proved to be baseless, in simple, abject fear of losing a fat job. It was indeed a matter for embarrassment.

Then Gerald delivered himself of a pious demand that prosecution follow hard on the heels of the charges against Bill Langer. Gerald was very noble about it, in his best platform manner. He sorrowed that he had to perform such an unpleasant duty involving his home state, the state he "loves and happily calls home."

The man who, the records show, habitually charges \$12 dinners and \$3,000 trips to Florida to his government expense account professed to be utterly horrified at charges, then unproved and later completely disproved, that funds had been solicited from a relief worker.

The "charges" against Bill Langer revealed themselves as purely political even as they were made. It was shown that Langer had had absolutely nothing to do with the administration of relief in North Dakota in more than a year. He had a year before turned the entire relief problem over to five prominent citizens constituting the State Emergency Relief Committee.

That the federal government was really not worried over relief graft in North Dakota was proven by the very telegram Harry Hopkins sent removing Langer. Judge A. M. Christianson was named relief administrator in that message.

Judge Christianson was a Langer appointee, named on the state emergency relief committee by Langer. It seems hardly likely that had the federal government really feared graft was rampant in North Dakota relief, that Judge Christianson, a Langer man, would have been named in Langer's place.

The charges were based on the solicitation, by a young man employed by the League paper, of a state relief office employee.

The state relief office employee did purchase subscriptions to the *Leader*. It is true that Langer originated the subscription plan. But the plan had been in effect a year; it had been openly explained; it was the first honest plan for

soliciting campaign funds or expenses from state employees ever conceived.

The *Leader*, under the plan, had become one of the most potent forces in the state, with a circulation nearly equal to the combined circulation of all the daily papers in the state.

That was all there was to the charges. A year had elapsed between the time of the alleged crime and the removal of Langer from his titular office as state relief head, a year in which the transaction was openly known and should have been denounced if wrong had been done.

It was obvious in the face of these facts that the "charges" were simply a convenient weapon in the attempt to "smear" Bill Langer and thwart his nomination for governor.

The sum obtained from the sale of subscriptions to six clerks in the state relief office was less than \$200. Contrast this with the IVA treasurer's letter, which mentions \$2500 gouged outright from state employees.

The Hopkins action created a sensation. The state seethed as the Non-Partisan League prepared for its convention four days later.

Had the conspiracy succeeded in discrediting Bill Langer with his people? The state turned its eyes toward the Non-Partisan League convention for the answer.

CHAPTER XIII

THE League convention opened at Valley City on March 6. The newspapers of the state had had a Roman holiday of abuse. The time was too short for Governor Langer to refute the charges made against him. The outburst of persecution was timed perfectly.

But Bill Langer fought back.

Working a 24-hour shift, the editorial staff of the *Leader* put out a special edition, refuting the faked charges against the governor. Copies of his letters to the five members of the state emergency relief committee, in which he resigned from active participation in relief affairs, were printed.

The secret meeting between Osmund Gundvaldson, United States marshal, and Senator Nye in Chicago, to "time" the breaking of the charges before the League convention, was related in the *Leader*.

Governor Langer, in a bristling statement, charged flatly that the charges were a conspiracy by his political enemies, and demanded an immediate grand jury investigation of the charges against him.

When the convention opened at 10 a.m., the whole state's attention was focused on the convention hall. North Dakota, accustomed to political sensations, was to see political history that day outstripping all previous sensations.

A few seconds before the 10 a.m. opening hour, the bolting state office holders made one last desperate effort to "stampede" the regularly-elected convention delegates. Onto the stage of the convention auditorium nervously strode Chairman Nystul of the state executive committee, flanked by Lee and Larson, the other members. The assembled delegates awaited their action in grim silence.

Nystul did not look at the crowd. He made no effort to call the meeting to order in the approved parliamentary fashion. He took a prepared statement from his pocket, and started to read. His hands shook so badly he was forced to lay the statement flat on the speakers' stand to read it.

Nystul's statement declared that the state executive committee did not recognize the convention as the properly constituted state meeting of the Non-Partisan League. The sanctioned convention, they claimed, was the "rump" convention called for Jamestown, March 8. Nystul called on all the delegates to leave the convention hall and assemble at the Jamestown gathering.

Some 25 or 30 Nystul "stooges," grouped together in the rear of the auditorium, left as by prearranged signal as Nystul hastily deserted the platform.

But not a single regularly-elected delegate to the convention left.

The farmer-delegates to the League convention stood firm, suspending judgment, waiting to hear Bill Langer's side of the story. The staged attempt to stampede the delegates futilely collapsed in face of the adamant resistance of the North Dakota farmer to political ballyhoo.

The convention began to organize. Wm. Thatcher, Bottineau county delegate, was nominated as temporary chairman to replace the deserter Nystul. Out of a total of 141 legally-elected delegates to the League convention, 135 answered their names on roll call.

Committees were named. A delegation was selected to wait on Nystul and ask for League records and funds. The state executive committee chairman bluntly refused to make any accounting of the monies he had handled.

The day was spent in organizational work, bringing order out of the chaos left when the state executive committee went over to the Jamestown gathering.

Then the stage was set for vindication of Governor Langer at the hands of the farmers whose battles he had been fighting for twenty years. The convention agenda did not call for endorsement of candidates or drafting of a platform until next day. But the word went out to the delegates to assemble again that evening for a special session.

A few minutes after the convention assembled again, every delegate attending, a motion was made from the floor that League rules be suspended, in view of the gravity of the situation, and that Governor Langer's candidacy be endorsed by acclamation. There was a wild shout of approval. The demonstration lasted for several minutes.

When the vote was put, not a single dissenting voice was raised against the endorsement motion. Bill Langer had been vindicated by the men who knew him best. They knew that the man who had steadfastly battled in their interest for twenty years was still the same Bill Langer.

It was a sweeping personal triumph for North Dakota's first citizen.

A committee was named to notify Governor Langer of the convention's action. When he arrived a few minutes later with Mrs. Langer, a tumultuous demonstration left no doubt of the attitude of the delegates.

Bill Langer was visibly touched by the faith of the men who had been his friends since he entered public life.

"I consider your endorsement at this time the greatest honor that has come to me," Langer told the delegates, "I pledge you, if elected, I will continue the government of this state in the interests of the common people the same as I have done for the past two years. The door to the governor's office has always been open to poor people since I became governor, and it will remain open as long as I am governor."

The impossible had happened. Bill Langer's known honesty, attested by years of meritorious and outstanding public service, had won him the League

endorsement for governor despite the political conspiracy of the unholy alliance. They had fired their biggest gun, and it proved a wet firecracker. In their frantic effort to "get" Bill Langer, they had shown up the transparencies of their motives, and the bombshell they had confidently expected to obliterate Bill Langer had made him a greater public figure than ever before in North Dakota.

The following day was devoted to a plank-by-plank discussion of the Non-Partisan League platform. A motion from the floor to institute recall proceedings against Senator Nye for his turncoat action was seriously considered, and was only abandoned when it was discovered there was no provision in law for recalling a United States senator.

The convention then went on record with a scathing denunciation of Senator Nye, condemning him without reservation for his unfair attack on Langer on the senate floor, and for refusing to substantiate his charges before the League convention, as he had been asked to do.

The League continued its work of endorsement. Lynn J. Frazier, League governor in 1916, was endorsed for the U. S. senate. William Lemke, for congress, Mrs. Bertha Baker, state auditor, P. O. Sathre, attorney general, all incumbents, won endorsement. Usher L. Burdick, state president of the Farm Holiday association, won endorsement for the other congressional post over James Sinclair, incumbent, by a narrow margin. Other endorsements were Walter Welford, farmer and long a League stalwart, for lieutenant-governor; John A. Gray, for state treasurer; J. M. Anderson, for state superintendent of public instruction; Elmer Cart, for election to the state railroad commission; Theodore Martell, commissioner of agriculture and labor; George Moelling, R. L. Fraser and C. G. Bangert for justices of the state supreme court.

Not one of the state officials who "bolted" the League and attempted to read Governor Langer out of the party received a single vote of endorsement. Their announcement that they would not run on any ticket with Bill Langer was as unnecessary as it was premature. The League would have nothing to do with them. It remained true to its leader, and summarily read out of the organization those who attempted to oust Bill Langer. Their defeat before the League was utter and complete.

Planks in the League platform included support for Langer's farm mortgage moratorium, his tax reduction program, the wheat embargo and his oft-repeated demand for federal guarantees of cost of production of farm products.

The convention ended on this high note of united action. The forces of reaction had signally failed in their effort to "smear" Governor Langer.

But the fight was not yet over. The defeated alliance of bankers, railway tycoons, grain trusters, power barons, New Dealers and old guard politicians was to continue its efforts to tear down the edifice of accomplishment Bill

Langer had erected in twenty years leading the forces of progress in North Dakota.

Before the battle was done, and his enemies routed and discredited, Bill Langer had to go before a federal court jam-packed with his enemies, hear himself sentenced to 18 months in prison, and see himself ousted as governor of the state.

But from the depths of this travail, Fighting Bill Langer won back to honor and position, and came at long last to see himself vindicated completely as the victim of an organized plot, the last desperate effort of the privilege boys to oust the man who had thwarted their exploitation of the North Dakota people.

CHAPTER XIV

THE unexpected action of the Non-Partisan League in endorsing Governor Langer despite the "charges" hurled against him by Hopkins put his political enemies on the spot. They had to make an effort to substantiate their accusations of wrongdoing, or remain forever discredited in the eyes of North Dakota voters.

The purpose of the charges, timed to break just before the convention of the League, was to prevent Langer's re-endorsement by the League. That plan back-fired, blistering those who conceived it. Had they successfully prevented the endorsement, it is likely the charges would have been dropped.

Governor Langer was insistent in his demand for grand jury action to disprove the charges. But the unholy alliance which conceived the plan evinced no desire to substantiate their charges. Trial before a fair court and an unbiased jury of the "charges" was the last thing they wanted. It takes time to stack the cards in a court action.

Two weeks went by without action being taken.

The Washington bureau of the *Minneapolis Tribune* reported the case was "shrouded in mystery. Said the paper: "The department of interior insists the report of Investigator Lewis R. Glavis on the case, recommending that it be referred for grand jury action, has been forwarded to the department of justice. Attorney General Cummings was equally insistent the report had not been received. In the interval, nothing in the way of formal charges has been filed."

In other words, the conspirators finally realized they had hold of a hot potato. There was an embarrassing lull in the case while they considered ways and means to salvage something from their plot.

A Federal grand jury met in Fargo two days after the League convention closed, a week after the charges had been hurled at Bill Langer. But not a line of evidence was presented to that regularly called grand jury, although presumably the investigation of the Langer graft charges had been completed. Senator Nye, in his knifing senate speech demanding prosecution of Langer, said "indisputable evidence" of corruption had been gathered. Why was none of the evidence presented to the regular grand jury? There is every evidence that the conspirators knew a grand jury not packed with Langer political enemies would immediately examine the flimsy evidence against Fighting Bill, and throw it out as entirely baseless.

Less than then days after the regular grand jury was dismissed and adjourned, a special grand jury was called.

This action was unprecedented in North Dakota jurisprudence. League supporters immediately made open charges that the first jury was dismissed to make way for a "loaded" jury, packed with political opponents of the governor. Events were to prove they were right. Later on, attorneys made a formal representation to the courts that the second grand jury had been chosen in such fashion as to practically exclude selection of any grand juror who might view evidence fairly in considering the Langer case.

About two weeks after the first grand jury had been dismissed, the second convened at Fargo on April 10. During the six weeks between the time the "charges" had been broadcast by Nye and Hopkins and the convening of the second grand jury, a swarm of federal agents had descended on North Dakota, seeking any evidence to bolster the charges against Langer. More than 150 subpoenas had been issued. Most of the witnesses called were state employees.

Two days after the extra-special grand jury was called into session, Governor Langer and eight of his political associates in the Republican party and the Non-Partisan League were indicted for violation of federal statutes. They were charged with conspiracy to violate that law which forbids solicitation of political funds in a federal building; individuals among the nine indicted were also specifically charged with soliciting funds from federal employees for political purposes. The indicted group were also charged with conspiracy to interfere with the orderly operation of an act of congress. Bail of \$2,500 each was set and furnished.

The formal filing of the charges did nothing to dampen the spirit of the Non-Partisan League. The political inspiration of the charges was too apparent. Letters, telegrams and resolutions poured into the capital at Bismarck. Even outside the state liberal organizations took cognizance of the trumped-up nature of the charges, and continued their support of Bill Langer. Two days after he was indicted, he was asked to be the principal speaker before the national convention of the Farm Holiday association at Des Moines. The convention, representing farmers from twenty states, went on record in a formal resolution condemning the indictment of Langer as persecution.

Bill Langer clarified the issues in the coming trial with a statement made after his indictment:

"After becoming candidate for governor and since inauguration, I have been sued in civil actions four separate times, every one of these cases terminating in my favor. I consider the present criminal action in the same category. The charge that I have interfered with the proper administration of any federal department is absurd, unless my attempts to get the poor people of this state sufficient food, seed, clothing and feed

for their livestock is considered such under some new congressional law. As far as I am concerned there will be no suffering of people in my state if I can help it.

"The big business interests know that as long as I am governor, until we have good crops and fair prices, the moratoria are going to remain in effect, even though I have to keep on calling out national guardsmen three times a day, as I did last Saturday. As governor I am not going to permit evictions or oppression of debtors, whether they be farmers or small business men, and if the only way big business interests figure they can get rid of the moratoria is to remove me, they are right.

"I knew the penalty that would be inflicted when I declared the moratoria, and I am fully prepared to pay it.

"I want the people of North Dakota and the United States to know that North Dakota is in the midst of a political campaign, the primary election occurring on June 27. I believe, regardless of what the big business interests may do, that I will be renominated in June and reelected in November on the Republican ticket."

Attorneys for Governor Langer and his co-defendants filed demurrers to the complaints before Federal Judge Andrew Miller, the same Andrew Miller who had been thoroughly licked in the tax suits by Bill Langer when he was the boy district attorney of Morton county. Andrew Miller, later to be criticized by the United States appellate court for his prejudicial conduct of the Langer trial, never forgot his humbling at the hands of the "kid attorney." Fate now cast him as dictator of the destinies of Bill Langer.

Miller sustained one of the demurrers to a conspiracy charge, but overruled the others, and the case automatically moved toward trial.

Despite the charges hanging over his head, Bill Langer opened his primary campaign for renomination May 16 at New Rockford, speaking from the same platform where he had opened his successful campaign for governor two years before.

Political observers among the huge crowd which flocked to New Rockford for the opening of the campaign saw no governor subdued and chastened by the gravity of the federal charges against him. Instead, they saw a militant, fighting candidate, who carried the fight to his enemies in an opening address characterized by his attacks on the opposition.

Governor Langer recalled that he had made certain definite promises from that same platform two years before. The promises he reviewed in detail. Every one had been kept. Particularly he stressed the fact that he had inherited a deficit of nearly a million dollars from the previous administration, and that the state's finances had been put on a sound, economical basis for the first time in years. Bonds which were selling at 62 when he took office were back to par since he instituted his vigorous housecleaning in

the statehouse. He pointed out that his administration had not issued a single bond, nor added to the indebtedness of the state, although the previous administration had issued over \$10,000,000 to the bonded debt.

Langer reviewed his battle with the power trust; he pointed out that there had been no bloodshed in North Dakota, although militant farmers had taken the law into their own hands in other states, and declared that his mortgage moratorium and the wheat embargo had prevented such civil outbreaks.

Far from seeking to compromise with the forces which had caused his indictment, Governor Langer re-opened all their old grievances, and promised, if elected, to continue harassing them whenever they arose with a scheme controverting the interests of the people of North Dakota.

His brilliant attack on the alliance against him roused his opponents to new fury. The hand-picked grand jury which had returned the indictments was again called into session. They re-indicted him and his co-defendants on substantially the same charges Judge Miller had dismissed when he upheld the demurrer.

Then came the crushing blow. The trial on the charges was set for May 22, during the crucial final month in the primary campaign.

No arguments could sway Judge Miller to postpone the action against the man who had been his successful opponent in the tax suits. He was adamant. The trial must be held May 22.

That meant that Bill Langer's opponents could be stumping the state in a bitter crusade of vilification and abuse, shouting charges of dishonesty to the high blue heavens, while Bill Langer was compelled to be in the Bismarck term of court as defendant in the conspiracy trials.

His opponents counted on the trial removing Bill Langer as a political force in North Dakota. They expected the trial date to keep him from making a primary campaign.

They were wrong on both counts.

CHAPTER XV

BILL LANGER came to the bar of justice with clean hands on the morning of May 22, 1934. It was more than his opponents could say. Eight Non-Partisan League associates were his co-defendants. Together they were charged, in the stilted legal form: "that they did wilfully, unlawfully, knowingly and feloniously conspire, combine, confederate and agree together to defraud the United States of America by corruptly administering and procuring the administration of certain acts of congress."

The trial of Bill Langer split the state wide open. Neither side had any illusions about the motivation behind the trial. It was openly and frankly a political reprisal. Consequently the state split on purely political lines.

On one side were ranged the governor's political supporters, the Non-Partisan League, the liberal Democrats and Republicans and the great bulk of farmers and laboring classes. On the anti-Langer side of the fence were the Democrats, resentful of his rising national prominence and his constant attacks on their failures; there were the IVA's, seeking a comeback after their disastrous defeat at Langer's hands in 1932; there were all the powerful corporations and the business men who had been fighting the League since its conception.

The battle lines were clearly drawn.

Even if the jury had not been handpicked the widespread publicity attendant on the indictments would have made it almost impossible to select a fair and impartial jury. The bitterness engendered by the political battles of the past two decades had virtually eliminated impartial men from the state. Everyone had definite and decided opinions on the guilt or innocence of Governor Langer, based on political preference.

The charges against Langer and the other defendants were based solely on the plan to solicit subscriptions for the League newspaper, the *Leader*. Early in the spring of 1934, Harold McDonald, a young man in his twenties, was employed as a subscription solicitor by the *Leader*.

In the course of his work, he went to various state offices. He went to the state emergency relief office, then in charge of R. A. Kinzer, executive secretary. McDonald outlined the plan of establishing the League newspaper to the clerks in the office. They were to purchase blocks of subscriptions, which could be re-sold to reimburse those who helped the League cause.

Kinzer told his assembled clerks that whether they subscribed or not was their personal affair. There would be no political reprisal against any clerk who did not buy the subscriptions. Six of the clerks elected to buy blocks of

subscriptions. The rest declined. There was no action taken, then or later, against those who did not subscribe.

That simple, aboveboard transaction in May, 1933, was the entire basis for the indictment of Governor Langer and his associates in the spring of 1934. On that pretext the governor's enemies proposed to remove him from office, deny him his civil rights and crucify him politically. That was the "incontrovertible evidence" on which Senator Nye proposed his prosecution on the senate floor. The same Senator Nye, remember, who was shocked and sorrowed by this transaction, in which less than \$200 of honest money was involved, did not hesitate to take \$15,000 in peace lecture fees, nor to bill the government for \$3,000 trips to Florida and \$12 dinners in Glacier National Park.

That was the background of the case as the bailiff banged his gavel, shouted his immemorial "Oyez! Oyez! Oyez!" and the federal district court of North Dakota opened its session.

The courtroom was guarded like the U. S. treasury. Special federal officers crowded the hallways. Bailiffs and marshals thronged the corridors. Because of the limited seating capacity of the courtroom, no one was admitted without a ticket from the U. S. district attorney's office. It was his enemies, who had come to be in at the death, who sought the tickets for Bill Langer's trial most avidly.

Before the trial proper opened, arguments on demurrers and motions occupied the attention of the court. Defense counsel asked the indictments be quashed on the ground that they were illegally and unfairly drawn. They pointed out that twenty-two of the twenty-three grand jurors who voted the charges were personally opposed to the Non-Partisan League and all it stood for. The argument showed that twenty of the jurors resided in towns, whereas seventy per cent of the voting strength of North Dakota is in the rural districts, normally League strongholds.

Judge Miller brushed aside the arguments and over-ruled the motions. (The handpicked jury issue was not dead, however. It later was to emerge, with the Langer case as a horrible example, on the floor of congress, with a demand for its reform.)



A La Moore County farmer who sold his cattle to contribute to Bill Langer's defense fund

Governor Langer and seven defendants entered not guilty pleas. The other defendant, Oscar E. Erickson, state chairman of the Republican party, had been ill since April in a hospital, and counsel for both sides agreed to proceed without him.

Before selection of the jury started, Judge Miller called in the entire jury panel of seventy men, and treated them to a lecture on the sacredness of the courts and the high traditions of the judiciary. He warned them that the courts had often been the object of attack by radical and communist groups who sought to destroy them.

Sixty-five of the jury panel of seventy were examined before twelve jurors and two alternates were selected to hear evidence in the most important trial in North Dakota history.

District Attorney Lanier, opening for the prosecution, sought to show that relief funds coming into North Dakota were federal funds, that Langer, as head of the state relief organization, had made application to the federal government for such funds.

Defense attorneys countered by showing that the relief funds were a loan or grant from the Reconstruction Finance Corporation, and that Governor Langer had nothing at all to do with the actual administration of such funds, administration being entirely in the hands of the five-man relief board previously appointed.

The prosecution called a score of state employees who had purchased subscriptions to the *Leader*. Every effort was made to show that subscriptions were purchased only after coercion and threats of losing their jobs. But the defense brought out conclusively that hundreds of state employees who did not purchase subscriptions were still secure in their posts, and further brought out that what "fear" the buyers actually had was engendered by the sensational way the opposition papers had attacked the plan. (It is interesting to note that full details of the plan had been so widely known a year before that it had had a complete review in the newspapers. That a plan so openly conceived and announced could have been illegal or underhanded is inconceivable.)

Every one of the state witnesses from the relief offices admitted that Kinzer had specifically told them no "pressure" would be applied to make them buy subscriptions.

The government then called Judge A. M. Christianson, one of the five members of the state emergency relief board named by Langer. He testified the board had heard of the subscription solicitation, and had ordered it stopped in a resolution passed in August, two months after learning of the practice. The defense established, through Judge Christianson, that Langer had had nothing at all to do with relief administration, though he retained office as its nominal head, for more than a year prior to the time the indictment was returned.

Then Lanier switched his attack. District Attorney Lanier called a horde of state employees, from outside the state relief office, to draw from them testimony that they had purchased subscriptions. The defense resisted introduction of this evidence, claiming it was in no way a violation of federal law to solicit state employees with no connection with the federal government, not even the remote connection of being in the state relief office which handled federal funds loaned North Dakota. Their testimony, the defense argued, could not prove a crime, and was only introduced to attempt to show that huge sums had been realized from the subscription sale.

This point was held vital. The actual sum involved in the indictment was less than \$200. The prosecution, the defense claimed, was afraid that the paltriness of this sum would "show up" the case as a political reprisal, and therefore sought to justify all the shooting, and give the impression much larger sums were involved, by calling state employees outside the state relief office, who were in no way concerned.

But Judge Miller ruled against Bill Langer and his co-defendants, and the evidence went into the record.

Lanier was also permitted to introduce in evidence records of Governor Langer's personal affairs, in no way relevant to the proof of the charges, but which were merely prejudicial and likely to sway the jury. Transfer of \$12,000 in *Leader* funds from their account to Governor Langer's was shown, with the inference that this was personal graft, the governor's "cut" from subscription sales. This testimony was later to boomerang on the prosecution, when the \$12,000 was shown to be a perfectly legitimate transfer of funds owed Langer by the League.

The prosecution rested after sixteen days, having called sixty witnesses.

The defense moved for a directed verdict of not guilty, claiming no crime or conspiracy had been proved. Judge Miller denied the plea, but did allow dismissal of Joseph Kinzer, son of R. A. Kinzer, Paul Yeater and G. A. Hample, of the state highway department.

First witness called by the defense was Harold McDonald, the solicitor and co-defendant. McDonald said he was on his rounds of the state office building selling subscriptions when he came to a door marked "State Emergency Relief Office." He assumed, he said, it was another state office, and entered unknowing it had a technical connection with the federal government. He explained the subscription plan, he said, and six of the thirty clerks purchased subscriptions.

R. A. Kinzer was the next witness. He said he had permitted the solicitation in the relief office, and justified it with the statement that relief funds were state funds borrowed from the Reconstruction Finance Corporation, and were not federal funds. He reiterated testimony that Governor Langer had had nothing to do with relief administration for more than a year.

Oscar J. Chaput, business manager of the *Leader*, testified concerning the technical workings of the plan.

Other minor witnesses took the stand, but the climax was to come when Bill Langer himself mounted the raised platform, swore to tell the truth, and began his dramatic fight for his political life.

Bill Langer was called on the morning of June 11. The courtroom hushed as he took the stand. Here was the supreme moment of the trial, with a chief executive of a sovereign state on the witness stand in his own defense.

Langer outlined briefly his term in office. He told that while he was in the hospital at the beginning of his term, a delegation of farmers had visited him to demand relief because crop failure and the depression had brought them close to starvation.

Two days after he left the hospital, Langer testified, a field man for the Reconstruction Finance Corporation visited him, to explain what the federal government proposed to do to aid states in meeting the mounting relief problem. At the instance of the RFC executive, Langer agreed to name a five-man committee to administer relief. Following their appointment, he said, he took no active part in relief administration from March, 1933. The entire responsibility for conduct of the office rested on the five-man state emergency relief committee.

Langer claimed sole responsibility for financing the League newspaper with subscriptions purchased by state employees. He made no effort to sidestep the issue. He said solicitations in the state relief office had been entirely without his sanction or knowledge, and no evidence was ever introduced to show that the governor knew of the solicitation. He said that when he learned of the solicitation, he sent for two members of the relief committee and ordered it stopped himself. At no time, he said, did the subscription plan contemplate solicitation of employees even remotely connected with the federal government.

Governor Langer told the jury frankly the reasons for the transfer of \$12,000 from the *Leader* account to his own bank account. The transfer, openly made, was advised by League attorneys to prevent its attachment by members of the bolting state executive committee who sought to disrupt the League and establish their own "rump" organization. Seizure of League funds to cripple it would be their first objective, and rather than risk a long legal battle to obtain return of the funds, the leaders decided to transfer the money to the governor's account. Langer also pointed out that the League was heavily in his debt, as he had financed its "resurrection" after its 1928 defeat until it again became a powerful organization with his election in 1932.

Langer testified he had spent \$21,000 of his personal funds in financing the League in its lean years. Approximately \$19,000 had been repaid. He offered to produce documentary evidence of the debt, and also offered to

produce the League leaders who had authorized that debt when they were on the state executive committee.

Those witnesses were never allowed to reach the witness stand. Langer had assumed that he would be given full opportunity to produce witnesses, inasmuch as the government had been given wide latitude in bringing forward witnesses to prove him a scoundrel and a thief, but Judge Miller, Langer's old legal opponent, ruled the introduction of such evidence was not material.

The governor's appearance on the witness stand virtually concluded the trial. The denial of his offer to produce witnesses to prove the debt owed him was legal was the most serious blow to his defense. Without corroborating evidence, there was only his word that the debt was legal. Cleverly the government attorneys drew the inference that his unsupported explanation of the debt was merely an "alibi" to account for graft.

After arguments, and denial of a renewed motion for a directed verdict of acquittal, the case was given to the jury at 12:53 p.m. on Wednesday, June 13.

The jurors deliberated all through Friday. Tension mounted throughout the state. At 3:15 p.m. Saturday, after deliberating all night, the jurors asked additional instructions from Judge Miller. Two of them submitted written questions to the jurist. These questions were:

1. "I understand from the testimony given that Governor Langer planned the newspaper and told Erickson about it. Erickson employed Chaput and Chaput employed McDonald, who, either by intent or mistake, solicited federal employees. Are the other defendants responsible for the misdeeds named in the indictment?"
2. "Can alleged conspirators be held responsible for the acts of hired agents when such agents do some acts contrary to the orders of their superiors and which acts the superiors never got knowledge of?"

Judge Miller then declared:

"The two questions submitted are substantially the same.

"This court now tells you what the law is. It is not necessary or essential to the existence of a conspiracy that each conspirator shall have knowledge of all the details of the conspiracy.

"Where a party of men conspire to do an unlawful thing, and in performance of that which one party goes a step beyond and does an act which the rest do not perform, all are responsible for that act.

"In pursuit of a conspiracy, each is responsible for the acts of the others."

Less than eight hours later, the jury announced it had reached a verdict. North Dakota held its breath.

CHAPTER XVI

NORTH DAKOTA held its breath while that jury filed in. There was so much at stake.

If the jury said Langer and his friends were innocent, it meant the work of the progressives could go forward. It meant the oppressed and debt-ridden could be secure in their homes. It meant that Bill Langer and his associates in the Non-Partisan League could continue their work for the common man, to lighten his tax load by putting a just share of the burden on profit-swollen corporations.

If the jury said Bill Langer was guilty, it meant delay. No one doubted, those who knew him, that Bill Langer would establish his innocence eventually. But delay, they knew, would result while Bill Langer fought his fight to clear himself, if the jury said he was guilty of the trumped-up charges.

The jury did say guilty. The liberals of North Dakota were heavy-hearted that day. But despite the verdict, they rallied to support their leader again. He was to need their support in the dark days coming.

The primary elections were only ten days away. Throughout the crucial period of the campaign, Bill Langer had been chained to a courtroom, while his opponents were stumping the state, howling that he was a criminal. Now they had fresh fuel for the flames of their hatred. Bill Langer had actually been convicted of a felony before the bar of federal court. What had been a furious and vindictive outburst against him now became a veritable tornado of abuse.

No man ever went into a primary election campaign with greater odds against him. His opponents had a month's head start. His loyal wife had filled his speaking dates while he was on trial. Supporters had endeavored to carry on while Bill Langer was in federal court. But the absence of the party's leader hurt the campaign.

Now they had a new issue. "Don't vote for a convicted felon," they shrieked. "Why cast your ballot for a man who'll be in jail before he can be inaugurated."

It was the hour of triumph for the opposition press. For years Bill Langer had flouted them. Their prestige had waned as he had won election after election against their combined editorial opposition. Now they had a field day. But they were to find immediately that Bill Langer was still unwhipped.

Leader of the pack of newspapers harrying him was the Bismarck *Tribune*. This paper climaxed the 1932 campaign by bringing out a special "scandal sheet" edition just before election. The headlined story declared Governor Langer had fleeced a widow of several thousand dollars. Langer retaliated

by moving into Bismarck to end his campaign. The *Tribune* was a candidate for official paper of Burleigh county in that same election. Exposing its yellow methods, Governor Langer had carried the county against the paper, which lost a lucrative source of revenue as well as much prestige.

When Langer was convicted, the *Tribune's* extra labeled him a convict and a felon repeatedly. The *Fargo Forum* hailed the conviction as "a victory for honest government." The *Grand Forks Herald* opined "the state will benefit." Others followed in their wake.

But Bill Langer plunged into the fight, which seemed hopeless after the trial, to win the gubernatorial nomination. There is no "quit" in Bill Langer. He came back after humiliation at Columbia university; he came back from political oblivion in 1932. He came back again against even greater odds in 1934.

He immediately carried the fight into "enemy" territory, speaking at Fargo, heart of the anti-League area. Thousands came to see the convicted governor. They went away swayed by the man's character and personality.

Came Monday. Bill Langer had to report in federal court for another move in his case. Feeling in the state was tense and bitter, so bitter Judge Miller requested and Washington sent a platoon of federal troops to guard the federal courthouse. Yet other federal troops guarded the hotel where Judge Miller lived.

On motion of the defense, Judge Miller granted a stay of sentencing until June 29. The jury which convicted Langer was discharged with praise by Judge Miller. "I believe you merit the respect of the whole nation and I believe you will get it," said Judge Miller, and said he was "delighted and pleased."

But the spotlight swung away from the courtroom to another part of North Dakota, where a little politician decided to be a big one and claim Bill Langer's office. Ole Olson, lieutenant governor, took the center of the stage with a claim that because Bill Langer was convicted, Olson succeeded to the governorship.

Olson was one of the deserting state officials who supported Nystul in his efforts to wreck the Non-Partisan League with the "rump" convention call which fizzled. Olson, smarting under the whipping administered to all the deserters by Governor Langer's victory before the League convention, seized his chance to be a figure of importance again. Olson made a wild midnight dash from New Rockford to Bismarck to take the oath as governor in a rear room of a little photographer's shop. Roused out of bed to witness the "inauguration" were a few newspapermen and a girl stenographer, also a notary public, before whom the oath was taken.

Pictures were taken of Olson taking the oath, and seated at a desk. They were captioned: "How Olson will look at the governor's desk." Olson and

Nystul issued a "pained" statement reminiscent of the "sorrow" of Gerald Nye on the senate floor. They regretted, they said, the turn events had taken in North Dakota, but Olson conceived it his "duty" to take over the state government.

But they were balked by an official ruling by the attorney general that Langer's conviction was not legally complete until sentence had been passed. Pending passing of sentence, Langer was still governor.

But the Nystul-Olson clique were impatient to oust Bill Langer from the chair they could not win in democratic fashion at the polls. Olson petitioned the state supreme court to take original jurisdiction in the case in quo warranto proceedings, asking disqualification of the governor. Their desire to rush before the supreme court, and avoid the delays attendant on a trial in the lower court, was based on a wish to have Langer immediately declared disqualified for public office. This would remove him as a candidate in the primary election.

While the factions were locked in legal struggle for possession of the governor's office fairly won by Bill Langer in an election, the primary campaign went explosively on its way to climax.

The only issue was Bill Langer. As usual, the opposition was composed of his old foes, the trusts, the ousted politicians and the forces of reaction.

There were three candidates in the field for the gubernatorial nomination. There was T. H. H. Thoresen, defeated by Langer for the nomination before the League in 1932, now the candidate of the Jamestown "rumpers." J. P. Cain, a Dickinson attorney, was running under the banner of the Independent Voters' Association. Thomas H. Moodie, Williston editor, was the candidate for the Democratic nomination.

But the issue remained Langer. His opponents concentrated their attacks on Langer as a convicted felon.

Senator Nye, when congress adjourned, hastened from Washington to conduct a campaign against Governor Langer and the League ticket, thus alienating forever the organization which sent him to the senate.

No campaign mud was too dirty for Senator Nye to hurl in the campaign to unseat the governor. He charged that Governor Langer, himself of Scandinavian descent, had referred to a Norwegian as a "blockhead." He said when the League was raising a defense fund for Langer, Mrs. Langer went to League dances and charged 15 cents a dance for the defense fund. Such petty and snide statements alienated the electorate. At a rally in Fargo, more than 300 people walked out during the course of Nye's tirade against Langer.

Federal officials moved to "smear Langer."

Thus went the campaign into its last bitter days. The Non-Partisan League based its campaign for continued power strictly on the basis of its record in

office as a friend of the common people, on state tax reduction and the halving of the annual cost of state government.

The campaign wound up in a very explosion of bitterness and intense feeling. Then came June 27—primary day.

That day the people of North Dakota gave proof that democracy is an effective government, given an enlightened electorate. Unswayed by the terrific propagandist pressure applied by all other candidates, the people of North Dakota nominated Bill Langer in an avalanche of votes that inundated his opposition.

His majority over his nearest opponent was 65,646 votes, Langer receiving 113,027 votes from the thinking voters who looked behind his conviction and saw nothing but a political trick, viciously conceived and perfectly executed.

Langer carried forty-eight of the fifty-three counties in the state, and lost those only by an average margin of 287 votes.

It was a magnificent personal triumph. It made history in that it was the first time a candidate went before the people convicted of a felony and yet won nomination. Not only won nomination, but absolutely snowed the opposition under out of sight.

The entire Non-Partisan League scored a smashing victory. Its candidates swept every state office from governor down, including enough for majority control of both houses of the legislature. Veteran officeholders on the Rumper ticket, who had been in their state jobs for sixteen years, were swept out in the most decisive manner. Election Day, 1934, was Langer Day in North Dakota. It was the greatest triumph ever scored at the polls in the forty-five years of North Dakota's statehood.

It was scored, mind you, by a man who had only 10 days to campaign, who stepped from a federal courtroom a convicted felon to take the stump, who faced the united front of his myriad enemies with every card stacked against him.

But unable to defeat him fairly at the polls in the democratic, majority-rule fashion, his opponents prepared to defeat him before a court filled with his political opponents.

But Bill Langer, at last, overcame that handicap too.

CHAPTER XVII

TWO days after he won his unprecedented victory at the polls, Governor Langer, vindicated by the people, faced Judge Miller in federal court for sentence on the fraud charge.

Any hope that Judge Miller might take the verdict of 250,000 voters in preference to the verdict of twelve hand-picked jurors was quickly dispelled. Once more armed guards patrolled the federal building.

Defense motions for a new trial, and an arrest of judgment were denied. The motion that both the judge and the jury had committed many errors during the course of the trial, and that the jury had access to prejudicial newspapers throughout the trial, were also overruled as basis for a new trial. The jurors were also permitted to listen to political speeches, many of them attacking Langer, during the trial's progress, the motions alleged.

Judge Miller was ready to pass sentence on the man who had bested him years before in the tax suits in Morton county.

"It is the opinion of this court that under the evidence no honest jury could have returned a different verdict," said Judge Miller before passing sentence.

Governor Langer was sentenced to eighteen months in federal prison, fined \$10,000 and was automatically deprived of his civil rights. Frank Vogel, R. A. Kinzer and Oscar Chaput each received prison terms of thirteen months and were fined \$3,000 apiece. Harold McDonald was sentenced to four months in the Burleigh county jail.

No one has yet explained why Governor Langer, who had had no hand in the conduct of the relief administration, who never talked to McDonald, the subscription salesman, and was less concerned than any of the defendants, received the heaviest sentence.

Defense attorneys immediately served notice of appeal to the United States court of appeals.

Then the jackals gathered around the fallen gladiator. Governor Langer's political fortunes reached their lowest ebb that summer of 1934. Nystul and Olson immediately filed suit in supreme court to oust him as governor, on the ground that his conviction and sentencing had disqualified him as governor. The state supreme court set July 3 as date for hearing their petition.

At that hearing, Olson's attorney contended that a vacancy existed in the governor's office from the time of Langer's sentencing, and that the office should automatically go to Olson. Langer's counsel argued that he should continue in office until impeached by the state house of representatives and tried on the charges by the state senate.

The court reserved decision in the case after the arguments.

On July 12 Governor Langer called the state legislature to meet in special session at Bismarck, the session to convene July 19. The session was called expressly to inquire into the charges against Governor Langer and other state officials. Convinced that federal court rulings had deprived him of a fair and impartial trial, Governor Langer was determined on a hearing before the legislature, to air all the charges against him.

The legislature was also asked to approve legislation which would strengthen the farm mortgage moratorium. It is typical of the man Langer that, even in his time of greatest adversity, he had a thought for the people of North Dakota. Faced with the possibility that he might be deposed as governor, he wanted to make certain that his moratorium, protecting them against unjust debt-oppression, would be continued in his absence.

On the same day the legislature was called, the supreme court heard final arguments in the Nystul-Olson suit to depose the governor. Olson's attorneys repeated their original argument. The Langer lawyers added the further plea that the Langer conviction had been appealed to the United States appellate court. They asked this question, in effect: "What will happen if the court of appeals reverses the conviction?" His attorneys contended that Langer retained his office and his civil rights until "a court of last resort" finally denied his appeal.

Two days before the legislature was to convene July 19, the supreme court ousted Governor Langer and designated Olson as acting governor, pending settlement of Langer's appeal. The decision was strictly on party lines, by a four-to-one majority.

The state of North Dakota was near to revolution and violent public dis-



The march on the capitol . . . "We want Langer"

order when the word spread that the supreme court had ousted Langer. There were repeated reports from over the state that angry mobs of farmers were organizing to march on Bismarck.

The rural legions cared nothing for legal technicalities. They knew that the man they had elected, and who had been re-nominated in the most definite expression of the public will in state history, had been deposed by five men. By what right, they argued, did five men seek to thwart the will of the majority of the people of the state?

The capital city was transformed into an armed camp. The night of the ouster decision, a crowd of several hundred persons paraded the streets of Bismarck with torches, yelling before the hotel where Olson was staying, they stopped and chanted, "We want Langer! We want Langer!" The crowds later marched out to Capitol Hill and staged another demonstration for Langer on the statehouse steps.

Another crowd, the day before, had stormed the state relief offices, pummeled John Williams, executive secretary of the state relief office, and threw cuspidors through the plate glass windows in the main hall of the building. The ousting of Langer touched off a spark of resentment all over North Dakota, and the spark was near a powder-keg of open revolt during those summer days of 1934.

Governor Langer that evening called out the national guard to prevent the disorders his ouster had precipitated. He placed armed guards about the hotel of Ole Olson, his rival for the governor's chair.

Olson's first move after the supreme court decision was to telegraph all members of the state legislature, canceling the call for a special session of the legislature. While Olson presumed himself to be governor, he was not actually governor until the supreme court writ of quo warranto was served on Governor Langer, formally depriving him of the office to which he was elected.

Olson's first move after assuming office was to maintain the national guardsmen protecting his office. It was a wise move. He knew only too well the active resentment of the people of North Dakota against the ousting of their idolized governor on a legal technicality.

Olson made a desperate effort to prevent the convening of the state legislature. He feared an open hearing of the charges against Langer. He feared, also, that the legislature would vote his impeachment. Anti-Langer emissaries scoured the hotel lobbies in Bismarck, buttonholing legislators in an effort to keep them from the session. It was openly charged that legislators were promised state jobs if they would boycott the session Langer called.

But the Olson effort failed. The legislature met at noon July 19 on schedule. Governor Langer delivered a message to the joint session of the legislature, saying they had been called for a three-fold purpose: (1) to legislate for adequate relief for the people of North Dakota; (2) to implement the farm mort-



State Militia called upon by Governor Olson to protect his office from irate citizens when he succeeded Governor Langer in office

gage moratorium with legislation to make it permanent; (3) to institute a sweeping investigation of the fraud charges brought against Langer and other state officials.

In the course of his speech, Governor Langer issued an invitation to Senator Nye to present any evidence to the legislature to prove the charges Nye had made all through the primary campaign.

Nye, who suffered an humiliating reversal when his Rumper ticket candi-

dates were ignominiously defeated in the primary, had continued to vent his spleen since the primary. In a speech at St. Paul, he had given his home state, that he professed to love, a black eye in declaring that "untold graft" existed in the conduct of its affairs.

The charges, ironically enough, were proved baseless by Langer's bitterest enemies. When he relinquished the office of governor, all records were turned over to Olson. Olson immediately set a corps of accountants to work on the governor's records, hoping to find any irregularity on which to base further charges against Langer. But after the most thorough scrutiny, the enemies of Langer found not a shred of evidence of irregularity. Their charges of "untold graft" were proved baseless by their own auditors.

Nye, incidentally, refused to avail himself of the invitation to appear and present evidence to prove Langer's guilt. He had repeatedly charged that "incontrovertible evidence" of Langer's blame existed; he had access to all the records of the multitudinous crew of federal investigators who swarmed the state during the frantic pre-trial search for evidence—but Nye failed to appear. The plain inference is that he knew the charges he had been making were utterly false.

The house of representatives adjourned after a week, naming a special 15-man committee as a fact-finding group to sift the charges against Governor Langer and bring in a report. The committee was empowered to call witnesses and in general conduct exhaustive hearings into the charges.

Their report was to be a highlight in a summer filled with tense drama, as Bill Langer fought further legal complications, battled against the federal court verdict, and in general comported himself as a titan, carrying a tremendous load of responsibility and discharging it all miraculously.

It was a summer North Dakota will long remember.

CHAPTER XVIII

THE distinguishing feature of the summer of 1934 in North Dakota was the intense partisanship of the common people. The attacks on Governor Langer were no "politician's fuss" far off and remote from the lives of ordinary wage and salary workers and farmers.

Governor Langer's fight was their fight. All over the state there were expressions of triumph and gloom as the fortunes of the fighting governor rose and fell through the long battle through the courts to prove his innocence. And there were many opportunities for grief and gloom. Bill Langer came close to losing all that a man values, position and freedom itself, during the summer of 1934. It was as if some cosmic fate, wishing to test him, subjected him to every defeat and emotional trial a man can bear. But if the fates had any such project in mind, in Bill Langer they found a man who was able to triumph over every adversity set in his path by his enemies.

Typical of the touching support given Governor Langer by the common people during his trial and in the bleak months afterward, is the following letter. The name of the writer is omitted, but otherwise it stands as written:

Belfield, North Dakota

Dear Governor Langer,

Kindly pardon me for these few words which I have tried to write to you.

I heard you have been arrested because of your sincere dealings; because you do the best for the poor farmers and labor. You are the one man who has saved us from starving and going naked so I think I will go take your place in the penitentiary for 18 months.

I am very poor and have no home of my own. The banker took my home and chased me out on the line. I am 64 years old so I do not care much for the rest of my life but I will be very glad if our best dealer can get out on freedom to take care of his deal with the people of North Dakota. So anytime I will go to the penitentiary. Just call me.

Kindly tell the judge what I said because I will be very glad if Governor William Langer, our best dealer, will be out on freedom.

Yours sincerely,

M—P—

Doubtless there were hundreds of others who would willingly have gone to jail for Bill Langer if it could have been arranged. They wanted the work to go on in North Dakota.

Thousands did volunteer to raise a defense fund for their fighting governor.

The Langer Defense Fund was launched spontaneously in all parts of the state. Dimes and quarters and half-dollars poured in from the poor people of the state. Farmers who had no cash gave steers. Dances and socials were held to raise money. It was a bright spot in a dark summer.

Not content with having Langer sentenced, his enemies continued their persecution. The *Leader*, official paper of the Non-Partisan League, was barred from the second-class privilege in the United States mails.

By 1934, the *Leader* had become the leading newspaper of North Dakota, with a weekly reader audience of 200,000. The *New Republic*, national liberal weekly, called it the smartest newspaper politically in the United States. Its force was tremendous in combating the combined chorus of the opposition newspapers.

But, without a word of explanation, its mailing privileges were revoked. No reason was given. The postoffice department simply "cracked down."

The Non-Partisan Leaguers, though, put two and two together and made a four that totaled Jim Farley. Farley, boss Democrat, was head of the post-office department. The *Leader* had been the most outspoken critic of the New Deal in the state. It was the greatest single factor against a successful Democratic campaign in the 1934 elections.

The "gag" order came down. Leaguers suspected that Senator Nye also had a finger in the pie of barring the *Leader*. Farley had, a few weeks previously, visited North Dakota to open the Democratic campaign, and Nye, in another of his flip-flops, landed in the Democratic camps and supported the Democratic ticket that fall.

The postoffice department's order of suspension said that if the *Leader* were mailed, it would have to pay a "transient" publication rate, six times higher than the second-class privileges allowed other publications in the state. Obviously it would be impossible for the paper to continue with such an unequal drain on its resources. But the *Leader* got to its subscribers. Bundles were sent by express to League Leaders in the various counties, and volunteer committees distributed them. The plan to muzzle the League's most effective voice failed.

The attempt to throttle the newspaper was not the only "purge" directed at Langer. Hardly was the ink dry on the supreme court order ousting Langer than Acting Governor Olson embarked on an orgy of head-hunting public officers appointed by Langer. Olson was a political accident, thrust into office by a happenstance. He was no choice of the people, having been rejected as lieutenant governor with the rest of the Rumper ticket in June. His term, at best, had but six months to run. Yet in the face of his repudiation by the people, he and the Rumper faction moved brazenly to oust all public officials not of their political faith. A more perfect example of the "spoils system" has never been seen in American politics. Olson came to be known

as the "axeing governor," and his short administration was called a "holiday for hatchet men."

The revenge taken by Olson on Langer appointees was costly to the state of North Dakota. Whole departments were disrupted, and men of no experience put in control. Smooth-working governmental units were ruthlessly sacrificed, their costs increased and efficiency impaired, because little men held a political grudge.

The four men who precipitated this state of affairs were the four judges of North Dakota supreme court who voted to oust Bill Langer.

Some critical scrutiny may be directed at these four jurists. Judges are no more than human, and presumably are subject to the same prejudices that sway other men. This present scrutiny of the four jurists is not to question their motives. It is simply to examine, in some degree, the sort of men they were.

Two of the judges—Burr and Nuessle—were candidates for reelection, endorsed candidates of a faction bitterly opposed to Bill Langer. Judge Burke, until then the only Democratic governor North Dakota ever had, and Judge McKenna were of opposite political affiliation. The fifth jurist, who voted for Langer, the late George Moellering, was a progressive.

Judges Burr and Nuessle in the primaries, had run behind R. L. Fraser and Moellering, who had the League endorsement. Under the no-party system used for naming judges in North Dakota, the four were nominated for the two posts, and the run-off was to settle the issue. Nuessle and Burr, bad seconds to the Langer-endorsed candidates, may or may not have seen an opportunity in the ouster decision to do themselves no particular harm in deciding against the governor who had singed them badly in the June primary.

Judge Burke, the Democrat, was named United States treasurer by the late President Wilson. He remained in that post eight years.

CHAPTER XIX

THE really drastic clause in the supreme court ruling was the clause which held Bill Langer lost his citizenship until the federal court decreed his innocence in the appeal then pending.

This decision automatically barred Langer as a candidate in the fall elections, although he had been overwhelmingly nominated in the June primaries. It forced the Republicans to name a new candidate to head their state ticket. Governor Langer stepped aside and resigned as a candidate as soon as the decision was read by the supreme court, to give his party as much time as possible to campaign for the new candidate.

The Republicans, Non-Partisan Liberals and IVA reactionaries, met in Bismarck early in August to select a candidate. The Non-Partisan League committeemen supported Mrs. Langer as the substitute candidate to run in her deposed husband's stead. The Non-Partisan League faction prevailed, and almost unanimously named Mrs. Langer as the candidate.

Immediately there was a wild wail from Bill Langer's enemies. The Rumper party declared that T. H. H. Thoresen was the proper nominee, as he had polled the second largest number of votes in June for the Republican nomination, 47,000 to Langer's 113,000. The reactionary IVA's said no nomination had been legally made since Governor Langer's disqualification, and said a state Republican convention or a new primary was necessary.

The assistant secretary of state refused to accept her certificate of nomination, but the secretary of state, a few days later, ordered his subordinate to accept it, and Lydia Cady Langer was on the November ballot as the Republican candidate for governor of North Dakota.

The opposition continued to harass Langer with petty annoyances. While he was absent on a mid-west speaking tour in the farm belt, Acting Governor Olson made formal demand on Mrs. Langer and her four daughters to vacate the executive mansion, and also give up the governor's summer residence at Spiritwood Lake. But the attorney-general scotched that move when the decision of the supreme court, holding that Langer was governor until the federal appellate court passed on his guilt, although disqualified to act, was read to Olson, who was put in his place as acting governor only.

Other incidents also kept the political issue in the forefront of North Dakota interest through the summer. The state board of equalization, with Governor Olson as chairman, lowered the assessed valuation of North Dakota railways, which Bill Langer had battled years to raise, by the huge sum of \$34,300,000.

Senator Nye refused to substantiate his charges of "untold graft" made against the Langer administration. It gave North Dakotans food for thought.

The *Leader*, in a special edition, exposed the fact that the Democratic relief set-up which superseded the state relief program was top-heavy with graft and maladministration. It was shown that 50 cents of every relief dollar sent into North Dakota went for administration, largely for the salaries of faithful Democrats rewarded with fat jobs for party fealty. The *Leader* proved there were more persons employed in the federalized, Democratic relief organization than in all the departments of state government put together. It showed that more than a score of persons were drawing salaries of from \$2,000 to \$3,000 annually from relief funds, and that the two top executives were drawing more than \$500 a month from relief funds destined for the needy.

Harry Hopkins, federal relief boss, had been horrified that a taint of politics had crept into North Dakota state relief, and that an ignorant subscription solicitor had dared to mistakenly wander into the state relief office, with a remote federal connection, and solicit subscriptions totaling less than \$200 from clerks there. But Hopkins had no pious reaction when the payroll directly under his jurisdiction was padded to the limit with Democratic hangers-on.

It was shown in the *Leader* that the salaries paid the 15 highest paid federal relief executives in North Dakota would have provided food, clothing and shelter for 1,000 persons on relief at the rate relief was then distributed in North Dakota.

This expose of the Tammany conditions in the relief set-up made Langer no more popular with the dominant Democrats. They made another attempt to muzzle the *Leader*. The postoffice department sent questionnaires to *Leader* subscribers, asking how they came to be taking the paper.

When the second-class mailing privileges, later restored, were first canceled, the *Leader* had been compelled to deposit more than \$1,000 excess postage with the postoffice department. This was never returned. After the questionnaire was circulated, the postoffice department confiscated the bulk of it on the ground that subscriptions purchased by state employees and given to their friends were not bona fide subscriptions, and were not entitled to second-class rates. Under this ruling, magazines given as gifts at Christmas time would not be entitled to mailing privileges. It would seem the postoffice ruling was slightly inconsistent.

The fall campaign outdid the June primary in bitterness. The gubernatorial contest soon resolved itself into a contest between the Non-Partisan League and the Democrats.

The Democrats threw their organization into high gear by having Boss Farley open the campaign.

Incidentally, the *Leader* exposed another magnificent irony during the course of the fall campaign. Remember, Bill Langer was convicted of soliciting less than \$200 in political funds. (He didn't know of the solicitation, and ordered it stopped when he learned of it. But waive that, and say simply that he was convicted of soliciting the funds.)

The *Leader* found a series of letters from state Democratic headquarters, ordering federal employees in the state to contribute to the party fund on pain of losing their jobs! This was the same party, if you please, whose Democratically-named district attorney prosecuted Bill Langer. It was also shown that the IVA's, the other group most bitterly opposed to Langer, had solicited not five per cent of salaries for newspaper subscriptions which could be resold, but demanded an outright ten per cent of appointees' salaries.

But they convicted Bill Langer——!!!

But the campaign continued. The disgruntled Republican groups, Rumpers and IVA's alike, united with the Democrats in an effort to stop Mrs. Langer.

The Democrats used their by now familiar tactics of dumping millions of dollars in public money into the state just before election. They had their relief-dispensers in every county tell the unfortunate that the federal dole would cease unless the Democrat, Thomas H. Moodie, were elected governor.

"Elect Moodie or starve" was the covert threat held over the heads of unfortunate North Dakotans.

Millions of dollars in AAA wheat allotments were spread over the state among the farmers who were the strongest League supporters just before election. With each check went a mimeographed sheet of campaign propaganda, showing how much money had been spent by the administration in the recipient's county, and winding up with the bold bid for bought votes: "If you appreciate the assistance the national Democratic administration has given you, you can best show your appreciation by voting the Democratic ticket from top to bottom. Help Roosevelt! Vote Democratic!!"

The also familiar trick of routing Roosevelt, the Democratic fuhrer himself, through the state to bolster the ticket was also used. The smiling leader went through North Dakota on his return from his Hawaiian fishing trip to lend added weight to the promise that the \$65,000,000 Missouri diversion project would become a reality if the people elected a "friendly" administration.

Senator Nye, in this campaign, was the "goat" of another *Leader* exposé. Although he had "run out" during the summer and failed to come forward with proof of his loose charges of untold graft, he came back to campaign for the Democrats against the party which appointed him to office. The man who charged "graft" was shown to be keeping his speaking engage-

ments in the state in a state-owned automobile driven by one of Ole Olson's lieutenants on the state payroll and state expense account. It would seem indicated that those smell graft best in others who are familiar with it at home.

Mrs. Langer, meanwhile, was attracting tremendous crowds. The charming wife of the governor, inexperienced in politics, made a whale of a campaign against the united opposition, who were backed by the wide-open federal treasury.

The full force of their opposition, with their unlimited federal war chest, would have crushed any other party in any other state. But the Non-Partisan Leaguers in North Dakota came through with a remarkable showing, despite the odds, when the votes were counted after that 1934 campaign.

The League sent its entire slate to Congress, Senator Lynn Frazier and Congressmen Lemke and Burdick. Their nominees won undisputed control of both houses of the legislature. They won every state elective office with one exception.

Mrs. Langer was defeated by Moodie by a margin of 17,000 votes out of nearly 275,000 cast.

There was considerable sentiment for contesting the election on the ground of fraud. It was shown that some anti-Langer communities cast a total vote which was 80 per cent of the total population, a manifest fraud inasmuch as the total population includes children and others not qualified to vote. But the need to contest the election did not develop, as Bill Langer was not yet licked. He exploded a political bombshell that robbed the Democrats of their high-priced victory. The millions in federal money with which they plastered the state availed them nothing. Bill Langer licked them by the simple expedient of knowing the law.

Bill Langer called a night-shirted farmer out of bed in Pembina county one night late in 1934 to tell him to come to Fargo on an important mission. Bill Langer had found a way to nullify the Democratic victory and make the farmer the next governor of North Dakota.

The farmer was Walter Welford. He was the League's successful nominee for lieutenant governor.

Bill Langer had discovered a fatal flaw in the eligibility of Thomas H. Moodie, governor elect. North Dakota law specifies that a gubernatorial candidate must have lived five years continuously in the state before election.

Langer found that Moodie in 1930 had sworn, in registering to vote, that he was a resident of Minnesota. He obviously could not have lived in North Dakota five years continuously between 1930 and 1934. Langer had the proof in a photostatic copy of the registration affidavit in Moodie's own handwriting. It was incontrovertible.

The Democrats, like so many of Bill Langer's enemies, had made the fatal error of underestimating the fighting qualities of the lanky North Dakotan. Bill Langer is most dangerous when his back is on the mat and the referee is counting ten over him.

Langer filed suit to prevent certification of Moodie as the duly elected candidate. The evidence presented the court was so complete that an injunction immediately issued forbidding his certification.

The supreme court passed the buck, ruling that the qualifications of Moodie should be settled before a jury in district court. The supreme court had "stalled" so long that Moodie took office before his eligibility was passed on.

Langer even cast doubt on Moodie's American citizenship. The Democrats, in their campaign literature, made a good American of their candidate by giving his birthplace as Winona, Minn. But Moodie himself, on his sworn registry certificate, gave Ontario, Canada, as his birthplace. Investigation disclosed no record that his father was ever naturalized, the method by which Moodie claimed citizenship.

The state legislature, which convened the first week in January, quickly voted a resolution asking that the supreme court expedite its ruling on Moodie's eligibility. The court politely agreed, but did little to speed up the ruling. The contrast between their haste to oust Langer in July, and their dilatory tactics in failing to oust Moodie on obvious legal grounds, was marked in many quarters.

The legislature sought to speed up the supreme court by voting to recess without working at legislating until the gubernatorial mess was straightened out. Moodie was impeached by the House of Representatives.

Finally, after three weeks, the court ruled Moodie out of office. Walter Welford, the Non-Partisan League candidate for lieutenant governor, was named governor of North Dakota.

Bill Langer, just when he seemed completely crushed, had once again come back to score a knockout. The Non-Partisan League had captured the office of governor, despite all the money the Democrats had poured into the state.

Things were definitely looking up for Fighting Bill Langer as 1935 opened.

CHAPTER XX

AFTER the victory which saw Moodie defeated and ousted, and a Non-Partisan League man installed in his place, Bill Langer moved to overcome the one remaining obstacle in his road back to honor and accomplishment.

His appeal from the conviction on conspiracy charges was argued before the United States district court of appeals on March 19-20, 1935. Francis Murphy, Fargo attorney, represented the defendants.

Murphy cited forty-four separate instances of alleged errors made by the district court in the first trial. He cited that the employees solicited for subscriptions were state employees; that none of the defendants were engaged in the administration of relief funds; that no conspiracy had been established; and that no evidence had been introduced to show a scheme of design to fraudulently interfere with a lawful government function.

At the conclusion of the appeals hearing, the district court handed down a decision which was a complete triumph for Governor Langer. The conviction was reversed on the grounds of error and insufficient evidence, and the case returned to the trial court. In the opinion, handed down by impartial judges with no interest in the march of events in North Dakota, Bill Langer was completely vindicated, and the judges cast definite aspersions on the conduct of his enemies, including Judge Andrew Miller.

Langer's testimony at the trial was cited by the appellate court in the opinion, to demonstrate there was no secrecy or deceit about the alleged "conspiracy."

Langer had testified that he talked about the subscription plan to finance the *Leader* in his speeches over the state; that he went into great detail and explained the plan, and that in addition, advertisements in the *Leader* had further outlined the proposal. The district court commented pointedly that if the proposal *was* a conspiracy, it was certainly well-advertised.

The circuit court also said the government wrongly contended that the conspiracy was violative of North Dakota statutes. ("We may say in passing we think it was not," the federal judges said.) The circuit court declared there was no evidence anywhere in the record that a lawful function of the federal government had been obstructed. ("We have searched the record diligently for direct evidence . . . and the government has called our attention to no such testimony," the opinion stated.)

The appellate court also took occasion to administer a judicial slap to Judge Andrew Miller. Commenting on the fact that the trial jury had access

to newspapers and inflammatory radio speeches on the progress of the primary campaign, the court said: "the practice disclosed by the record in this regard is not to be commended."

It was a legal rout of Langer's enemies. Their effort to send the champion of North Dakota's poor and distressed to jail struck a snag composed of impartial judges.

Lanier, the federal attorney, immediately, "Highballed" to Washington in a plane to confer with his superiors. It must have been a bitter pill for the Democratic organization, resoundingly spanked by Langer and roundly defeated when Moodie was ousted, to see their prey escape.

On evidence the appellate court held flimsy and without basis in law, and before a judge criticized by the high court for uncommendable practices, Bill Langer had been deprived of his civil rights, ousted from the Governor's chair, forced to resign a nomination for governor in a campaign in which he would have been returned a certain winner, virtually disbarred from his law practice, and sentenced to prison as a felon.

But there was a brighter side to the picture. The decision of the circuit



The original flag of the State of North Dakota now in the State Historical Museum, Bismarck

court of appeals more than ever convinced North Dakota that the trial of Langer was a "frame-up."

District Attorney Lanier refused to give up his effort to put Bill Langer behind the bars. He immediately secured an order from Judge Miller ordering the re-trial of Langer and his associates. But first he called another grand jury to re-investigate the case, already investigated and investigated by a whole corps of federal probers. High League officials and forty county chairmen were summoned before the grand jury. But the "probe" came to naught.

Governor Langer charged the new grand jury was "just another attempt to break me and discredit me because they've found a Republican governor who is not afraid of the powers that be in Washington." In a telegram to the foreman of the grand jury and Lanier, Langer dared them to subpoena Senator Nye, who had claimed to have evidence of "untold graft," in the state government. Langer declared it was their duty to probe Nye's charges, but they refused to take his dare. More than ever North Dakota was convinced that Nye had no evidence, that he had stooped to deliberate lying in an effort to remove a potential rival for his lucrative senate seat and its \$15,000-a-year return for lectures as the "peace senator."

Another effort was made to "get" Langer. Several months before, the *Leader* had come into possession of a letter written by a Minot real estate man to John Husby, former commissioner of agriculture and labor who had deserted to the Rumpers, giving details of a secret meeting to combat "Langerism." The grand jury and federal investigators made every effort to find basis for charges that the *Leader* had come into possession of the letter by tampering with the mails, even after stenographers in the *Leader* offices had been subjected to repeated grilling by the G-men. But again they failed to find any irregularity.

Finally, two of the five defendants with Governor Langer were induced to turn "state's evidence." Oscar J. Chaput, the former manager of the *Leader*, and Howard McDonald, the subscription solicitor, changed their pleas to guilty, even though the appellate court had reversed their convictions.

John Sullivan of Mandan, their attorney, found himself in an unenviable position after the deal whereby the pair pleaded guilty. He was attorney of record for Oscar E. Erickson, one of the defendants in the case. Despite that, he represented McDonald and Chaput in changing their pleas, without having consulted any of the other defendants or their attorneys. Sullivan's action in appearing for the pair, while acting as attorney for a third defendant, was held by other attorneys to be a gross violation of legal ethics, and there was considerable sentiment for his disbarment.

The case moved toward its second trial in October, 1935. The defendants filed affidavits of prejudice against Judge Miller, declaring their belief that he was prejudiced and unfair. They had previously asked him to disqualify

himself, but he had failed to do so, although judges almost invariably step down when there is the slightest question raised as to their fairness. But Judge Miller didn't. So there was no other remedy than to file the affidavit of prejudice. It is printed as Appendix A following the last chapter.

Lanier immediately rushed to the grand jury and obtained perjury indictments against Langer and his co-defendants who filed the affidavit of prejudice, claiming that statements in their affidavits were false. The action was unprecedented in jurisprudence, and was later to "kick back" and reveal Lanier as an inept and fumbling lawyer, unable in the slightest degree to substantiate the charges he brought with the aid of his "hand-picked" jury of Langer enemies.

The new indictments gave the case nation-wide scope. It came to the attention of the United States senate when that grand old fighter, blind Senator Schall of Minnesota, rose up in his wrath to declare that: "Governor Langer was framed through the connivings of Tammany Farley, postmaster general, national Democratic committeeman and patronage dispenser.

"By his appointee," roared the blind senator, referring to Farley, "the district attorney for North Dakota, with the assistance of the United States marshal (an appointee of Nye's) a special grand jury and a special petit (trial) jury were selected from among the governor's enemies to indict and convict him.

"They caused the tapping of the governor's telephone, had his office rifled and the contents carefully gone through, his mail opened and photographs taken. The history of this case reads like the persecution of some common citizen of Russia."

Schall proposed a senatorial investigation of the methods used in selecting federal juries, but the probe was cut short by his untimely death. His charges, on the floor of the senate, have never been refuted.

Lanier also began an effort to have Langer indicted for income tax evasion. All his business dealings were scrutinized. Firms as far away as Boston, with which he had corresponded, were questioned and their records examined. But the investigators were thwarted. By a magnificent irony, *the federal government was forced to refund several hundred dollars to Governor Langer several months later, because he had actually overpaid his income tax!*

Governor Langer and his associates went on trial on the conspiracy charges for the second time before Judge A. Lee Wyman of Sioux Falls, S. D., who had been ordered to hear the case when the circuit court of appeals upheld Langer's affidavit of prejudice against Judge Miller and removed that jurist as trial judge.

A panel of 138 jurors was drawn. Francis Murphy, still chief counsel for the defense, challenged the whole panel on the ground it contained eighty per cent residents of towns where anti-Langer sentiment flourished, and was

not truly representative of the people of North Dakota. Judge Wyman denied the challenge and the trial proceeded.

Defense attorneys remarked the difference in the attitude of the court between the first and the second trials. Rulings from the bench fell on both sides impartially. The evidence in the case was virtually identical with the first trial, although the circuit court had ruled the government's evidence in the first trial was not enough to sustain a conviction.

The jury heard the case, and after forty-five hours' deliberation, reported to Judge Wyman it was hopelessly deadlocked and unable to reach a decision.

Judge Wyman discharged the jury and the stage was set for the trial on the perjury charges.

The defendants charged with perjury for filing the affidavit of prejudice and seeking an impartial judge were Langer, Oscar E. Erickson, state chairman of the Republican central committee and publisher of the *Leader*, Frank A. Vogel, former state highway commissioner and R. A. Kinzer, former executive secretary of the state relief committee, defendants in the first two conspiracy trials.

The affidavit of prejudice contained twelve separate charges of bias and prejudice. District Attorney Lanier elected to base his charges on only two of the twelve. Many thought it significant that he did not challenge the other ten charges. They were never challenged.

The two on which the indictments were based alleged that Judge Miller made an harangue to the trial jury panel before the first Langer trial, dilated on the menace to the courts of Communists and radicals, and sought by inference to include the defendants in the category of the groups he excoriated, and that he had prepared commitments for all the defendants before the trial was over, so convinced was he of their guilt, and therefore unable to preside at the trial in a fair manner.

Trial of the case opened Thursday afternoon. On Friday the case was thrown out of court on a directed verdict of acquittal by Judge Wyman.

The verdict of the court exposed District Attorney Lanier as a lawyer who went before the court in an attempt to convict four reputable officials on felony charges with absolutely no evidence of legal worth.

He first attempted to have the testimony limited to the two clauses in the affidavit of prejudice on which the perjury charges were based. Judge Wyman overruled him, holding with Defense Counsel Murphy that the jury had a right to "the whole picture" of the charges of prejudice.

Witnesses had been brought from New York at government expense to testify against Langer and his friends. E. E. Makiesky, Associated Press correspondent who had been in the courtroom when Judge Miller made his speech to the jury, was called to testify that the address to the panel was not prejudicial.

Lanier attempted to bring out Makiesky's reactions to Judge Miller's speech. Defense attorneys objected that what any listener thought of the address was not material to the case. Judge Wyman upheld every objection. Makiesky was permitted to tell only his name, occupation and that he was in the courtroom. Every other question put to him by the District Attorney was ruled improper by Judge Wyman.

Then Lanier called one of the members of the first jury panel, a Fargo real estate dealer. Again he tried to show what reaction had occurred in the witness's mind during Judge Miller's harangue. And again Judge Wyman ruled his questions were improper.

The district attorney turned desperately to a rule of law which he said made the questions proper. Then occurred a lecture from the bench which North Dakotans still hail as a brilliant statement of free speech.

"I have no quarrel with that rule at all, Mr. Lanier," Judge Wyman said, "If you will confine your examination of this witness as to his knowledge of facts which are in any way material to the issues here, he will be permitted to answer questions.

"But we are not concerned with what his impression was, or conviction was or whether he was affected by this speech one way or another. That is not the idea. The allegations in the affidavit of prejudice merely tend to state the conclusions of the men signing the affidavit—their reactions, their impressions; and if they are honest in their opinions, why then it can never be made the basis of a perjury suit. We cannot prosecute men for their opinions—that is, we can't do that in America—not yet. There may be a time when we can, but to date we cannot."

Judge Wyman's defense of a man's right to his opinions, a basic tenet in America's code, still stands as a bulwark against Nazi and Communist jurisprudence, where opinions still send men to prison.

But his clear definition of the issues in the perjury trial prevented the nazification of North Dakota's federal court. District Attorney Lanier was licked, and it took but a few more witnesses to prove it. He suffered one of the most humiliating beatings an attorney ever took in any court.

Not one witness he called was permitted to answer any question actually bearing on the grave charges Lanier made against Bill Langer. The trial record shows not one single solitary shred of evidence of perjury against Bill Langer or his associates. From the record must be drawn the inference that Lanier was either a "boob" lawyer who did not know the definition of a crime, in which case he was certainly no man to have as a federal prosecutor, or he deliberately obtained indictments without having the slightest basis, in law or in fact, for making grave charges, in which case he certainly was a dangerous and unworthy man to hold public office. A fool

or a vindictive, politics-playing, unethical persecutor, in whichever category, is no man to hold an office wielding as much power as a United States district attorney has at his command.

The defendants in the perjury trial did not have to call a single witness to prove their innocence.

After Lanier's pitiful showing, Judge Wyman immediately granted a defense motion for the directed verdict. Nearly one-half million dollars of government money had been spent on probes, investigations and grand juries, on the trial itself and the transportation of witnesses, but nothing developed save that Bill Langer and the Non-Partisan League officials were innocent when they were indicted, and that no evidence against them had ever existed.

The third trial of Governor Langer and his associates was almost an anticlimax. Before a rigidly impartial judge, who ruled dispassionately on the evidence, the result was never in doubt. The jury deliberated but five and one-half hours before returning a verdict freeing Bill Langer.

Lanier's record of failures in his effort to convict Bill Langer was perfect. He had batted exactly .000 in his many attempts to besmirch and demean North Dakota's fighting governor, who had forthrightly denounced the New Deal to which Lanier owed fealty.

In a word, Bill Langer had been stripped of office and honor, sentenced to prison and prevented for two years from continuing his work for North Dakota.

But justice finally triumphed at long last. In the words of Judge Wyman: "You can't convict a man in America for his opinions—not yet."

The trusts and the visionaries and the reactionaries, in league together, had tried to convict Bill Langer for his opinion that the common man has a right to happiness and health and security in his home and a decent living.

But they failed, and North Dakota is a better place because of their failure. It is better because a man of iron will himself a smart politician fearlessly and courageously fought almost single-handed. It was a fight that the nation will never forget because Bill Langer proved that when a man is right not even public officials willing to spend a million dollars on that project can convict him. What a record for future historians to point to.

CHAPTER XXI

BILL LANGER was a free man again, vindicated completely and his opposition utterly confounded. The long fight to prove his innocence was over.

But the fight had taken toll.

Bill Langer had lost his office as governor. True, he had put Walter Welford, a Non-Partisan League nominee, in office as Moodie's successor when he drove Moodie out of office.

Welford was governor when Bill Langer began to take up the reins again after he had been vindicated by the people at the polls and in the courts.

Governor Langer had an excellent case to oust Welford and resume his duties as governor. The North Dakota supreme court had ousted him as governor in 1934 on the ground that his conviction had placed a "disability" against him serving as governor, but said he still retained his post, although technically disbarred from fulfilling the functions of his office.

That "disability" was removed when Langer was freed by the federal courts as wholly innocent. He reverted to his former status. Had his term not been ended, he would still be governor, under law.

But in the meantime, his statutory term had run out. Moodie had been elected and disqualified by not having been a resident of the state five years prior to election.

North Dakota's constitution, Section 71, reads as follows: "The executive power shall be vested in the governor, who shall reside at the seat of government and shall hold office for the term of two years AND UNTIL HIS SUCCESSOR IS ELECTED AND DULY QUALIFIED."

Many lawyers urged Bill Langer to institute action to oust Welford as governor and resume the office on the strength of that constitutional clause.

Remember, Langer's successor, Moodie, had been duly elected, but he had never been qualified to hold the office. He had, indeed, been disqualified. Langer, therefore, was the last elected governor, and the constitution plainly said he was to hold office until his successor was duly elected and qualified. There are those who argue that, technically, Bill Langer was still governor.

But Langer refused to bring suit to oust Welford. Welford was a Non-Partisan Leaguer. Langer felt that a suit to oust him would split the League. Langer has been a League man first and an office-seeker afterward. The League's objectives and welfare always were his paramount concern.

His refusal to oust Welford was to prove an unwise decision.

Welford had little experience in the field of political action. He ran for

congress in 1924, and was defeated. He was a farm operator, but had held no important public office until he was supported for lieutenant governor by the League in 1934. There was definite opposition to him there, but it was felt his long service to the League deserved support. He ran far behind the ticket in the fall elections, and squeaked into office with a bare 3,000 majority. In addition, he was well past middle life, too old, many thought, to cope with the strenuous problems that beset North Dakota.

Time was to prove they were right. Welford, not long after Bill Langer was freed, began to grow away from the League. He surrounded himself with a little group of personal advisers. Cliques made their appearance in the statehouse, where there was no dominant personality like Bill Langer to keep the machine running smoothly by the sheer force of personal accomplishment. Conservatives who had fought Bill Langer flattered the old governor, and soon became his confidential advisers.

Welford finally had an open break with the League council of county chairmen. Their advice, he told them, was not wanted. Welford continued to appoint those opposed to the League to positions of trust and power, and they began openly to flout League principles.

Welford failed to continue the Langer economy program. Taxes were increased. He failed to meet the emergency in the marketing of the state's 1935 wheat crop. In the fall of 1935, he violated another League principle in announcing he would be a candidate for governor again in 1936.

This was a violation of the League tradition that "the office seeks the man." The selection of candidates has always been up to the state membership, working up from the "grass roots" through precinct chairmen, county chairmen and state delegates.

The Welfordites launched a high-powered campaign to take over the League county organization. State job-holders were sent out into districts to influence League precinct meetings. The state payroll was increased by dozens of new employees to build up the Welford political machine.

The Welfordites were shadow boxing. They were battling the wind. There was no candidate in the field against them. But they continued their statewide drive to gain League support. But they failed. The farmers and workers of North Dakota were still militantly loyal to Bill Langer, who had returned to the practice of law as a private citizen.

But "Draft Langer for Governor" clubs sprang up at almost every crossroads. The people remembered the benefits of the farm mortgage moratorium and the wheat embargo. They remembered that Bill Langer had really slashed taxes and the cost of state government. They remembered that Bill Langer had "gone gunning" for the power rates and the railroad valuations and the wheat buyers oppressing the common people of North Dakota.



North Dakota is primarily an agricultural state

Suffice it to say that the pre-primary campaign of 1936 was a repetition of 1934.

The League precinct meetings were held on February 15. A week later the county conventions were held. From them were named 166 delegates to the state convention, to be held at Bismarck March 3-4-5.

Prior to the convention a little group of dissident state officials who had come to power under Welford made an announcement that they would not run on any ticket headed by Langer, just as the bolters had proclaimed in 1934.

But inexorably as the tide, the Langer sentiment built up in the rural districts and came rolling to Bismarck for the state convention. The Welford forces were so overwhelmingly beaten in their attempt to control the League convention that they refused to participate in the state convention.

Out of 83 instructed delegates to the state convention, 67 were instructed for Bill Langer and 16 for Welford.

When the roll was called for the regular League convention, 132 of 166 delegates elected answered their names. Langer, on the second ballot, received the unanimous endorsement of the League for another term as governor.

The Welford faction decided to put on a convention of their own. Only 34 delegates attended, but they dragooned a bevy of statehouse employees to act as "delegates" for unrepresented counties.

The Rumpers of 1934 joined with the Rumpers of 1936 to endorse Welford. T. H. H. Thoresen, the Rumper candidate for governor in 1934, was named Welford's running mate in 1936 and a candidate for lieutenant governor.

The primary elections in June 1936 were a temporary setback for Bill Langer. He had been out of active politics for two years, defending his name

against false criminal charges. In his absence, a political machine with vast ramifications had been built up in the statehouse, with tentacles reaching to every corner of North Dakota. Payrolls had been increased, and the new employees were given the admonition to get out and deliver the votes.

Langer lost the Republican nomination by less than 500 votes. The time had been too short for him to combat the machine successfully. But the vigor of his campaign had once more aroused hopes among the common people that the League and its supporters might again rise to prominence and continue Langer's liberal program.

Immediately after the primary, the Non-Partisan League called an emergency convention to meet in Jamestown. Hitherto they had always functioned within the framework of the Republican and Democratic parties, endorsing the leading candidates, of whatever political affiliation.



NPL Convention, Bismarck, which drafted Bill Langer for Governor

Now they contemplated a history-making step. They declared both major parties in North Dakota were so shot and riddled with machine politics and boss-ism they no longer deserved League support. The League decided to "go it alone," and put a slate of candidates in the field under a third party banner.

Langer was summoned to head the ticket as candidate for governor in the November elections. William Crockett was candidate for lieutenant governor, and Owen T. Owens was named to run for attorney general.

The League went into action, once more united, once more militant in seeking the welfare of the farmer and the common man.

Bill Langer broke the strangle-hold of the two major parties on North Dakota. His feat of running without major-party endorsement, and winning a third term as Governor of North Dakota is without parallel in modern political history. Welford and John Moses, the Democrat, trailed him in the November, 1936 elections as the Non-Partisan League swept to victory again.

Bill Langer was back where he belonged, where the common people of North Dakota had put him to lead them.

It was a bitter day for the interests which had battled him at every step since 1932 when he was first named governor.

CHAPTER XXII

BILL LANGER was the target of merciless attacks in the press throughout his long fight for the common people of North Dakota.

No statement was too fantastic for the newspapers to give it currency. The most trivial incidents were distorted, magnified and spread broadcast over the state.

But Bill Langer, after years of suffering the harpoons and arrows of the press in North Dakota, came eventually to triumph over the "yellow" journalists who villified him for years.

One illustration is enough to show his complete vindication. The Fargo *Courier-News* had been in the forefront of the attacks on Bill Langer.

But the story is best told by the retraction they were forced to print. It is worth detailing completely:

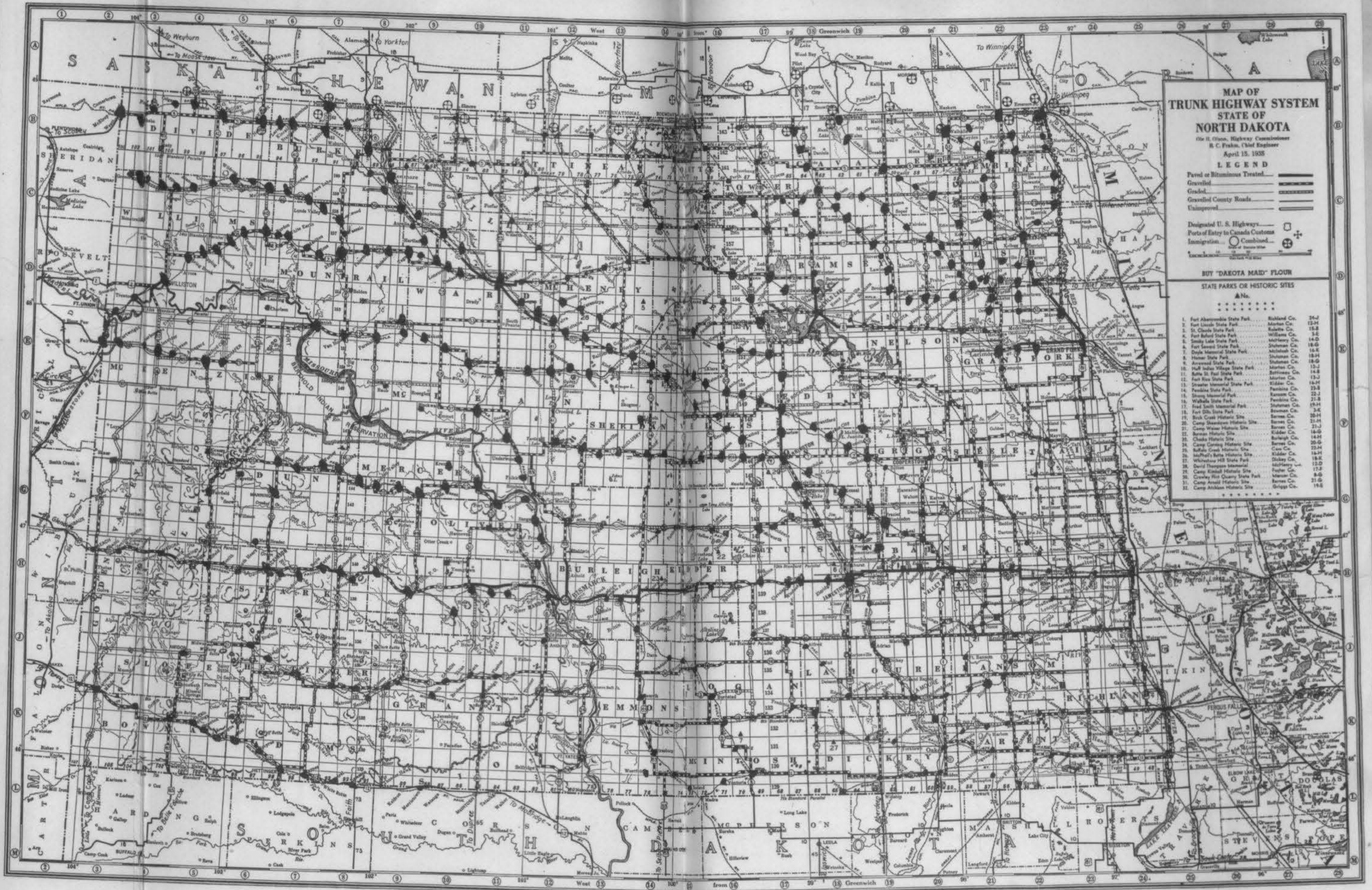
By stipulation between William Langer and attorneys for the Non-partisan League executive state committee, the libel suit for \$50,000 brought by Langer about three years ago against the *Courier-News*, William Lemke and others, was yesterday settled out of court. The stipulation provided that the *Courier-News* print the following retraction:

The management of the *Courier-News* believes that a newspaper should publish what it believes to be the truth. For two years or more this paper in nearly every issue published statements severely reflecting upon the personal, professional and official integrity of Hon. William Langer. In those articles Mr. Langer was characterized as a crook, grafter and traitor to the farmers and workers of North Dakota and a corrupt tool of "big business." These charges were emphasized in our editorials and we played him up in that character in our news items and stories and our cartoonists so portrayed him.

Mr. Langer, knowing that the statements published concerning him were false, sued us for libel. He was fair. He first asked us to retract. Instead of retracting we assaulted him worse than before. Mr. Langer then commenced a suit against us for \$50,000 damages.

The lawsuit was started in Cass County, and the *Courier-News* thru its attorneys, demurred to the complaint. Judge A. T. Cole decided in favor of Mr. Langer and we appealed to the supreme court but the supreme court through Justices Birdzall, Bronson and Christanson decided in favor of Mr. Langer and sent the case back to Fargo for trial.

When the time came for the case to be tried Mr. Langer was there with his witnesses. Our attorneys felt that we could not get a fair trial of the



MAP OF NORTH DAKOTA

The round black dots indicate the 444 places at which Governor Langer spoke between August 22 and October 1, 1938, advocating the signing of petitions to place on the November, 1938, election ballot his proposed initiated measure for a forty-dollars-a-

month minimum pension for the aged. As a result, over 110,000 eligible North Dakota voters signed the petitions, which were filed in the State Capitol, placing the Langer \$40.00 a month minimum pension for the aged measure on the November 1938 election ballot. This measure is one of the major issues in the current three cornered U. S. Senate campaign fight between Governor Langer, Senator Nye and J. J. Nygaard.

case in Cass County and we filed an affidavit for a change of venue. Approximately two months later Judge Cole sent the case to Richland County for trial. When the case came up in Richland County for trial, and two days before the case was reached on the calendar, Mr. Langer appeared with his witnesses and announced that he was ready for trial. Our attorneys, however, felt that we could not get a fair trial of the case in Richland County and applied for a change of venue. Feeling that Judge Allen was going to overrule the application our attorneys applied to Justice Robinson of the supreme court for a writ of prohibition. Justice Robinson telegraphed to Judge Allen and told him not to hear the case but to appear before the supreme court on the 29th day of June, 1921. When the case came up before the supreme court all the justices except his honor Justice Robinson, decided in favor of Mr. Langer. The supreme court sent the case back to Richland County to be tried, in the meantime the jury had gone home. The *Courier-News* felt that the merits of the change of venue had not been before the supreme court and therefore appealed from Judge Allen's decision refusing the change. The questions involved were finally decided in favor of Mr. Langer, the court holding that Judge Allen had not abused his discretion in denying our motion for a second change of venue.

The new management of the *Courier-News*, inheriting this lawsuit as it did, has made a thorough investigation and has come to the conclusion that Mr. Langer had been unfairly, unjustly and scandalously dealt with. We investigated the charges against him in full, item by item, and we are pleased to take up these charges in detail in this retraction:

LANGER'S FIGHT FOR MISS MINNIE J. NIELSON

The *Courier-News* charged that Mr. Langer fought for Miss Nielson at the behest of "big business" politicians and the "book trust." We are convinced from our investigation that no one bribed or persuaded Mr. Langer to give Miss Nielson the opinion that he did and have learned that scores of persons went to Miss Nielson and tried to induce her to hire private attorneys either to assist Mr. Langer or to watch him so that he would not sell her out. Miss Nielson steadfastly refused to hire any other lawyer and placed her entire confidence in Mr. Langer.

The records show that Mr. Langer won the case in the district court and in the supreme court and that his opinion given to Miss Nielson originally was correct and the law as found upon the statute books of North Dakota. We retract any charges made in connection with this case against Mr. Langer together with all nasty slurs and innuendos.

MR. LANGER AND THE FORTY-TWO TAXPAYERS' SUIT

The *Courier-News* has repeatedly charged and reiterated that Wm. Lemke

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won the forty-two taxpayers' suit and that William Langer, then attorney general, "sold out" in the case. Our investigation shows that said charge was and is wholly false in every detail and particular.

The record indisputably shows that Wm. Lemke did not open his mouth before the supreme court of the United States in said case. The records show that William Langer as attorney general realized the tremendous importance of the case and that the whole industrial program of the farmers was involved in it. To help in the fight where the mill and elevator were at stake he hired two of the best lawyers in North Dakota to assist: namely, Judge W. S. Lauder of Wahpeton and Judge S. L. Nuchols of Fargo. Both of these men had seen long and honorable service on the district benches of North Dakota.

To one of them he assigned the case proper, to the other the jurisdictional features of that lawsuit. The records show that shortly before the case was argued in the supreme court, Governor Frazier appointed Wm. Lemke as his special attorney and Lemke in turn got Frederick A. Pike of St. Paul to help him.

When the case came up at Washington, Attorney General Langer and Judges Lauder and Nuchols were there and nearly the entire time allotted to their side of the case was taken up by Judges Nuchols and Lauder. Mr. Langer consented to give Mr. Pike 20 minutes and Mr. Pike only used 15 of them and made so little impression that in the supreme court's decision Mr. Pike's argument was ignored entirely.

The *Courier-News* retracts therefore the statement that William Lemke won that lawsuit or that Mr. Langer sold out, and further states that Mr. Langer acted therein in the utmost good faith and in the interest of the state. The lawsuit was won by the unanimous decision of the supreme court of the United States.

THE 10,000 MILES MILEAGE BOOKS

At the special session in 1919 the law was passed reducing Mr. Langer's appropriations. Mr. Langer a few days before the law went into effect bought mileage books calling for 10,000 miles of travel. The *Courier-News* charged Mr. Langer with "looting the treasury" and getting mileage books for his political friends for travel about while boosting for him. The records show that the 10,000 miles of state mileage were used for the following purposes: namely, to pay the railroad fares of Attorney General Langer and Judges Lauder and Nuchols to Washington to argue the forty-two taxpayers' suit and return, the distance to Washington and return is 3,000 miles which for the three men totalled 9,000 miles. The one thousand miles of mileage remaining were used by Mr. Langer during the next six months in travelling about the state officially.

There is not a scintilla of evidence that Mr. Langer ever used one penny's worth of state mileage either directly for himself or for any of his subordinates on political trips. The *Courier-News* hereby retracts that charge made against Mr. Langer.

BANK OF NORTH DAKOTA

The *Courier-News* has repeatedly charged that William Langer was personally opposed to the Bank of North Dakota and that he as attorney general did all he possibly could to wreck it. As a matter of fact the truth is that William Langer travelled all over North Dakota campaigning in favor of the amendments providing for the industrial program and alone argued the case before the supreme court when the legality of their adoption was contested and won the lawsuit.

He repeatedly stated that he was opposed to certain provisions in the law creating the Bank of North Dakota especially the provision giving the Industrial Commission unlimited power to take money out of the Bank of North Dakota and to place it at the disposal of the various business enterprises in which the state might engage.

As far as the *Courier-News* knows Mr. Langer was honest in his opposition to that particular provision of the law and did not oppose it at the behest of the "big bankers." Men may well differ as to the advisability of the Industrial Commission having the right to use the funds deposited in the Bank of North Dakota that way, but William Langer advocating the passage of the amendments and especially by his opinion stating that the bank bonds were valid and legal, did all he could honestly do in the performance of his duty as attorney general.

The *Courier-News* hereby retracts not only all charges and imputations but also its insinuations and innuendos that William Langer fought the Bank of North Dakota and by so doing helped the "big business" and loan sharks and other enemies of the farmers.

THE MINOT RAID

During Mr. Langer's campaign for Governor the *Courier-News* charged that he had conducted the Minot raid for the purpose of "publicity" and the "limelight."

Investigation shows that he raided the city of Minot solely because the men and public officials there would not do their duty or were incompetent to do it. The records show that several dozen bawdy houses were closed; that there were scores of liquor prosecutions; that two lodges were closed; that the mayor resigned; that the district judge refused to testify because he might incriminate himself; that the chief of police soon afterwards left; that rich and poor were treated alike and that no one with any influence

could make that influence felt on Mr. Langer and that there was no scandal about the men with money going free.

Mr. Langer's assistants were at Minot prosecuting the cases for three months and out of all the men and women arrested only three did not result in convictions. The records also show that conditions in Minot had been rotten for years.

In view of all these facts, the *Courier-News* gladly retracts all charges against Mr. Langer in this connection and states that the "publicity" and "limelight" that resulted only came naturally because he performed his duty and that the raid was pulled off honestly and with deadly efficiency.

CHARGES OF EXTRAVAGANCE

The *Courier-News* very frequently charged that William Langer conducted his office extravagantly and spent money with a free hand and that he spent much of it for political purposes.

The records show that when William Langer went out of office he left for the use of his successor, Wm. Lemke, \$17,000.00 in the poolhall fund and also approximately one-fourth of his two years' appropriation. This was available for Mr. Lemke to use for the six months before his appropriation would become available. In other words Mr. Lemke received his proportionate share and any charges by anyone that Mr. Langer squandered money so as to hamper Mr. Lemke is unqualifiedly and absolutely false.

The *Courier-News* hereby retracts all the charges made in connection therewith and especially the charge that Mr. Langer was crazy and ought to be sent to Jamestown because of his recommendations to the Budget Committee. The records show that he recommended for Mr. Lemke exactly the same amount that he had himself received the year before on Mr. Lemke's recommendation.

BOWEN MURDER CASE

The *Courier-News* desires especially to apologize to William Langer for its attitude in the Bowen Murder Case. It now freely admits that it was wrong and that the full disclosure of facts that has now occurred shows that he acted honestly and in good faith.

THE STANDARD OIL COMPANY CASE

Several times during the last two years the *Courier-News* accused Mr. Langer of selling out to the Standard Oil Company. He was charged with not appearing in court when their case came up and with being "in cahoots" with Judge Young who represented the Standard Oil Company. The *Courier-News* has now made a thorough and painstaking investigation in the Standard Oil Company case and in this retraction we give a heading across

the front page of the *Courier-News* of exactly the same size as we did when we accused Mr. Langer falsely in that case.

The legislature passed a law which taxed Red Crown gasoline about a cent a gallon. The Standard Oil Company some months after the law went into effect refused to pay approximately \$300,000.00 of this tax and brought an action in federal court to prohibit the state of North Dakota from collecting it and claimed that the law was unconstitutional and discriminatory.

Mr. Langer not knowing much about the composition of Red Crown gasoline and realizing that the Standard Oil Company would secure an injunction prohibiting the state from collecting the tax unless he got someone into the case who was familiar with the subject matter, telegraphed Clifford H. Thorne of Chicago, now the lawyer for the United Grain Growers Inc., to assist him.

Mr. Thorne replied by telegraph that he had grave doubts as to the constitutionality of the law, that he had been in Bismarck, when it was drawn up, "that he had advised Wm. Lemke of his doubts," and that he "was unable to help out in the lawsuit."

The records then show that Mr. Langer telegraphed Attorney Thorne asking for the names of reliable engineers and experts at the head of the various independent oil companies and that Mr. Clifford Thorne recommended the president of the Pure Oil Company of Minneapolis as the man who could give the most information.

Not content with this Mr. Langer at the suggestion of the Assistant Attorney General, George K. Foster, wired to the mayor of Pittsburgh, Pa., asking for the address of an oil expert famed for his testimony against the Standard Oil Company. The mayor said the address and telegrams were sent to this individual who also replied declining to assist and stating that the Red Crown gasoline was made up of the residue and waste left by ordinary processes of manufacturing gasoline which was so utilized by President Burton of the Standard Oil Company that they under an enormous pressure yielded the Red Crown gasoline. The engineer said further that he considered that Mr. Burton had done the people a service by utilizing this residue.

The time for answering getting short Mr. Langer hired Judge W. S. Lauder of Wahpeton and Judge S. L. Nuchols of Mandan with the result that Judge Lauder went to Minneapolis and secured very valuable evidence from the President of the Pure Oil Company.

Mr. Langer then consulted Mr. Jackman, the head of the oil inspecting department under Dr. Ladd, and they together with Dr. Ladd met with Judge Nuchols and arranged for the securing of more affidavits. When the hearing came up at St. Paul before three federal judges Mr. Langer won by a vote of two to one.

Sometime later Mr. Burton of the Standard Oil Company and Judge Young decided to appeal the case. It being necessary that they file a bond the matter was taken up before Judge Amidon. Judge Young had called up the attorney general's office and had stated the nature of the bond. It was entirely satisfactory to Mr. Langer but he nevertheless concluded to have a representative present and detailed Assistant Attorney General Foster to represent the state.

Mr. Foster missed the train with the result that Mr. Langer called up Assistant Attorney General Sheets at Fargo and asked him to represent the state and get a continuance from Saturday to Monday. In the meantime Governor Frazier was induced over the telephone to appoint Seth Richardson of Fargo as the personal representative of the Governor to assist in the matter.

On Monday when the case came up Mr. Foster handled the matter of the appeal so ably that Judge Amidon wrote Mr. Langer a personal letter of congratulation on the splendid way the litigation had been handled by Mr. Foster and a few weeks after the Standard Oil Company had appealed and as a direct result of Mr. Langer's winning the lawsuit in St. Paul, the company paid to Obert A. Olson, then state treasurer of North Dakota every penny of the amount involved or approximately three hundred thousand dollars (\$300,000.00).

The *Courier-News* is glad to retract any and all statements made which were derogatory to William Langer in this matter and to state that as far as it knows the case was ably handled and that there is not the slightest evidence of any kind of fraud or collusion between him and Judge Young and that as a matter of fact, it is informed that the Standard Oil Company has a strong dislike for William Langer and that Judge Young does not love him.

STEALING THE \$10,000.00 BOND

When the Scandinavian American Bank was turned over to the State Examiner Loftus by a majority decision of the supreme court the *Courier-News* charged that a \$10,000.00 bond was missing from the assets of the Scandinavian American Bank and that the bond had been stolen either by Mr. Haldorsen, Mr. Sheets, or Mr. Langer.

We retract the charges that Mr. Langer or any of his deputies stole this bond and admit that such charge was entirely without foundation.

LANGER AND THE SCANDINAVIAN AMERICAN BANK

At the time that William Langer closed the Scandinavian American Bank the *Courier-News* charged that he did it at the command of Wall Street and for political glory. The *Courier-News* also charged that he "tipped off" people to the closing, that he "instituted a run on the bank before it was closed," that

"he was a wrecker of a worse type than Jesse James," and stated that Langer ought to be in the penitentiary.

We further stated that Mr. Langer was a fool if he believed that he could convince the Supreme Court that farmers' and workers' postdated checks were not excellent security. We also charged that Mr. Langer was "an enemy of the farmers and workers," and stated that it was "too bad there was no recall law in force with which to recall him." The *Courier-News* exulted when the majority of the Supreme Court scathingly condemned him and ordered him personally to pay the costs connected with the closing of the bank. Recent events have shown that Mr. Langer did what he believed to be his duty in the closing of the bank and we hereby retract any and all statements made by us condemning or criticizing him in regard thereof.

LANGER AND THE RAILROADS

The *Courier-News* had several times stated that Mr. Langer was a corporation attorney working hand in hand with the railroads operating in North Dakota but investigating of this shows that he has been the greatest enemy of railroad control that the railroads have encountered in North Dakota.

As County Attorney of Morton County aided by the tax commission he fought in the District and Supreme courts to a successful conclusion the case of the Northern Pacific Railway Company against Morton County and compelled the railroads operating in North Dakota to pay six years' back taxes on assessments aggregating thirty million dollars, consisting of two thousand thirty-eight licensed elevator sites, one thousand lumber yards and their warehouse sites, and two hundred sixty oil tank station sites upon the right of way of the railroad companies within this state. The case is reported in Volume 32 of the North Dakota reports, page 627.

After Mr. Langer became Attorney General the railroads endeavored to raise their freight rates fifteen per cent. He called into conference the Railroad Commissioners, and together with Mr. S. J. Aandahl, Chairman of the Board of Railroad Commissioners and Mr. Little, the rate man, went to Washington. At Washington they found the railroads well organized and the states disorganized. The states were organized and Clifford H. Thorne, now attorney for the U. S. Grain Growers, and Professor Norton of Yale University, and expert on the Adamson Law, were retained. Later Mr. Langer and his assistant, Judge Bronson, personally spent three weeks in Washington assisting Mr. Thorne. He personally conducted part of the investigation before the Interstate Commerce Commission and took the testimony of various witnesses.

The final result was that the Interstate Commerce Commissioner did not allow the increase in the freight rates in North Dakota although they were raised in some of the eastern states and based on the 1915 crop yield over

\$1,000,000.00 was saved to the farmers and producers of North Dakota grain alone.

With these facts of record as they are, the *Courier-News* hereby retracts any statement made either directly or indirectly that William Langer is "a tool of the railroad interest," and states that there was no foundation for the charges thus made.

LANGER AND LEMKE LETTER

While Mr. Langer was a candidate for Governor, Wm. Lemke published a letter in the *Courier-News* stating that he as assistant Attorney General has investigated the following charges:

1. That William Langer had defrauded a widow out of \$3,500.00.
2. That William Langer had defrauded a man out of three quarter sections of land, in Morton County. The man's name was Jahner.
3. That he, Wm. Lemke, was investigating the charge as Assistant Attorney General that William Langer had sold out in the Grain Grading Case and that the letter ended with insinuation that within a short time after said Wm. Lemke took office he would have William Langer arrested.

The *Courier-News* regrets the printing of said letters and states that Wm. Lemke took full responsibility for the publication. The *Courier-News* states further that the said Wm. Lemke never caused the arrest of William Langer on any of the said charges and that as far as the *Courier-News* knows Mr. Langer defrauded neither widows, orphans nor anyone else.

THE UNITED CONSUMERS STORE CO.

The *Courier-News* in March, 1920, charged that William Langer was trying to wreck the United Consumers Store Company at the command of the big wholesale houses. On March 21, 1920, Mr. Langer as Attorney General brought an action against officers of the United Consumers Store Company to compel them to turn the stock over to the farmers and to make cooperative the concern of the United Consumers Store Company.

To offset Mr. Langer's attack the officers of the United Consumers Store Company called in some forty farmers who were led to believe that an accountant had checked over the United Consumers Store Company carefully and that it was solvent, whereupon they were induced to pass a resolution that they wished it to continue as it had. Because of the resolution voted by the forty representatives at the meeting in Fargo, Mr. Langer was obliged to drop proceedings before the Blue Sky Board.

We retract this statement that he tried to wreck the United Consumers Store Company and state that if the company had been turned over to the farmers along cooperative lines at the time that Mr. Langer as Attorney General demanded, it would likely have resulted beneficially to the farmers.

LANGER AND THE GRAIN GRADING LAWS

The *Courier-News* has frequently stated that Mr. Langer sold out in the Grain Grading Law test case.

The records show that when the Grain Grading Law was attacked in the state courts that Mr. Langer appointed Judge Nuchols of Mandan to assist him and that he and Judge Nuchols won the lawsuit against O'Connor and Johnson without interference of any other lawyer and that after the Supreme Court of North Dakota had decided the case, O'Connor and Johnson and some Minneapolis lawyers started the Embden case in the United States court.

The records show that Mr. Langer again appointed Judge Nuchols to assist in this case and that Judge Nuchols appeared in the case and the records show that William C. Owens, of Williston, was also hired to assist and there is not a scintilla of evidence that Mr. Langer did not do all he possibly could to win this lawsuit and we retract any statements to the contrary.

THE LETTER FROM CHARLES MURPHY

A few days after Mr. Langer went out of office the *Courier-News* published a photographic copy of a letter written by Charles Murphy, the attorney of the Great Northern Railroad, to F. E. Packard, the assistant to William Langer. From this letter it might appear as though Mr. Murphy and Packard were framing up a lawsuit against the State of North Dakota.

Investigation shows that the letter was written by Mr. Murphy in the furtherance of a common plan suggested by Tax Commissioner George E. Wallace, to save expense by trying many lawsuits involving many counties, involving the same state of facts in one lawsuit. The *Courier-News* retracts this statement that there was anything wrong in this arrangement and states that it was a usual procedure.

CONFERENCE WITH TWIN CITY BANKERS AND THE SLUSH FUND

The *Courier-News* charged William Langer with going to Minneapolis and soliciting the Slush Fund from "Big Business." Investigation leaves the *Courier-News* absolutely without evidence that Langer ever asked of or received a dollar from anyone in this world for slush funds. It knows of no conference that he had with business men in the Twin Cities or anywhere else, having any connection with a slush fund or any other illegitimate purpose.

The *Courier-News* retracts in its entirety the statement that William Langer solicited a Slush Fund from the Twin City capitalists.

P. L. AARHUS

O. A. KALDOR

January 18, 1922

In amplification of the foregoing chapter and retraction there is printed as appendix B the statement of Ex-Senator Carroll D. King, of Burleigh County.

CHAPTER XXIII

TOWARDS the close of the year 1936 a thorough investigation made throughout the state showed that over 70,000 families, residents of North Dakota, were on the relief roles for aid and assistance. The Public Welfare Board out of appropriations made by the last Legislature and from a final grant of Federal funds to the state, made grants totaling \$1,676,255 to the County Welfare Boards for the calendar year 1936.

When Langer assumed the governorship in January the funds available to the Public Welfare Board were exhausted and an immediate appropriation was necessary to enable the Public Welfare Board to assist the counties in providing for relief during the period ending June 30th, 1937. This state of affairs was called to the attention of the legislature in Mr. Langer's inaugural address.

Responding to the governor's clear-cut statement of the problem an emergency measure appropriating \$1,500,000 for immediate relief in North Dakota was rushed through the House and forwarded to the Senate.

Designated as House Bill No. 1, and embodying the relief recommendations outlined by Governor Langer in his message to the Legislature, the measure was approved by the house in the shortest time on record for an appropriation bill.

In a special message to the legislature Governor Langer on February 6 urged immediate consideration of new measures appropriating \$5,600,000 for the general relief and social security programs in North Dakota. This message accompanied two measures which were introduced in the House. One of these would provide \$2,600,000 for pensions to the aged, mothers' pensions and aid for the blind, the crippled and for child welfare. The other measure appropriated \$3,000,000 for general relief.

"The extreme cold weather, heavy snow and blocked roads which we had feared are now here, bringing with them immediate need for food, clothing and shelter," Bill Langer said in this special message.

"These conditions prompt me to urge the immediate consideration of appropriations necessary to prevent suffering, want, and destitution."

Other legislation passed or considered by the Legislature under Governor Langer's leadership included a two year extension of the Retail Sales Tax, an income tax law and a huge water conservation and irrigation program.

"If you are going to tax the poor with a sales tax on the necessities of life, you are also going to tax the rich with an income tax based on their ability to pay." That essentially was Governor Langer's stand, and the only

issue at stake in the controversy which raged on Capitol Hill between the Governor and reactionary members of the State Senate.

And with that ultimatum Governor Langer took his place on the side of the common people and in opposition to the powerful few who would saddle the sales tax on the backs of the general tax payer and at the same time allow the rich to escape payment of an income tax.

A handful of Senators thought they could put over a fast one by stacking the cards to nullify the State Income Tax Law, and allow the wealthy to escape payment of State Income Taxes for the next two years. They forgot, however, that they were no longer dealing with a stuffed shirt in the governor's office.

Their challenge was promptly accepted as Governor Langer has accepted every challenge thrown him by the special interests. Bill Langer promptly vetoed the appropriation bills for two of the State colleges.

Why should the poor be taxed to maintain institutions where the wealthy can educate their children when at the same time those who have the greatest ability to pay taxes refuse to shoulder their just share of the burden he asked.



President Roosevelt and Governor Langer in Grand Forks, N. D., 1938

Governor Langer insisted that a workable law be enacted requiring the wealthy to pay that income tax, and in that stand he had, and still has the backing of the rank and file of the people of North Dakota.

A two-day deadlock in the State Senate over the Income Tax Bill was climaxed by Lt. Governor Thoresen's refusal to allow the measure to come to a vote before the regular session of the legislature adjourned.

Bill Langer in one of the most dramatic gestures of his career issued the call for a special session of the legislature a few minutes after Thoresen had blocked a vote on the income tax bill in the Senate by threatening to walk out if an appeal was made from his ruling not to allow a vote.

In the special session following, the brilliant leadership of Bill Langer passed the income tax measure carrying an emergency clause and providing for sharply increased levies on corporation profits. In addition to the income tax measure the special session also approved a number of other measures including the appropriations to the schools which Gov. Langer had heretofore vetoed in order to bring the reactionaries to time. Bill Langer was hot after his old enemies.

Bill Langer has always maintained that a state, like a family or a business, must live within its income. Exercising his partial veto power to bring expenditures in line with the expected biennial revenue Gov. Langer slashed a total of \$166,398 from appropriations approved for various purposes by the 1937 Legislature.

Among the needless expenditures of the tax payers money which Gov. Langer saw fit to slash was a bill relating to advisory counsels to confer with and direct each county agent in his work. Gov. Langer declared the bill would create a multitude of new jobs in each county, and "the expense would run into thousands of dollars."

Regarding a bill to permit gas and oil to compete with lignite (an inexpensive form of coal mined in North Dakota) in heating public schools, he said he was vetoing it because it would be detrimental to the lignite industry of North Dakota.

"For twenty-five years North Dakota has gone to much expense to develop the lignite industry. After years of litigation fair railroad rates were secured. It is conceded that over 1,100 coal miners and their families are supported by this industry, engineers, firemen and railroad employees generally are engaged in the transportation of coal."

Langer approved measures providing for state unemployment insurance, slum clearance, state soil conservation districts, and installment payment of delinquent taxes without penalty and interest.

Gov. Langer pledged anew that there would be no forced or unjust evictions of farmers from their homes or farms in North Dakota, and in outlining the measures which had been taken to provide relief under his ad-

ministration the governor declared, "I don't know of anything left undone in Bismarck to help out the rank and file of the workers, farmers and citizens of North Dakota."

On July 14, 1934, William Langer had been thrown out of the office of governor. The grain interests, the milling and elevator interests, did little worrying about anyone interfering with the huge profits available that year, and in 1935, which was what is known as the "rust year," that robbed them easily of thirty million dollars in stealing their wheat crop.

One elevator company, located in a small place, reported an income of \$200,000. Wheat with high protein value, easily worth 75 cents per bushel, was purchased by them as low as 24 cents per bushel. Men at the Agricultural College upon whom the farmers relied were thoroughly submissive and one of them pigeonholed their findings concerning milling of light weight wheat, the same not being made public. This poor wheat crop in 1935 was due primarily to the negligence of Secretary Wallace.

As William Langer, who was not at that time Governor, stated to the press, "If the seed wheat had been furnished to North Dakota farmers in time, the rust would have been too late and the farmers would have had a splendid crop." It was this fight of Langer's for seed supplied in time, his criticism of Wallace for his apparent disregard of the farmer's interests, that had so much to do with Langer's reelection in 1936. However, the grain trade dipped into the farmers' pockets deeply in 1934, 1935 and 1936 and so when 1937 came, they were going into the fight so strong they were again headed for trouble.

Thus it was that on the evening of July 22, 1937, the grain trade decided it was time to again "pluck" the farmers. During the night they reduced the price of thirty-seven pound wheat from 89 cents per bushel to 37 cents per bushel, a drop of 52 cents per bushel overnight. This went into effect at nine o'clock in the morning and by eleven o'clock William Langer was in action. By midnight, he was two hundred miles away in Fargo, preparing for a meeting with a group of prominent leaders. He had called a conference for the next morning with the men of the Railroad Commission, the manager of the Bank of North Dakota and his corps of assistants, the Attorney General, and Attorneys Francis Murphy, J. K. Murray and former Chief Justice Harry Bronson. He had there Irving Wallace in charge of a statewide broadcasting program which was carried on two months; A. J. Scott, manager of the Mill and Elevator, and others—twenty-three men in all.

William Langer employed a crew of men to call from farm to farm to pick up two pound samples of wheat. These he had rushed to Grand Forks by automobile where he had the wheat threshed, milled and baked into bread. By the evening of the twenty-fifth of July, the governor knew to the tenth of a penny the mill value of that light weight wheat.

The next day the Industrial Commission, consisting of the Governor, John Hagan commissioner of Agriculture and Labor, and Peter Sathre, then Attorney General, raised the price of light weight wheat 35 cents per bushel. For two months the price was kept up by daily announcements over the radio furnished by the State Mill and Elevator but within twenty-four hours the grain trade had met the price of the Mill and Elevator and were paying even more than was the governor. It is conservatively estimated that over twelve million dollars was saved that year to the farmers who had produced light weight wheat.

Strangely enough, in this series of events a most interesting thing happened. A mill in Minneapolis, realizing that the governor was only trying to protect the farmers, offered the governor ten million dollars as a loan to the state on the grain at three percent interest. It showed their interest after realizing the state had a business man for governor and proved they were anxious to assist in every possible manner in every undertaking in the state.

However, instead of being obliged to buy millions of bushels of the light wheat, the state had to buy less than twelve thousand dollars worth. It proved concisely what daring men can accomplish who are determined to protect the poor man.

This year, in 1938, the mill interests were very careful not to quote prices on 37 pound wheat at all and they thought they were getting along nicely until Langer suddenly again jumped the price of Durum wheat seventeen cents per bushel.

Strangely enough, the grain trade had gotten careless about Durum. The demand was not great and the supply seemed large. The price had gone down to 48 cents per bushel, when like a flash out of a clear sky, the Industrial Commission, headed by Langer, announced they would pay 65 cents.

North Dakota produces eighty percent of all the Durum wheat raised in the United States and so has a monopoly. This time the federal court was powerless to interfere. In 1933, Langer accomplished the same purpose by embargo. You will remember the Federal court brought that point out that it was an unlawful interference with Interstate Commerce.

Langer had learned his lesson and said to newspaper men, "I am not going to monkey with any embargo, we will buy the wheat outright. We have the money and the credit and the wheat is worth twice what we will pay for it." So he has been buying hundreds and thousands of bushels and storing it in the Mill and Elevator at Grand Forks which has a capacity of 3,000,000 bushels. He and the farmers are happy together as they rejoice in the increase in price of 17 cents. The milling interests surveyed this price and overnight raised the premium to correspond to that offered by state interests.

Two magazines, to wit: "The Literary Digest" and "Ken," in attacking

the governor on this wheat program, made some libelous remarks and were promptly sued, the "Literary Digest" for one million and "Ken" for one-half million dollars. Shortly after that the "Literary Digest" went into bankruptcy.

North Dakota is truly an agricultural state. Its present reputation as regards farm production is due to efforts in the interests of better agriculture put forth by prominent men such as William Langer who know well, from first hand information, the problems farming communities face.

The United States Department of Agriculture recognizes only two states other than North Dakota (Minnesota and South Dakota) as leading Durum wheat producers.

Ridiculously low wheat prices having puzzled the North Dakota farmer economically off and on for the past fifteen years, it became the duty of an aggressive sort of individual, namely William Langer, whose many years of familiarity with North Dakota's problems started with being raised on a Dakota territory homestead, to step to the front lines and enact the role of a champion of the farmers.

That William Langer has done. His driving power so well known to his friends has, ever since he first assumed the governorship early in 1933, been directed at all times toward the solution of his state's rural problems.

History has taught the North Dakota wheat grower many a dear lesson. Experience has been a great teacher. He has learned to combat the ravages of drought, grasshoppers, high winds and land erosion, Mormon crickets, cutworms, and rust, the latter most severe of all.

In 1935, under another administration, rust was general all over the state of North Dakota. Test weights ran as low as thirty pounds per bushel. Value of the wheat raised that year, however, was unusually high because of its high protein content.

Farmers lost the value of that crop in poor prices because they had no champion to fight for their cause. The year 1937 saw William Langer back in the governor's chair for a second term—a similar crop developed, but of lower protein value.

Forty pound wheat in 1935, varieties suitable for milling purposes, brought twenty-one cents a bushel more than in 1937. Yet this test weight wheat in 1935 brought less than twenty cents a bushel at local elevators.

There has never been in the entire history of North Dakota beginning with statehood in 1889 an instance when any one single man has undertaken and been able to carry through successfully such an outstanding and consistent program of helpfulness to the farmers of the state.

Governor Langer has taken advantage of every available opportunity, during his years of public service, to assail the practice of special interests that favor importation of foreign products in direct competition with American agriculture.

He staunchly believes it is the right of the American farmer to supply the American people with products native to American soil.

Governor Langer, during his third term, really met the problem of the depression. Taxes were again on their way down. The distressed were being succored. The common man was getting a break again in the high places of government.

Then Governor Langer came to the fateful year 1938, when Senator Gerald Nye's term of office was to end. Governor Langer announced his candidacy against the man who knifed him on the Senate floor in 1934, when the false charges were aired and given official standing by that same Gerald Nye who refused ever to prove his charges, although given every opportunity.

On the evening of June 27th, after one of the most intensive primary campaigns in the history of North Dakota, a deluge swept most of the state. Country roads became quagmires, and it is in the country that Bill Langer has his friends, among the farmers he has helped and who have supported him through the quarter-century that has seen boss-ism broken and special privilege pass from North Dakota.

Friends sought to console Bill Langer for the fateful "break" in the weather which kept thousands of his supporters from the polls and caused him to lose the nomination by less than five thousand out of a total of 178,000 ballots cast.

They found him smiling happily in his library.

It was a strange attitude for a man who had just been defeated by his worst enemy.

"Don't worry a bit," declared Bill Langer. "Of course I would have liked to have won this primary fight, but we're not licked yet. Let's wait and see what happens. Possibly it's just as well," went on the Governor. "If I had won the nomination in this primary fight Nye would have probably run true to form and campaigned against me in the November election, and probably been paid well by old-guard Republicans for doing it."

Three weeks after the primary election the Non-Partisan League held a State Convention in Jamestown and petitioned Governor Langer to make the race for the Senate as its candidate. Once more North Dakota history repeated itself. Once more Bill Langer was drafted to carry on the fight. He accepted.

So Bill Langer is out for the North Dakota Senate seat—his opponents, Senator Nye and J. J. Nygaard, the Democratic candidate. The campaign, as this is written, is at its peak. Bill Langer is favored to win. The farmers of North Dakota are solidly behind him, along with the ordinary folks.

There is a better than even chance that Bill Langer will be the next United States Senator from North Dakota.

It is an honor he has fairly won.

The people of the United States, the depressed and down-trodden, in the states outside North Dakota, are entitled to the leadership Bill Langer has given the people of North Dakota.

He has served his apprenticeship in the state; he has made good. He has been tempered by adversity, and has had the courage to win, though against impossible odds. He is ready for promotion to the national arena, where his fighting ability in the interests of the common people can be turned to wider account.



One of North Dakota's younger set sells Bill Langer a forget-me-not

EPILOGUE

BILL LANGER is in the middle of his greatest fight. He will probably win. There is a remote possibility he will lose. Win or lose, he remains Bill Langer to the hundreds of thousands in North Dakota whose fight he has fought for a quarter of a century, through all his adult life.

He is still the same North Dakota boy who went out to win honors beyond any ever attained at Columbia University. He is still the same Bill Langer who fought the railroad right-of-way suits in 1915 and won his first signal victory for the common people.

This is the final chapter of this book, Bill Langer's book.

It is not the final chapter of Bill Langer's life.

So long as he walks the earth of North Dakota, so long as he draws breath and inhabits flesh, Bill Langer will be in the forefront of the battle for justice.

Whatever happens to him, Bill Langer will be Bill Langer, no different, no better, no worse—just the same Bill Langer who has been North Dakota's leader through a generation.

It is enough.

J. M. H.

October, 1938.

THE END

APPENDIX A

AFFIDAVIT OF PREJUDICE AGAINST JUSTICE ANDREW A. MILLER OF THE U. S. FEDERAL DISTRICT COURT OF THE DISTRICT OF NORTH DAKOTA.

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF NORTH DAKOTA, SOUTHWESTERN DIVISION

September, 1935, term of Grand Jury,
Held at Fargo, North Dakota
United States of America,

Plaintiff

vs

William Langer, Oscar J. Chaput, Oscar E. Erickson, Frank A. Vogel, Harold McDonald and R. A. Kinzer,

Defendants.

State of North Dakota }
County of Burleigh } ss.

William Langer, Oscar E. Erickson, Frank A. Vogel and R. A. Kinzer being duly sworn for himself upon his oath deposes and says:

That he is one of the defendants in the above entitled action now pending in the United States District Court for the District of North Dakota, Southwestern Division, and in which case the defendants are charged with the crime of conspiracy, and which bears Docket No. — of the Clerk of the Federal Court;

That he verily believes and charges that his honor, Judge Andrew A. Miller, the United States District Judge in and for said Court of the District of North Dakota, has a personal bias and prejudice against him and his co-defendants, and each of them, and in favor of the government, by reason of which said Judge is unable impartially to exercise his functions as a Judge in this cause; that by reason of said personal bias and prejudice neither of these defendants, nor any of them, can have a fair and impartial trial before him. The said Honorable Andrew A. Miller, and for said reason the said Judge has become and is so biased against this affiant and his cause, and so biased against this affiant and his co-defendants, that it would be impossible for this affiant and his co-defendants, or any one of them, to secure a fair and impartial trial before the said Judge; that by reason of said Judge's bias and prejudice in favor of the prosecution herein, and his said prejudice against this affiant and his co-defendants, neither this affiant or his co-defendants can have or obtain a fair and impartial trial before the said Judge; that by

reason of said Judge's bias and prejudice in favor of the prosecution herein, and his said prejudice against this affiant and his co-defendants, neither this affiant or his co-defendants can have or obtain a fair or impartial trial herein before the Honorable Andrew A. Miller, said Judge;

That the grounds and reasons for these defendants' beliefs are as follows:

I.

That this action and case has heretofore been tried before the said Judge in said Court and a verdict of guilty rendered therein, which verdict and conviction was reversed and set aside by the Circuit Court of appeals of the Eighth Circuit; that at the convening of said Court at Bismarck, at which said case was heretofore tried, the said Judge called all the petit jurors up before the bench and gave them a long lecture and speech, in which speech and lecture he made statements to the jurors which were intended by said Judge and which did in fact prejudice all of said jurors against the crime for which these defendants were charged, and which was calculated and intended, and did in fact inflame the minds of the jurors against these defendants; that said speech and lecture to said jury lasted approximately one hour; that in such speech and lecture the said Judge, among other things, told the entire jury panel that there are times when the Court itself has been in danger from attacks by unscrupulous groups; that he pictured such groups to the jury so that such picture fitted the defendants; he pictured groups to the jury which were enemies of the government, and so framed such picture as to nicely fit the defendants; he referred to Communism and gave the jury the impression that these defendants were Communists; that the impression given to the jurors by said speech was to place the defendant in the zone of public enemies.

II.

That during said trial the said Judge made remarks which were intended by him and which did in fact prejudice the jurors sitting in said case against said defendants; that during the arguments of the defendants' counsel on the demurrers the said Judge referred to the defendants as "cheap chisellers"; that the newspapers published such remarks of the Judge and the said Judge did knowingly refrain from taking any steps or any action to prevent said newspapers containing such remarks to reach the jury; that during the trial the defendants' attorneys outside of the record and in Court Chambers protested to the said Judge concerning the jury coming in contact with the daily newspapers published in North Dakota containing slanderous statements and articles concerning the defendants, especially defendant William Langer, in which statements and editorials the said newspapers set forth printed facts, circumstances and innuendoes indicating the guilt of the de-

fendants; that the said Judge took no steps to restrain the said jurors from coming in contact with such newspapers.

III.

That throughout the entire trial the said Judge's attitude was such that it was plain to everyone that it was his ardent desire that the jury should bring in a verdict of guilty, and that it was his opinion that the defendants were guilty and that he did, by innuendo, give the jury impression that he, the said Judge, was of the absolute opinion that the defendants, and each of them, were guilty of the crime charged; that the said Judge intended to and did influence a verdict of guilty brought in by said jury by his facial expressions and actions during the trial; that on several occasions during the trial he did cast sneering smiles and contemptuous glances at the defendants, all in the presence of the jury and that on several occasions in making his rulings he did make facial expressions indicating contempt for the defendants; that during the trial on a large number of occasions he would extend to the prosecution and the government witnesses expression of approval of their statements and acts; that when the government's witnesses would make any statement or give any testimony damaging to the defendants the said Judge would rise off his seat, move over to one side of the bench, and stand right back of the witness, bend over the bench, and place his head down near that of the witness and look towards the jury with an expression of approval of what the witness would be saying, and after the witness would get through with his or her damaging statement or testimony, the said Judge would straighten up with an expression of satisfaction and relief; that all of such was done by said Judge with the well-calculated intent and purpose to lay emphasis on the testimony of such witness in the minds of said jury so as to endeavor to induce said jury to bring in a verdict of guilty.

IV.

That the court abused his discretion in permitting newspapers containing scandalous editorials to go before the jury; that he instructed the bailiffs to provide the jury with a radio in their retiring room at the hotel, knowing that political adversaries of one of the defendants, Governor William Langer and others of his associates, were about to make scurrilous speeches over the radio at the radio broadcasting station at Bismarck concerning Governor Langer and other defendants; that in truth and in fact such speeches were made by said adversaries during said trial and during the deliberations of said jury; that these affiants are informed and verily believe that the said jury selected for the trial of said case listened in to said radio speeches broadcast by said adversaries and enemies of the defendants aforementioned; that these defendants are satisfied beyond any doubt that said radio speeches

greatly influenced the minds of said jurors and were highly instrumental in causing said jury to bring in a verdict of guilty; that the defendants' attorneys were in fear of protesting against the use of said radio in Court in the presence of said jury, fearing that such protests might prejudice said jury against these defendants.

V.

That the Court's instructions at said trial are transcribed and are on file both in the District Court and in the Circuit Court of Appeals; that these affiants make said instructions a part of this affidavit by reference thereto with the same force and effect as if the said instructions were fully set out herein; that it appears from the face of the said instructions that they do not constitute a calm, dispassionate and fair statement of the law or of the evidence, but on the contrary assumed that the indictment is evidence in the case and did in fact head the jury to believe that the indictment was evidence in the case; that said instructions contain a tirade of abuse; ridicule and contempt against these defendants and did place these defendants in a black picture in the minds of the jury; that in addition to what the said Judge said in his instructions his conduct, mode and manner of giving said instructions to the jury was highly prejudicial and damaging in this, that he showed by his facial expressions and emphasis laid on certain parts of the instructions, and his tone of voice, that he as a Judge held the defendants in scorn, contempt, ridicule and hate; that the said Judge by his said conduct, mode and manner clearly calculated and intended to influence the jury and induce them to bring in a verdict of guilty.

VI.

That this affiant states upon information and belief that during the trial of said action and before said jury arrived at a verdict, the said Judge had prepared commitments and executed the same, committing all the defendants to jail or the penitentiary.

VII.

This affiant states upon information and belief that subsequent to the reversal of said conviction in this case by the said Circuit Court of Appeals the said Judge expressed an opinion that there was sufficient evidence in the case proven to sustain the verdict and that he was still of the opinion, irrespective of the decision of the Circuit Court of Appeals, that there was sufficient evidence in the case proven to sustain the verdict, and further stated that in his opinion the defendants, and all of them, were guilty, and a bunch of cheap crooks.

VIII.

That during the trial of said action and while the jury were deliberating on their verdict, the United States troops from Fort Lincoln, an army post near Bismarck, North Dakota, came into the city of Bismarck, and in military formation and action patrolled the Court House and the Court House grounds and did act as bodyguard for the said Judge going from and to his hotel at said Court building; that in addition thereto the said federal troops patrolled certain territory in the vicinity of Bismarck; that same was all done in the presence of and with the knowledge of the jury; that these affiants are informed and verily believe that the said Judge was the cause of having said troops patrol the Court House grounds and the city of Bismarck as aforementioned, and that it was done for the purpose of creating in the minds of the jury the impression that these defendants and the political group to which they belonged were plotting and planning to commit violence upon the court and its officers and the jury; that all of the same was done without any cause, reason or justification, and that same in truth and in fact did put the jury in a state of intimidation and fear of the federal government and anyone representing it and thereby induced the jury to bring in a verdict of guilty.

IX.

These affiants, and each of them, are reliably informed and verily believe that during said trial and since that conviction, and even since the reversal by the Circuit Court of Appeals the said Judge has made contemptuous and scurrilous remarks about them, concerning each one of these affiants aforementioned, namely that they were enemies to society and to good government and the quicker they were put behind the bars the better it would be for the people of the state.

X.

That this affiant and each of them are informed by reliable information and parties, and verily believe, that during the trial of said action the said Judge coached and instructed the prosecuting attorney how to prosecute the defendants in said trial, and during the trial did consult with the said prosecuting attorney and informed him in advance as to what to bring out from the witnesses and as to what the Court's rulings would be, all of which was done with the intended purpose of inducing the Jury to bring in a verdict of guilty.

XI.

That the reason the defendants, Oscar Chaput and Harold McDonald, have not been made parties to this affidavit is that they are in fact adverse parties to these affiants who subscribe their names to this affidavit in that

subsequent to said reversal of said conviction and on or about the 25th day of September, 1935, they did, without any notice to their attorney of record, Francis Murphy, enter into some arrangement with one John F. Sullivan, of Mandan, North Dakota, an attorney, wherein said Sullivan assumed to act as attorney for the said Chaput and McDonald and that on said date the said Chaput and McDonald went before said Judge and pleaded guilty to the crime charged in the indictment; that the said Judge did not sentence the said Chaput and McDonald at said time, but postponed said sentence until October 22nd at Bismarck, North Dakota; that the said Sullivan has been for a long time and still is a mortal political and personal enemy of one of the defendants named above, to-wit: William Langer; that this affiant and each of his associates verily believes that there was a consideration entered into between the said Sullivan and some representative of the United States District Attorney's office in substance as follows: that the said Sullivan would by some method acquire the defense of the defendants Chaput and McDonald and then induce them to plead guilty to a crime of which the Circuit Court of Appeals of the Eighth Circuit held they were not guilty, for the purpose and scheme of using said two defendants and influencing the said Chaput and McDonald to testify to facts which are untrue against these affiants with the purpose of establishing facts to cause a conviction of these affiants in said case; that these affiants, and each of them, verily believe that the said Chaput and McDonald were promised no punishment or penalty if they would plead guilty as aforementioned, that all of the aforesaid was done with purpose of spreading in the newspapers of North Dakota that two of the defendants had pleaded guilty so that it would create the impression among prospective jurors that all of the defendants were guilty; that these affiants are informed and verily believe that the reason why the said Judge postponed the sentence of the said two defendants aforementioned was and is to afford the prosecuting attorney the power and opportunity to hold the penalty as a club over the heads of the said two defendants, Chaput and McDonald, thereby empowering the said prosecuting attorney to induce the said Chaput and McDonald to testify along the lines desired by the said prosecuting attorney.

XII.

That prior to the said Judge's being elevated to the bench of said Court one of the defendants, William Langer, and said Judge belonged to different elements of the Republican political party, said Judge belonging to the conservative wing of the said Republican party and the said defendant, William Langer, belonging to the liberal wing of said party; that by reason thereof political and personal enmity arose between the said Judge and the defendant, William Langer, and these affiants verily believe that such enmity exists to this date.

WHEREFORE the affiants, each and all of them, most respectfully and earnestly pray that the said Honorable Andrew A. Miller, Judge of this Court, be set aside and removed from presiding herein during the trial of the above entitled cause herein, and that some other United States Judge be provided for and preside herein during the said trial of each one of these affiants.

WILLIAM LANGER
OSCAR E. ERICKSON
FRANK A. VOGEL
R. A. KINZER

Subscribed and sworn to before me this 28th day of September, 1935.

HELEN CARMEN
Notary Public, Burleigh
County, North Dakota

(SEAL)

CERTIFICATE OF GOOD FAITH

I, J. K. MURRAY, do hereby certify that I am an attorney of record of this Court and of all the courts in the State of North Dakota, and that I am defendants' attorney of record herein;

That I have carefully examined the above and foregoing affidavit of said defendants herein for the removal of the Honorable Andrew A. Miller, Judge of this Court, from presiding during the trial of this cause herein on the grounds of prejudice and bias against the said defendants to-wit: William Langer, Oscar E. Erickson, Frank A. Vogel and R. A. Kinzer, whereby said defendants aver that they cannot have or obtain a fair or impartial trial herein before said Judge, and that I know of the contents of said petition and believe the same is made and offered herein by the said defendants and each of them in good faith and for the purpose set forth therein only, and not for the purpose of hindering or delaying the trial of this cause.

Dated this 1st day of October, 1935.

J. K. MURRAY,
Attorney for the Defendants; Office
and Postoffice Address, Mott, N. Dak.

APPENDIX B

Statement of Ex-Senator Carroll D. King of Burleigh County, North Dakota

THE following statement is by Carroll D. King, for 59 years a North Dakota farmer and highly respected in his home community and state, who had served his state faithfully as a state senator from Burleigh County from 1916 to 1919.

It is very revealing of the part played by William Lemke in the vicious campaign of vilification against Bill Langer and Lemke's vain attempt to have Langer impeached and removed from the state office he then held, Attorney General of North Dakota.

Lemke is now a candidate for Congress from North Dakota. The statement follows:

From 1916 to 1919, inclusive, I was the state senator from Burleigh County. One day William Lemke appeared before a Senate Committee of which I was a member. Lemke was not a state official but the man who then indirectly controlled the Consumers' Forbes Company which collected millions of dollars from the farmers, main owner of the Publishers' National Service Bureau which controlled two daily newspapers and fifty-three weekly newspapers, a member of the State Executive Committee—the Nonpartisan League and one of the organizers of a banking system designed to take control of a chain of banks in this state—and they did, and they had many more than the Scandinavian Bank of Fargo.

Lemke solemnly and time and again assured a group of us senators that William Langer, then Attorney General, was a crook. Mr. Langer's entire record was so clearly just the opposite that I hesitated to believe Lemke. I brought to the attention of the other senators his unparalleled record as State's Attorney of Morton County compelling the railroads to pay six years' back taxes on thirty million dollars' worth of property, the Northern Pacific, and the Great Northern and the Soo and other railroad companies, and the Standard Oil Company and other big oil companies. His impartial administration of the law in Morton County, just across the river from where I live, his arrest of 167 persons the first day he took office, his splendid work in cleaning up several large towns as Attorney General, his suit against Alex McKenzie and the Bismarck Water Works compelling them to furnish the citizens of Bismarck with pure water and wiping out the typhoid deaths that had been a scandal for years, his splendid support of Senator Ladd in his

pure food work and his endorsement for the office of Attorney General by the Scandinavian Total Abstinence League, the Progressive Republican League, the Women's Christian Temperance Union, The Nonpartisan League, and his endorsement by prominent officials of the Farmers' Union.

Nevertheless Lemke drew up a resolution alleging that William Langer defrauded a woman in Morton County, a Mary C. Phelps, out of \$14,000; that he defrauded a man named Aleck Younder out of a half a section of land in Morton County; that he had taken money from the Standard Oil Company as Attorney General; and that he had taken money from the railroads while Attorney General, and asked us senators to vote for it.

Lemke's enormous power as virtual head of the Nonpartisan League, and his cunning presentation of the matter to us, induced the senators to pass this resolution charging William Langer with the charges, and it passed the Senate. I voted for that resolution as did numerous other senators. But before voting for this resolution a committee of us senators called on Mr. Lemke, refusing to vote for his resolution unless he had absolute proof of all the charges he made. He danced around the table pounding his brief case, assuring us that he had positive proof to sustain every allegation he had made in the resolution we were asked to pass. Also, stating that if he were elected Attorney General, Mr. Langer would be in the penitentiary inside of six months. We should have asked to see the proof. We trusted Lemke and voted for his resolution. But as soon as the Senate adjourned, I proceeded to investigate Lemke's charges. I found (1) That William Langer never robbed Mary C. Phelps. That his political enemies had induced her to sue him and that when the matter was submitted to the jury Mr. Langer was completely exonerated and that the district judge roasted the politicians for bringing the action and compelled those suing to pay all costs and reimburse Mr. Langer for all costs.

(2) That William Langer never met Aleck Younder and that he did not rob him of any land anywhere, anytime, and that the charge was maliciously false.

(3) That there was no evidence of any kind that Mr. Langer ever took any money from the Standard Oil Company. He under oath stated that he never had been their attorney directly or indirectly and never received any money from them, directly or indirectly.

(4) That William Langer was the man who made the motion to double the taxes of railroads in North Dakota and that he had succeeded in making them pay their just share of taxes, taking the case to the Federal courts and that under oath he had never directly or indirectly received a single penny from any railroad official.

I was particularly interested shortly thereafter when Lemke as a candidate for Attorney General, stated in the Fargo *Carrier-News* over his signature,

"I will put Bill Langer in the penitentiary within 90 days if you will elect me Attorney General." And I was even more interested when immediately thereafter William Langer sued the *Fargo Courier-News* and Lemke for libel.

"Ah," I said to myself, "at last we will get the truth."

Lemke was elected Attorney General. He had at his command every resource afforded an Attorney General, thousands of dollars of money with which to prosecute Mr. Langer, the power of subpoenaing witnesses, the power to make investigations; but day after day after day went by and Mr. Langer was not arrested.

Finally I went to William Langer and publicly apologized to him for having voted for the resolution condemning him. I was proud of that apology then, but I was prouder when after the libel suit was forced on for hearing by Mr. Langer, the *Fargo Courier-News* and William Lemke published full and complete retraction on January 18, 1922.

In view of the past charges made against Mr. Langer and similar charges that are constantly being made, I think it will interest the people of North Dakota to again read the retraction which when it appeared, was the political sensation of the day.

Since that time other charges have been made. Mr. Langer was arrested by the Federal Government. For weeks and months he faced jury after jury. Scores of detectives had been employed by the government. Spies were planted in his office, the telephone was tapped, his telegrams were inspected and his mail was carefully searched.

Mr. Langer spent his life earnings in fighting as only one man in a million could fight the arrayed powers against him;—even fighting Senator Nye, the man whom he had helped to elect to office and who stood upon the floor of the Senate charging him with crime after crime without even having written a letter to his friend or to the head of the organization which elected him, for the facts.

Mr. Langer stood cleared rightfully and the people returned him to the office from which he was wrongfully ousted, and now today once more after all these civil suits and criminal cases we find the same gang of politicians once more trying to fool the people. Once more and again once more we find Lemke and Nye and other officials making baseless charges against baseless charges and now we find Lemke and Nye fighting to keep the \$10,000 jobs they have, using the State Treasurer, John Gray, the man who sits on the Auditing Board and who has voted for every voucher that William Langer has voted for for the past eighteen months, who has voted to pay salaries of men employed, now making the demands upon the nominees of the Republican Party. Hang your head in shame that men like Lemke, Nye and Gray hold public offices to gain political advantage and they would once more stoop to defaming a governor and the best friend that the poor people

of a sovereign state ever had. You have read these charges, all of them, and you have seen how these men, all three of them, wish to take all power away from the Nonpartisan League in a desperate attempt to wreck the organization.

These are a smooth underhanded way of making more false charges against Mr. Langer. How familiar they sound! William Langer may have made mistakes, he may be impulsive with that big heart of his in helping the poor man too much. He may have fought too strongly to get the poor man seed for his land, bread for his table, clothes for his wife and children but one thing is certain, and that is: that a person who has lied once will lie again.

In conclusion I wish to state that in our many years of working together Mr. Langer and I have never had a cross word pass between us—and if all the people in our state knew Bill Langer as well as I do, he would be sent to the U. S. Senate with the largest vote a man has ever received in this state.—Yours for a more prosperous and happy State. **C. D. King.**

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