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John Moses and the New Deal in North Dakota

Adam J. Schweitzer

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JOHN MOSES AND THE NEW DEAL
IN NORTH DAKOTA

A Thesis
Submitted to the Graduate Faculty
of the
University of North Dakota

by
Adam J. Schweitzer
In Partial Fulfillment of the Requirements
for the Degree of
Master of Arts
August, 1954
This thesis, submitted by Adam J. Schweitzer in partial fulfillment of the requirements for the Degree of Master of Arts, is hereby approved by the Committee of Instruction under whom the work has been done.

Felix Freundlich
Chairman

Peter A. Munch

Daryle E. Kupper
Dean of the Graduate School
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Chapter I

Part I

The Political Setting

The United States from the very beginning has been interested in the welfare of her farmers. This country started as a nation of farmers. A seemingly limitless expanse of fertile soil stretched westward so that the young men, the dissatisfied, the adventurous, the social outcasts, could always follow with advantage the advice to "Go West."

People in increasing numbers began to take advantage of the fertile soil which was theirs for the occupying. As the railroads pushed their ribbons of steel across and linked the country from coast to coast, the possibilities of Eastern markets for western products increased. For more than two decades before the Civil War, pre-emption acts, passed by the Federal government, gave the settler the first right to buy when land on which he had settled and nearby land had been surveyed and was opened up to public sale. It was, however, legislation of the Civil War period which led to the passage of the Homestead Act of 1862. By this Act, 160 acres of land were given to qualified persons who would live on the land for five years and cultivate it.

Free land, however, was not an unmitigated blessing for it enticed hundreds of farmers to put the plow to the soil in areas where, in almost definite cycles, there has not been sufficient

1. Congressional Globe, 1834-1875, 26, 28-30, 31, 32-37
For criticism of the government land policy see: Fred A. Shannon, The Farmer's Last Frontier (New York, 1945), 54-75.
moisture. In the dry years, before 1890, the disappointed farmers abandoned their farms on the western plains and retreated to the more reliable lands to the east.

Fifty miles to water
A hundred miles to wood
To hell with this damned country
I'm going home for good.

There came a time, however, when the farmers could no longer retrace their steps, when they had to face not only the failures brought by forces of nature; but also misfortunes created by other factors and events.

In addition to the forces of nature over which man has no control, the principal grievances of the farmers were economic, and they were caused in large part by the inability of the farmers to control conditions upon which their profits depended. Reasoning that the businessmen who controlled the government were using it to further their own interests, the farmers concluded that they could improve their lot by gaining control of the government and converting it to their own benefit. And so in the eighteen-nineties came the agrarian crusade when the farmers broke away from old political alliances and demanded fairer rates from the railroads and regulation of the warehouses.

In American politics, the farmers have been a paradox, at once the citadel of orthodoxy and the center of radical movements. They have engaged in occasional violence from Bacon's

2. Hicks, The American Nation, 238.
4. Hicks, The American Nation, 58-95; John D. Hicks, The Populist Revolt (Minneapolis, 1931), 1-473.
Rebellion to the milk strikes and the Farmers' Holiday of the early nineteen-thirties. As a rule, they have been opposed to socialism and communism for these would deprive them of their land, yet they have turned radical when the institution of landed property has been assailed, or when their land or land rights have been taken from them.

This radicalism of farmers when their way of life was threatened was shown by the formation of the Nonpartisan League in North Dakota. A hybrid of party and pressure group, the Nonpartisan League was organized in 1915 by Arthur C. Townley. Had the Nonpartisan League gone the way of similar agrarian revolts, it could easily be dismissed as just a ripple in the political waters of the state. But it cannot be so lightly ignored for, whether in victory or defeat, it has been a deciding factor in every state election from 1916 to the present.

It is doubtful whether any society has experienced a more bitter partisan strife since the days of slavery than North Dakota passed through in the period of about ten years following the legislative session of 1917....the League and its doings formed the chief topic of conversation wherever men


6. According to Burdick, George Loftus at a meeting in the Commercial Club rooms at Bismarck started the Nonpartisan League. Illness ended his career and the work of organizing was taken up by Townley. Usher L. Burdick, *History of the Farmers' Political Action in North Dakota* (Baltimore, 1944), 45. Credit for preparing the state for the Nonpartisan League is likewise given to Loftus by Paul R. Fossum, *The Agrarian Movement in North Dakota* (Baltimore, 1925), 94.
gathered: on the street corner, in the
7
in the barber shop, or business office.

The Nonpartisan League has weakened the Republican Party by enrolling its members and operating within its established organization; and has all but destroyed the Democratic Party by taking over its program and by being more liberal and more progressive than the party which appealed to these movements on the national level.

The program of the organization which antedated many of the New Deal measures by almost twenty years was written out in five brief planks by Townley himself. Simple and terse, they struck at the root of the farmers' grievances. The substance of the program, considered extremely radical and denounced at the time as socialistic, was:

1. State ownership of terminal elevators, mills, packing houses, and cold-storage plants.
2. State inspection of grain and grain dockage.
3. Exemption of farm improvements from taxation.
4. State hail insurance on the acreage tax basis.
5. Rural credit banks operated at cost.

Historically, the American farmer has been represented as a rugged individualist; master of his holdings, and above all, highly independent. Such qualities admittedly cannot easily be blended into a tightly knit organization. Earlier agrarian

9. McKeen, 443.
political movements had not made great headway in North Dakota. Due to the composite character of the population of the state the Granger political movements did not stir North Dakota farmers. The foreign born were diffident about participating in politics, especially the Germans and German-Russians who lived in colonies and were easily subject to boss rule.

Willingness of the farmers to join the nascent League even at the risk of becoming "sixteen-dollar suckers" can be explained by the simple fact that its leaders promised to do something about the acute problems facing them. Practical salesmanship, a program of immediate and forceful action and the use of the Ford automobile are the factors explaining the rise of the Nonpartisan League.

Principal target of the indignation of the farmers was the injustice of the grain trade. Efforts to modify the entire system became an issue in North Dakota politics which flared up from territorial days down through the rise of the Nonpartisan League. The farmers had to accept whatever the elevators chose to offer them for their grain, which they felt was being unfairly graded and docked. In order to remedy this condition, the farmers of North Dakota organized in 1909 the Equity Co-operative Exchange for the purpose of selling their wheat in Minneapolis; but the Minneapolis Chamber of Commerce through which all wheat transactions went, denied the Equity a membership.

11. Ibid., 7.
Although many of the farmers had never heard of the economic theory of the law of supply and demand, they realized that if they could store their wheat so that it would not all be dumped on the market at the same time, their chances for a more equitable price would be increased. And so sentiment in favor of having the state buy or build one or more terminal elevators in Minnesota or Wisconsin grew.

In 1911 a constitutional amendment, authorizing and empowering the Legislative Assembly to purchase, lease or erect one or more terminal elevators in Minnesota or Wisconsin, or in both states, was introduced. The operation and management of these enterprises, according to the proposed amendment, were to be the responsibility of the state. This proposal was passed by the Legislative Assemblies of 1911 and 1913 and was carried with more than a two-thirds majority when it was submitted to a vote by the people the following year.

The responsibility of implementing this mandate from the people rested with the 1915 Legislative Assembly. This body, under the influence of Alexander McKenzie, known as the Bismarck Boomer and in later years as the Boss, was not in sympathy with the proposals of the Act and took no action. Also in the background was George S. Loftus who became sales-manager in 1912 of the Equity Co-operative Exchange. Although seemingly working for

14. Nelson, 258. Article XV (Future Amendments) of the Constitution of the State of North Dakota requires that a proposed amendment be adopted in this manner although only a majority popular vote is necessary. Article (Amendment) 16, adopted November 3, 1914, changed this. The Terminal Elevator proposal became Article (Amendment) 14, adopted November 3, 1914.
a state-owned terminal elevator he was responsible in large measure for the refusal of the legislature to act. His hope was that the destruction of this movement would consolidate the local cooperative associations into a genuine farmers' marketing agency which would make use of the Equity Co-operative Exchange.

Inaction and unwillingness on the part of the Legislative Assembly of 1915 to implement the proposals of the constitutional amendment flashed the signal for the creation of the Nonpartisan League.

As most of the farmers whom Townley had enrolled in his organization were already members of the Republican Party, the League did not enter the political field as a third party, but sought to win its objectives by gaining control of state offices through the dominant political party, namely; the Republican Party. The decision of the Nonpartisan League leaders was based on sound political considerations. Not only was most of the Nonpartisan League membership Republican by affiliation but perhaps even more important, the Republican Party was the more liberal and progressive of the two parties in the state. A final and influencing factor was that the Democratic Party was definitely the minority party and by joining it the League would have inherited this handicap.

The work of organizing the League continued vigorously but quietly. By 1916 there were thirty thousand paid-up members and a large campaign fund. In the June primaries all of the

15. Fossum, 82-94.
18. Fossum, 98; Nelson, 271.
League-endorsed candidates, with the exception of the one for state treasurer, who was in the Democratic column, were successful; and by virtue of their victory were the Republican candidates opposing the Democrats in the fall election. With but very few exceptions, Republican endorsement in North Dakota has been tantamount to election; and not only was the League successful in electing the governor and other state officials, but it also elected a majority of the members of the House of Representatives. In the Senate, however, where the terms were staggered, the opposition remained in control. The rejoicing of the Nonpartisan League was, therefore, premature as the Senate could effectively block any measure introduced to put the League program into action; and so, as far as enacting the League platform into law, the legislative session of 1917 proved rather fruitless.

After this initial setback, the League succeeded in 1918 not only in electing all of the state officials again, except the superintendent of public instruction, but also gained a majority in both the Senate and the House of Representatives. With complete control of the state's governmental machinery, the Nonpartisan League enacted its platform into law.

The League had a two-thirds majority in both houses of the legislature and therefore could proceed with both determination and dispatch. An Industrial Commission was established to manage the industries and enterprises undertaken by the state. Three special enterprises were provided for: a Bank of North Dakota which was to be the official depository of all state and public funds,

20. Fossum, 102.
including the funds of the school districts and the townships; a state-owned and state-operated mill and elevator; and a Home Builders Association. What might be considered minor enterprises were the State Hail Insurance Department, the Workmen’s Compensation Bureau, and the State Fire and Tornado Insurance Division. This same legislature also passed a state printing law and several laws affecting labor and labor interests. These provisions, passed by the legislature, were referred to the people in a special election, June 26, 1919, and all the measures received an affirmative majority.

And so in the brief span of five years, the Nonpartisan League grew from an idea into an organization which not only captured the state government but also voted its platform into action. Along, however, with these successes came opposition. Those who were opposed to its program forgot all former party lines and joined forces to fight it. Even more serious than these external forces were the dissensions and discords which afflicted the League from within. The League was no longer just an organization of farmers but included in its ranks liberals, workingmen, and intellectuals. Most of the League officials had had little or no experience either in politics or in business and so the party fell victim to glib-tongued promoters with dubious propositions to offer. The organization had been founded on a strong and sensible basis; its aims were the aims of the great mass of North Dakota’s farmers; most of whom had nothing to do with questionable schemes which later made the League a temporary laughingstock in the eyes of the voters and caused its partial eclipse for a number of years.

22. Nelson, 284.
In 1918 a League opposition organization which called itself the Lincoln Republican Club held a convention at Minot, and in the hope of attracting Democrats, changed its name to the Independent Voters Association. It is hard to say how many Democrats were attracted by this change of name; but it did signal the beginning of concentrated opposition to the League.

Into this organization drifted perhaps the most controversial political figure in North Dakota's history. William Langer had been elected attorney general under the League banner in 1917; before long, however, he found himself out of sympathy with the manner in which the leaders of the Nonpartisan League were handling its finances and also those of the state. In 1920 he severed his affiliations with the League and joined the opposition. Townley's acid tongue spared no words in denouncing Langer while the League publications printed a story of a secret meeting the "renegade" had held with the manager of the Independent Voters Association publicity bureau. Langer replied to these charges and accusations with a half-page advertisement in the Grand Forks Herald offering a one thousand dollar reward to anyone who could prove that he had been unpatriotic or "did one crooked action in my life or that I have made any political promises." The advertisement contained expressions which could leave no doubt in any mind just what Langer thought of Townley, or others who opposed him.

23. Blackorby, 10.
24. Ibid., 20; Gaston, 295.
25. Ibid., 295.
To A.C. Townley and his various managers, tools, crooks, assistant crooks, agitators, red agitators, agitators in general and 'rule or ruin' anti-Townleyites, who are going up and down the state, lying to, misleading, and deceiving the farmers, businessmen, and all the other people.

The reward was never collected, but the break with the League was definite. When the Independent Voters Association held its convention at Minot, Langer was unanimously nominated to lead the ticket against the League nominees. In their convention eight days later the Democrats passed a resolution praising the work of the Independent Voters Association.

Failure to get the Republican gubernatorial nomination in the June primaries, 1920, prompted Langer to return to the private practice of law in Bismarck. The retirement, however, was rather short-lived for in a few brief years he was not only back in politics but back in the Nonpartisan League and the very heart of it and the center of North Dakota politics. In 1928 the League endorsed him for the office of Attorney General, the same office he had held when he broke with the organization, but along with the rest of the ticket he was defeated. After this rout, Langer, taking personal control and assuming full responsibility and authority, reorganized the Moribund League. Four years later the League was swept back into office with Langer in the governor's

This resurgence of the League after ten years of turmoil within its own ranks and after bitter and hostile attacks from its external foes, can be attributed to two factors, general economic distress and effective leadership. The League program has a more effective appeal when the people are in dire straits; that is, the League prospers in times of agricultural distress and loses ground in times of prosperity. Financial desperation might, therefore, have been sufficient to revivify the League at this time. Discontent, however, must be led and directed. To exert a united effort, leadership and direction must be furnished by some dynamic personality. Whether or not Langer's personal leadership could have rebuilt the League if the farmers had been prosperous is, at best, open to question. The fact, of course, was that the stage was set for another agrarian revolt. Once again the revolt came about most effectively in North Dakota, where a resurgent Nonpartisan League, under Langer's leadership, took control of the government in 1933 just as it had in 1917 when Townley furnished the leadership.

Normally, North Dakota has been considered a Republican state. The state was settled chiefly by people who came from the Republican states of the Middle West and who "viewed Democrats as child [sic] of sin." The pious alliance of the typical North Dakotan to the Republican Party, however, was broken by 1892 and since then the Republicanism has been only nominal. Especially has

this been true as far as state officials have been concerned since the Nonpartisan League entered the political field. The Leaguers, although they did not come on the scene until 1915, had been shown the way by the progressives within the faction. In each state primary after 1906 the regulars and the progressives had put up their own candidates for the various state offices; the Nonpartisan League has forced a continuation of this practice. The shallowness of this Republicanism has been further evident in the behavior of the Leaguers who, although nominally Republicans, have been more vociferous in praising, supporting, and promoting the measures of Roosevelt's New Deal and Truman's Fair Deal than the state Democrats. All of this has created confusion, misunderstanding and dismay in the minds of those who have viewed North Dakota politics far removed from the hard realities of North Dakota life, for North Dakota has had few elections when conditions have been normal.

North Dakota has had few periods in its history that can be classified unqualifiedly as prosperity decades. At the very best the state has enjoyed periods of moderate depressions as distinguished from periods of severe depressions. Fertile soil has therefore ever been present for political experimentation with


33. Three prominent Democrats and two prominent Republicans, long active in politics in North Dakota, but who prefer to remain anonymous, expressed this opinion to the writer. They hold that the members of the Nonpartisan League would be much more at home in the Democratic party.

34. For a complete account of the economic history of North Dakota see Part 2 of this chapter.
schemes which held some promise of alleviating the condition of the hard-pressed farmer and likewise of the small town businessman who depended on the farmer. Voters have cast aside the conservatism generally associated with agricultural areas and have supported programs which, although not radical by present standards, were considered extremely liberal at the time.

Radicals, it has been said, are not born, but are made. In this state the exact opposite has been true as far as the Republicans have been concerned. Republicans have not been made, they have not become, they have been born Republicans. Republicans have been Republicans, at least in name, because their parents belonged to the Party of Abraham Lincoln. Their parents belonged to the Republican Party because the Act which gave them their homes had been passed by the Republicans; the men who administered the Act were Republicans; the railroads which brought the settlers and their supplies to their homes and shipped their grain to Eastern markets had been made possible by a generous Republican administration. With the exception of the two terms of President Grover Cleveland, the state was settled and grew up in a Republican era. Living in an environment shaped by Republicans, the new immigrants and other arrivals in the state could not help but have been influenced.

The strangle-hold which the Republicans have exercised

35. McKeen, 443.
36. The Act was the Homestead Act, signed by President Lincoln on May 20, 1862; and other Acts passed later which either modified or enlarged the original.
37. The reference is to the policy of the government which directly subsidized the railroads either by cash or land grants.
38. Posswall, 28.
over state politics, paradoxical though it may seem, has been made possible by the split within its own ranks. Within the framework of the Republican Party have been men holding political convictions of all shades, from extreme conservative to extreme liberal. All opinions have been right at home, and there has never existed a felt need for the Democratic Party.

Since 1915 the liberal element of the Republican Party has entered the June primaries under the banner of the Nonpartisan League, while the conservatives have campaigned either as I.V.A.'s or as members of the Republican Organizing Committee faction which has replaced the Independent Voters Association. After the June primaries the two factions supposedly combine their forces to present a united party in the contest with the Democrats in the general elections. This has not always been the case, as it has happened on several occasions that the losers in the Republican primary feud have worked out deals with the Democrats in the general election and helped them to defeat the Republican winner of the primary election.

The election returns seem to indicate that either faction of the Republican Party has a larger following than the united Democrats. Under these circumstances, the Democrats cannot win an election unless one of the Republican factions comes to its support. In reality, therefore, North Dakota has not, and does not now have a two-party system; but it has a three-party system which, with a proper shifting of votes, makes election possible

39. This analysis was given to the writer by men who have made politics their profession. In order to protect the anonymity requested, and agreed to, the sources cannot be revealed. The following analytic paragraphs are likewise based on their judgments.

40. 1915 marks the beginning of the Nonpartisan League.
in any one of the three parties.

The reliability of conclusions based on election returns is, however, subject to serious questioning. Outside of the "claimed" membership of the established parties or factions is an undetermined number of independent voters. How these may have voted in any given test of strength is a guess pure and simple. But even if this number could be accurately determined, it would still be impossible to establish how many Democrats invaded the Republican column in the primary elections and how many Republicans, adhering to the defeated faction, jumped party lines to vote the Democratic ticket in the general election.

With this constant shifting of voters and the apparent willingness of voters to cross party lines, it would appear that the Democratic party should have been able to win more election contests than it has in state offices. To 1938 the Democrats had elected only two governors and one lieutenant-governor. They also claim credit for the election of Eli C. D. Shortridge to the governorship; a contention which may be granted because it was a coalition of Democrats and Populists, which made his victory possible. But Shortridge was not himself a Democrat. The first real political victory came to the Democrats with the election of John Burke in 1906. Not only was he the first member of the party to hold the office of governor, but he was also the first governor

41. That this is a regular practice is not even open to doubt. Democrats doing this operate on the theory that their own chances will be improved in the general election if, by throwing their support to the weaker of the Republican nominees, they can eliminate the stronger from the general election contest.

42. Glaab, 27; North Dakota, A Guide to the Northern Prairie State; compiled by the workers of the Federal Writers' Project of Works Progress Administration for the State of North Dakota (New York, 1950), 56. This will hereafter be cited Federal Writers' Project, North Dakota.
to serve three full terms. It was not until twenty-four years later that a fusion of Democrats and anti-Langer Republicans elected another Democrat, Thomas Moodie, in 1934, to the governorship. Moodie took office in January, 1935, only to be removed from office on February 2 of the same year when the State Supreme Court declared him ineligible because of insufficient residence in the state.

Democratic leaders in the state insist that they can elect a Democrat to any office in the state without the Republicans assisting them. This position is contrary to the historical facts. Shortridge was elected by a coalition of Democrats and Populists, Burke was swept into office by a combination of the Democrats and Republican Progressives. Moodie had the support not only of the Democrats but also of the anti-Langer (Conservative) Republicans. What happened in 1912 when there were three contenders in the race, thereby depriving the Democratic nominee of the progressive vote, also happened in 1936 when John Moses, making his first bid for the governorship, had to share the conservative vote of the Republicans with Walter Welford. In the following chapters it will be pointed out that to be elected to any office in the state, a Democrat must have the support of one of the Republican factions; as all who have been elected have had.

44. Ibid., 62.
45. Norman, 1-20.
46. Glaab, 175-176.
Chapter I

part 2

The Economic Setting

The growth of specialized agriculture with its emphasis on cash crops made the post-Civil War farmers far more dependent on markets than they had been when they practiced diversified agriculture on a more or less subsistence basis. Even before the United States became a belligerent in World War I, farmers were urged and encouraged to produce more and more food to feed not only an increasing population at home, but also to compensate for the declining European agriculture. After the United States forsook its neutrality and openly entered the conflict on the side of the Allies, the government set to work to increase production on the American farms. Not only were farmers given a slogan but by guaranteeing a minimum price on wheat and stabilizing prices on other products, the government assured the farmers a market for all they could raise at prices which gave them a substantial profit.

This governmental encouragement would have been in itself sufficient to stimulate increased acreage, but at the same time a drought cycle hit the agricultural area of the Great Plains; in an effort to offset the declining yields, the farmers cultivated more acres.

Coupled with the war-inspired increase in acreage, which was continued even after the signing of the Armistice, were

47. Carmen and Syrett, 185-204.
48. During the three years ending June 30, 1917, the Allied countries bought in the United States nearly seven times as much wheat as during the three pre-war years. They bought three as much wheat flour, nearly two and a half times as much meat. George Soule, Prosperity Decade (New York, 1947), 7.
49. "Food will win the war."
50. Soule, 23.
51. Nelson, 300.
discoveries and inventions which pushed agricultural production even higher. In order to cultivate and harvest their extensive holdings, the farmers turned to tractors and combines. As mechanization displaced horses, additional acres which had been required as pasture and feed grain fields, were converted to wheat. Better seed tended to increase the yield per acre. Science coming to the aid of the farmer, had made two blades of grass grow where one grew before only to have the second blade depress the price of both.

While the American farmer was producing more and more bushels of wheat, the market to which he could sell it kept shrinking and surplus piled on surplus. Not only had European agriculture recovered from the war by the early twenties, but the production of wheat had been stepped up in many semi-arid areas of the world through technical advances. The Argentine had become a dangerous rival in exports, while Australia, New Zealand, and Russia were more serious competitors than they had been a few years before. Additional impetus was given to European agriculture when the United States adopted the highly protective Fordney-McCumber Tariff Act of 1922 and the equally protective Hawley-Smoot Tariff Act of 1930. Foreign governments retaliated with tariffs of their own. In addition, in a spirit of revived economic nationalism, they urged self-sufficiency at home. Likewise the highly unfavor-

52. Carmen and Syrett, 190.
53. The Fordney-McCumber Tariff is historically important because of its prohibitive agricultural schedules. While affording no actual relief to farmers with surplus crops to sell, it did commit them to the principle of protection. France was the first to strike back at the United States. In 1927 she boosted her duties on wheat, frozen meat, and other articles imported from this country. Great Britain followed suit. Samuel E. Morison and Henry S. Commager, The Growth of the American Republic (New York, 1942), II, 532-533.
able balance of trade, which many countries had with the United States, forced them to seek their imports from less protected countries. Acts which the farmers had demanded for their protection destroyed the markets which they might otherwise have had for a while longer.

Not only did the American farmers lose their foreign market but they also had to face a declining demand at home. The prosperity of the industrial sectors of the nation shortly after the close of the war was not shared by the agricultural regions. The city populations increased their purchases of food, particularly of the higher grades, such as milk and other dairy products, fresh vegetables, fruits, and the better cuts of meat. It is an economic principle that when the standards of living rise above a certain point, the individuals eat less bread rather than more; consumption changes to embrace relatively fewer staples and more luxuries and services. Wheat might be cheaper, but what the worker with more real wages wants is not more bread but a car, a radio, travel, or a "poodle haircut." Prosperity in the industrial sections, therefore, did not bring relief to the growers of the great staples.

In 1929 even before the stock market crash ushered in the great depression, the financial condition of the farmers became worse. Farm production continued unabated, rose to a peak in 1932, then in 1933 fell to a little below the 1929 production. With industrial production declining during all of this period, consumer purchasing power fell disastrously. Impediments to exports

54. Carmen and Syrett, 198; Soule, 229-251.
55. Ibid., 229-251.
became more pronounced in the form of good crops abroad, retaliatory tariffs, economic nationalism and its theory of self-sufficiency, and competition from other exporting countries. All of these factors combined to give to American farmers the lowest income on record, and this in the year when farm acreage was the greatest. At the same time this income had to be shared among a larger farm population, for with the beginning of the depression a pronounced movement from city to farm started. With a smaller income to be divided among a larger number, actually the per capita income of the agricultural population reached a new low.

While the North Dakota farmers had to contend with all the adverse factors which faced the nation's agricultural producers in general, they had problems peculiar to this region. The production of agriculture depends upon weather conditions fully as much as upon market demand. In any case, the effect of demand on volume of crops cannot be rapid, since the plans of the individual farmers must be made months, if not years, in advance; and even if the market demand is great, the farmer is still at a distinct disadvantage, for at no time can he control the forces of nature.

In 1915 North Dakota raised the staggering total of 151,000,000 bushels of wheat. The following year the yield dropped to 137,000,000 bushels; and in 1917 it was only 50,000,000 bushels, or a third of the 1915 crop. Drought, coupled with a disastrous black rust epidemic, found the state's farmers losing money even at the price-pegged figure of $2.30 a bushel, as the average yield per acre dropped from seventeen bushels in 1915 to 7.5 bushels.

in 1917.

**57. Table I**

*Average Annual Yields of all Wheat Harvested*

<table>
<thead>
<tr>
<th>Crop Year</th>
<th>Average Yield</th>
<th>Acres Seeded '000</th>
<th>Acres Harvested '000</th>
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<td>*</td>
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<td>8.2</td>
<td>*</td>
<td>10734</td>
<td>*</td>
</tr>
<tr>
<td>1922</td>
<td>13.6</td>
<td>*</td>
<td>9414</td>
<td>*</td>
</tr>
<tr>
<td>1923</td>
<td>8.2</td>
<td>*</td>
<td>8411</td>
<td>*</td>
</tr>
<tr>
<td>1924</td>
<td>15.3</td>
<td>*</td>
<td>8674</td>
<td>*</td>
</tr>
<tr>
<td>1925</td>
<td>12.3</td>
<td>*</td>
<td>9304</td>
<td>*</td>
</tr>
<tr>
<td>1926</td>
<td>8.6</td>
<td>*</td>
<td>9083</td>
<td>*</td>
</tr>
<tr>
<td>1927</td>
<td>12.9</td>
<td>*</td>
<td>10336</td>
<td>*</td>
</tr>
<tr>
<td>1928</td>
<td>14.4</td>
<td>*</td>
<td>10832</td>
<td>*</td>
</tr>
<tr>
<td>1929</td>
<td>9.6</td>
<td>10694</td>
<td>10440</td>
<td>98</td>
</tr>
<tr>
<td>1930</td>
<td>10.8</td>
<td>10046</td>
<td>9896</td>
<td>99</td>
</tr>
<tr>
<td>1931</td>
<td>6.5</td>
<td>10160</td>
<td>6295</td>
<td>62</td>
</tr>
<tr>
<td>1932</td>
<td>10.4</td>
<td>10898</td>
<td>10639</td>
<td>98</td>
</tr>
<tr>
<td>1933</td>
<td>7.1</td>
<td>11373</td>
<td>10098</td>
<td>89</td>
</tr>
<tr>
<td>1934</td>
<td>6.1</td>
<td>9210</td>
<td>3430</td>
<td>37</td>
</tr>
<tr>
<td>1935</td>
<td>7.0</td>
<td>10821</td>
<td>7823</td>
<td>72</td>
</tr>
<tr>
<td>1936</td>
<td>5.2</td>
<td>10810</td>
<td>3699</td>
<td>34</td>
</tr>
<tr>
<td>1937</td>
<td>8.1</td>
<td>9283</td>
<td>6725</td>
<td>70</td>
</tr>
<tr>
<td>1938</td>
<td>9.0</td>
<td>9643</td>
<td>8082</td>
<td>84</td>
</tr>
</tbody>
</table>

*Data not available.*

Despite the fact that the drought continued through 1918-19-20, the farmers continued to expand their operations under the war-inspired program of increased acreage and greater food production. Submarginal land that should have been left in native prairie was torn up and seeded with wheat. Credit was easy to obtain and land values soared to inflationary heights as farmers reached out to purchase additional acres. At the same time, in order to cultivate their increased acreage, they borrowed more money to invest in new machines. As a result farm mortgage loans in North Dakota increased from $169,864,000 in 1915 to $317,949,000 in 1921.

The following years brought more failures instead of the anticipated bumper crops. Post-war prosperity never came to North Dakota as it did to other sections of the country. Instead railroad rates went up, the price of agricultural commodities declined, the cost of the necessities which the farmer had to buy increased sharply, his source of credit dried up, his notes and mortgages were due. This, in general was the picture in North Dakota as the decade of "prosperity" came to a climactic close with the stock market collapse and the decade of the great depression made its painful beginning.

While the stock market crash ushered in the great depression, a cycle of dry years in North Dakota caused crop

60. Nelson, 301.
failures that were the worst in the experience of the oldest residents. Of nine major droughts that have been recorded in this state, three came in the decade of the thirties. Drought cycles in North Dakota 1886-1936: Major droughts occurred in 1886, 1893, 1897, 1900, 1910, 1917, 1931, 1934, 1936. Source: Second Biennial Report of the State Water Conservation Commission and the Nineteenth Biennial Report of the State Engineer (Bismarck, 1940) 14-15.

The drought withered crops; winds filled the atmosphere for miles above the earth's surface with dense clouds of sand from the exposed and pulverized soil deposited all the way to Eastern states. Conditions were reported in terms of visibility— one block, a quarter of a mile, on good days a mile. Precipitation during the ten year period, 1930-1940 was the lowest average on record since the turn of the century.

Ordinarily the yield of wheat, the state's basic crop and chief source of income for the farmer, is determined, other factors being constant, by the amount of precipitation during the four months of April, May, June, and July. In 1931 the state received only 69.5 per cent of the normal moisture and the average yield of wheat was 6.5 bushels per acre, 6.3 bushels below average. The situation was almost equally bad in 1933 and was even worse in 1934. The peak of the drought and crop failure came in 1936 when precipitation was only forty per cent of normal; the average yield of wheat was 5.2 bushels per acre or 7.6 bushels below the state average. To this should also be added that in this same year only thirty-four per cent of the crop was worth harvesting.
Should the entire seeded acreage be considered, the yield per acre would be substantially reduced.

One compensating factor in 1936 was that the farmer who was fortunate enough to have wheat to sell received an average of $1.17 per bushel. This was an increase over the forty-six cents per bushel in 1931, and the all-time low of thirty-six cents in 1932.


North Dakota 10-year average precipitations and temperatures

<table>
<thead>
<tr>
<th>Year</th>
<th>Eastern</th>
<th>Middle</th>
<th>Western</th>
<th>State</th>
<th>Snowfall</th>
<th>Temp.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1891-1900</td>
<td>19.80</td>
<td>18.03</td>
<td>15.75</td>
<td>17.86</td>
<td>32.0</td>
<td>39.3</td>
</tr>
<tr>
<td>1901-1910</td>
<td>20.18</td>
<td>16.83</td>
<td>16.46</td>
<td>17.83</td>
<td>31.4</td>
<td>39.1</td>
</tr>
<tr>
<td>1911-1920</td>
<td>19.61</td>
<td>16.46</td>
<td>14.69</td>
<td>16.92</td>
<td>32.6</td>
<td>38.7</td>
</tr>
<tr>
<td>1921-1930</td>
<td>19.93</td>
<td>16.71</td>
<td>15.82</td>
<td>17.48</td>
<td>29.2</td>
<td>40.0</td>
</tr>
<tr>
<td>1931-1940</td>
<td>16.57</td>
<td>14.07</td>
<td>13.13</td>
<td>14.59</td>
<td>30.4</td>
<td>41.2</td>
</tr>
<tr>
<td>1941-1945</td>
<td>21.48</td>
<td>18.73</td>
<td>17.74</td>
<td>19.33</td>
<td>32.5</td>
<td>40.6</td>
</tr>
<tr>
<td>Average</td>
<td>19.46</td>
<td>18.61</td>
<td>15.36</td>
<td>17.14</td>
<td>31.1</td>
<td>39.6</td>
</tr>
</tbody>
</table>


62. Morison and Commager, 539-543.

Season average farm prices received by North Dakota Farmers, 1919-1948

<table>
<thead>
<tr>
<th>Year</th>
<th>Wheat</th>
<th>Corn</th>
<th>Oats</th>
<th>Flax</th>
</tr>
</thead>
<tbody>
<tr>
<td>1930</td>
<td>0.80</td>
<td>0.50</td>
<td>0.23</td>
<td>1.61</td>
</tr>
<tr>
<td>1931</td>
<td>0.46</td>
<td>0.30</td>
<td>0.15</td>
<td>1.12</td>
</tr>
<tr>
<td>1932</td>
<td>0.36</td>
<td>0.27</td>
<td>0.09</td>
<td>0.87</td>
</tr>
<tr>
<td>1933</td>
<td>0.70</td>
<td>0.43</td>
<td>0.27</td>
<td>1.59</td>
</tr>
<tr>
<td>1934</td>
<td>0.98</td>
<td>0.90</td>
<td>0.46</td>
<td>1.66</td>
</tr>
<tr>
<td>1935</td>
<td>0.79</td>
<td>0.49</td>
<td>0.13</td>
<td>1.39</td>
</tr>
<tr>
<td>1936</td>
<td>1.17</td>
<td>1.09</td>
<td>0.39</td>
<td>1.82</td>
</tr>
<tr>
<td>1937</td>
<td>0.94</td>
<td>0.47</td>
<td>0.22</td>
<td>1.81</td>
</tr>
<tr>
<td>1938</td>
<td>0.53</td>
<td>0.98</td>
<td>0.16</td>
<td>1.63</td>
</tr>
<tr>
<td>1939</td>
<td>0.70</td>
<td>0.41</td>
<td>0.23</td>
<td>1.45</td>
</tr>
<tr>
<td>1940</td>
<td>0.67</td>
<td>0.43</td>
<td>0.21</td>
<td>1.32</td>
</tr>
</tbody>
</table>

The favorable price of 1936 was due to the fact that nature gave the government assistance in cutting down the yield and the surplus. Much of the area between the Appalachians and the Rockies was hit by major droughts in 1934 and again in 1936. These were the worst in seventy-five years, cutting the crops in 1934 by a third and in 1936 by a fifth. In North Dakota, what crops did grow during these drought years were cut down or completely destroyed by extensive periodic grasshopper and rust epidemic infestations in wide areas of the state.

If the people who did not move away managed to survive somehow, cattle could not live without feed. When it became apparent in the summer of 1934 that sufficient feed to winter all the livestock in the drought area could not be secured, the Agricultural Adjustment Administration came to the rescue with a cattle purchase program. This program was designed to serve a twofold purpose. By paying more than the current market price, the government, in fact, offered relief to the farmers and ranchers who would have been compelled to sell no matter what price private buyers were willing to pay. Secondly, the program was of direct assistance to those who were able to winter their cattle and sell them later. Had the half-starved animals been dumped on the market it would have been depressed to a point where all cattle

64. Ibid., 202-203.
65. The writer recalls quite vividly the swarms of grasshoppers which darkened the sky and destroyed a promising crop within a matter of a few hours.
66. The writer again falls on his personal knowledge of this program. He recalls the day when the government agent came to brand the cattle, and he remembers even more dramatically the day when the half-starved cattle had to be driven nine miles to the stockyards. Many of the younger calves were too weak to cover the distance and had to be loaded into wagons and hauled in. These were later "condemned, slaughtered and buried locally."
raisers would have suffered.

Under the program, the Agricultural Adjustment Administra-
tion purchased 970,977 animals in North Dakota. Of these
50,179 were condemned, slaughtered, and buried locally; 99,387
were granted to the Federal Emergency Relief Administration for
its relief program in the state. This agency slaughtered
78,716 of the cattle granted it and either canned or froze the
meat or distributed it when fresh to relief clients. At the same
time it retained 3,391 head comprising the best dairy cows for
distribution among relief families to provide them with milk.
The rest were shipped out of the state and were either slaughtered
for relief needs in other states or shipped to parts of the
country where there was a surplus of feed.

The dairy cows, placed with families in need, required
feed and so the government continued its program of shipping hay
into the state and granting it to the stricken families. Perhaps
the most graphic description of the extent to which the people
were dependent on the government appears in a brochure reviewing
relief in North Dakota. Under a photograph depicting a farm scene
at milking time is the caption: "Uncle Sam's cow, eating Uncle
Sam's hay, and nursing Uncle Sam's kiddies. Drought Relief
68
Program of 1934."

Although wheat has been the state's basic cash crop,
animals have been a major source of farm revenue in poorer years.

67. Relief in Review in North Dakota Through December
15, 1935; brochure prepared by Federal Emergency Relief Administra-
tion for North Dakota, Bismarck, North Dakota, September 15, 1936,

68. Ibid., 73.
In terms of dollars, farm income in 1934 was $29,151,000 from crops, $57,489,000 from animal products, and $24,415,000 from government payments. When the farmers had to dispose of their cows, the last source of income, mostly in the form of a small weekly or bi-weekly cream check, was eliminated. The result was an accentuation of the financial misery of an already despondent people.

The prolonged drought along with the economic distress destroyed the hopes and broke the faith of even the staunchest men. Having lost their homes and lands, many farmers feared starting anew in the same uncertainties, so they sold what possessions they still owned and left the state. Due to emigration the state’s population declined from 680,062 in 1930 to 641,935 by 1940. The farm population decreased proportionally even more.

According to a study made in April, 1939, forty-nine per cent of the farmers had lost their land and had become tenants. This same study revealed that only twenty-nine per cent of the total value of farms in the state was owned by North Dakota farmers; and farm indebtedness had reached such proportions that in many thousands of cases it seemed impossible to liquidate with-


Out drastic adjustments.

Over the six year period, 1933 to 1939, the North Dakota income per person averaged only sixty per cent of the national average. A complete picture of the economic plight can be obtained from the following table which compares the North Dakota income with the national income, the North Dakota per person income with the national average.

<table>
<thead>
<tr>
<th>Year</th>
<th>National Income in Millions of Dollars*</th>
<th>National Income Per Capita</th>
<th>North Dakota Income in Millions of Dollars</th>
<th>North Dakota Income Per Capita</th>
<th>North Dakota Income per capita as a percentage of the national average</th>
</tr>
</thead>
<tbody>
<tr>
<td>1929</td>
<td>$78,174</td>
<td>$1643</td>
<td>$328**</td>
<td>484</td>
<td>75.3%</td>
</tr>
<tr>
<td>1930</td>
<td>72,873</td>
<td>592</td>
<td>271**</td>
<td>397</td>
<td>67.1</td>
</tr>
<tr>
<td>1931</td>
<td>61,551</td>
<td>496</td>
<td>220**</td>
<td>330</td>
<td>64.5</td>
</tr>
<tr>
<td>1932</td>
<td>48,487</td>
<td>388</td>
<td>165**</td>
<td>239</td>
<td>61.6</td>
</tr>
<tr>
<td>1933</td>
<td>44,907</td>
<td>357</td>
<td>137**</td>
<td>198</td>
<td>55.4</td>
</tr>
<tr>
<td>1934</td>
<td>51,004</td>
<td>403</td>
<td>167**</td>
<td>240</td>
<td>59.6</td>
</tr>
<tr>
<td>1935</td>
<td>54,645</td>
<td>429</td>
<td>182**</td>
<td>260</td>
<td>60.0</td>
</tr>
<tr>
<td>1936</td>
<td>64,365</td>
<td>501</td>
<td>211**</td>
<td>301</td>
<td>60.1</td>
</tr>
<tr>
<td>1937</td>
<td>68,971</td>
<td>534</td>
<td>230**</td>
<td>314</td>
<td>58.8</td>
</tr>
</tbody>
</table>

* U. S. Department of Commerce Estimates  *** National Industrial Con-Board Estimates

*** Social Security Board Estimates


71. "Special Report to Honorable John Moses, Governor, on Relief and Economic Situation in North Dakota", mimeographed circular prepared by L. A. Baker, Supervisor, Division of Accounting, Finance, and Reports, Bismarck, North Dakota, April, 1939, 1, hereafter cited as "Report to Honorable John Moses".
The following table explains statistically why so many of the farmers lost everything they had.

**Cumulative Loss of Agricultural Income in North Dakota Based on 1924-1928 Average Cash Income from Agricultural Production**

<table>
<thead>
<tr>
<th>Year</th>
<th>Cash Income from Agricultural Production</th>
<th>Amount</th>
<th>Amount of decline</th>
</tr>
</thead>
<tbody>
<tr>
<td>1924-1928 Average</td>
<td>$337,816,000*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1929</td>
<td>189,748,000*</td>
<td>$48,068,800</td>
<td></td>
</tr>
<tr>
<td>1930</td>
<td>129,184,000*</td>
<td>108,632,800</td>
<td></td>
</tr>
<tr>
<td>1931</td>
<td>60,291,000*</td>
<td>177,525,800</td>
<td></td>
</tr>
<tr>
<td>1932</td>
<td>67,463,000*</td>
<td>170,353,800</td>
<td></td>
</tr>
<tr>
<td>1933</td>
<td>95,759,000*</td>
<td>142,057,800</td>
<td></td>
</tr>
<tr>
<td>1934</td>
<td>75,427,000*</td>
<td>162,389,800</td>
<td></td>
</tr>
<tr>
<td>1935</td>
<td>101,105,000*</td>
<td>136,711,800</td>
<td></td>
</tr>
<tr>
<td>1936</td>
<td>98,948,000*</td>
<td>138,868,800</td>
<td></td>
</tr>
<tr>
<td>1937</td>
<td>118,648,000*</td>
<td>119,168,800</td>
<td></td>
</tr>
<tr>
<td>1938</td>
<td>100,932,000*</td>
<td>136,984,800</td>
<td></td>
</tr>
</tbody>
</table>

Total cumulative decline or loss . . . $1,340,663,000

* Includes income from crops, livestock, and livestock products, also benefit payments in years 1933 - 1938, inclusive.

Farmers must have capital before they can put in a crop. A crop failure means that they lose not only the crop but also the capital invested. With this occurring repeatedly over a period of years, the farmers soon were hopelessly in debt.

Although farmers were the first to apply for aid in North Dakota and more than half of the relief expenditures went to them, the non-farm population helped to swell the relief ranks from 85,383 persons during a six month period in 1933 to 228,895 in 1937. During the calendar year 1938, total payments, in cash or kind, to relief recipients, plus expenditures from relief funds for medical care, hospitalization, and burials totaled the immense sum of $22,578,734. Of this amount, $19,559,257 was provided by the Federal Government; $1,737,277 was furnished by the state; and $1,282,250 came from the counties.

### Percentage of North Dakota Population on Relief

<table>
<thead>
<tr>
<th>Year</th>
<th>High</th>
<th>Low</th>
<th>Monthly Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>1933</td>
<td>37.4</td>
<td>4.8</td>
<td>12.5</td>
</tr>
<tr>
<td>1934</td>
<td>46.0</td>
<td>21.0</td>
<td>31.7</td>
</tr>
<tr>
<td>1935</td>
<td>14.3</td>
<td>25.4</td>
<td>28.9</td>
</tr>
<tr>
<td>1936</td>
<td>32.5</td>
<td>23.5</td>
<td>33.8</td>
</tr>
<tr>
<td>1937</td>
<td>24.7</td>
<td>31.0</td>
<td></td>
</tr>
</tbody>
</table>

### Average Case Load - All Relief Agencies

<table>
<thead>
<tr>
<th>Year</th>
<th>Cases</th>
<th>Persons</th>
</tr>
</thead>
<tbody>
<tr>
<td>1933</td>
<td>19,195</td>
<td>85,333</td>
</tr>
<tr>
<td>1934</td>
<td>46,196</td>
<td>216,236</td>
</tr>
<tr>
<td>1935</td>
<td>23,621</td>
<td>173,256</td>
</tr>
<tr>
<td>1936</td>
<td>49,943</td>
<td>215,233</td>
</tr>
<tr>
<td>1937</td>
<td>56,218</td>
<td>228,295</td>
</tr>
<tr>
<td>1938</td>
<td>53,332</td>
<td>208,337</td>
</tr>
</tbody>
</table>


Even though the contribution of the state and its subdivisions for the alleviation of the suffering people was small when compared with the Federal efforts, relief expenditures were a heavy drain on the budgets. By June 30, 1938, the state and its subdivisions had a gross debt of $47,872,631. At the same time the tax delinquencies for the state and local governmental units totaled $34,484,139. "The people were broke, the state was broke, the counties were broke, everybody was just plain 73 busted."

Distribution of Tax Delinquency for the Years
1933 to 1937 inclusive

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>State Taxes</td>
<td>$ 4582 366</td>
</tr>
<tr>
<td>County Taxes</td>
<td>10 364 547</td>
</tr>
<tr>
<td>City, Village, Township, and other governmental units</td>
<td>5 655 839</td>
</tr>
<tr>
<td>School Taxes</td>
<td>13 871 387</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$34,484,139</strong></td>
</tr>
</tbody>
</table>

North Dakota Gross Debt Less Sinking Fund, June 30, 1938 (Exclusive of Special Assessment Debt)

<table>
<thead>
<tr>
<th></th>
<th>Debt</th>
<th>Per Capita</th>
</tr>
</thead>
<tbody>
<tr>
<td>State</td>
<td>$22 423 834</td>
<td>$32.03</td>
</tr>
<tr>
<td>County</td>
<td>9 410 341</td>
<td>13.44</td>
</tr>
<tr>
<td>Cities, Villages, Townships, and other units</td>
<td>4 502 225</td>
<td>6.43</td>
</tr>
<tr>
<td>Schools</td>
<td>11 536 231</td>
<td>16.49</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$47,872,631</strong></td>
<td><strong>$68.39</strong></td>
</tr>
</tbody>
</table>


73. These words were overheard by the writer several years ago in a small town beer parlor in Western North Dakota. The farmers had harvested a fairly good crop, "prosperity" was in sight, and most of the farmers in the heated conversation were enjoying their Saturday night beers. Even so, the description was quite accurate.
Economic instability almost always leads to social and political upheavals. Prosperous people, who have nothing to gain by an uncertain change, are inclined to be conservative. They are reluctant to travel untried paths and thereby endanger what already is theirs. A cursory review of both our national and state history reveals that the voters cannot easily be persuaded to change administrations in times when things are going "right". Only with the foregoing picture of the economic conditions of North Dakota in mind can the election returns of the nineteen-thirties have meaning.
Chapter II

The Election of 1936

As the nineteen-twenties progressed, politicians and businessmen vied with one another in proclaiming that the United States had found the key to eternal prosperity. In the presidential campaign of 1928, Herbert Hoover, the Republican presidential candidate said:

The poor-house is vanishing from among us. We have not reached the goal, but given a chance to go forward with the policies of the last eight years, and we shall soon, with the help of God, be in sight of the day when poverty will be banished from this nation.

Despite this optimism of the nation's leaders, within eight months after the inauguration of Hoover as President, the United States had entered upon the worst depression in its history. At the outset of the depression, Hoover, along with most other Americans, assumed that government intervention would not be required to prevent human suffering and check the deflationary spiral. The new Congress, meeting in special session April 15, 1929, was willing to go along with President Hoover on the subject of farm relief and in two months had embodied his recommendations in a comprehensive Agricultural Marketing Act. As for the remainder of the economy, the President sought by reassuring statements to convince the American people that their economic problems were mainly psychological and that a return of confidence would be accompanied by a return of prosperity.

1. Quoted by Carmel and Syrett, 500.
Guided by this philosophy, the Hoover administration adopted a policy of minimizing the extent of the depression. Republican Tories and Bourbon Democrats, whose innate devotion to the fictions of states' rights and the shibboleth of balanced budget blinded them to realities, stubbornly opposed every proposal for generous relief. Not until 1932 when the Democrats controlled the House, and a coalition of Democrats and Republican progressives the Senate, were belated measures taken to cope with the depression. The Republican program for dealing with the depression came too late for political as well as for economic purposes. As a consequence on election day, 1932, Franklin D. Roosevelt received almost twenty-three million votes, President Hoover a little less than sixteen million. In the electoral college, Roosevelt carried all but six states for an even more decisive margin. Democratic control of both houses of Congress was complete.

When Roosevelt assumed the Presidency in March, 1933, he faced a nation in the midst of a banking panic and a financial crisis of the first magnitude. Only a short time before Inauguration Day, panic had gripped the financial centers of the land and in state after state the governor had been forced to declare banking holidays.

The new President made no effort to minimize the danger

4. Ibid., 588.
and called for action. "This nation," he said, "asks for action, and action now." Within a year, Congress, under the relentless leadership of the President, had enacted a far-reaching program of social and economic legislation; at the end of four years that program had assumed the outlines of a revolution.

In order to put through a group of basic recovery measures, the President had decided to hold Congress in special session beyond the immediate banking emergency. When the legislative mills ceased to grind at the end of the famous "hundred days", a large number of important laws had been passed. Of utmost importance of all these laws to North Dakota were the measures dealing with unemployment relief and the farm program.

While the people of the country as a whole gave their attention to the national revolution that transformed the American scene politically, socially, and especially economically; the people of North Dakota inaugurated a political revolution of their own when they nominated and elected Langer as governor in 1932. Although in this election the state gave a substantial victory to Roosevelt, none of the Democratic nominees for state office were elected; in fact for the first time since 1919 the Nonpartisan League controlled both the executive and the legislative branches of the state government.

The farmers were again suffering from ruinously low market prices for farm products, low land values, and bank and crop failures. At the beginning of Langer's administration, the

7. It is beyond the scope of this work to relate all the acts passed dealing with these two important items.
situation was especially critical because many farm mortgages had been based on pre-depression valuations. Farmers now stood to lose everything they had acquired in a lifetime of effort.

To prevent foreclosure, Governor Langer declared various farm mortgage moratoria by executive order. An initiated measure for a five year moratorium had been on the ballot in the primary election of 1932, but was defeated. Although a measure outlawing mortgages on growing and harvested crops was approved in the fall election, an initiated measure establishing a three-year moratorium was rejected.

On February 1, 1933, the state legislature passed, and Governor Langer later signed, a bill which provided:

The period within which a mortgagor or judgment debtor may redeem from a mortgage foreclosure or execution sale of real estate, is hereby extended for a period of two years from the date of passage and approval of this act.

This particular act was not sufficiently broad to cover all cases and so in conjunction with a banking holiday which was declared on March 4, 1933, Governor Langer decreed a more general moratorium "on debts of every description." No specified time limit was attached to this moratorium but the provision was that it should be in force only as long as the banking holiday. That this executive decree did not meet with universal approval became

10. Office of the Secretary of State of North Dakota, Laws Passed at the Twenty-third Session of the Legislative Assembly (1933), 236.
11. Grand Forks Herald, March 5, 1933.
12. Ibid., March 5, 1933.
patently obvious when some county sheriffs, in open defiance of the proclamation, scheduled forced sales. Governor Langer met this challenge by ordering the state militia to enforce the moratorium. Other moratorium edicts followed in April despite bitter criticism and heavy pressure from certain groups.

Under terms of the first law he signed in 1933, Governor Langer was empowered to forbid shipping of wheat from the state when prices were "confiscatory". That this provision was contrary to the United States Constitution, which specifically prohibits any embargo, was generally admitted. In mid-October, 1933, Langer abruptly ordered the cessation of all wheat shipments from the state. As had been expected, legal proceedings were brought against the state but while the case dragged through the federal courts the price of wheat continued to rise. A federal court opinion, as had been expected, declared that the embargo was in violation of the interstate commerce clause of the Constitution. But during the five-week interval the price of wheat had gone up twenty-three cents. Constitutional or not, the embargo had served its purpose.

It was however the federal relief program that set the stage for another stormy period in North Dakota's political history. On March 1, 1934, Harry L. Hopkins, who headed the federal relief program, dismissed Governor Langer as the head of the relief administration in North Dakota. The dismissal was based on charges that he was responsible for solicitations of

contributions from state and federal employees for support of his political newspaper, The Leader.

After Langer's dismissal the political tempo became feverish. Five days after Langer's removal, the faction of the Nonpartisan League loyal to him held a nominating convention and by acclamation, endorsed his candidacy for re-election. On May 12 a special grand jury indicted the Governor and eight of his political associates. The trial on the charges got underway May 23; and on June 17 the jury reached the verdict that the chief executive and five of his associates were guilty as charged. The convicted officials immediately appealed to the United States Circuit Court of Appeals. The primary election was scheduled for June 27, only ten days away. On motion of the defense, Judge Andrew Miller granted a stay of sentencing until June 29. On election day, Langer, convicted but not sentenced, received 113,027 votes, J. P. Cain 37,934 and T. H. H. Thoresen 47,380.

In the Democratic column Thomas H. Hoodie was the gubernatorial nomination with 30,796 votes to 7,795 votes for R. A. Johnson. By giving Governor Langer a vote almost equal to the combined vote of all the other gubernatorial candidates, the voters apparently registered disapproval of the findings of the court.

Two days after the primary election, Judge Miller imposed sentences on Langer and his associates. Langer was fined $10,000,

18. In the same election, John Moses, seeking state office for the first time, received 34,616 votes to win the Democratic nomination for Attorney General. "Compilation of Election Returns, National and State 1930-1944", issued by Thomas Hall, Secretary of State (Bismarck, 1945), hereafter cited as "Compilation of Election Returns."
sentenced to serve eighteen months in federal prison, and auto-
19
matically deprived of his civil rights.

Upon the conviction of Governor Langer, Lieutenant-
Governor Ole Olson laid claim to the governor's chair, took the
oath of office and even had pictures taken of himself as "Governor
Olson." At this point, however, an official ruling by the
attorney general was handed down that Langer's conviction was not
legally complete until sentence had been imposed. Pending pass-
20
ing of sentence, Langer was still governor. On July 18, the North
Dakota State Supreme Court held Langer disqualified under the
State Constitution. Ole Olson then became acting governor.

The Supreme Court decision disqualifying Langer also
barred him as a candidate in the fall election. With Langer
eliminated, the Republicans were faced with the task of naming a
candidate to oppose the Democratic nominee. At a meeting in
Bismarck early in August Lydia Cady Langer, wife of the deposed
and disqualified governor, was supported by the "regular" Non-
partisan Leaguers and was named to seek the office of governor.

In a campaign marked by charges and counter-charges,
Moodie, the Democratic nominee, had the active support not only of
the state Democratic party but also of the national leaders.
Thomas Farley, Postmaster General, opened the campaign for the
Democrats and President Roosevelt passed through the state on his
return from Hawaii. Even more important was the support given to
Moodie by leading Republicans of the state; United States Senator

20. Holzworth, 57, 64-67, 73-77; Miller, "Gubernatorial
Controversy," 425-432.
Gerald P. Nye and Acting Governor Ole Olson openly campaigned for Moodie.

On November 6, 1934, the voters made their decision. In a facile disregard for party lines, the voters elected Moodie as governor, but Nonpartisan League candidates to all the other state offices.

Moodie took office in January, 1935, only to be declared ineligible by the Supreme Court on February 2 on the grounds that he did not meet the constitutional residence requirements. In voting in Minnesota in 1930, Moodie had sworn that he was a resident of that state.

And so Moodie went out and Walter Welford, the Nonpartisan League Lieutenant Governor, became Acting Governor. In a period of little more than six months, North Dakota had had two governors and two acting governors.

Welford was an old Nonpartisan Leaguer and staunch backer of Langer, but before two years had passed the two friends were in opposite camps, each with partisan followers of the Nonpartisan League. On the surface, the split was attributed to opposing views on the moratorium; but in reality, the struggle stemmed from Langer’s determination to regain the number one spot in the League after the courts had exonerated him and his associates.


23. In the gubernatorial race Moodie received 145,533 votes; Mrs. Langer, 127,954. In the attorney general race the Republican Nonpartisan League candidate P.O. Sathre was elected with 129,892 while Moses the Democratic nominee had 120,463. “Compilation of Election Returns.”

24. Federal Writers’ Project, North Dakota, 62; Holzworth 89-90. The constitutional provision is found in Article 3, Section 75 of the North Dakota Constitution “... shall have resided five years next preceding the election within the state.”

When the call went out for delegates to the state Nonpartisan League convention, held at Bismarck, March 3, the organization was already definitely divided into a Langer faction and a Welford faction. Langer's side of this event as related by Holzworth is:

The League precinct meetings were held on Feb. [sic] 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 inexorable 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 and 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 the 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 [sic] own. Only 34 delegates attended, but they dragooned a bevy of state-house employees to act as delegates for un-represented counties.

In reality, the Welford faction convention was called only after the supporters of Langer had gained complete control of the regular one; but even with this control the convention did not function quite so harmoniously as the foregoing account would indicate. Various leaders of the League, especially its founder, Townley, by asking both Langer and Welford to withdraw in favor of a harmony candidate, tried to reconcile the two factions. The rift, however, was too wide and feelings were running too high. A reconciliation was impossible.

Through all this, Langer sat calmly in his office and declared, "My stand is totally neutral. I have no announcement of any kind and I will be guided by the action of the convention." On the convention floor his interests were watched and advanced by his lieutenants; and he did not appear there until after his endorsement had been gained. Then he announced to the delegates, "I feel like Napoleon must have felt when he came back from Elba."

29. Ibid., March 3, 1936.
While the regular convention went about the business of endorsing Langer, which, under the circumstances, must have come as a surprise to no one, the "Rumpers" met and endorsed a slate headed by Welford.

With most of the Republicans already taking sides in the bitter League struggle, no attempt was made to endorse Republican candidates for nomination in the June primary. A state Republican convention was held at Jamestown May 25, but aside from the fact that the Welford faction, supported by the anti-Langer Republicans, got control of the convention machinery, it accomplished nothing. Since there was no functioning state Republican organization, this victory was, at best, hollow.

Even before the Democratic convention got underway, two candidates had already announced that they would seek the Democratic gubernatorial nomination regardless of whom the convention would put on the ticket. Ole H. Olson, former Leaguer and acting governor after Langer had been disqualified, had accepted endorsement by the "Progressive Democrats" in a convention held at Jamestown early in April. Three weeks before the Democratic convention, James F. Morrow, a Pierce County farmer, announced that he intended to run for governor as a "Progressive Democrat" on a platform advocating repeal of the state sales tax and establishment of the "merit system for non-elective state employees."

30. The daily newspapers reported the Langer convention as the "regular" Nonpartisan League Convention. There is therefore, justification for applying the term "Rumpers" to Welford's followers.
32. Ibid., May 25, 1936.
33. The Leader, April 23, 1936.
The Democratic convention was held at Devils Lake with the opening session on May 12. As the date for the opening of the convention drew near, the list of candidates seeking the gubernatorial endorsement grew longer. By the end of April five aspirants had publicly declared their intentions, while the names of several others were being mentioned. Actively seeking the nomination for governor were Henry Holt, Grand Forks printer; John Moses, Hazen lawyer; Rev. L. R. Burgum, Jamestown; B.C.B. Tighe, State Agricultural College Professor; and Howard Wood, state director of the Mural Resettlement Administration.

On the eve of the convention, the forces backing Holt declared that they would go into the convention with enough delegates to insure him a first ballot of at least 267; the supporters of Moses were equally cheerful, even though they placed their number of sure delegates slightly lower. Although the backers of the other two leading candidates, Tighe and Burgum, could not lay claim to such numbers, they refused to acknowledge that they had no chance, but announced that their delegates would abide with them to the utmost.

During all this searching for delegates, the recurring question was: to whom would the "machine" or "organization" give the nod if and when the proper moment came? As much as could be gathered from news stories, the "machine" was headed by H. H. Perry, collector of internal revenue and former national committeeman. Another name linked with the "machine" was that of the former state chairman, Fred McLean.

34. Grand Forks Herald, May 11, 1936.
According to pre-convention reports, the control of the party by the "machine" was to be challenged by H.J. Doyle, a one time Perry lieutenant. If there had been any substance to these reports, the revolt never got to the convention floor and the machine "functioned superbly" and with "precision" in the business of the legal, official convention where W. E. Glotzbach was retained as national committeeman and delegates to the national convention were chosen. After that it retired from the field and maintained a "hands off" policy as it had announced at the beginning of the convention.

Holt's backers predicted victory for him when Ward county threw its twenty-seven votes to him and a number of other northwestern counties followed. The supporters of Moses, however, stood fast and Moses declared that he would not drop out of the fight, but that if he had to take a "licking", he preferred to take it on the floor of the convention rather than in a caucus. All of this was, of course, pre-balloting maneuvering.

When the delegates finally turned to the business of naming the slate, Holt, as had been predicted, led on the first ballot. Moses moved into the lead on the second ballot when Cass county's thirty-seven votes, originally pledged to Tighe, were released. The Moses trend gained more ground on the third ballot, but still fell twenty votes short of the 296 necessary for

37. Fargo Forum, May 14, 1936. There was a feeling in the party ranks that the "organization" was not interested in the state or congressional contests but only wanted to put the state in the Roosevelt column. This is a plausible theory because if no congressmen were elected the patronage would be in the hands of the national committeeman, Glotzbach, who owed his place to Perry. Grand Forks Herald, May 16, 1936.
38. Ibid., May 16, 1936.
nomination. At the outset of the fourth ballot the swing to Moses was unmistakable; and after his endorsement was definite, the convention cast a unanimous vote.

In accepting the endorsement, Moses praised his opponents and pledged himself to work for a Democratic victory. "I say with utmost humility and pray to God that your faith shown in me may be justified," Moses told the delegates in accepting.

With few exceptions the daily and weekly newspapers of the state hailed the nomination of Moses. Four days after the nomination, the Grand Forks Herald which had championed Holt's candidacy editorialized:

One definite conclusion should be evident: Those who set up the obstacles that defeated Mr. Holt cannot, with good grace, seek much in the way of aggressive support in Grand Forks county this year. Four years ago, this county gave decisive majorities to Mr. Roosevelt and the Democratic gubernatorial nominee, and two years ago it returned majorities for the party's full state and congressional ticket. In addition, it sent three Democrats to the state legislature. It would seem futile to expect continuation of that kind of support in the face of the Devils Lake rebuff.

In 1932, Mr. Holt seemed the likely choice for the gubernatorial nomination, but when he was urged to yield to Thomas Moodie, he did so with

splendid grace and went into the campaign in earnest
support of Moodie, accepting for himself the thank-
less task of opposing Senator Frazier.

At the convention the supporters of Moses were kept
busy spiking rumors reflecting adversely on their candidate.
Most naive of these rumors was that Moses was a Jew and it would
therefore be unwise for the Democrats to nominate him. On the
theory often advanced in North Dakota politics that the best
names are those which are clearly Norwegian or clearly German,
many of the nominee's friends wished that his Norwegian-Scotch
extraction were more apparent in his name.

Even if the name Moses lacked this questionable appeal,
it lent itself admirably to other adaptations. The Democrats did
not overlook its biblical heritage. Accepting the congressional
endorsement after Moses had nominated him, Holt declared, "You
don't have to look very far to see that the people in this state
have been crying for a Moses. We Democrats are going to give
them one, not only in name but in fact." The Center Republican,
reporting a picnic at Henzler at which Moses made a speech,
developed the theme more fully:

John Moses of Hazen was there and made
a very nice talk. John isn't a flaming fireworks
like Bill Langer, but he talked sense without
evincing the eternal ego like most politicians do.

42. Bismarck Tribune, May 16, 1936.
Once upon a time, in storybook style, a Princess went bathing in the lagoon by the side of the Nile, and found a Moses in the bull-rushes and took him as her own. When a man, he led his people out of bondage toward the promised land. We, the dear people of North Dakota, have been placed in bondage by the hungry hoards of office holders and now the democrats [sic] have gone out into the bull-rushes and cow-drives of the western plains and found another Moses to deliver us from a cruel thralldom.

While his parents and immediate forebears were Norwegians, the family and its name originated in Scotland. John Moses was born in Strand, Norway, June 12, 1885, the son of Reverend Henrik B. Moses and Isabella Eckersberg Moses. He received his high school and Junior College education in Norway, coming to the United States in 1905.

His first job in the United States was as a railway section laborer at Benson, Minnesota. Later he worked on a farm and subsequently secured office employment in St. Paul as a freight claim investigator, while engaged in this position, he furthered his education by attending night school. In 1911, he came to North Dakota as secretary of the Valley City Normal School. Still anxious to complete his education, he enrolled at the University

44. The Center Republican, May 31, 1936.
45. "Biography" Among the "Moses Papers" are several items, "Biography", all running one or two pages and all containing substantially the same material. The "Moses Papers" constitute letters, copies of many speeches, newspaper clippings, personal documents and honor awards. Mrs. Ethel Moses presently possesses the "Moses Papers."
of North Dakota where he graduated from the College of Liberal Arts in 1914. Continuing his work at the University of North Dakota in the School of Law, he received the degree J. D. and was admitted to the Bar in this state. Although he had to assume a job to pay his way while in school, he found time to participate actively in a variety of functions and organizations.

In writing on the University phase of his life, Moses commented:

"Used my time exceedingly well, picking up thirty-four or five credits at the College of Liberal Arts, receiving a B. A. degree in 1914, and lo and behold, a J. D. when the law school turned me loose in 1915. The latter was, frankly speaking, not deserved. My greatest accomplishment at the University, scholastically speaking, was to get two A's and a B from Dean Squires, in summer school in 1913. I took English I, and reasonably enough got a B on that. The Dean also offered "The Ring and the Book" and "19th Century Prose Masters." As a reward for attending these two classes and not going to sleep at any time, I got two A's.

After being admitted to the Bar, Moses commenced the practice of law, first at Hope and then at Hebron. From Hebron he moved, in 1917, to Hazen where he was engaged in the legal profession until he became governor in 1939.

46. "Biography," "Moses Papers."
47. Letter: Governor Moses to Harold D. Shaft, November 18, 1942, "Moses Papers."
Shortly after coming to Hazen, Moses married Ethel Lillian Joslyn, whose family came from Vermont of Revolutionary war stock. Four children were born to them. Moses was an excellent family man and not even the pressure of public office disrupted the family intimacy. Even after he had established himself as one of Hazen's leading citizens, it was not at all an unusual sight to see him assisting his wife in the household routine. When he had become governor, the *Bismarck Tribune* observed: "He listens to his wife about like the average man, respects her judgment but doesn't always follow it."

Although by profession a lawyer, he was also a farmer and an enthusiastic gardener. In his early years in Hazen this latter activity served him well, for by raising strawberries and selling the surplus, he was able to augment his income. Likewise during this period his wife taught music in order to supplement the family income while her young husband lawyer was struggling to get ahead.

With so much of his life spent in small towns, it was not unusual that Moses developed the small town attitude toward his fellowmen. He learned to respect the dignity of the other man and the other man's point of view. He was mentally concise and a careful cross-examiner. Defective vision taught him to acquire much information through his ears. Although essentially a prayerful and peaceful man, he was excellent company but not a "rounder."

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50. Ibid., January 3, 1939.
51. Ibid., January 3, 1939.
One of his first public services was to organize in 1918, a harvest brigade to help get in the crop. Business men closed their stores early to help the farmers in the fields. The giant, six-foot-four-inch lawyer was the best bundle-pitcher of them all. A quarter century later this same system was again adopted at the suggestion of Governor Moses throughout North Dakota and contributed greatly to the successful completion of the harvest.

The first public political office held by Moses was that of State's Attorney of Mercer County; to this office he was elected five times. Politically, Moses classified himself as a progressive affiliated with the Democratic party. The following is his own account:

I think I became a Democrat because I was exposed to John A. Johnson, former Governor of Minnesota, with a dash of William Jennings Bryan, all served hot during the impressionable age .... I happened to hear him [Johnson] at a rally in St. Paul, I think in the fall campaign of 1906. Went over to Minneapolis to hear him later in the same campaign, and was tremendously pleased when Johnson recognized me!! He was very kind to me on one or two occasions later. In 1908 Bryan spoke in St. Paul, more impressive [sic] .

Moses made his entrance into the political field on the state level in 1934 when he was the Democratic Party's nominee for attorney general. Although he was unsuccessful in his bid,

52. Bismarck Tribune, January 3, 1939.
53. Letter: Moses to Shaft, November 18, 1942, "Moses Papers".
during the campaign he had made himself known to the people of the state. As a result in the weeks preceding the convention of 1936 before he announced his candidacy, he had been given the support of various groups, especially in the western part of the state. The movement was given added impetus by favorable articles in the newspapers. In announcing his candidacy, Moses stated:

I would prefer to see the candidates for the nomination place themselves before the forthcoming Democratic convention, and abide by whatever choice that convention makes. For one, I am entirely willing that the convention endorsement be binding upon me, and I hope that a similar attitude will be taken by others whose names have been mentioned and who, I assume, are actively seeking the Party's gubernatorial nomination.

Just what prompted him to make this statement went unquestioned, but possibly he had in mind the declarations of Ole Olson and James F. Morrow that they would seek the Democratic nomination as independents no matter whom the convention named.

The Democratic convention ended on a note of harmony and Moses injected this same spirit into the campaign in his opening address at Stump Lake, June 1, by declaring that he welcomed the rivalry of Ole Olson and the Progressive Democratic faction in the primary contest:

Let us, as Democrats, welcome these men with open arms....Personally I believe that these

54. Fargo Forum, April 23, 1936.
55. Ibid., April 23, 1936; Supra, 45-48
men have, in their hearts, been Democrats for a long time....Let us welcome these men with open arms and after the primary is over let us stand shoulder to shoulder....

As the candidacies of Olson and Morrow were never taken as a serious threat, the entire Democratic primary campaign was based on a strategy of gaining good will and popularity for the Party's candidates. Realizing that they would have to have the support of independents and dissatisfied Republicans to win in the fall, the Democrats avoided personalities but concentrated on interpolating the Party's platform in the light of North Dakota's needs.

The Democratic convention through resolution had pledged itself in favor of:

1. A unicameral legislature
2. A State Budget Board empowered to draw up the budgets for all the departments.
3. The distribution of the state Sales Tax Fund for:
   a. The Equalization Fund for schools.
   b. Old age pensions.
   c. Relief.
   d. The balance to be employed as a replacement tax, preferably on homesteads in the country and homes in the cities and villages.
4. Opposition to importation of farm products

56. *Bismarck Tribune*, June 2, 1936.
in competition with the farm products of the United States.

5. Endorsement of governmental refinancing of farm indebtedness at the lowest possible rate of interest.

6. Endorsement of a civil service law to remove state employees from the control of political parties.

7. Endorsement of the water conservation project sponsored by the federal government.

8. Furtherance of the extension of cooperative movements.


10. Consolidation of political subdivisions in order to eliminate duplication and reduce expenditures.

11. Recommendation that state owned industries be administered by non-political bodies.

These proposals formed the substance of every one of the speeches delivered by Moses during the campaign even though the Bismarck Tribune immediately following his opening address editorialized:

Whatever else may be said of the program advocated by John Moses, Democratic gubernatorial aspirant, it is at least big enough and broad enough to start a red hot controversy. Whether it is strong enough to resist the attacks which will be made on it remains to be seen, for, in the ordinary sense of the term, some of his proposals are hardly good politics.

58. Grand Forks Herald, May 14, 1936; McKenzie County Farmer, May 21, 1936.
The plan to abolish many local political subdivisions in order to effect savings is a case in point....but no other candidate has been so brash as to espouse anything which would markedly reduce the number of public officeholders in the state.

Some seven days before Moses opened his campaign with the political novelty of welcoming his opponents to the Democratic party, Olson had delivered his opening campaign blast. In a speech bristling with barbs, he referred to the regular Democratic party as "an airtight organization with more horse-traders than statesmen." At the same time he lambasted the Republicans by declaring that "the two factions were going up and down the state telling what crooks, double-crossers, thieves and rascals the other section is made of....and I am willing to concede they are both correct in their conclusions."

That Olson was justified in making this assertion can hardly be denied. In his opening speech of the campaign, Welford devoted the greatest portion of his talk to a denunciation of Langer:

... he [Langer] opposed and fought every thing that the farmer stood for....his endorsement had been secured by fraud and forgery...promises and lies....I cannot be a good citizen and associate with the ilk of my opponent....Bill lives for politics. He does not live for the farmers, nor does he live for anybody, unless he can get them into his clutches....

60. Grand Forks Herald, May 26, 1936.
61. Ibid., May 26, 1936.
Oh, yes, the Bismarck lawyer is clever, much
too clever for us farmers to follow....It is only a
criminal lawyer, well trained with a crafty mind,
that can come before you and try to manipulate, try to
tear down and try to promote himself as the saviour
of all when you have his record.

Langer was involved in a car accident on May 31 and
was confined to the hospital during the opening days of the
campaign. His speaking engagements were, however, filled by his
wife - no stranger in the state political waters - but she lacked
the fire and the magnetic drawing power of her husband. By
June 7 Langer was once again on the political rostrum and accord-
ing to the Grand Forks Herald was drawing the crowds and giving
the best political show.

Although the daily and some of the weekly newspapers
gave friendly and thorough coverage to the activities of the
Democratic candidates, most of the attention of the primary was
focused on the feud between the former Nonpartisan League friends,
acting-governor Welford and ex-governor Langer. Ex-acting-
governor Olson made the newspapers occasionally, while the other
seeker of the Democratic gubernatorial nomination, Morrow, was
lost in the saw dust in the mad melee. Two weeks before the
election the Grand Forks Herald in its political column commented:

For bitterness and personal attacks, few

63. Ibid., June 7, 1936.
64. This conclusion is based on a fairly exhaustive
examination of almost all the daily and many of the weekly
papers.
North Dakota campaigns have exceeded this one. Both sides [Republican factions] have taken the offensive, and it has been so offensive to some that politicians report it has driven votes into the Democratic column.

That there may have been some truth in this observation of the politicians was hinted at by Moses who, while winding up the campaign in southwestern North Dakota, asserted that he had been gratified with the reception he had received in the eastern part of the state, where he had been campaigning during the three previous weeks:

I find that my audience will listen intently to an intelligent presentation of our needs but that they are apathetic and, in some cases, hostile to the old slam-bang, name-calling type of political harangue. Through the entire primary campaign, the Democratic candidates urged their fellow party members not to become involved in the Republican strife. Democrats were admonished to vote their own ticket, no matter how much name-calling the Republicans did. Although Olson was given an outside chance, all the odds favored Moses to win the nomination. In the contention between the two factions of the Republican party, the supporters of Welford claimed during the final days of the campaign that he would be nominated by 40,000 votes. Less biased and less optimistic observers predicted that his margin would be much smaller - if he won at all.

Early returns from the election almost immediately established the nomination of Moses and the final count gave him 26,081 votes, Olson 12,943, and Morrow 2,541. The outcome of the contest between Langer and Welford hung in the balance until the votes from the last precincts were recorded, even then there was some question whether the unofficial tabulations kept by the Associated Press might not be in error. Early returns gave Welford a substantial 13,340 vote lead over Langer, but as the rural precincts started reporting, this lead was gradually reduced. The official and final count showed that Welford won the nomination with 90,788 votes to 90,013 for Langer.

On the Democratic ticket, three of the candidates with "Progressive Democratic" labels won nomination. Almost immediately after the election returns, Moses announced that he would support the entire Democratic ticket in the general election campaign. In a congratulatory letter to Moses, Olson announced his intentions to support all Democratic nominees. Whatever rift there had been in the Democratic party was apparently repaired.

For a few weeks following the primary election, the political observers had a field-day trying to determine what the defeated Langer would do. Both he and his political newspaper The Leader, were non-committal. Immediately after the election his followers held a convention at Jamestown. Langer was there to give a pep talk and although he conveyed the impression that he would seek election on a third-party ticket, yet there was no

68. Fargo Forum, June 25, 1936; "Compilation of Election Returns."
69. Fargo Forum, June 30, 1936.
70. McKenzie County Chronicle, July 16, 1936.
categorical statement. Following the Jamestown convention, The Leader was full of fire and enthusiasm about Langer as a gubernatorial candidate under the independent banner. When The Leader suddenly became silent, political observers concluded that Langer had dropped the idea.

In its political column on June 28, the Grand Forks Herald expressed the opinion:

If Langer were to run against Welford and John Moses in the fall election without the support of Lemke's third party, he would be defeated almost certainly, and it would be his death knell in state politics, as he would come out of the contest, just a punch-drunk office seeker in the opinion of many voters.

On August 22, the Langer supporters held another convention, this time at Bismarck, and from this gathering came the announcement that Langer would seek the governor's office as an independent with the designation 'Nonpartisan League' after his name.

Before Langer announced his independent candidacy, Townley, the founder of the League, had persuaded R. H. Walker to enter the gubernatorial race. This maneuver was openly designated as an attempt to discourage Langer. At the extraordinary convention at Bismarck, Walker pleaded for a united

71. Stutsman County Record, July 16, 1936.
72. The Leader, July 9, 1936.
73. Grand Forks Herald, June 28, 1936.
74. The Leader, August 26, 1936; Grand Forks Herald, August 23, 1936.
League and called on both Welford and Langer to withdraw from the political scene in the interest of harmony.

While the politicians were jockeying for favorable positions in the state race, the national campaign started taking form. North Dakota became the center of political attraction when on June 19 Congressman William Lemke announced that he would be a candidate for the Presidency on the ticket of the National Union for Social Justice, which had been organized by Father Charles E. Coughlin, the "Radio Priest" of Royal Oak, Michigan.

In making public his intentions to be the presidential candidate on the Union ticket, Lemke declared:

I have accepted the challenge of the reactionary elements of both of the old parties and will run for President of the United States on the Union platform in accordance with thousands of messages and requests I have received from over the nation.

In state politics Congressman Lemke was affiliated with the Nonpartisan League and in the June primary he had been re-nominated without opposition as one of the Republican candidates. His decision to seek the Presidency came as a surprise, but it also answered the question which had been uppermost in the minds of many North Dakota politicians. It had long been obvious that he could not again support Roosevelt as he had done in 1932; equally obvious that he could not, without manifest straining,

76. *Bismarck Tribune*, June 20, 1936.
78. *Bismarck Tribune*, June 20, 1936.
put himself back in the Republican fold. During the June primary feud between Welford and Langer, Lemke had maintained a dignified silence. The *Bismarck Tribune*, in commenting on his candidacy for the Presidency, volunteered the explanation that his acceptance of the Union party's call may have been an easy way out of a distasteful situation.

As the presidential nominating conventions of 1936 approached, criticism of President Roosevelt and the New Deal became increasingly vociferous and bitter. Much of this criticism came from members of the Democratic party. Despite opposition from without and dissension within, the delegates at the Democratic convention were in a jubilant mood and, dispensing with the hundred-year two-thirds rule, renominated Roosevelt by acclamation; endorsed the entire New Deal program; and promised its continuation and expansion.

Encouraged by the clamor pouring from hundreds of radio stations and thousands of platforms, the practical politicians of the Republican party started casting about for a candidate who was not too closely identified with either the conservative or the progressive wing of the party. Early in the 1936 political season William Randolph Hearst in his chain of newspapers started booming Governor Alfred Mosaman Landon of Kansas. In him the Republicans found a candidate satisfactory alike to liberals and conservatives. His nomination came with little opposition at the

79. *Bismarck Tribune*, June 20, 1936.
80. Ibid., June 20, 1936.
Republican convention at Cleveland.

The Democratic bid for votes in the North Dakota fall election opened officially at Minot, September 27, with Senator Burton K. Wheeler of Montana representing the National Democratic party. In the keynote address, Senator Wheeler asserted that the national campaign would be waged around the "three r's", namely; Roosevelt, recovery and reform. From the same rostrum Moses and other leading Democratic candidates pledged their support to Roosevelt. Langer and Welford formally opened their campaigns during the following week. Although Welford publicly endorsed Landon, Langer maintained an official silence on the presidential race.

Even before these official openings, the issue around which much of the state campaign was to revolve had already taken form. Basically at odds over just about everything else, state Democratic and Welford faction headquarters had one common interest - the defeat of Langer. Over the best method by which to accomplish this, the respective campaign managers disagreed throughout the entire campaign.

In a speech supporting Welford, Senator Gerald P. Nye suggested that the defeat of Langer and elimination of "Langerism" could be accomplished only by united support for Welford. While admitting that Moses was excellent gubernatorial material, Nye recited the returns of the June primary to prove that "a vote for Moses was virtually a vote for Langer."

82. Morison and Commager, 619; Rauch, 237-238.
84. Fargo Forum, September 25, 1936.
John Eaton, the Moses campaign director, challenged Mye's thesis with the declaration that actually not a few of Welford's votes in June were Welford's only because it gave the owners of these votes a chance to vote against Langer in the Republican column. Eaton's position was that these voters hoped to eliminate Langer at the first available opportunity and had in mind to switch to Moses in preference to Welford in the fall.

To bolster the Democratic position, Eaton also pointed out that although Moses had received only 36,081 votes, in reality 41,364 votes were cast for Democratic gubernatorial candidates. In addition there were many thousands of electors who did not turn up at the primary polls but would do so in November.

Eaton's statement evoked a counterblast from Welford headquarters, by John K. Brostuen, campaign manager and chairman of the Republican State Central Committee. "It must be apparent," declared Brostuen, "that Mr. Moses' candidacy can only accomplish a division of the anti-Langer vote which, if carried out...might very conceivably result in the election of William Langer."

Frankly admitting that they would have preferred to see Langer the Republican nominee, Democrats made a concentrated effort to convince the anti-Langer forces that the way to keep him out of the executive chair was by voting for Moses instead of for Welford. In the middle of the debate, Eaton released the results of a "poll" which had been conducted by Democratic headquarters.

86. Ibid., September 29, 1936.
under the guise of the "Public Research Bureau." According to this "poll" Langer was rated, by a narrow margin, leading the gubernatorial race. The findings also indicated that Moses was in the second position with Welford trailing behind at a considerable pace. This made excellent campaign material for the Democrats, for if the paramount issue of the election was the elimination of Langer and "Langerism", then the voters should cast their ballot for Moses rather than Welford.

While Eaton was revealing the results of his "poll", a closed meeting which had been engineered by C. Liebert Crum, chief lieutenant of Ole H. Olson, leader of the Progressive Democratic faction, but now supporting Moses, was winding to its close. Debated at the gathering of thirteen in a Mandan hotel was the proposition of sending a committee to acting-governor Welford to persuade him to withdraw from the race. The group, whose membership was never made public, decided that "...it would be useless because of certain advisors who [had] the ear of the governor."

Although most of the leading newspapers withheld comment on the meeting, the reaction in Welford's weekly paper the North Dakota Nonpartisan was quick and violent:

The only result of the gathering, however, was to show to the entire state the weakness of the Democratic hand in their game of political poker. Only in desperation would any political organization stoop to such a trick. Crum tried to pull an ace out of his sleeve to strengthen the Democratic hand,

and discovered it was only a deuce.

However, if anyone should call a meeting to
discuss the withdrawal of the Democratic candidate,
an auditorium would be required to hold the crowd.

As the campaign progressed, the leading daily and many
of the weekly newspapers took up the Nye argument, urging their
readers to vote for Welford on the premise that Moses did not
have a chance. In offering this almost apologetic backing it was
all too obvious that they did not want Welford but wanted Langer
even less. The papers assumed this position on the theory that
Langer's primary vote was a solid Nonpartisan League vote; a
vote that had stood by him through five state-wide elections
and would stay with him come hell or high water. With Welford
and Moses splitting the conservative vote, the possibility that
Langer would slip into office was very real.

While the headquarters and newspapers were occupied
during the entire summer and fall with this argument, all the
candidates except Welford were out in the field conducting one
of the most vigorous campaigns in North Dakota history. The
presidential race faded into the background completely as the
state candidates visited every town and hamlet. No candidate,
however, made a more strenuous effort than Moses. When election
day came, he had delivered more than 250 speeches, not infrequent-
ly as many as four a day and occasionally in three different

89. North Dakota Nonpartisan, October 21, 1936.
90. Mandan Daily Pioneer, October 29, 1936; Minot
Daily News, October 29, 1936; Fargo Forum, September 26, 1936;
Valley City Times, October 20, 1936; Grand Forks Herald,
October 25, 1936.
languages, English, Norwegian, and German. He averaged four appearances in each of the fifty-three counties and traveled more than 25,000 miles.

Welford, who had suffered minor injuries in an automobile accident while visiting the Republican presidential candidate, Alfred Landon, in Kansas, confined his campaigning to a few radio addresses; but Senator Nye and other leading Republicans were out in the field actively working for him. Langer's The Leader, never slow to rush to conclusions, claimed that:

The move to put him on the shelf, so to speak, came from Fargo headquarters. This "board of directors" has it figured out that the more people of North Dakota see of Welford and hear his utterances from the public platform, the more votes he loses ... As a result the people will see little of him and hear him less in the present campaign.

For copper-riveted loyalty the Langer organization was by far the best in the state. Although neither Langer nor his workers could gain the publicity in the papers which he so much desired and needed during the campaign, Moses and Welford kept him in the limelight. Even Langer's publicity organ, The Leader, on the eve of election paid tribute to the campaigning that

91. Fargo Forum, October 16, 1936.
92. McKenzie County Chronicle, October 1, 1936.
94. The Leader, October 22, 1936.
95. Bismarck Tribune, November 7, 1936.
had been done in Langer's behalf by Moses and Tom Burke, Democratic endorsee for Supreme Court Judge, on the No party ballot:

If the Nonpartisan League had had more of a campaign fund for radio talks, I am sure the organization would have been more than willing to pay the costs of broadcasting the talks by John Moses and Tom Burke. Boy, how we cheered them on as they lambasted and pummelled the overlords of the pay-roll in the Welford administration. For his efforts in our behalf, I hope Mr. Moses comes in second.

The speech-making came to a close on November 2 with both Moses and Welford still dwelling at length on the argument which had been the focal point of the campaign. On the following day, November 3, the voters decided.

Early election returns indicated that Roosevelt would carry the state by an overwhelming majority, with Landon running far behind and Lemke coming in a poor third in his presidential bid, but faring well for re-election to Congress. The same early count placed Welford in first, Moses in second, and Langer in third position; but as more of the rural and western precincts reported, Langer moved ahead of Moses and rapidly cut into Welford's lead. From all indications it appeared that the June primary would repeat itself; but finally it reversed itself. The official vote was: Langer 99,750, Welford 95,697, Moses 80,726, also running but not in the race were two other indepen-

96. The Leader, November 5, 1936.
97. Fargo Forum, November 5, 1936.
idents, L. J. Wehe and P. J. Barrett, with 309 and 331 votes respectively. North Dakota's four electoral votes went to Roosevelt, who received 163,148 votes to Landon's 72,751, and Lemke's 36,708.

With the election a complete triumph for the Republican state ticket with the exception of Welford, old time politicians marveled that Langer could come from a third column position, the graveyard of forebom hopes, and win. It was something which all tradition, all history said just could not be done. What Moses and Welford had feared would happen, actually had happened. Not only had Langer held the votes that had been cast for him in the primary, but a few thousand were added, while the conservative vote, as was expected, was divided between Moses and Welford.

As was natural, the Democrats blamed every one but themselves for permitting the campaign to take the course it did. There is no question but that thousands of votes were swung from Moses to Welford on the "he [Moses] has no chance to win" theory. For this, the Democrats blamed especially Senator Nye who, they contended, opened the issue by campaigning for Welford. There was a general feeling that Nye was not as interested in the election of Welford as he was in retaining his friends in control of the Republican organization so as to improve his chance for re-election in 1938.

98. "Compilation of Election Returns."
99. Langer was the first governor of any state elected in the individual column on the ballot. Federal Writers' Project, North Dakota, 63.
100. Bismarck Tribune, November 7, 1936.
After sending congratulations to Langer, Moses also sent a letter to A. P. Primising, Democratic chairman of Richland County. In this letter Moses looked not to the past but to the future:

We have fought a hard, clean fight. The Democratic principles in North Dakota are well established. We are now preparing the groundwork for the fight in 1938.

Through you, I want to express my sincere thanks to the voters of Richland County. Tell them for me that the battle is not over.

The Nonpartisan League, as in other elections, had once more side-tracked the two major political parties.

Chapter III

John Moses, Governor 1939-1944

The stage for the 1938 political campaign was already set when only a few days after the 1936 fall election Moses declared, "We are now preparing the ground-work for 1938." Another of the three contenders in the 1936 gubernatorial race had not even waited for the votes to be cast before making known what he had in mind to do two years hence. On the day before the election Langer's personal newspaper carried a long article not only reviewing the campaign just completed but also, by way of comment, looking to the future:

And day by day grows the yearning in the hearts of these loyal old Leaguers out over the state to take down the pants of Junior Nye and give him the spanking he deserves. Fortunately for their peace of mind, that day is coming two years hence....He supported Moodie and Welford, not particularly because he wanted to see them elected, but because he wanted primarily and above everything else, to see Langer defeated...Nye's purpose in the campaign of the past four years has been solely to eliminate if possible, and by fair means or foul, the man who two years from now may take his place in the U.S. Senate.

It is, of course, one thing for a candidate to announce his availability, but quite another thing to gain the approval of a convention which, after all, supposedly decides who shall

1. Lidgerwood Monitor, November 12, 1936.
2. The Leader, November 5, 1936.
be endorsed. The 1938 Democratic convention was held at Fargo. As most of the work ordinarily taken up by a political convention had already been completed before the delegates arrived, the group merely put a stamp of approval on what was already accomplished. Both Moses and Holt had been mentioned as seeking the gubernatorial nomination, but before the delegates convened Holt announced that he was not in the race. As a result the endorsement went to Moses without a contest.

In contrast to the peace and harmony that prevailed at the Democratic convention was the strife and turmoil within the Republican ranks. The center of all the attraction and the cause of all the jousting was Governor Langer. Early in January his foes were divided into three distinct groups: the Democrats, the Nye Leaguers, and the Conservative Republicans. The possibility of forming a united front against Langer was ruled out because the Democrats refused to consider joining a coalition; the Conservative Republicans were opposed not only to Langer but also to Nye because he was a Leaguer and had at one time associated with Langer. The Nye Leaguers, although willing to accept any and all who opposed Langer, 4 were snubbed by the Democrats and the Conservative Republicans.

On January 6, the anti-Langer faction of the Nonpartisan League announced that a statewide convention of the Farmers' Nonpartisan League would be held at some later date. This convention, open to all, met at Jamestown on March 9 and selected a

4. Ibid., January 16, 1938.
full slate of candidates headed by T.H.H. Thoresen, seeking the Republican gubernatorial nomination. A supporter of Weferd, Thoresen had defeated Jack Costello and William Crockett in the 1936 race for the position of Lieutenant Governor.

The Langer faction of the Nonpartisan League had held its convention at Bismarck March 3. It was a foregone conclusion that the convention would endorse Langer's candidacy for the Republican nomination for United States Senator, but there was some doubt as to who would be named to seek the governorship. In pre-convention reports the name of John Gray, State Treasurer, had been mentioned. At the convention, however, Langer gave the nod to John N. Hagen and he was endorsed on the second ballot. Immediately there were murmurings that Gray would join the "rumpers" but in a statement on the convention floor he declared that he could not accept endorsement from the "rumper" convention because he could not see himself on the ticket with Nye.

On the Democratic ballot in the June primary Moses was not without opposition. In a convention held at Minot the Progressive Democrats had endorsed Oliver Rosenberg, who was also the candidate of the Farmer-Labor Associations. The field of candidates seeking the gubernatorial nomination was increased to five when C.O. Lindgren announced that he was running under the Union party label.

The 1938 primary campaign was almost a carbon copy of the

5. Grand Forks Herald, March 19, 1938.
8. Ibid., March 22, 1938.
one two years previous, the only difference being that there was
even less of a possibility that the Democratic nomination would
go to the opponent of Moses. In the Republican feud between
Langer and Nye the feelings ran perhaps even higher and the
denunciations and vilifications not only came up to but exceeded
those of 1936. Just as Moses had steered clear of personalities
in the previous campaign so again he urged his fellow Democratic
candidates:

On the Republican side of the fence, we have
two slates of candidates seeking the nomination for
national and state offices. The fight is bitter.
The old North Dakota political past time [sic] of
mud-slinging is in full swing... Let us, as Democrats,
steer clear of personalities in this campaign. Let
us, as Democrats be concerned with policies, not
with personalities... I want to call on all Democrats
to stay away from a campaign of personalities and
personal abuse and to consider in this primary
campaign nothing but the issues that are confronting
us.

Memories of the 1936 general election campaign must have
been sharply etched in the mind of Moses. Possibly he anticipated
a repeat performance and so he lectured his friends on party
responsibility:

In 1936 our Republican friends came to you

10. Moses, "Primary Campaign Opening, Grand Rapids,
June 5, 1938," Moses Papers.
Democrats...and asked you to vote the Republican ticket in the primary. This is what they told you: 'you Democrats have no serious contest in the primary...and you should come into the Republican primary and help us to defeat this candidate or nominate that candidate on the Republican ticket...'

And in 1936, 20,000 Democrats in North Dakota listened to the siren cry, ...and marched to the polls calling for Republican ballots. What was the result?...during the fall campaign [they] told you that your candidates did not have enough votes in the primary and that your candidates could not possibly be elected.

Whether or not this plea was heeded by any appreciable number of Democrats was certainly debatable after the election returns. Although Moses with 39,090 polled 13,009 more votes then he had in 1936, his opponent received only 2,590, giving the Democrats a total vote of 41,680 against 41,364 in the previous primary race. For a complete picture, the fact that 7,305 fewer votes were recorded for all gubernatorial candidates in the 1938 primary election must be mentioned.

Far more attention had been focused on the various Republican candidates and the election results in this column were studied with far greater interest. In the senatorial race which

had been the focal point of the entire campaign, Senator Nye polled 91,510 votes to Governor Langer's 86,359. With the sole exception of Langer, all the other candidates on his ticket were successful. If the primary election should have meant anything it would have been Moses against Hagen for the governorship and Nye and Jess Nygaard, the Democratic nominee, in the senatorial race in the general election.

When it had been definitely established that Langer had lost the Republican nomination, the question immediately was would he abide by the decision of the people? To friends, Langer declared, "Don't worry a bit. 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."

Three weeks after the primary election the Nonpartisan League (Langer's faction) held a state convention in Jamestown and endorsed the Governor to make the race against Senator Nye as an independent. The fact that eight more votes were cast for endorsement than delegates officially registered went unquestioned and was published by the newspapers without a line of comment. Langer came into the meeting just before the ballot was taken, but retired while the votes were being cast and counted. He then came back to make a speech, declaring that he would delay his decision until he could learn the opinion in the "grass roots." The guessing game concerning Langer's final decision continued during the remainder of the campaign.

12. All election figures are taken from: Compilation of Election Returns.
13. Holtzworth, 118.
of July, through all of August, and up to the very last days of September. Finally on September 28, just one day before the deadline for filing, in a statewide radio address he announced that he would run as an independent with the slogan: "Progressive Nonpartisan Old Age Pension."

Some ten days earlier at a League meeting at which bitterness flared, William Godwin, Morton County Nonpartisan League leader, asserted that the decision on Langer's candidacy already had been reached and cited a questionnaire sent out by League headquarters in which Langer's name headed the list of campaign speakers. He said it was apparent that Langer had decided to run even before the Jamestown convention, which asked him to be a candidate. In reply to Godwin's assertions, Langer promised that he would wring his neck.

This, however, was merely an outgrowth of the seventeen demands John Gray, state chairman of the Republican State Central Committee, had requested all Republican candidates to answer in the affirmative.

The seventeen demands were:

1. Will you support all state and national candidates nominated on the Republican ticket?

2. If elected, will you eliminate political machines which extract from two to seven per cent from salaries of state employees?

3. If elected, will you abolish any practice compelling those who deal financially with the state

16. Ibid., September 19, 1938.
to kickback from five to fifteen per cent on state contracts?

4. Will you, if elected, prosecute those who, through the machine, have extracted part of the monthly salaries of state employees?

5. Will you, if elected, prosecute those guilty of soliciting, receiving or giving kickbacks from those who deal with the state?

6. Will you, if elected, remove all department heads, such as the head of the Bank of North Dakota and the Mill and Elevator Association and other department heads who have solicited, within their departments, for the present political machine which demands a monthly percentage from state employees?

7. Will you, if elected, prosecute election frauds, such as double voting and other criminal violations of the absent voters law?

8. Will you, if elected, prosecute those responsible for "bond frauds" in which certain counties were compelled to pay many thousands of dollars to have a "wet nurse" introduce them to the Bank of North Dakota?

9. Will you, if elected, assist to recover, in civil actions, hundreds of thousands of dollars in connection with the bond graft and misappropriation and misuse of other state funds by officials legally responsible?
10. Will you, if elected, prosecute those responsible for misappropriation of $150,000, ostensibly to help needy students but in reality to find a few football players to satisfy the whim of a politician?

11. Will you, if elected, prosecute all forms of extortion of funds from state employees and from those who deal financially with the state?

12. Will you, if elected, prosecute state officials and employers who sold immunity to proprietors of slot machines within the state?

13. Will you, if elected, favor laws enacted by the legislature that will make any return of such a political machine impossible in the future?

14. Will you, if elected, stop the practice of general use of state employees and state cars for campaign purposes?

15. Will you, if elected, stop the practice of placing candidates on the payroll where activities of such candidates are largely political campaigning?

16. Will you give the Republican state committee full control of the coming campaign and of all publicity?

17. Will you give full financial support in the coming campaign to this committee?

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The first question was obviously aimed at Langer, for if the Republican nominees answered in the affirmative they would be pledged to support Nye. The next fourteen demands were a most damning indictment of the Langer Administration. For a Republican nominee to answer yes would have meant implicit admission that these practices did exist. A negative answer could have been construed as willingness to condone such practices. Without perhaps realizing it, Gray had put the Republican nominees on the horns of a dilemma.

Most of the nominees simply refused to answer the questionnaire—one way of the other. John Hagen, the gubernatorial candidate, informed Gray that he "did not propose to be a rubber stamp governor for any individual, and to put my stamp of approval upon your questions would put me in that category." Only two Republican candidates for state office, James D. Gronna, nominee for Secretary of State, and Berta Baker, nominee for State Auditor, answered the questionnaire affirmatively.

In commenting on these seventeen questions in the course of the campaign, Moses declared, "Of them I will say that if they were to be asked of me by the Democratic state chairman my answer would be in the affirmative."

In opening his campaign Moses called for support in a program of "cleaning house in North Dakota" and "restoring the government to the people." He appealed to citizens of all political groups, parties and factions, to support him in an effort to break down the political machine. As far as the Democrats were concern-

19. Ibid., October 26, 1938.
20. Ibid., September 27, 1938.
ed, the campaign would be waged on the issue of corruption. In closing his keynote address, Moses declared:

We deplore the demoralizing and extravagant practices of the present administration in the employment of political workers at the taxpayers' expense, in loading the pay-roll with unnecessary employees to take care of political friends, in its pay-roll deductions for political purposes, in its boycotting of political opponents and the other widely publicized abuses which have brought so much unfavorable comment to our state both at home and abroad.

I don't believe in the "Political Machine" and I intend to eliminate it once and for all from the North Dakota political picture. It is an expensive, vicious [sic] and evil system, and we, as citizens, must grind its ugly head into the dust of oblivion [sic].

Here were the broad outlines of the "New Deal" that Moses had in mind for North Dakota; specific details for the manner in which this house-cleaning and restoring of the government to the people were to be accomplished were set forth in each one of his speeches.

In response to the appeal made by Moses for support in his

22. This conclusion is based on the material in the many speeches reviewed by the writer. All speeches are in the "Moses Papers."
program, "Moses for Governor Clubs" were organized throughout the state. These clubs usually represented a coalition of Democrats and Republicans with a Republican at the head and acting as spokesman. The contention of these Clubs was that John N. Hagen, the Republican gubernatorial candidate, was the handpicked candidate of Langer and if elected would be merely a marionette with the strings in Langer's hands.

No matter how much the Democrats were determined to campaign on the issues of corruption and machine politics, the emphasis shifted to Langer's Pension Measure. Before announcing his independent senatorial candidacy, Langer had championed and had succeeded in placing on the ballot an initiated measure titled "Old Age Assistance Act Amended" which was:

An act amending and re-enacting Section 3 of Chapter 211 of the Session Laws of North Dakota for 1937 and providing that the amount of assistance which any person shall receive shall be sufficient when added to all other income of the recipient to provide such person with a reasonable subsistence compatible with decency and health but shall not be less than a minimum of forty dollars per month except that it shall not be less than a minimum of thirty dollars per month for each recipient where there is more than one recipient in a family and each county shall reimburse the state agency for fifteen per cent of the amount expended for such

assistance in such county in excess of the amount provided by the Federal Government and repealing all acts and parts of acts in conflict herewith.

The incongruity of a candidate seeking national office on a measure which was of purely state consequence, apparently went unnoticed during the campaign as all the emphasis was centered on the unanswered question: How will the pension be financed? There were no provisions in the Act to provide the funds which would be required; no additional tax measures of any kind were on the ballot. Langer, the father of the plan, throughout the campaign asserted and repeated that he would, in his retiring message to the legislature, set forth his proposals for raising the money to pay the pensions.

Although the Republican gubernatorial nominee, Hagen, at first maintained a complete silence on the proposed plan, during the closing weeks of the campaign he openly espoused the measure. But he too studiously avoided mention of the sources of the necessary funds. In a radio address on November 1, Moses openly challenged both Langer and Hagen to put an end to the guessing game by revealing the secret formula which they had in mind to make financing of the pension possible if the measure should be adopted. Moses emphatically declared that he too believed in pensions.

The question of old age pensions is essentially

34. North Dakota Publicity Pamphlet, issued under authority of law by James D. Gronna, Secretary of State (Bismarck 1938).
35. Moses, "Radio Address, November 1, 1938, Fargo", "Moses Papers"
right and essentially just and I believe its a national question – only the Government of the United States can legislate for all 48 states, only the Government of the United States can distribute the burden where it can best be borne.

Whatever political advantage Langer had hoped to gain by espousing the pension plan were nullified to a large extent when the followers of Doctor Townsend, who had in a dramatic way focused the attention of America on the old age problem, publicly endorsed the candidacy of Senator Nye. In a campaign marked by strange political alignments, this was only one of the many deviations. John D. Jeffrey, defeated by Math Dahl to Republican nomination for Commissioner of Agriculture, publicly supported Moses, William DePuy and George Wolf on the Democratic ticket, but the other candidates on the Republican ticket. T. A. Thompson, at one time a Democrat, became Republican campaign manager, but quit because of attacks on him by the Langer faction. C. G. Byerly, Democratic precinct chairman of Mandan, urged all Democrats to vote for Langer rather than Jess Nygaard, the Democratic senatorial nominee. Ole H. Olson, former Acting Governor, one-time prominent Nonpartisan Leaguer, a Progressive Democrat in 1936, pledged his support to the Democratic ticket, but insisted that "a vote for Nygaard is half a vote for Langer – support Nye." Oscar W. Hagen, Moses Papers.

26. Moses, "Radio Address, November 1, 1938, Fargo."
27. Bismarck Tribune, September 29; October 29, 1938.
28. Ibid., October 15, 1938.
29. Ibid., October 17, 1938.
30. Ibid., November 7, 1938.
31. Ibid., November 1, 1938.
Secretary of the state Republican party, accusing Gray of making deals with certain Democrats, resigned his position. Gray had said that he would back only Nye, Lamke, James D. Gronna and Berta E. Baker. In the closing phase of the campaign T. H. Thoresen, bitter enemy of Hagen in the primary, when he himself was seeking the Republican gubernatorial nomination, made peace with his recent arch-enemy and supported him.

All of this represented a total disregard for party lines - a policy openly endorsed nationally by President Roosevelt. Traditionally the national leadership of the major political parties observed a formal neutrality among the candidates for nomination in the primaries. In 1938, the President abandoned the traditional policy by campaigning actively in support of liberals. In the fall elections the President went even farther by coming out in favor of liberal Republican rather than conservative Democratic candidates for Congress.

After the June primary it was charged but never proved that there had been flagrant violations of the absent-voters law. Adopting the attitude that the coming election might be "stolen" from them by fraudulent absent-voters ballots, the Democrats made daily checks at the fifty-three county court houses. A system was finally devised whereby day-by-day reports, giving the names, addresses and precincts of persons whose applications for absent-voters' ballots were on file, and of voters who had submitted

32. Grand Forks Herald, October 14, 1938.
Grand Forks Herald, Nov. 1, 1938.
34. Rauh, 318-325.
marked absent-voters' ballots, were sent by County Auditors to H. Ralph Burton, special investigator for the United States Senate Campaign Expenditures Committee, in Bismarck.

During the campaign Moses charged, a charge never denied, that:

We have the spectacle of several state cars sent out to the west coast ostensibly to induce former residents to return to the state, but virtually for the purpose of picking up applications for absent-voters’ ballots in the interests of the machine....If the election can't be bought, the election is to be won through fraudulent absent-voters' ballots....Two weeks ago, in McClusky, Sheridan County, applications for absent-voters' ballots were sent in, through the solicitation of these state employees, from residents of Lodi, California, all of whom had lived in California for a long time, four of whom were known to the county officials of that county to be on relief in California, and as such, residents and entitled to vote in California alone.

The Democrats apparently were not alone in fearing that the absent-voters' ballots would be misused, for the Republican State Central Committee headed by Gray, and opposed to both Langer and Hagen, listed thirty-three counties in which it alleged absent-

36. Bismarck Tribune, July 6; July 16; October 28; November 3, 1938.
voters' ballots frauds occurred in 1936. At the same time it expressed fear that they would re-occur in 1938.

While the Democrats and anti-Monpartisan League Republicans were hurling charges of fraudulent absent-voters' ballots, the Nonpartisan League accused the Democrats of soliciting funds from W.P.A. workers. Elwood Erk, secretary of the Nonpartisan League executive committee, declared that in Mercer County, Moses' home county, an investigation revealed that several employees in federal offices had been solicited by the Democratic campaign manager, by an Assistant Postmaster, and also by a supervising officer in charge of a federal office in Stanton in the same county. Branding the charges as vicious and false, Democrats obtained sworn affidavits of denial from those who supposedly had solicited or been solicited. The W.P.A. was also drawn into the political campaign by the episode known as the "Needled Photograph."

Early in the campaign the Young Democrats of Valley City, as a campaign advertisement, had constructed out of rocks "Moses For Governor" on a hill overlooking the city. One night other persons, evidently from the opposition political camp, rolled the rocks to the foot of the hill. Laboriously, the Young Democrats reconstructed the advertisement. During the campaign photographic postcards appeared with the legend: "Moses For Governor W.P.A. Project 1938". In the ensuing investigation affidavits were given by four persons linked with the photographic postcard. The first

39. Ibid., October 29, 1938.
affidavit was given by Colonel James Manoles, a member of Governor Langer's staff living in Valley City. He testified that he had been contacted by Oscar E. Erickson, Commissioner of Insurance, or by some one in his office, and was instructed to have a photographer take a picture of the Democrats' sign. Manoles then went to Henry Benson, Republican campaign manager in Valley City. The two then obtained the picture with the aid of R. Kenneth McFarland, a photographer. In his affidavit, Benson testified that McFarland already had a picture, but when he mailed the photograph to Erickson it had only the words "Moses For Governor." The chain of events next led to Erickson, who testified that he received through the mails on or about September 30, 1938, a certain photograph showing a W.P.A. project at Valley City. This photograph, according to Erickson's sworn statement, purported to show the following sign: "Moses For Governor W.P.A. Project 1938." Erickson admitted that he personally took this photograph to the Campbell Studio at Bismarck, but denied having any knowledge as to the origin of the photograph. According to his affidavit:

The photograph contained in the envelope addressed to me did not in any way indicate the source of origin as no letter was enclosed and no return address was indicated on the envelope.

Erickson's testimony implicated the Campbell Studio, whose proprietor testified under oath that Erickson in person called at his place of business during the last week of September with one eight by ten glossy print photograph of a sign bearing the

wording: "Moses For Governor, W.P.A. Project 1938". According to his testimony the words "W.P.A. Project 1928" had been pricked in the emulsion of the glossy print so that the white mat surface under the emulsion showed through. He further testified that on orders from Erickson he developed and printed one thousand postcards bearing the complete legend: "Moses For Governor, W.P.A. Project 1938." On completion they were given to Erickson and Campbell Studio collected thirty dollars from the Nonpartisan League.

This obvious attempt to play politics with the W.P.A. prompted Thomas Moodie, W.P.A. Administrator, to demand that Hagen disown the attack on W.P.A. Hagen, however, said he knew nothing about the matter and refused to have anything to do with it in any way. At the same time, however, he asserted that he had in his possession receipts given W.P.A. workers for political contributions. When Moodie requested that these receipts be turned over to him so that an investigation could be made, Hagen refused.

As the campaign approached the end, the political analysts held that the situation was the most complicated in the political history of the state. In the senatorial race Nye was given the edge over Langer and Nygaard. Nye had based most of his campaign on the stand he had taken on New Deal Measures. Nygaard, by implication, had made his bid on the basis of blind, unquestioning support of President Roosevelt. Langer had based his hopes on the state issue of pensions for the aged.

42 Bismarck Tribune, October 28, 1938.
43 Ibid., October 28, 1938.
44 Ibid., August 9, 1938.
The race between Moses and Hagen was seen as close.

During the campaign Moses had endorsed and defended President Roosevelt's New Deal, but in general he had confined himself to state issues. To be elected he had to receive substantial support from Republicans. Hagen, the Republican candidate, had in reality a better claim to Roosevelt's New Deal, for his party, the Nonpartisan League, was the New Deal party in North Dakota.

Probably in no other election in the history of the state had so much money, time, and effort been expended to lure voters to the polls. Even the weather co-operated on election day to assure a fair election.

Party lines, which had been held so lightly during the campaign, were disregarded even more flagrantly as the voters marked their ballots. The returns definitely confirmed a fact which was merely indicated during the campaign: namely, that the voters were more concerned with individual candidates than with parties in the major contests. In the three-cornered senatorial race Nye piled up 131,907 votes to gain an impressive victory over his personal rival, Langer, who received 112,007. Nygård, the Democrat, never in the race, got 19,244. In the gubernatorial contest Moses was swept into office with 138,270 votes to 125,246 votes for Hagen. While the voters retired Langer, the champion of the pension plan, the people voted themselves a pension by adopting the pension measure by a substantial majority. In the

45. Bismarck Tribune, November 5, 1938.
46. Based on Moses’ campaign addresses, Moses Papers.
47. Bismarck Tribune, October 5, 1938.
48. Ibid., November 7, 1938. Langer had attributed his defeat in the June primary on the weather.
49. Compilation of Election Returns.
contests for the secondary state offices, the Nonpartisan League—endorsed candidates were generally successful. By comparing the returns in the senatorial and gubernatorial race with the results in the remaining contests, the conclusion followed that many Nonpartisans voted for Nye, shifted to Moses for governor, then went down the line for the rest of the Nonpartisan Republicans. The voters had not repudiated the Nonpartisan League, but they had rejected Langer as its leader and Hagen as his hand-picked candidate. For Moses it was a personal victory. He was not elected so much because he was a Democrat, as because he was neither a Langer nor a Hagen. "This was the year when the voters of the state were due to check up and to ask themselves if they were satisfied...the answer generally [was] no."

Every political machine, if allowed to run long enough, becomes top-heavy and over-balanced and falls because of its own structure. This, we believe, is true of the Langer machine in North Dakota. The machine was over-taxed and it became too evident that it was nothing more than a political machine, thus the re-action of the voters in breaking it up.

After the ballots had been counted and the election of Moses had been confirmed, Langer was among the first to transmit a bulletin to the party headquarters.

50. Compilation of Election Returns; The Leader, November 10, 1938.
51. Compilation of Election Returns; Bismarck Tribune, November 15, 1938.
52. Valley City Times—Record, November 15, 1938.
54. The Columbus Reporter, November 17, 1938.
message of congratulations. Although Langer had been the target of attacks during the whole campaign, he never spoke ill of Moses from the public platform and in private conversation had nothing but good to say about him. Hagen likewise set a noble example for those who had supported him when he telegraphed his congratulations to Moses. The telegram read:

I trust that you will give a good administration. If there is any way I can be of assistance to you in making your administration a success — command me.

That Moses, a lone Democrat among Republicans, would need all the good wishes and good will, became crystal clear immediately after the election. Along with the messages of congratulations, the newspapers published stories of rumors. The rumors read like a page from North Dakota's political history — the page detailing the story of the disqualification of Moodie four years earlier. This time, according to the rumors it would be Moses. His right to hold office would be challenged on the grounds that he had never become a citizen. The "fact", according to the rumors, was that his father, an immigrant from Norway, never completed the process of naturalization. Hence his son, John Moses, who assumed that he derived citizenship from his father, was not a citizen. The truth, contrary to the "fact", was that his father never came to this country, but Moses had become a citizen in a court proceeding at Valley City. Related rumors were that a move to impeach

55. Bismarck Tribune, November 15, 1938.
56. The McLean County Independent (Garrison), November 17, 1938.
57. Bismarck Tribune, November 12, 1938.
58. Letter: Moses to Court at Valley City, Moses Papers; Bismarck Tribune, November 12, 1938.
Moses would be launched; that an attempt would be made to keep him from assuming office and to retain Governor Langer.

Contrary to the rumors, Moses did take the governor's oath January 4, 1939. His opponents were highly vocal in their assertions that Moses, the third Democratic governor in the history of the state, would be a one-term governor.

Politically speaking, John Moses will be as dead as the proverbial doorknob, long before his first term as governor will expire. That is the popular belief among many men who are well versed in politics and what happens to those who get too enthusiastic before their friends have had their say.

Politically the odds were against him. He was a lone Democrat in a state government of Republicans. The Nonpartisan League captured seventy-two seats in the House of Representatives, fifteen more than were needed for a majority in that body. Regular and progressive Republicans had the biggest bloc, twenty-one out of forty-nine, in the Senate; compared with a bloc of ten Democrats and a bloc of seventeen of the Nonpartisan League.

Shortly after the election, Moses had expressed his hope that all elected officials would forget politics and join with him in his attempts to rebuild North Dakota's governmental machinery.

60. Ibid., March 3, 1939.
61. The Steele Ozone, January 26, 1939.
62. Ward County Independent (Minot), November 17, 1938.

One member, Senator Walter Troxel, was listed as a Nonpartisan League-Republican.
I have no desire to dictate to the legislature as to its organization and functioning. All I want is to see a legislature, stripped of the political and factional angle, which has no other purpose than to solve the job which lies before us, and I am sure that every member of the legislature realizes full well that that is a tremendous one....It is up to all of us—both state officials and members of the house and senate—to heed the wishes of the people and forget our personal political affiliations.

The same sentiment was again expressed by Moses in the opening paragraphs of his message to the Legislature:

I have full confidence that the Legislature will approach this important and sometimes difficult duty in a spirit of honest tolerance, that it will be fearless in striving for what is right for all the people, and that both factionalism and sectionalism will be absent from your[sic] deliberations.

An almost identical plea concluded the message:

...and may any spirit of factionalism and sectionalism be forgotten in our untiring effort to keep before us the question of which...
things will be of greatest value to the greatest number of the people of North Dakota.

Moses assumed the duties of Governor in a most difficult time. Finances were at a low ebb. Tax payments had not been and were not adequate. Relief expenses were exceedingly high. The Federal Government, through the Works Progress Administration, was furnishing employment to 15,011 of the people; through the agency of the Farm Security Administration, relief in the form of grants was being extended to 28,950 needy farmers, and the estimate for January, 1939, was 31,940. Through the Social Security Act, the Federal Government, on the basis of need, was furnishing one-half of the aid for the aged and the blind, up to a maximum of fifteen dollars per month, and one-third of the aid to dependent children, up to six dollars for the first and four dollars for each additional child. During the previous two years, the Federal Government, through its various agencies, had contributed more than eighty-five per cent of the money which had gone to provide for the care of needy persons in North Dakota. North Dakota, according to the Governor, had been living beyond its budget. The budget should be balanced so that the State would not have to have recourse to the issuance of certificates of indebtedness—a practice highly abused. To reverse this trend, he recommended two possible avenues of solution:

1. An increase of revenues by levying new taxes or increasing the taxes existing.

65. Moses, "Message to the Legislature, Twenty-sixth Legislative Assembly of the State of North Dakota 1939" (Bismarck, 1939), 26.

66. Supra, Chapter I, Part 2.
2. By curtailing government activities
   and by cutting the cost of service.

   Although emphasizing that the chief concern of the state
was the welfare of its people, Moses nevertheless cautioned the
law-makers:

   We have in North Dakota been prone to lay
   all cares in the lap of the Federal Government.
   North Dakota has an attitude of expectation of
   relief from the Federal Government. We cannot
   afford to view the future with the same attitude.
   We must begin to consider our own problems.

   Convinced that property owners were already over-burdened
   with taxes, he cautioned the law-makers not to seek additional
   revenue by increasing taxes on real estate or on personal property.
   Possible means of raising additional revenues as suggested by the
   Governor were:

   1. A reasonable increase of liquor taxes,
      the proceeds to be "earmarked" for
      relief purposes.

   2. Increased taxation on luxuries, such
      as cigars, cigarettes, tobacco, cos-
      metics, jewelry, theater admissions
      and similar items.

   3. A broadening of the income tax base.

   In the interests of economy and efficiency in the manage-

68. Ibid., 9-10.
69. Ibid., 19.
ment of the state's affairs Governor Moses suggested that the legislators should give serious consideration to a constitutional amendment providing for the establishment of a unicameral legislature to consist of not more than forty-one members. Or, as an alternative, consideration should be given to a proposal which would drastically reduce the membership of the Legislature. Other recommendations called for an amendment permitting consolidation of counties and other political subdivisions, and an amendment abolishing township, school district and village treasurers, the duties of these officials to be taken over by the county treasurer. The Governor also urged the Legislature to pass a comprehensive Civil Service Act placing on a merit system all state employees not executives.

On the question of inefficiency and corruption that had played so important a role in his campaign, Governor Moses declared:

I point out for your consideration the need for a complete audit and investigation of the State institutions ....charges of inefficiency in operation and corruption in management have been freely made. The people of North Dakota are entitled to know whether these charges are true or false. If they are false, the individuals charged are entitled to vindication. If the charges are true, the people of North Dakota are entitled to have the fact established and the offenders

prosecuted. The growing laxity in public morals, the growing disrespect for law, necessitates the return to old standards of right and wrong. Let us bring this out in the clear light of day and let us have it settled once and for all.

Reactions to the message were generally favorable among Senators and Representatives; but one Senator, a long time legislator, was quoted as saying: "The Governor gave a very clear presentation of the problems. But what is the solution?" The plea that had been made by the Governor for an absence of "factionalism" and "sectionalism" apparently fell on deaf ears. Not one of the three political factions seated - Democratic, Langer-Republican and anti-Langer Republican - presented a leader or a program. Wrote Senator C.C. Morrison of Kidder - Sheridan counties:

In the house the Nonpartisans control the show and in the senate the coalition group consisting of the regular Republicans and the Democrats are running things. There is one advantage to this arrangement and that is no matter what this legislative session does there will be criticism and the regular Republicans and Democrats will have to take most of the blame for unfavorable legislation.

The one outstanding problem facing the law-makers was that of money. As the days of the session wore on, the Legislature was importuned to pass gross income taxes, transaction taxes,

74. The Steele Ozone, January 19, 1939.
five per cent sales taxes, increased income taxes, higher corporation
taxes, taxes on alleged luxuries, a tax on children's nickel's
worth of pop, prohibitive taxes on theatre tickets and what not —
all in the fond hope that by some sort of magic a new source of
revenue could be tapped.

To make the effort toward sensible retrenchment even more
difficult, the Legislative Assembly was faced with the old age
pension mandate which had been passed as an initiated measure by
the voters in the general election. The constitutionality of the
act was immediately challenged because it seemed to violate the
State Constitution. On December 13, 1939, District Judge H. L.
Berry ruled that the larger old age pension plan was unconstitu-
tional. In support of his decision Judge Berry noted that none of
the money appropriated by the 1937 Legislative Assembly could be
used to pay assistance in excess of thirty dollars monthly; and
the measure violated Section 185 of the State Constitution which
provides for a "reasonable assistance". In his opinion the forty
dollar minimum guaranteed by the Act did not come under the term
"reasonable assistance." A month later the North Dakota Supreme
Court reversing this decision held that the Pension Act was
constitutional but other income was to be deducted from the set
minimum of forty dollars a month.

In a conference with Harry L. Hopkins, the Federal Relief
Administrator, Moses had declared that his biggest task would be
working out the forty-dollars-a-month pension plan. He said that

76. Bismarck Tribune, December 13, 1938.
77. Ibid., January 16, 1939; Grand Forks Herald, January 17, 1939.
he did not know how the state could finance it. Langer had promised that in his retiring message he would tell the Legislature how it could be done, but when the time came, the Act was being tested in the Supreme Court. Under these circumstances, Langer dismissed the topic by declaring:

Very unfortunately, the Old Age Pension Act, initiated and passed by the people of the State, is in controversy before the Supreme Court. I, therefore, in view of the fact that this is pending before another branch of our State Government, very reluctantly am unable to discuss it here today.

After the ruling by the Supreme Court, Governor Moses, admitting that he did not have a solution to the financial aspect of the pension plan, reiterated what he had said so frequently during the campaign:

I need not remind the members of these bodies [House and Senate] that I have consistently taken the position that old age legislation is essentially a national and not a state problem.

The desperate search for funds continued. The Governor had served notice that if there was to be a solution, the solution would have to come from the Senators and Representatives. On March 3, the majority leader of the House, R. R. Scholl of McLean County, introduced a House concurrent resolution asking Governor

Moses by executive order to close all North Dakota institutions of higher learning during the next biennium so that college appropriations could be used for general government expense and care of the poor and the aged. Said Senator Scholl, "The Governor wants us to balance the budget, this will be the way to do it."

This obvious attempt to embarrass Governor Moses was rejected as also were a two dollar "Drinker's License" and a tax on malt. A measure which would have imposed a tax on theatre and entertainment tickets met a similar fate.

As March 3, the day when the session of the Legislature was to adjourn, came, the law-makers were faced with fifty bills, in addition to many amended measures on which joint agreement had to be reached. The biggest barrier was the differences in Relief Appropriations. A break-down of the relief items revealed that the House proposals were 2,477,000 dollars over the Senate approved grants. The solons stopped the clock and the work continued for almost five more days to make the session the longest on record.

Back of the prolonged session was the split between the coalition-controlled Senate and the Nonpartisan League controlled House. A gross transactions income tax intended to balance the budget and finance the increased old age assistance amendment, had been passed by the lower chamber. The upper chamber, bent on holding down spending, defeated the gross transactions tax after the House had killed the Senate's proposed special three per cent sales tax.

81. Ibid., January 37; March 1, 1939.
82. Ibid., March 4, 1939.
83. Ibid., March 3, 1939.
84. Ibid., March 6, 1939.
Through this debate Governor Moses remained aloof—
and unblemished. He refused to lobby. When it became clear,
however, that the budget would not be balanced, he spoke to the
people of the state:

I am cognizant of the heavy tax burden
which now rests upon our people, a tax burden
which is making it increasingly difficult to
operate the state government. I am not willing
to advocate that that tax burden be increased
at this time. But I want to make it perfectly
clear that it may be necessary, possibly next
fall or winter to call the legislature into
special session....All attempts to finance the
forty-dollar-a-month pension plan are doomed to
failure. Each house is willing to handle the
matter in its own way but is not willing to
handle it the way the other fellow thinks it
ought to be handled.

After the Legislature had adjourned without providing the
funds for the pensions, ex-governor Langer started a move to have
a special election. Petitions for three initiated measures and
one referred legislative act were launched on March 9, 1939. The
vehicle for the special election was to be a referendum on House
Bill I, an Act abolishing the office of Grain Storage Commissioner.

85. Bismarck Tribune, March 10, 1939.
86. Ibid., March 3, 1939.
Provisions of the three initiated measures were: (1) repeal the two-per-cent retail sales tax and enact a gross income-transactions tax; (2) prohibit the construction of highways for two years; (3) establish a system of municipal liquor stores.

This plan differed considerably from the original Langer plan, which had been announced on January 23, but which had been rejected by the Legislature. The earlier plan had called for: (1) increased railroad taxes, (2) increased liquor taxes, (3) a per capita tax of three dollars for each citizen - contrary to Section 180 of the State Constitution, and (4) a beer license fee.

The initiated measures and the special election, which had to be called when the required number of signatures had been affixed to the petitions, were the personal work of Langer. In connection with the special election, it was also rumored that if and when it was called a recall would be instituted against Governor Moses and some of the other elected officials. The response to the three initiated measures was generally unfavorable. After conducting a survey, Senator Morrison, a staunch Leaguer, wrote:

Members of the League say they are sick and tired of the continued turmoil and strife that takes place in campaigns of this kind. The counties cannot afford the expense of an election of this kind. The Nonpartisan League has not indorsed these measures.

The county chairmen of the Nonpartisan League, meeting in

89. Bismarck Tribune, March 17, 1939.
90. The Steele Czone, March 23, 1939.
91. Ibid., April 27, 1939.
Bismarck, June 9, adopted a resolution that the Nonpartisan League as an organization would take no stand either for or against the three initiated measures and specifically recommended that "no individual, group or individuals, or the official paper of the organization, be permitted to use the name of the Nonpartisan League in either promoting or opposing the three initiated measures on the ballot." Only a few days later, however, in flat contradiction to the dictum laid down by the county chairmen, The Leader, in a front page editorial, announced that it would "vigorously support the three initiated measures to be voted on in the special election." Although the statement of policy pointed out that "its stand at no time will be represented as that of the Nonpartisan League as an organization", it did not explain how any paper could be official and be at variance with the official position of the organization. That had happened was that The Leader had turned its back on the League and became Langer's organ.

That The Leader was no longer speaking for the Nonpartisan League was obvious when men long identified with the League worked openly to defeat the measures. On June 16, Senator Morrison, publisher of the Kidder County Farmers Press, issued a statement that organizations for an active campaign against the three initiated measures were being set up in every county. The statement also declared that he and others were working through Leaguers to set up anti-measure committees.

The proclamation calling a special election for North

92. The Leader, June 15, 1939.
93. Ibid., June 15, 1939.
94. Ibid., June 15, 1939.
95. The Fargo Forum, June 17, 1939.
96. Ibid., June 17, 1939.
Dakota July 11 was issued by Governor Moses on June 6. On the ballot were to be one referred measure and the three initiated measures. On June 1, Secretary of State James D. Gronne had declared that his office would be unable to finance a special election unless the State Treasurer advanced nearly ten thousand dollars from the general fund. The cost to the state of the special election was conservatively estimated at $140,000.

Several days after issuing the proclamation, Governor Moses went on the air to declare his opposition to all three of the initiated measures. After a detailed discussion of the three initiated measures he asked:

Has the State of North Dakota, then, no other duty to perform than to pay the forty-dollar-a-month pension?...Does it mean nothing to those who advocate subjugating every other governmental duty to the carrying out of the Langer Plan, that no other State in the Union, save Texas, Colorado, and California, have attempted to increase the so-called old age pensions beyond its proportionate share of the amount allocated by the Federal Government under the $30-a-month Pension Plan?

In concluding his address Moses declared:

The calling of a special election at

97. The Steele Ozone, June 6, 1939.
98. Dickinson Press, June 1, 1939.
99. Ibid., July 6, 1939.
this time is a cause of grave concern to thinking people in this state. Our counties are having a difficult time to meet their current expenses. Many counties have not yet been able to pay the election bills for 1938, and it is not a pleasant task to add to their burden the tremendous cost of a special election.

The futility of the election is apparent when one considers that the proposed measures will not, and can not, solve the financial problems of our State and our municipal subdivisions. No constructive results can be accomplished.

In a final statewide radio address from Grand Forks, Moses pleaded with the voters:

It's immaterial to me, and it's immaterial to the voters of North Dakota whether Bill Langer is for these bills or whether Bill Langer is against these bills, and it's immaterial to the voters of North Dakota which association or which individual is supporting these bills or opposing these bills. For heaven's sake, let us not get fooled again....The great question for you and I [sic] to decide is what will these bills do to us if they become law,...So, in closing,


Moses Papers.

102. Langer had declared that the voters should vote for the measures because the North Dakota Tax Payers Association was opposed to them.
fellow citizens, -- and my time is getting short -- study these bills, read these bills, and vote tomorrow.

I think I sense the sentiment of the people in North Dakota. If the citizens of our state think more of the welfare of their State tomorrow and less of their personal comfort and personal desires, and if the big majority of our citizens vote tomorrow, these bills and every one of them will be snowed under by a decisive majority...

The campaign against the three measures was vigorous and well organized. On the platform and speaking over the statewide hookup with Governor Moses at Grand Forks was John N. Hagen, who had been his Republican opponent in the general election. Party lines melted away as Republicans and Nonpartisans joined with the Democratic Governor. In the final days the newspapers joined in the assault with bold front page editorials. The Grand Forks Herald denounced the special election as “inspired by political racketeers” and the gross transactions tax measure as a “raid on the taxpayers pocketbooks.”

On July 11 business places in the leading cities opened an hour late so that all employees could cast their ballots.

103. Another obvious dig at Langer, who had told the voters not to study the bills, but to study the opposition.
105. Grand Forks Herald, July 9, 1939.
106. Ibid., July 9, 1939.
107. Ibid., July 10, 1939.
In the largest turnout of voters for a special election the measures were given a terrific beating. Votes in the early returns were as high as fifteen against for each one for. This ratio, however, was gradually cut down so that in the final tabulations the ratio was four to one. Of the 3,235 precincts only two cast a majority in favor of the measures. The insignificant referred bill which had been used to force the election was snowed under by an equally decisive margin.

With the rejection of the measures, Langer suffered his third straight defeat. During the campaign he had called upon the voters to cast their ballots for the measures and thereby give a resounding rebuke to the Legislature which, for the first time in twenty-five years, had dared to defy the expressed will of the people by failing to provide the funds for the pensions. The voters instead had rejected him and all his works.

In his retiring message Governor Langer had thrown a ringing challenge to those who had accused his administration of corruption:

Proudly, I proclaim that North Dakota, during the past two years, has had an honest, efficient and economical administration....There have been allegations of kick-backs and assessments. I ask that if there be an investigation of this matter that it commence with the administration of Honest John Burke up to the present time. I say that never in the history of North Dakota has there been a cleaner ad-

July 13, 1939. Compilation of Election Returns; Grand Forks Herald.

109 Ibid., July 13, 1939.
ministration than during the two years that have just passed and if there be those that think contrary, now is the time and the place to produce the proof. Speak now or forever hold your peace.

Governor Moses in his message to the Legislature had also called for an audit and investigation of the state institutions. Principal targets of the investigations were the State Hospital for the Insane at Jamestown and the Motor Vehicle Registration Department. On January 30, 1939, Governor Moses submitted to the Legislature the report that Clyde Duffy, Special Examiner, had turned in. According to the Duffy Report there had been constant political interference at the institution. In June, 1937, Langer had suspended Superintendent Dr. J.D. Carr and appointed Henry G. Owen to take charge of the institution. On July 7, 1937, the State Board of Administration accepted the resignation of Carr and gave Owen permission to move in. Owen, as acting director during July-October 1937, discharged three-fourths of the two hundred and fifty employees. Some of these, according to the Duffy Report, should have been fired, but others were fired to make room for political appointees. Frank Yeiter was brought into the institution at ten dollars per day to work as an undercover man to secure evidence against employees to be dismissed. Fred L. Anderson, a former convict in the State penitentiary, was also brought in as a special investigator and to fingerprint the inmates. Owen added seventy-five employees.


The system of employment was almost exclusively political. Applications for employment had to accompanied by proof of possession of a membership card in the Nonpartisan League. This membership card cost one dollar. Applications had to be approved by the County Executive Committee of the League. It was then referred to the State Executive Committee and if approved, the applicant was entitled to a job.

On October 25, 1937, the Board of Administration certified the appointment of Dr. F.C. Lorenzen as Superintendent. The appointment had been made by Governor Langer, the Board merely ratified it. Governor Langer told Dr. Lorenzen to run the institution and keep out of politics. As one of his first acts at the institution Dr. Lorenzen called a meeting of the employees and told them the purge was over and there would be no politics in the administration of the affairs of the institution.

The day following the certification of Dr. Lorenzen, the Board of Administration appointed a matron for the hospital. According to information from employees "she got in everybody's hair" when she solicited them for money with which to buy a coat for the Superintendent's wife.

On January 1, 1938, C.A. Miller became Secretary-Treasurer of the institution. He was not selected by Dr. Lorenzen, nor was there any mention of his appointment in the minutes of the Board of Administration. Hearsay was that he was appointed by Governor Langer. His name entered the Duffy Report prominently on the question of political solicitations. In the Report a witness is quoted as saying:
Dr. Lorenzen handed me the list of names, the payroll, and the amount to be received and sent to the office. He gave me strict orders to get it started right away. The last two times Mr. Miller and the first time Dr. Lorenzen...It cost me $45.00 one month.

The special examiner in his submitted report declared that charges regarding lack of food in the institution appeared to be exaggerated, although there was some foundation for them. For several months following January 1, 1939, the food furnished the patients was not good. It was not unwholesome, but a diet of mush made from pearl barley served six times a week undoubtedly became monotonous.

Dr. Lorenzen, in Duffy's opinion, was doing a fairly good job at the institution. Patients who were questioned declared that he was faithful in visiting the wards and inquiring into the welfare of his charges. A great deal of blame for conditions at the hospital rest on the Board of Administration and political intervention.

Events in connection with the hospital moved so rapidly that by the time Duffy submitted his report a few more changes had taken place. On January 11, 1939, the Board of Administration notified Dr. Lorenzen to resign or be fired. On the same day Roy W. Frazier, chairman of the Nonpartisan League State Advisory Council, said that he had been appointed steward and Business

Manager at the Jamestown hospital. Four days before Governor Moses sent the Duffy Report to the Legislature, the Nonpartisan League bloc in the House ordered an investigation of the State Asylum at Jamestown, appointing a board of three representatives to conduct the investigation.

As the hospital had already been investigated, although the findings had not been released, it appeared that the Nonpartisan League bloc was moved to action by special motives. This special committee, consisting of Representatives W. M. Crockett, Palmer Levin and K. A. Fitch, submitted its report to the House on March 1. Testimony from twenty-five witnesses constituted a file of more than three hundred pages. In addition the committee included a forty page written statement by former Governor Langer and over three hundred pages of testimony taken at a former investigation, plus a number of statements and exhibits making an additional one hundred pages, all filed by Mrs. Jennie Ulerud, a member of the Board of Administration. The committee's report, therefore, constituted over seven hundred and forty pages of written matter.

Whereas Duffy had concluded that much of the responsibility for conditions at the institution rested with interference by the Board of Administration, the House committee reported:

Much of the difficulty at Jamestown has been caused through unnecessary and undue outside

116. Ibid., January 26, 1939.
117."Report of the Special Legislative Committee Investigating the Affairs of the State Hospital for the Insane at Jamestown", Journal of the House, 1939, 1208.
and inside as well as political interference. This interference cannot be charged entirely to one party nor one faction; but it must be charged to a number of persons in and out of the institution and particularly to some so-called leading citizens of Jamestown, as well as to almost every political faction in the State.

Concerning Dr. Lorenzen, who was almost completely exonerated in the Duffy Report, the House committee stated:

...the appointment of Dr. Lorenzen should be credited or charged to former Governor Langer...the testimony taken convinces the committee that Dr. Lorenzen was not qualified for the position to which he was appointed either by experience or by temperament; and the record amply sustains both these conclusions.

On the question of political activities in the Institution, the House committee concluded:

...political clubs representing the Nonpartisan League, the IVA's and the Democrats, all had been holding meetings in the Institution.

...the committee found that the charge of selling jobs applied to almost all political factions. One instance the applicant had paid $25.00 to a Nonpartisan, another claimed he paid $200.00 to a Democrat.

119. Ibid., 1310-1311.
In its conclusion the committee suggested that the job of Superintendent and Business Manager was too much for one man and recommended that the Superintendent should be in charge of the Institution proper; with absolute control over the employees, and have charge of the patients. A Business Manager should look after the physical properties of the Institution.

Whether or not these investigations were in any way connected with the dismissal of two of the members of the Board of Administration was never indicated. On February 11, a citizens' petition requesting that two members of the Board be removed was filed with the Governor. On March 14, Mrs. Jennie Ulrud, chairman, and R. A. Kinzer, a member of the Board of Administration, were charged with malfeasance, neglect of duty and political activities in the management of state institutions. Three days later Governor Moses signed an order removing both of them from the Board.

After having completed his investigation at the Jamestown Institution, Duffy turned his attention to the Motor Vehicle Registration Department. He was again acting as Special State Examiner, appointed by Governor Moses as requested by the Senate Appropriations Committee. His report submitted by Governor Moses to the Senate declared:

Brief examination and investigation revealed certain irregularities, certain direct violations of the law, and certain matters which

121. Bismarck Tribune, March 14, 1939.
122. Ibid., March 18, 1939.
appear to be direct malfeasance in office.

Much of this report centered on the activities of the Registrar, C. E. Van Horne. The first charge leveled against him was that he had circumvented the law by the manner in which he had increased his salary to two hundred dollars a month. Not enough money had been appropriated for a salary of two hundred dollars a month, so he filed vouchers in the following form:

Salary of Registrar . . . . $200.00
charged to salary . . . 160.00
clerk hire . . . 40.00

Van Horne further increased his income by $59.40 per month from an outside concern for service performed by employees of the Department. Commercial Service Incorporated had been paying thirty dollars a month to two employees for services. The State paid the rest of the salary. This was entirely lawful, but Van Horne changed this by increasing the salaries of the two employees by thirty dollars a month, charged to the State, and keeping the sixty dollars paid by Commercial Service Incorporated. His take actually was only $59.40 since sixty cents was withheld by Commercial Service Incorporated to cover the Social Security Tax. The employees, of course, kept on performing the services for the concern.

The second part of the Report concerned a number of Inspectors, who had been appointed for the purpose of investigating and reporting violations of laws requiring the registration of

124. Ibid., 322.
125. Ibid., 322.
all motor vehicles. These inspectors were appointed by the Highway Commissioner, but since no money had been appropriated for them, their salaries were charged against the Motor Vehicle Registration Fund. Exact figures were not available when the investigation was conducted, but it appeared that something over $82,000.00 had been paid for salaries and travel of these inspectors and charged against the Motor Vehicle Registration Fund without legislative authority, an illegal expenditure of public funds.

Sometime during October, 1939, the Motor Vehicle Registration Department entered into an arrangement with the Addressograph-Multigraph Corporation to install an automatic addressograph with various equipment. The contract was signed by the Highway Commissioner, but Van Horne said he approved. The contracted price was: addressograph and equipment, $11,308.05; installation labor, $17,710.00; or a total expenditure of $29,018.05.

Since the Motor Vehicle Registration Fund had itself been exhausted, an arrangement was made whereby the Bank of North Dakota was to pay until the fund was replenished. Warrants were submitted to the State Auditing Board and only the Governor (Langer) approved. Vouchers were not paid, therefore, by the State Auditor. A mandamus action was brought to require payment of these vouchers, but the action was dismissed by the District Court of Burleigh County.

In conclusion, the Duffy Report stated:

Three salaries of the Registrar represent—

127. Ibid., 324.
128. Ibid., 325.
ed a mis-appropriation of funds. The expenditure of $32,000 for salaries and expenses of Inspectors represents an illegal expenditure of public funds, and the payment of $3,637.16 in connection with the purchase of the addressograph represents an illegal expenditure of public funds.

Steps to correct the situation in the Highway Department, which apparently had been working hand-in-glove with the Motor Vehicle Registration Department, had already been taken. On January 19, J. S. Lamb was named to succeed P. H. McCurren as State Highway Commissioner. When the appointment was made, the Highway Commissioner owed the Bank of North Dakota $600,000. In announcing Lamb's appointment, Moses declared, "what the highway department needs now is a business management."

When Moses assumed office, the State Mill and Elevator was in a desperate financial condition. During the period from March 16, 1935, to December 31, 1938, this State Institution suffered a depletion of operating capital of $1,278,434.02.

In his message to the Legislature, Governor Moses had declared:

I am of the opinion that the management of the Mill and Elevator must be divorced from partisan politics in order to make this industry serve the State without ever-mounting expense to

the taxpayers. To that end, I respectfully recommend that legislation be passed establishing a non-political Board of Management, to consist of three persons. Legislation along those lines was introduced in the Session. The Senate passed it, but the House rejected it. The Legislature adjourned and the Mill and Elevator continued to lose money. In the last month of the Langer Administration, Owen T. Owen, a young lawyer without any previous business experience, was appointed by the State Industrial Commission as Manager. For the next seven months Governor Moses tried to get the other two members of the Industrial Commission to place the control of the Mill and Elevator in the hands of a Manager who would eliminate politics and put the industry on a sound business basis. The other two members of the Commission—Math Dahl, Commissioner of Agriculture and Labor, and Attorney General Alvin C. Strutz—refused to cooperate. Finally Commissioner of Agriculture and Labor Dahl decided to vote with Governor Moses to bring about a change. The following account is taken from the Minutes of the Industrial Commission:

Governor Moses moved that the Manager of the State Mill and Elevator, Owen T. Owen, be removed and dismissed forthwith...Commissioner of Agriculture and Labor Math Dahl seconded the motion. Governor Moses voted aye; Commissioner of Agriculture and Labor Math Dahl voted aye;

Attorney General Alvin C. Strutz passed and
did not vote and made the following statement:
'I cannot agree with you gentlemen on this
motion. I agree that the statement of Mr. Owen
to the press was largely incorrect and detri-
mental to the Mill in the light of facts and
figures given us by the Mill, but I feel Mr.
Owen was acting in good faith and in the best
interests of the Mill as he saw it. I there-
fore cannot vote for the motion.'

Manager Owen was therefore removed by a majority vote of
the three-man Industrial Commission. Robert M. Stangler, a former
Manager of the Bank of North Dakota, was engaged as Manager. He
assumed office on August 1, 1939. In the next five months the Mill
showed a net profit of $201,491.92. In the month of December, 1938,
during Langer's Administration and with Owen as Manager, the Mill
and Elevator had 267 employees and manufactured 22,142 barrels of
flour. During the same month in 1939 under the new administration
and management the number of employees had been reduced to 179,
but the Mill manufactured 42,087 barrels of flour.

During Langer's administration the malignant growth of
politics had attached itself even to the schools. The Board of
Administration summarily dismissed seven members of the staff of the
North Dakota Agricultural College, on July 29, 1937. Some of these
had been on the staff of the college as long as thirty-three years.
After an investigation by the North Central Association of Colleges,

134. Official excerpt of "Minutes of the Industrial
Commission," Moses Papers.

Papers.
the North Dakota State Agricultural College was dropped from the accredited list.

In the June election, 1938, the voters approved an initiated measure establishing a non-political Board of Higher Education. The institutions of higher learning remained, however, under the supervision of the State Board of Administration until July 1, 1939; the date when the newly created Board of Higher Education took over. On February 23, 1939, Governor Moses publicly ordered Dr. Eversull of the Agricultural College to proceed with a petition requesting reinstatement of the Agricultural College in the Association. This intervention by the Governor came only after the Board of Administration had refused President Eversull authority to petition. In requesting President Eversull to petition, Governor Moses also declared that he personally would go Chicago to present the application for reinstatement. Before the plea was made, two members of the Board of Administration were removed, and the Acting Board of Administration passed a resolution, March 23, clearing the names of the seven members of the staff, also recommending that they be given consideration for re-employment. On the same day a committee from the North Central Association of Colleges and Secondary Schools investigated conditions at the Agricultural College. Five days later Dr. Eversull and Governor Moses appeared before the Board of Review of the North Central Association to renew the plea for reinstatement. On March 30 the North Dakota Agricultural College was

137. Ibid.
138. Suora, 114.
returned to the accredited list. In commenting on the change which had taken place, Governor Moses declared, "It marks an era when state employees wanting to contribute to various causes may do so but we have come to an end of forced contributions and 'political racketeering.'"

Each passing day marked the solution of another important problem. Peace and harmony returned to the affairs of the State. The newly appointed Board of Higher Education, which became operative July 1, 1939, clearly defined its policy when it passed a resolution stating: "It will be the plan and purpose of the State Board of Higher Education to clearly and definitely divorce the institutions of higher learning from so-called 'political' domination or interference."

When Moses assumed office thirty-six per cent or 243,000 of the people were on relief. Not only were the people in dire financial need, but by April, fifteen counties were on the verge of financial crisis and an equal number were rapidly approaching the same condition. The situation was equally critical with the school districts, one third of which were already depending on state aid to keep schools open and functioning in their task. Financially the state, which had assumed many of the obligations formerly carried by the subdivisions, was in a condition but little better. Never before in its history had North Dakota approached a situation more serious.

140. Bismarck Tribune, March 31, 1939.
141. In file with "Data on Agricultural College",
Moses Papers.
143. Grand Forks Herald, April 22, 1939.
144. Bismarck Tribune, April 14, 1939.
145. Supra, Chapter I, Part 2.
After two relief meetings with county officials, Governor Moses decided to take the state's problem to the Federal Government. This action was taken after it became certain that the financial conditions of the counties would not permit added relief loads. At the same time he appealed to the county governments to cut the frills; and called upon every state office to economize. As an example of what could be done he cited the State Highway Department, which had 262 fewer employees than a year ago, which meant a monthly saving to the state of $36,371.39.

Much of the financial crisis could be attributed to factors largely beyond the control of anyone, namely; crop failures and ruinously low prices for agricultural products. The more immediate blame for the crisis rested, however, with the Legislature which had appropriated about $18,500,000, but had failed to pass legislation to raise that sum. A deficit of $2,500,000 was foreseen.

It looked as if a special session of the Legislature would be necessary to balance the budget. Governor Moses considered calling the law-makers back into special session when the regular session had been completed; but, with the House determined to force through added taxes to pay the forty-dollar-a-month pension and with the Senate equally determined to keep down expenditures, there was little hope that anything but another deadlock would result. After the admittedly untried gross income transactions tax, the pet measure of a determined House majority, had been overwhelmingly rejected in the special election in July, the possibilities of

146. Grand Forks Herald, April 20, 1939.
147. Ibid., April 30, 1939.
149. "Memorandum, Moses to A.J. Klaudt, Auditing Department, September 18, 1940," Moses Papers.
getting a working agreement through a special session seemed bright. The demand, largely from political opponents of the Governor, for a special session increased. Political observers agreed that if a special session were called the Governor would probably have been criticized most severely, because many people felt that a special session, composed of the same members as the regular, would be unable to accomplish very much, but on the other hand the people also realized that something had to be done soon. Two possible avenues of solution could be presented by the Governor to a special session: either taxes had to be increased or expenses cut if the budget were to be balanced. Increased taxation as far as Governor Moses was concerned was out:

Looking at the ever-mounting North Dakota tax burden I could not in good conscience and in justice to the taxpayers go before the Legislature in special session and say that you must increase taxes. We can't tax to death. We can't pile taxes on top of taxes.

The other alternative was cutting expenses, but how was this to be done? Could the Legislature do it? Could the Governor do it?

Feeling as I did that I would have to oppose extra taxation, there was only one thing left, and that was cutting expenses. And if the Legislature could do that, why couldn't I, as Governor, cut those expenses?

151. The Steele Ozone, November 2, 1939.
152. "Memorandum, Moses to Klauft," Moses Papers.
153. Ibid.
Faced with this situation, Governor Moses hit upon what proved to be a master political stroke. After spending six or eight weeks working with people at the head of the Departments, elected State officials in some cases, and the heads of State Institutions, the Governor issued a public order directing officials and Departments where he had the appointing power to reduce their expenditures by eighteen per cent. At the same time he called on other state officers to do likewise. Public support rallied to him and every Department except three did as he had directed. Some, unable to resist the public pressure, did so only reluctantly. The three Departments which refused flatly to cooperate, the Governor's pleadings and public pressure notwithstanding, were all headed by incorrigible Nonpartisan League political enemies of the Governor.

The economy program was placed in operation December 1, 1939, allowing nineteen remaining months in the biennium in which to effect the economies promised. Complete success marked the program, a special session was averted and Moses was hailed as a master statesman.

Nature also came to the assistance of the Governor. The long period of drought and crop failures finally came to an end in 1939. North Dakota was on her way back.

The man who gave up farming in North Dakota to seek an uncertain livelihood in the West would shed crocodile tears were he to return to North Dakota today to view the wonderful fields of grain, fat cattle in lush pastures, and the beautiful gardens that are

154."Memorandum, Moses to Klaudt," Moses Papers; Bismarck Tribune, March 3, 1945. The three Departments which refused to cooperate were the Insurance Department, Attorney-General's Department and the Board of Rail-Road Commissioners.
growing everywhere....

The Dickinson Press believes that North Dakota is well on her way back to prosperity.

During the year of 1939 North Dakota observed her Golden Jubilee. On May 14, Governor Moses issued a proclamation designating the period June 1 to November 2, 1939, as a time for observing fifty years of statehood. In an Admission Day Program, November 2, 1939, after having briefly paid tribute to "those splendid men and women who found North Dakota a virgin prairie and built a great commonwealth," the Governor urged his listeners:

May we, with hearts full of gratitude to the pioneers, to the builders of North Dakota, rededicate our lives to the future welfare of the state. Our territorial pioneers had faith in North Dakota. May it be given us to keep that faith. Governor Moses was a candidate to succeed himself in the 1940 elections. He based his hopes and campaign for re-election on his record. In his opening address of the campaign he declared:

I hope to be able...through the media of the radio and platform, to place squarely before the people of North Dakota the record that has been made. I want you to know that record. You are entitled to know it, for it is upon that record and upon my sincere belief that further economies can be accomplished, greater savings can be made, and a higher degree

of efficiency attained, that I base my candidancy for re-election.

No, citizens of North Dakota, my administration has not been spectacular. But the record is the best indication of whether or not this administration has been effective. And I think what you taxpayers wanted was results — not headlines.

I think what you taxpayers wanted was economy — not reckless spending. I think what you taxpayers wanted was peace and harmony — not purges and rule by National Guard.

The Republican nominee was Jack A. Patterson, affiliated with the Nonpartisan League and incumbent Lieutenant-Governor. The gubernatorial race, however, was pushed into the background by the presidential campaign in which President Roosevelt, defying tradition, was seeking re-election for a third term; and also by the torrid three-cornered senatorial race. As far as Moses' candidacy was concerned, the presidential election was of far more consequence. Whether or not Moses was either whole-heartedly for or against Roosevelt seeking a third term was kept to his own counsel. Political considerations dictated silence. Although various Democratic party officials of the State forecast that the State would vote for the re-election of Roosevelt, the strong anti-third-term sentiment could not be ignored. The Napoleon Homestead put its finger on the


158. The three principals were, Langer, the Republican nominee; William Lemke, successful in his bid for nomination for re-election as a Representative, but now an independent candidate in the Senatorial race; and C.J. Vogel, the Democratic candidate.

159. Bismarck Tribune: October 28, 1940.
political pulse and commented pertinently and succinctly:

Have you noticed that two Democratic headquarters are being set up, one at Fargo for the national ticket and one at Bismarck for the state ticket? The reason is obvious: the Moses campaign will be handled in such manner as to not intimidate the thousands of Republican voters whose support Moses will need if he is to be re-elected. Speaking here Monday Governor Moses did not dwell on national issues, stating that they could be heard over the radio or read in the newspapers.

This observation made in the beginning of the campaign was made a challenge in the final days by his Republican opponent. Noting that Governor Moses had endorsed the platform as adopted by the Democratic convention but since then had not stated publicly whom he was supporting, Patterson challenged Moses to tell the people whether he was supporting Wilkie or Roosevelt. At the same time he also challenged Moses to let the people know whether he was supporting Vogel, the Democratic nominee, or Langer, or Lemke in the senate race.

Under the circumstances the only sensible course for Moses to follow was silence. His own campaign was based on the contrast between his Administration and that of his predecessor. In so doing he unavoidably helped Lemke. To do anything else would have left his whole campaign pointless.

160. Napoleon Homestead, October 4, 1940.
162. Bismarck Tribune, October 22, 1940.
Newspapers, both daily and weekly, were under no such limiting factors and generally supported Moses, the Republican presidential candidate Wilkie, and whomever of the senatorial candidates they favored. Although there was no formal coalition of Democrats and Republicans; "Moses For Governor" clubs, composed of leading Republicans and Democrats, existed in almost every city, town and community.

That the people of North Dakota were satisfied with the record Moses had made was clearly indicated by the overwhelming vote given him on election day, November 5, 1940. Moses received 173,378 votes while 101,387 votes went to his opponent. Never before in the history of the State had any candidate for any political office in the State of North Dakota been given so large a majority. In the same election, no other candidate on the Democratic ticket was elected. Wilkie carried the State by a majority of 30,554 over the President, although Roosevelt had carried the State in 1936 and in 1932 by overwhelming majorities.

Fortunately a coalition of Democrats, conservative Republicans, and Nonpartisan League Republicans friendly to Moses, controlled both the Senate and the House in the new Legislature. The session was marked with less bitterness, less bickering and less politics; and more hard, serious work than had been in evidence in many years.

With the beginning of the return to prosperity, the financial condition of the State improved. Spurred by a five percent discount on current real estate taxes and a waiver of penalty

163. Grand Forks Herald, October 11, 1940.
164. Compilation of Election Returns.
165. Letter, Moses to N. W. Renning, Minneapolis, Minnesota, April 17, 1941.
and interest on delinquent 1927 and prior levies, the taxpayers paid. The relief rolls became shorter, school districts and counties were able again to assume their proper financial obligations. During the last month of 1939 and the first month of 1940, North Dakota showed the greatest percentage of business gains of any state in the Ninth Federal Reserve District. North Dakota had not yet regained its former position, but economy, order, and honesty in the administration of State affairs encouraged financial recovery.

There was nothing spectacular, nothing dramatic about Moses's second term. The State government was conducted on the principles of Grover Cleveland, that a public office is a public trust, and must be regarded and respected as such. All public officials were expected to give a hundred cents' worth of service for every dollar of public money spent. Public servants were expected to obey not only the letter of the law but also the spirit. When Attorney General Alvin C. Strutz informed the Governor that Motor Vehicle Registrar B. E. Robinson had, contrary to law, purchased materials and supplies from his own concern, Moses directed Strutz to institute proceedings.

"I shall want the law to take its course; I, therefore, call upon you, as Attorney General,

186. Both of these tax relief measures had been passed by the 1939 Legislature. The first Act provided for a five per cent discount on real estate taxes if they were paid before the deadline; the Contract Settlement of Delinquent Taxes Act removed all penalties and interest, provided the delinquent taxes of 1927 and prior were paid before March 1, 1940. Laws Passed at the Twenty-Sixth Session, 1939, 380, 332; Dickinson Press, February 15, 1940.

187. Ibid., February 15, 1940.

188. Both of these principles frequently appear in speeches made by Moses.
to institute such criminal proceedings as the occasion warrants.

I am opposed to practices which not only violate the statutes, but to practices which violate the spirit of the laws of the state. If the Motor Vehicle Registrar has committed a misdemeanor as you state, and if he is convicted thereof, I shall request the Highway Commissioner, Mr. J. S. Lamb, whose appointee Mr. Robinson is, to ask for his resignation.

Before the first year of Moses' second term came to a close, the United States was engaged in World War II. A year before the United States became a belligerent, Moses went to Washington to promote defense industries for North Dakota. "At last we will offer North Dakota's natural resources for national defense and, at the same time, give the federal government a chance to do something for our state," declared Governor Moses.

In the middle of April, 1941, Moses, in replying to the question what he had in mind for the future, answered, "As to the future, that is in God's hands. I hope to be able to continue to work for the best interests of the people of the State during the coming two years." Before those two years had passed he had been re-elected to serve another term.

Although Republican votes had elected him in both 1933 and 1940, in 1943 he was elected on a coalition ticket. This coalition was formally accomplished in August, 1942. On the Demo-

169. Bismarck Tribune, November 17, 1941.
170. Ibid., November 19, 1940.
171. Letter: Moses to Henning, April 17, 1941, Moses Papers.
ocratic ticket were four Democrats and five Republicans. Even with this combined effort of Democrats and conservative Republicans, Moses polled only 101,290 votes, while his Republican (Nonpartisan League) opponent, Oscar W. Hagen, received 74,577. While this 26,813 vote majority was substantial, it was not comparable with that of two years earlier. Only twice before in the history of the State had the voters honored a man by electing him three times a governor. Moses was the third man to be so honored and the second Democrat.

Elected with Governor Moses on the coalition ticket were Henry Holt as Lieutenant-Governor and Thomas Hall as Secretary of State. Holt was a Democrat, Hall a Republican.

In his message to the 1943 Legislature, Moses gave an account of his "stewardship", not only of the past two years, but of his four years of administration. The net funded debt of the State had been decreased from $23,525,117.97, December 31, 1938, to $15,270,248.32, December 31, 1942. In addition to this decrease there was a net balance in the General Fund as of December 31, 1942, of $4,469,283.00. He attributed this "pleasant situation" to two factors: first and most important, was the greatly increased income of the people of North Dakota; second, the State government had conserved the hard-earned tax money of the people. It had

173. Compilation of Election Returns.
174. The others were John Burke (D.) and Lynn J. Frazier, but the latter was recalled from office early in his third term. North Dakota Blue Book, 155.
175. Compilation of Election Returns. Hall was the second Democratic Lieutenant-Governor in the history of the State. Elmer D. Wallace, elected in 1892, was the other one. North Dakota Blue Book, 155.
been careful in its spending. It had seen no reason why, just because there was money on hand, it should be wastefully spent.

Much of the message was devoted to the war and its impact on the State. The Legislature was urged to provide for the day when the men and women in service would return.

A considerable portion of the message dealt with the reorganization of the state government. In the previous session provision had been made for a Governmental Survey Commission, which was charged with presenting a plan for modernizing the government of the State. That Commission had finished its work and a detailed report would be presented to the Legislature. Moses considered the governmental organization as a hodgepodge, built up through the years, one in which it was difficult for the people to fix responsibility.

In order to lend special emphasis to his request for reorganization, he announced:

I have no intention of ever becoming a candidate for governor of North Dakota again. Hence what I say on this subject is said on behalf of the people and of whoever succeeds me in office. And who that man will be I have no better means of knowing than have any of you.

The policies inaugurated and pursued during the first and second term were continued during the third term. For the first time in many years the state government did not have to concern

176. Moses, Message to the Legislature, Twenty-eighth Legislative Assembly of the State of North Dakota 1943, 6.
177. Ibid., references throughout the Message.
178. Ibid., 20-23.
179. Ibid., 22.
itself with emergency after emergency. Problems did however arise, but they were concomitants of the war effort and not peculiar alone to North Dakota.

Firmly believing that the right of the franchise was the foundation stone of free government and true democracy, Governor Moses asked the Twenty-eighth Legislative Assembly to meet in extraordinary session to consider and to enact legislation which would give the men and women in the service every possible opportunity to vote in the coming elections.

With the extra-ordinary session out of the way, Moses plunged into the important Missouri River Basin Project fight. Congress was debating legislation for the development of this vast region and with so many States concerned there was the unavoidable conflict of interests. During the six months period from March to September, he devoted more than half of his time protecting North Dakota's interests.

In 1933 the people of North Dakota had turned to John Moses to correct a situation in the State Capitol which displeased them. They had re-elected him and re-elected him. He had worked for the best interests of the State as Governor for six years. When he retired as Governor in 1945 to assume his duties as a Senator, peace, harmony and confidence had been restored to State government.

180. Moses, "Message to the Legislature, Extra-ordinary Session March 20, 1944," 1-5. It might be noted that Governor Moses recommended "that the voting age of all citizens now in the armed services otherwise qualified to vote at any election in this State be reduced from 21 years to 18 years for the duration of the war and for one year thereafter. 7-8.

181. It is entirely beyond the scope of the present work to go into detail on this topic. Hundreds of letters were written, and a multitude of pages were filled with the proceedings of conferences and hearings, both national and state. An extensive file on this topic can be found in the Moses Papers. An equally extensive file is in the reference files of the Bismarck Tribune.

182. Bismarck Tribune, March 5, 1945.
Chapter IV

John Moses, United States Senator

In response to an inquiry from Harold D. Shaft, who had been given the assignment of compiling a short biography "of one John Moses for Sigma Nu Delta," Governor Moses replied, November 13, 1942:

No, I don't think that I shall have to burden you and the rest of the fellows with re-electing me as Governor forever. At present I have no plans and very few ambition [sic], (except that of being a Judge of the Supreme Court of North Dakota, owing to the splendid health of our present Judges, owing further to the fact that they have no opposition when they run for re-election, and owing to the fact that they are apparently all going to run for re-election, that is an ambition that is destined not to be gratified. Further it's a most secret ambition.) As things look now, I think I shall go to work to support my family after I am through serving the next term as Governor.

This decision not to seek a fourth term was made public by Governor Moses in his 1943 message to the Legislative Assembly. Although he had eliminated himself as a candidate in future gubernatorial contests, he had not removed himself entirely from the political scene. Actually his desires at the time were to retire from politics upon completion of his third term and then challenge

1. Letter: Harold D. Shaft to Governor Moses, November 13, 1942, Moses Papers.
2. Ibid., November 18, 1942.
3. Supra, Chapter III p. 132.
Langer for the United States Senate in the 1946 election. These hopes, however, were destined not to be realized.

During the final months of 1943 and the initial month of 1944, Moses became the pivotal figure of a many-faceted and long-range plan. The immediate objective of the proposed arrangement was to grant Moses a commission in the United States Army and elevate him to the post of Administrator of the Scandinavian Countries in Europe when they should be liberated from the Nazi yoke. A concomitant of this would have been the elevation of Lieutenant-Governor Henry Holt to the position of Acting Governor. The ultimate goal of this master design was to put Holt into the Governor's chair by election and eventually Moses into the United States Senate.

So that the plan in all its ramifications might succeed,

4. Memorandum: Moses to D.G. Kelly, Democratic National Committeeman, Grand Forks, N. Dak, n. d. Moses Papers. (Note: From related material it is possible to establish the last part of January, 1944, as the date).

5. The material concerning this matter is found in an extensive exchange of letters. The principals involved were Governor Moses; Ambrose O'Connell, Executive Vice-Chairman, Democratic National Committee, Washington, D.C.; D. G. Kelly, Democratic National Committeeman, Grand Forks, North Dakota; Herbert H. Lehman, Director General, United Nations Relief and Rehabilitation Administration, Washington, D.C.; and Frank Walker, Chairman, Democratic National Committee, Washington, D.C. The correspondence extends from October 2, 1943, to January 31, 1944. All the letters as in the Moses Papers.

6. All references related to the senatorial question are rather indefinite and vague. Apparently, however, Moses was to make his bid in 1946. Correspondence dated after Holt's condition became known seems to indicate that the understanding all along was that 1944 was the year.
the "call" from President Roosevelt to Governor Moses was to come as early as possible. In order to enhance Holt's chances in the election, he was to serve as much as possible of the unexpired term of Moses. Then also at the crucial moment of the campaign, Administrator Moses was to be granted a leave-of-absence so that he could be on hand to bolster Holt's stock especially with the Scandinavian voters of the State.

All details had finally been completed, Moses had been alerted to report to Washington within thirty days; but then death took a hand. When these arrangements were started, Holt apparently was in the best of health; but when he submitted, in a rather casual way, to a medical check-up, the examination revealed a cancerous condition. When the day came on which Moses was to resign the governorship and turn it over to him, Holt was a dying man barely able to speak above a whisper.

Moses decided that he would have to serve as Governor for the remainder of his term. Of course, he could have appointed another lieutenant-governor and then have resigned in favor of him; but: "it is one thing to resign and turn the office over to a lieutenant-governor elected by the people, and it is quite another matter to resign in favor of a lieutenant-governor appointed by me [Moses]."

Undaunted by this stroke of fate which worked havoc with the entire proposals, the plan to raise Moses to the United States

7. Holt had taken his wife to Rochester for a medical check-up and while there he himself rather casually submitted to an examination.
9. Ibid.
Senate was continued. That he was not too anxious to go to the United States Senate immediately upon the completion of his third gubernatorial term was no secret to those who had to persuade him. In the latter part of January, 1944, he made his position quite clear to Kelly, who served in the capacity of go-between for the Governor, the President, and other national Democratic leaders:

As you know, I am not now, nor have I ever been anxious to be a candidate for the United States Senate this year. I had hoped to be a candidate for the Senate against Mr. Langer in 1946 and I believe that my chances for election at that time were or would be vastly superior to my chances this [year].... Nevertheless, and in order to render such assistance to the President as I can this year, I have agreed to forego my own wishes and desires and become a candidate 11 for the Senate at this time.

Several weeks later, although he had definitely consented to be drafted, Moses was even more emphatic:

Now then, as you know I have no personal desire to go to Washington....I hate and detest the damn place of Washington. I don't like it and I don't care who knows it.... But - if I have to undertake this assignment I am going to make damn sure, and make it damn plain, that I am not getting my fingers burned. I am not going

11. Memorandum: Moses to Kelly, Moses Papers.
into it unless my eyes are both wide open, and I see
right before me the thing that has got to be there.
In fact, Moses had predicted his willingness to be a can-
didate on a number of conditions. In a letter to Kelly, who was
scheduled for a trip to Washington, Moses insisted:

1. Get the Governor to be a candidate.
That is Washington's job, and I think you know what
the future implications of that request would be. I don't want the situation to develop in
such a way that the candidate is going to be
just another candidate after election.

2. Get the money on the line.

3. Get definite assurance that Nye's
record, in the Senate and on the platform and
otherwise will be made completely available,
and, better yet, get us assurances of an able
pen to handle the Nye record from time to time.

The "Implications" referred to under number one were a
definite commitment from President Roosevelt in the event Moses
should fail to be elected, he would receive suitable recognition
from the President. Suitable recognition meant a judgeship in the
United States Circuit Court or some position with the United
Nations Relief and Rehabilitation Organization in the Scandinavian
Countries.

All of this maneuvering was diligently kept from the pub-
lic. All inquiries concerning his availability were honored with

12. Letter: Moses to Kelly, March 10, 1944, Moses Papers.
13. Ibid., January 15, 1944.
substantially the same vague but encouraging answer.

"...the matter of my personal candidacy is one that at least should not go any further than the discussion stage at this time. I want to be very sure before I consider anything, that the people in North Dakota want me. I have no ambition to spend the next six years in Washington unless people in North Dakota feel that I can do a better job there than elsewhere.

On April 5, 1944, the same thought was reiterated:

With reference to the political situation here in North Dakota, I can only say that the Democratic State Convention will be held on the 13th of April....However, I have never run away from a fight yet, and if the Convention insists on me being a candidate, I shall probably have to accept it.

Operating in an atmosphere of optimism and harmony, the Democratic State Convention unanimously tendered Moses the Senatorial nomination. Not only were the delegates in complete accord on the Moses endorsement, but the same spirit prevailed in naming the other candidates. In little less than two hours, a full slate of nominees had been named.

By this time the Republicans were already engaged in a

16. Letter: Moses to Mr. John Gordner, Peterson, Minnesota, April 5, 1944, Moses Papers.
17. Grand Forks Herald, April 13, 1944.
political battle which in bitterness rivaled all earlier factional strife. At its state convention the Nonpartisan League endorsed Congressman Usher L. Burdick for the senatorial seat held by Nye. This endorsement did not come without opposition from the supporters of Nye, who received nineteen votes—an amazing show of strength.

After heated debates at this convention, the Republican State Organizing Committee abandoned one of its cardinal principles by endorsing congressional candidates. The senatorial nomination went to Nye. Much of the opposition to Nye's endorsement stemmed from the fact that Lynn U. Stambaugh, Fargo attorney and former National Commander of the American Legion, had earlier announced his independent candidacy. In this he had been guided by the established policy of the Republican State Organizing Committee, which previously had endorsed only candidates for state offices. Rumors, widely circulated, that Senator Langer had induced him to seek the nomination, were vigorously denied by Stambaugh. Unnoticed in the thick of the campaign was the candidacy of the perennial seeker of some office or other, Townley. It was openly charged that his candidacy was instigated and financed by the Nye supporters, who hoped that Burdick would thereby be deprived of some votes.

With no contests on the Democratic side in the June primary, the political arena was the exclusive property of the Repub-

18. Grand Forks Herald, March 9, 1944.
19. Ibid., March 11, 1944, March 12, 1944.
20. Ibid., March 18, 1944.
21. Ibid., March 11, 1944.
22. Ibid., March 18, 1944.
23. Ibid., March 18, 1944.
licans. Political analysts gave the nod to Burdick, not only because he could count on fairly solid League backing, but also because he would be the beneficiary of the split in the conservative vote between Nye and Stambaugh.

In their calculations these analysts however failed to take into consideration two unpredictable and uncontrollable factors - the weather and the Democrats. Both of them took a hand and the results of the primary were most unusual even for North Dakota, where the unusual in politics was the rule.

As the votes came in, Stambaugh took an early lead and was still leading Nye with only four hundred precincts missing. Burdick was trailing quite badly. By the time the last precinct was counted, however, Stambaugh had lost his lead, Nye had moved out in front, and while Burdick gained very substantially, it was not enough to overcome either Nye or Stambaugh. The rain had defeated Burdick. The Democrats had made possible Stambaugh's large vote.

An extremely heavy rain in western North Dakota, Non-partisan League and Burdick strongholds, the day before election, and in some communities on election day, resulted in an exceedingly light vote in these precincts. Everybody, including the Nye supporters, conceded that had it not been for the rain, Burdick would have been nominated by a very small majority.

Even without a contest the Democratic primary vote normally had been 25,000 to 35,000 votes but in this primary it skidded to a low of 14,650 votes. The Democrats once again had been unable

26. Ibid., June 29, 1944; Letter: Moses to O'Mahoney, July 1, 1944, Moses Papers.
27. Ibid.
to resist the temptation to become involved in the Republican fight. Most Democratic leaders concluded that many of the wayward party members cast their vote for Burdick as the candidate most likely to defeat Nye, or, if Stambaugh's vote was any index, the majority voted for him because it gave them an opportunity to vote against Nye.

With a margin of only 893 votes, Nye's nomination was not certain until July 27, when the State Canvassing Board revealed the official count. The uncertainty was due to the fact that many absent-voters' ballots had not been returned by election day. According to the law, however, these ballots had to be counted if they were voted before or on election day. Those absent-voters' ballots that had been returned had been preponderantly in favor of Stambaugh. With an estimated 3,000 or 4,000 ballots still out, the odds for Stambaugh looked good. Nye, however, clung to his small margin with the final count: Nye, 38,191; Stambaugh, 37,319; Burdick, 35,681; and Townley, 1,300.

The 1939 Legislative Assembly passed a law which made it impossible for a candidate defeated in the primary election to seek the same state office in the ensuing general election. Not affected by the law were candidates for national office and so, almost immediately after the results of the primary had been officially confirmed, rumors circulated that Stambaugh would again enter the senatorial race in the general election and so also would Burdick.

28. Letter: Moses to O'Mahoney, July 1, 1944, Moses Papers.
29. Ibid.
31. Laws Passed at the Twenty-Sixth Session of the Legislative Assembly of the State of North Dakota (1939), 317.
if the Nonpartisan League gave its blessing.

The situation, as it was developing, was not at all in accord with the desires of the guiding hand of the Nonpartisan League, Senator Langer. Langer labored mightily to induce Stambaugh to enter the general election by holding out to him and his followers large and glittering promises of the support of the Nonpartisan League. In a grandiloquent statement on July 28, Stambaugh declared that he was giving the appeals of his many friends "earnest and prayerful consideration." On August 12, he announced that he was a candidate.

Senator Langer and his supporters next maneuvered a special State Convention of the Nonpartisan League. With Stambaugh in the field, the League did not endorse Burdick, or anyone else, for the senatorial race, but tendered him the gubernatorial endorsement which he refused to accept.

Moses had been confident that he could defeat Nye in a two-way race. The feeling against Nye among large segments of the Republican party was so bitter that many who would not have thought of voting for a Democrat for national office would, in a race between Moses and Nye, have supported Moses. With Stambaugh in the race the possibility existed that much of this support would go to him.

Because of Nye's wide prominence as a leading isolationist

32. Grand Forks Herald, July 9, July 29, August 12, 1944.
33. Letter: Moses to O'Mahoney, August 22, 1944, Moses Papers.
34. Grand Forks Herald, July 29, 1944.
35. Ibid., August 13, 1944.
36. Letter: Moses to O'Mahoney, August 22, 1944, Moses Papers.
37. Grand Forks Herald, August 27, 1944.
38. Letter: Moses to O'Mahoney, August 22, 1944, Moses Papers.
and bitter opponent of President Roosevelt, the North Dakota senatorial race was of more than state-wide interest. In a Senate Campaign Expenditures Committee hearing, Joseph B. Keenan, former Assistant United States Attorney-General, told the members that he regarded Nye as "a man with dangerous political views" and hoped that he would be defeated in the fall election. Time magazine referred to him as "Sly, slick Senator Nye" and hoped for his defeat. On the other side was the Chicago Tribune, which defended him just as devoutly as others damned him.

In preparation for the strenuous fall campaign which Moses realized would have to be waged, he went to Rochester for a physical check-up. The medical examination revealed a condition, which in the opinion of the doctors, required an immediate operation and prolonged X-ray treatment. The abdominal operation was performed on September 12. Immediately his opponents, especially Nye and his supporters, started a whispering campaign - 'I understand that you are a friend of the Governor and his supporter, but it is well known that the Governor will never live to take his seat in Washington even if he is elected.' Official denials and announcements that Moses would not only live, but would be permanently cured, did not stop the ugly rumors. Their persistence prompted Moses to write:

39. Bismarck Tribune, September 27, 1944.
41. Grand Forks Herald, August 6, 1944.
42. "A campaign against Nye is going to be a damn tough, disagreeable and dirty campaign," Letter: Moses to Kelly, January 15, 1944, Moses Papers.
44. Letter: Moses to Mr. R. A. H. Brandt, President North Dakota Reclamation Association, Minot, North Dakota, October 11, 1944, Moses Papers.
When I return to North Dakota I will have an apology to make - it will be an apology to Senator Nye for my failure to accommodate him. The Senator has been exceedingly busy during the past several weeks, as a matter of fact, he and his supporters have been busy since my operation was performed here at Rochester five weeks ago, predicting my immediate and sudden demise....I shall assure the Senator when I return, that his statements are based on wishful thinking and I think....that no matter what basis the next senator is chosen on, it shall not be on the basis of my obliging Senator Nye.

Moses was released from the hospital just in time to climax the campaign with six radio speeches delivered personally. In these addresses he stated without equivocation that he supported presidential candidate Roosevelt for a fourth term because he was convinced that the "fate of America was in better hands in the hands of the President, than in the hands of a new man, wholly inexperienced in world affairs, wholly inexperienced in the handling of the war."

Diametrically opposed to the position taken by Nye, Moses called for United States participation in some world organization. "The folly of 1918 isolationism at home, appeasement abroad must

46. During his absence his friends campaigned for him.
47. Moses, "Memorandum on Proposed Address 1944".
cease. America must not shirk her responsible place in upholding
the peace once it has been written."

While emphasizing his willingness to support President
Roosevelt if he was re-elected to serve a fourth term, Moses also
pointed to his ability to work with Republicans. And so even if
Dewey should have been elected President, Moses felt that he could
cooperate with him too.

Moses was fully aware that his election would depend on
the votes of independents and Republicans. He was also fully aware
that he would have to break North Dakota's absolute rule of never
sending a Democrat to the Senate or the House by popular vote.
Moses was certain that many Republicans who voted for him as Gover-
nor would draw the line when it came to the senatorial race.

In one last desperate move to defeat Moses the Republican
camp spread the report that he was a very sick man and would quit
the race three days before election in favor of Stambaugh. Actual-
ly Moses was able to assure his friends:

My doctors tell me that I am completely
cured. I feel good, eat well and sleep well. My
strength is not quite up to par but I'm getting
that back steadily and, while I suppose it will dis-
appoint Mr. Nye and his friends, I guess I'll keep
on living for a few years yet. Those slimy cattle
have spread the reports of my death and funeral

48. Moses, "Memorandum on Proposed Address 1944."
49. Letter: Moses to Mr. W. R. Spaulding, Secretary to the
Governor, Bismarck, North Dakota, October 10, 1944, Moses Papers.
50. Letter: Moses to Kelly, March 10, 1944, Moses Papers.
51. Letter: Moses to A. B. O'Connor, St. Thomas, North
Dakota, November 3, 1944, Moses Papers.
within sixty days, all over North Dakota.

On election day the voters of North Dakota decided that the time had come to break the tradition of not sending a Democrat to the United States Senate. Moses received 95,102 votes, Nye came in second with 69,530 and Stambaugh polled 44,596. In all other contests, however, the voters of North Dakota re-affirmed their Republicanism. Not only were Republicans elected to all state offices but nationally the state was in the Dewey column by better than an 18,000 vote majority.

Political observers agreed that Moses was the beneficiary of the rift in the Republican ranks. It was also generally agreed that he was elected on the basis of his record as governor and because the people agreed with his stand on international affairs, which he made the chief issue of his campaign.

Senator Moses took the oath of office on January 3, 1945. Fifteen days later he was again a patient at a Rochester, Minnesota, hospital. Death, due to a stomach condition made worse by an attack of pleurisy, came on March 3, 1945.

Perhaps no better conclusion can be written than an editorial which appeared in the Bismarck Tribune, March 5, 1945:

Milestone In History

John Moses, who died Saturday at Rochester, Minn., was a milestone in the economic and political history of North Dakota.

His career, more than any other of our time, marked a

52. Letter: Moses to A.R. O'Conner, St. Thomas, North Dakota, November 2, 1944, Moses Papers.
55. Ibid., March 3, 1945; The Hazen Star, March 8, 1945.
transition from partisan political thinking to emphasis on state-
manship and good citizenship and there is nothing now in sight
to indicate that the trend soon will be reversed.

Through John Moses, political independents came to a
realization of their strength as compared with party machines and
they are not soon likely to relinquish the reins of power in North
Dakota. It was the independents who, continuing the trend es-
tablished with the three elections of John Moses as governor,
brought the present state administration to power. The fact that
Moses was a Democrat and the present officeholders are Republicans
only emphasizes the new attitude of the North Dakota electorate,
for Moses, a Democrat, was elected senator at the same time.

It is incorrect to say that John Moses changed North
Dakota from isolationism in world affairs to a position of aggres-
sive internationalism. It is true that he, more than any other
man, typified that change for that was the issue upon which he
was elected to the Senate.

John Moses marked an economic milestone in the history of
this state because he, more than any other leader of prominence,
looked toward the future to see what North Dakota could be if its
resources were utilized. He envisioned the use of its water in a
vast irrigation program which would make homes and business for
thousands and his single achievement probably was his marshaling
the West in the battle to secure the water of the Missouri river
for irrigation and related purposes. Generations yet unborn will
call him blessed because of his vision and energy in this contest.
This victory, more than anything else which has occurred since
North Dakota became a state, insures our economic future.
As a statesman - and he is one of the few men in the history of North Dakota to really deserve this designation - he was sometimes brilliant and always sound. He brought to the governor's chair the same standard of ethics which guided him in private life. And he found it adequate. He was honest, truthful, careful. He believed in the right of the people to rule and always he placed the interests of the whole people above the few who might seek special favors.

His test of any issue and his first thought in making any decision was: "What is best for North Dakota?" When he had that answer his course was decided. The voters sensed this quality in him - and because of it they trusted him.

Despite the honors which North Dakota heaped upon him - he was the only man to go directly from the governor's office to the U.S. Senate - John Moses died without fulfilling his life-long ambition to be a judge. And thereby hangs a tale which, more than any other, depicts his character.

When Andrew Miller resigned as judge of the federal court in this state, the post was offered to John Moses, then governor. To accept it would have fulfilled an ambition which had been his since he was an immigrant youth studying law. It would have guaranteed financial independence for the remainder of his life. And financial security was something John Moses had never known, for he never achieved wealth.

56. Supra, Chapter IV, page 134.
57. By way of illustration - a P.S. to a long letter: "Give my regards to Jim, buy as many of those boxes of 6¢ cigars as you will find on the counter in the cigar shop. Roi Tan or something that will be pretty fair and after paying 15¢ for smokeable cigars for three months, my finances need an ease-down." Letter: Moses to D.C. Kelly, March 10, 1944, Moses Papers.
Self-interest urged him to accept the offer, but to do so he would have to resign as governor and turn over the executive duties to the then lieutenant-governor, with whom the people who elected him were not in agreement.

John Moses decided that to accept the judgeship under such circumstances would mark him as unfaithful to a trust. So he declined. It probably was the hardest personal decision he had to make during his six years as governor.

In his conduct of the state’s business he set a standard of efficiency, honesty, and economy which is unexcelled in North Dakota’s history. He was not parsimonious, but he did demand 100 cents in value for every dollar spent.

A modest man, he claimed only partial credit for the change in his six years as governor from near-solvency to handsome balances in every state fund.

Better times were emphasized as the main reason for this improvement. He claimed only to have conserved the public money which came into the treasury.

A deeply religious man, he never lost sight of the fact that Christianity must be practiced if it is to mean anything; that deeds are more important than words. Thus he never lost a feeling of sympathy for the poor, the down-trodden and the friendless. As governor he never forgot the struggles of the immigrant boy who came to this country 40 years ago. This quality brought him countless friends who really mourn for him.

58. The Lieutenant-Governor was Jack Patterson.
59. Similar circumstances prevented him from taking the position as Administrator of the Scandinavian Countries, Supra, Chapter IV, pp. 134-137.
But he was well aware that sentiment can be misled; that practicality has equal value with good will.

Probably no other statement of his public life more clearly enunciated the philosophy which guided him than an excerpt from his farewell address to the people of North Dakota last January [1945]. In that speech he said:

"Yet I would give you one word of caution. Sympathy and sentiment alone are not enough — and both of these worthy virtues are easily misguided. If you are to meet your obligation wisely and well, you must be rational and business-like. You must be practical as well as warm-hearted."

To say that North Dakota suffered an irreparable loss through his death is to emphasize the obvious. His character, personality, mentality and sympathy for the common man could have well served the world and nation at Washington. They could have done great things for North Dakota.

No one approaching his stature is available to take his place, regardless of political affiliation, for he was unique in
the history of this state. He was a milestone in the history of
North Dakota, a status which few men ever achieve.

Just what record Moses would have made as a senator is
open to conjecture; but that he hoped to continue to be the same
John Moses was clearly stated in a confidential letter:

You may rely on one thing when I go to
Washington and that is that I will be the same
John Moses that I have been for the last six years
as governor. As governor I have steered a course
of independent thinking and independent action.
I have not bowed to political domination (and
that cost me a running fight with the Democratic
organization for my first two terms as governor).

I prize independence of thought and
action above all things. Frankly speaking, party
ties and party obligations have always rested
lightly on my shoulders. So, while I will go to
Washington as a Democrat, I absolutely reserve
61
to myself my complete independence.

60. Bismarck Tribune, March 5, 1945.
61. Letter: Moses to Mr. J.W. Wylie, Fargo,
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