Porter James McCumber: evolution of a senator

Amy Kathleen Rieger

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PORTER JAMES MCCUMBER: EVOLUTION OF A SENATOR

by

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Bachelor of Arts, Bemidji State University, 1991

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This thesis, submitted by Amy Kathleen Rieger in partial fulfillment of the requirements for the Degree of Master of Arts from the University of North Dakota, has been read by the Faculty Advisory Committee under whom the work has been done and is hereby approved.

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This thesis meets the standards for appearance, conforms to the style and format requirements of the Graduate School of the University of North Dakota, and is hereby approved.

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To Mom and Dad,

For believing in me

when I didn’t believe in myself,

and to Keri,

My aunt, my friend
ABSTRACT

Virtually nothing has been written about the early life and career of Porter James McCumber, who served North Dakota in the United States Senate from 1899-1922. Contributing to the lack of written material about the man is the fact that there are very few sources available concerning his social and political life. He left no official papers, and therefore no clear record of his life. The purpose of this thesis, then, is to illuminate the life and times of McCumber, with a special emphasis on his career in North Dakota through his election to the Senate in 1899. I will examine who he was, what he believed, how he rose to prominence, and whether or not he was a "McKenzie Man," through the use of personal reminiscences and letters, contemporary newspapers, and general North Dakota histories.

The first chapter introduces McCumber, outlines the purpose of the paper, and describes the types of sources utilized and the problems I encountered while researching the subject.

A brief survey of the "Dakota Milieu" is examined in Chapter Two, while McCumber's early years, from his birth in Crete, Illinois in 1858 through his move west to North Dakota in 1881, are examined in Chapter Three.

Chapter Four follows McCumber from his arrival in the territory through the coming of statehood. Included in the chapter are McCumber's activities in the city of
Wahpeton, the Territorial Legislature, and the 1889 State Republican Convention in which he played such a crucial role.

The Fifth Chapter continues to examine McCumber’s activities after statehood was achieved, relating his continued involvement in the community and focusing on his feud with fellow Republican and resident of Wahpeton, William Lauder.

Chapter Six describes McCumber’s surprising and triumphant election as Senator, describing the "deal" that was struck with Alexander McKenzie and the state’s reaction.

The paper concludes in Chapter Seven with an examination of the question of whether or not McCumber was a "McKenzie Man." The chapter illustrates that though the man may have become a "McKenzie Man," he was not a puppet, especially before 1899.
CHAPTER I

INTRODUCTION

On May 18, 1933, the long and illustrious career of Porter James McCumber, North Dakota Senator from 1899 to 1922, came to an end. The Bismarck Daily Tribune eulogized him as "a young farmer lad who settled in North Dakota when it was comparatively young and unheard of politically and who, by sheer force of his ability and aggressiveness, gained prominence throughout the nation. The story of his life is the story of North Dakota politics, extending over a quarter of a century."¹ Who was this man, this "farmer lad" who attained such eminence? What type of person was he? What did he believe? How did he become so successful?

In view of McCumber's political career, surprisingly little has been written about the man, especially of his early years in the state. This is an unfortunate omission. After all, McCumber served North Dakota as Senator for over twenty years, during which time he rose in seniority to become the chairman of the Finance Committee. He was, according to his biography in the Dictionary of American Biography, "a driving and dynamic force, a hard worker, an omnivorous reader, a close student, and a clear thinker."² McCumber made a notable place for himself in history during the debates concerning the League of Nations as one of only two Republican Senators to vote for the much-maligned organization. He is considered by
many as "the father of the pure food laws." He co-authored the Fordney-McCumber tariff of 1922. In 1925, McCumber was appointed by President Coolidge to the International Joint Commission on Boundary Disputes between the United States and Canada. Yet despite these and numerous other accomplishments, history remains strangely silent about the man.

Contributing to the lack of information on McCumber is the fact that, with the exception of a set of letters written to his sister between February and November, 1931, McCumber left behind no personal papers and therefore no complete record of his life. The following attempts to address the questions posed above by illuminating the early life and career of this enigmatic person, concentrating on his rise to political prominence from his arrival in North Dakota in 1881 through his election as a United States Senator in 1899.

McCumber represents an interesting microcosm of the political and social life of early Dakota history. Like so many others, he witnessed the birth of the state, participating socially, economically, and politically. He was acquainted with many people associated with the early history of North Dakota, such as first Governor John Miller and prominent Republican politician Judson LaMoure. McCumber was an ordinary man who, like many other notable figures in the history of the state, moved west to Dakota seeking opportunity and adventure.

McCumber has often been labeled as a "McKenzie Man," referring to North Dakota's infamous political boss, Alexander McKenzie who controlled most of the state's Republican politicians. This generalization is questionable, however, especially
when McCumber's activities prior to his election as Senator in 1899 are examined. No one can deny that he worked within the framework of North Dakota politics to enhance his career and rise to the highest political levels. This framework included the McKenzie "machine" and, as he discovered in 1889, McCumber could not have succeeded politically outside its influence. Was McCumber a complete automaton at the beck and call of McKenzie before 1899, however? No, and in the following pages, I will attempt to move beyond such pat phrases and reveal the man.

This study by no means claims to offer a complete analysis of the political or social history of the state of North Dakota. Rather, it outlines a particular period by examining the life of one of its citizens, a man who lived and worked within the establishment. McCumber was a conservative and not interested in attempting to change the system. He was a man who endeavored to climb the ladder of success using the means available to him at the time.

The paper does not include a detailed study of McCumber's years as a United States Senator, although one should perhaps be written. His major contributions during this period are a matter of public record, however. His early career--up to his election to the Senate--is equally important. By closely examining McCumber's activities in Minnesota and North Dakota, following his childhood, arrival in the territory, and eventual entry into local and state politics, as well as exploring the man's early philosophical ideas, the reader may better appreciate and understand his later accomplishments.
There are several stumbling blocks one encounters when attempting to write about the life of a man who has been dead for nearly sixty years. One, lack of sources, has been mentioned previously. The author has had access to McCumber's "memoirs," the set of letters written to his sister, Sabina Salley, and compiled by her daughter, and also to an assortment of other letters saved by Sabina Salley's family. Unfortunately, the letters do not contain an abundance of information about his political career. They focus instead on his childhood in Rochester, Minnesota, and his career in the United States Senate. What they do offer, however, is important insight into the character of the man, providing the most direct source available on his life in Minnesota and Dakota.

Newspapers offer a second source of information on McCumber. Again, however, one must contend with incomplete collections and the simple fact that McCumber's name did not appear in the papers every day. There are gaps in the record. Within these gaps, one speculates that McCumber was busy with personal business and social activities. His law practice took up much of his time, as will be illustrated later. His everyday activities would not have been important enough to have warranted newspaper coverage, aside from the occasional mention of a trip back to Rochester, for example, in the columns of "local happenings." McCumber was not the most prominent person in the territory or state. Making a name for himself took time.

Another problem with contemporary newspapers is that they take much for granted, especially concerning what they considered to be general knowledge. Who
people's "friends" were, or the origins of conflict between individuals, for example, were not generally detailed in print, as most readers would have already been familiar with these basic facts.

The reader will notice the large number of notes within the paper. Because so little has been written about McCumber, every effort has been made to provide adequate documentation throughout. Whenever possible, McCumber's own words or the words of his contemporaries have been used to convey a feeling, attitude, or belief. The author believes this approach will help the reader understand both the subject and the time in which he lived.

Despite the aforementioned difficulties, I have striven to compile an accurate account. This is, for the most part, the first attempt at a concentrated study of the Senator's early life and career in North Dakota, and is, the author believes, a valuable addition not only to the illumination of a particular man who attained some prominence, but also to the overall record of North Dakota history itself.
1 *Bismarck Daily Tribune*, 18 May 1933, 1.


3 *Tribune*, 19 May 1933, 1.

4 Porter J. McCumber to Mrs. Sabina Salley, 3 February-20 November 1931, Transcript in the author’s possession. Several other letters have been made available to the author and will be cited separately.
CHAPTER II

THE DAKOTA MILIEU

Before examining McCumber’s early years, it is important to understand the environment in which much of his life was spent.

For those unfamiliar with North Dakota’s background, the history of its early years may seem fairly straightforward. Dakota Territory was organized in 1861, three years after McCumber’s birth. Statehood was slow in coming, however. Few settlers came to the region before the 1870s, as transportation was very poor and many feared attack from hostile Indians. Beginning in 1871, however, settlement began in earnest, due in large part to the coming of the railroad. The rails of the Northern Pacific were first, reaching Fargo by 1872 and Bismarck by 1873. By 1881, the year McCumber emigrated to Dakota, the Great Northern Railroad had established a route between Fargo and Grand Forks. Indeed, it is possible to say, as Elwyn Robinson did, that “it was the railroad which really opened North Dakota to the outside world.”1 People poured into the state, creating what many historians have called the "Great Dakota Boom."2

With the railroad’s push into the territory came large-scale farming as eastern corporations established large wheat farms. Settlers flocked to Dakota, attracted by the success of these "Bonanza farms." While Bonanza farming would not last, farming itself became firmly established as Dakota’s major industry. By 1889, the
Territory was divided and North Dakota became the thirty-ninth state.³

Why did it take so long for North Dakota to gain statehood? Herein lies the torrid current beneath the surface calm, and reveals a conflict that is integral to the McCumber story. Soon after the establishment of Dakota Territory, farmers began to chafe under a power structure it seemed they could not control, a structure operated by the very railroads that had opened the territory to farming but that now had allied itself with the banks and grain companies headquartered in the Twin Cities of Minnesota, the nation's flour milling capital. The years between 1861 and 1889, therefore, became a period of "protracted struggle for statehood," a struggle between the farmers and the railroad.⁴

Railroads and other out-of-state interests had a virtual monopoly over much of the state. The Northern Pacific Railroad, for example, controlled nearly twenty-four percent of the state's area.⁵ These corporations had the ability to set grain prices, shipping charges, and elevator fees. Farmers felt that unless they could gain more control over the railroads, the market for wheat, and the terms of credit, their "dream for a better life on Dakota prairies would vanish."⁶

The farmers were confronted by a highly centralized, organized, and determined group of individuals, led by one Alexander McKenzie and his Republican political machine. McKenzie, the Northern Pacific's political agent in the territory, represented the powerful interests in Minneapolis and St. Paul. He was tall, handsome, appeared to have "great physical strength," and was always ready with a friendly handshake.⁷ He was also a powerhouse, using his influence over the
legislature in Bismarck to gain protection for the railroad, Twin Cities grain elevator firms, and lumber and insurance companies. McKenzie, who never held an elected office, nevertheless exerted incredible control over the political process in the territory. He was a natural leader of men and had made a "science of manipulating them," succeeding in frustrating the wishes of "hard pressed farmers and reform-minded community leaders."

In the face of such opposition, the Farmers' Alliance was created in 1884. It was an organization that revolted against the outside "exploitation" by the railroad and its allies that had made Dakota a virtual hinterland of St. Paul and Minneapolis. The Alliance sought free markets, and worked to elect to office farmers and others sympathetic to their cause. They endorsed candidates who supported the farmers' demands.

The Farmers' Alliance could not break the grip that the railroad, the elevator monopoly, and their allies held on the government, politics, and economy of Dakota, however. Part of the problem was the political tradition of the area itself. Dakota was a one-party state, primarily because at the time of its establishment as a territory, the federal government was controlled by Republicans, the party of Abraham Lincoln and Liberty. New residents continued the Republican tradition, reflecting their old world roots. Often, they were too busy trying to establish themselves to be overly concerned about the McKenzie machine and the corporate interests it represented. Even when they discovered that the system opposed their interests, it was practically unthinkable to vote other than Republican. They played right into the hands of McKenzie and
company, and it seemed there was very little that anyone, including the Farmers' Alliance, could do to break the machine's control over the territory. Another factor that hindered the organization's effectiveness was the fact that many of those involved in the Alliance were Republicans. Thus, the intense inter-party struggle in Dakota is not surprising. The reader will witness this struggle as we examine McCumber's career.

2Ibid., 134. For further study, examine Harold Briggs' "The Great Dakota Boom, 1879 to 1886" (North Dakota Historical Quarterly, 4 January 1930), 80-108.

3For more information concerning the creation of the state of North Dakota, consult Julie Koch's "The Omnibus Bill of 1889: Statehood for Dakota Territory" (M.A. Thesis, University of North Dakota, 1984).

4Robinson, 198.

5Ibid.

6Ibid., 203.

7Joseph Jackson, "Bismarck Boomer" (1964), Special Collections, Chester Fritz Library, University of North Dakota, Grand Forks, 9.


9Robinson, 198.
CHAPTER III

PORTER J. MCCUMBER-THE MINNESOTA YEARS (1858-1881)

On February 3, 1931, his seventy-third birthday, McCumber began writing a series of letters in which he asked his sisters, Mrs. Sabina Salley and Mrs. Inez Hall, to "retrace your steps back to the old home and its environments and wander with me over the now ancient hills, the paths strewn with wild apple blossoms . . . let us play again over the marsh with its many springs and hear again the gurgle of the little rivulets hurrying to the river." These reminiscences, one of the few available resources on McCumber's life, offer insight into his childhood, as well as into the character of the man himself. The letters include not only personal anecdotes and stories of friends and family, but also reveal lessons he learned as a child and personal viewpoints on "how times had changed." Although McCumber explained that he simply wanted "to make up for lost time by writing a real lengthy letter to each of you, my sisters . . . ," one suspects that he believed he was important enough to have his life-story published.²

Porter James McCumber was born February 3, 1858 in Crete, Illinois, one of nine children born to Orlin and Anne Fuller McCumber.³ That same year, the family moved to a small farm just outside Rochester, Minnesota, where McCumber would spend his childhood and adolescence.
The McCumbers' first home was a "preemption log shanty" belonging to the man whose original preemption right was purchased by McCumber's father. We are given some idea about the type of environment in which McCumber was raised through his memoirs, which describe this first dwelling and the land around the farm itself. The home was:

situated just at the foot of the first hill on the road toward town. It could not have been more than ten feet square. It was built against the side of the hill... As you walk about fifty feet farther down the road on the right hand side close to a clump of slippery elm trees, there was a spring of fine water just where the hill verges into the marsh... Over this spring father built a little log springhouse [sic] in which was kept milk, cream, butter, etc.

Later, a new log house was built which McCumber described as:

erected on the narrow bench of land some ten feet higher than the claim shanty. It was constructed of quite large logs for the first four courses, logs about fifteen to eighteen inches in diameter, followed by smaller ones until the top of the wall was reached... I would say the dimensions were about 13x16 feet. The door was on the North side and next to the door and West of it a small window with six panes of glass in the upper sash and three in the lower.

McCumber remembers that "it was the best home there was in that old neighborhood, in size, in appearance, in cleanliness..." and declared that there were "others I might mention which did not compare with our home in its imposing beauty." Throughout his recollections, McCumber has a tendency to point out how much more "enlightened" or sophisticated his family was in comparison with others. The memoirs reveal that McCumber believed in social evolution. Under this philosophy, his ability to rise above his humble environment was seen as proof that he and his family were more "fit" than others.
Life in the McCumber family was not easy. As McCumber recalls, "We learned from childhood the lesson of labor . . . [but] I know that both the duty imposed and the exercise required in its fulfillment, were necessary for proper and normal development." McCumber seemed to believe that his childhood and adolescence full of "hard knocks" and hard work were in large part responsible for his success later in life. "Without it," he declared, "I am sure I would have been a total failure. . . . If our working tools of life, our mentality is not as great, as keen, as the eminently brainy men of the world, a well trained and well developed industry will at least partially fill the gap between us." He was an self-avowed evolutionist, whose "trinity" was "adaptation to environment, natural selection, and survival of the fittest." McCumber often wrote about this belief, at one point stating that:

> the early extinction of the less fit thus diminishing their progeny was necessary for an ever higher and higher intellectuality [sic] of the human race; and how Socialism eliminating the necessity for competition and destroying the incentive of individual preferment and advancement would ultimately result in a race of ever weakening intelligence.

He held these sentiments throughout his life. In 1892, for instance, McCumber was quoted as saying that "poor farms when properly managed are usually successful. It is seldom that one needs aid unless he is actually dependent, and the dependent persons could be better and more economically cared for at a poor farm than any other way."

As a child, young McCumber's duties included gathering wood chips for kindling, keeping the wood-box full, and carrying water from the spring house. As he grew older, he helped his father on the farm with the plowing, fertilizing, milking, and threshing. In one of his frequent outbursts of philosophy, McCumber declared that "I
cannot but express my disgust of the fool doting mama notion that a boy should not have any duty of labor or responsibility imposed upon him until he is at least eighteen years of age."\textsuperscript{13}

Even as a small child, however, McCumber disliked farm life and the poverty that often accompanied it. He described himself as a boy with an "ultrasensative [sic] nature," which may in part explain his aversion to farm life and his hostility toward people whom he felt had shamed him in some way.\textsuperscript{14} McCumber's memoirs are full of instances when his "childish pride" was hurt and he looked forward to some type of "revenge." He describes one instance when "the sun without heeding the many wounds to my boyish pride poured his blistering rays into my tender, white facial skin, bringing out . . . freckles. . . ." He was teased about the "bran" that had been thrown in his face. "I am afraid my many wounds hardened me into a defiant air and that often into a deep hate which was ever ready to meet slights with acts of retaliation," he wrote.\textsuperscript{15}

There seemed to McCumber to be a "gulf of uncongeniality [sic] between farm life and my nature to be both too deep and too wide to be borne."\textsuperscript{16} McCumber abhorred the butcher element of farm life and "loathed uncleanness . . . I saw in the cities young men well and cleanly dressed promenading in the evenings with sweet girls clad as queens compared to our farm girls--and I looked at myself, bag kneed, greasy, loading and scattering the horse, cow, and pig excretions."\textsuperscript{17} McCumber also noted that "there seemed to be a higher degree of education and a consequent higher degree of refinement within the many city vocations than I was liable to find on the
farm. I, of course, knew that it was opportunity rather than natural innate refinement which told in favor of the urban people." He longed for that world but remembered that "I could see nothing ahead of me but a life of drudgery for the mere privilege of existence. . . . I longed to know more of the world than could be found in our narrow valley." McCumber's first step away from this "life of drudgery" was becoming a teacher. "I thought if I could just get a start my industry could overcome any obstacle," he wrote. "I was sure that if I could once become a school teacher that it would be the first great step out of the rut in which I was placed." His first obstacle in this endeavor was overcoming his educational disadvantages. McCumber was educated in the small public schools around the Rochester area, although when he was old enough to help extensively on the farm, his schooling was limited to the three-month winter term. The curriculum of these early schools included geography, arithmetic, a small amount of history, and a large dose of spelling. McCumber's memoirs abound with stories from "the old spelling school" that "gave us educational efficiency with just enough of the spirit of contest to make it interesting, and above all, it gave a beautiful enjoyment while retaining our equilibrium of sanity." With the exception of this activity, McCumber considered his educational environment "most meager and defective." He recalled the "mental labor I have gone through to rid myself of the pigeon [sic] English of earlier days and especially to acquire a vocabulary sufficiently extensive to write or speak to educated people."
Further study, therefore, was necessary if he wanted to become a teacher. To prepare for the required test, McCumber purchased several grammar, history, geography, and arithmetic books and studied at every available moment, even in the fields. After attending the mandatory week of "institute instruction" in Eyota, Minnesota, he took the teachers' examination. "Day after day I waited for some report, going to the Post Office every day, with beating, anxious, uncertain heart." He need not have worried, for he passed the test and was certified. "I then and there made a mighty resolution: If work could accomplish I would make something of myself." This declaration typifies McCumber's life-long determination and work ethic.

McCumber enjoyed teaching. "I think of all my days the happiest recollection clustered around those country schools. I loved the pupils and I know that there was not one who did not like me and with the pupils came the parents," he wrote. Despite his apparent love of the profession, however, McCumber was determined to study law, an ambition inspired during his childhood by his brother's recount of a trial he had witnessed. McCumber was also influenced by the general outlook on teaching at the time that "No one now in these ranks expects to make it a life-work." Many of his Rochester friends were already attending the University of Michigan at Ann Arbor; McCumber decided to join them. He saved enough from teaching to pay for the "initiation fee" of $80.00 and borrowed a substantial amount from his sister to help pay his travel and living expenses.
Law school was not easy for McCumber. By his own account, he worked hard, studying "always until eleven o'clock," and did not participate in any extracurricular activities.31 "When I entered the law school I recognized that I had not the best of an educational background and thereby worked the harder to be sure I should be able to graduate," he recalled.32 McCumber was financially disadvantaged and had to economize as well. He shared a room with a young man from Vermont and together the two not only did their own cooking, but also cut their own fire wood for both cooking and heating. McCumber described their daily meals as follows:

"Breakfast: Rolled Oats, or cracked wheat mush with good rich milk. Lunch: same warmed over or cold . . . Supper: Toast . . . well done with a little hot water poured over to soften it and with plenty of good butter. Sunday: Boiled dinner of potatoes, onions, cabbage or turnips, with a piece of pork."33 McCumber estimated that during the first six months of this regimen, his share of expenses came to only $62.00.34 In 1880, he was rewarded for his dedication and sacrifice when he received his law degree.

McCumber returned to Minnesota, and after teaching a term of summer school, began to study law in the office of C.C. Wilson, a prominent lawyer and businessman in Rochester. He began to save money in order to leave Minnesota and "carve out a destiny for myself."35 The opportunity to move West came in April of 1881, when McCumber was hired to drive a team of horses and a wagon to Wahpeton in Dakota Territory.
1Porter J. McCumber to Mrs. Sabina Salley, 3 February-20 November 1931, Transcript in the author's possession, 1. This quote also illustrates the type of lyrical and flowery prose McCumber used. In 1932 McCumber sent his sister Sabina several poems, which she saved for her children. He explained that "You see you never know a person's weakness until you find he sometimes dabbles in poetry or attempted poetry which ought to have ceased with the days of youth." An example follows:

I SEND YOU A RED ROSE

Fair rose with sweetest fragrance blest,
   Be thou my messenger again;
And when thy petals kiss her breast
   Whisper words of sweetest strain,
So weighted down with loves incense
   That her own heart shall recompense,
Till her fair cheeks like thee suffuse,
   And tell the love her lips refuse.

Porter J. McCumber to Mrs. Sabina Salley, 19 May 1932, 2.

2Porter J. McCumber to Mrs. Sabina Salley, 3 February-20 November 1931, 1.

3There is some question about the actual number of children in the family. McCumber writes that there were seven girls and two boys, while the Dictionary of American Biography states that McCumber was from a family of seven daughters and three sons. A copy of the McCumber family history, compiled by Sabina Salley and in the possession of the author, lists eleven children born to the McCumbers, 3 boys and 8 girls. Two of the girls, however, died within 1 year of birth. McCumber, 1; DAB (New York: Charles Scribner's Sons, 1944), 525.

4McCumber, 2. A preemption shanty is the term used to describe the dwellings many settlers used while fulfilling homestead requirements.

5Ibid.

6Ibid., 3.

7Ibid., 5.

8Ibid., 7.

9Ibid.

10Ibid., 17.

11Ibid., 22.

McCumber, 7.

Ibid., 23.

Ibid., 14.

Ibid., 34.

Ibid., 62; 10.

Ibid., 62.

Ibid.

Ibid.

Ibid., 12.

Ibid., 29.

Ibid., 12.

25McCumber does not mention when he attended the Teachers’ Institute. It was probably in the spring of 1875 as this date is the only possible time he could have taken the test in Eyota, according to the History of Olmsted County together with Biographical Matter, Statistics, Etc. (Chicago: H.H. Hill and Company, Publishers, 1883). 115 people attended the course. Ibid., 717.

McCumber, 63.

Ibid.

Ibid., 65.

29History of Olmsted County, 711.

26McCumber credited his sister Sabina with putting him through his entire course work. Ibid., 41.

Ibid., 65.
32 Ibid.
33 Ibid.
34 Ibid.
CHAPTER IV
THE TERRITORIAL EXPERIENCE (1881-1889)

McCumber arrived in Dakota Territory during the "Great Dakota Boom," a
decade during which rapid railroad expansion, massive immigration, the growth of
cities, and overall industrialization merged Dakota with the nation. The two
developments most responsible for Dakota's boom were the territory's proximity to
the nation's flour-milling capital, Minneapolis, and the construction of the railroad to
link the Minnesota market with Dakota grain. From 1878 to 1890, the population of
the territory increased by more than one thousand per cent.2

McCumber witnessed first hand the rapid growth occurring in the territory
upon his arrival (following a brief stop in both Wahpeton and Fargo) in Lisbon:

There were hundreds of buildings going up, all at the same time. The
sound of hundreds of hammers and saws filled the air with music. We
got the fragrance of the fresh pine lumber. No building had as yet
received even its first coat of paint. The beautiful stream, shaded here
and there with Elms, Linden, Ash and Oak, now rippling over pebbles,
now still and glassy as a mirror, added to the beauty and impressiveness
of this scene where I expected then to begin my life's labors. Again
and again in dreams I am looking over that beautiful placid scene.3

The young lawyer engaged a room in an uncompleted, two-story frame structure from
which to "hang out his shingle." The door had not yet been hung, nor was the plaster
inside the room quite dry. Contributing to the rustic decor was the fact that
McCumber had no furniture. The interior of his "office" included a table constructed
from an unhinged door and two boxes in which window glass had been shipped, another box serving as a chair, three law books, and several writing utensils.

Unfortunately, there was little call for a young lawyer in Lisbon, and so, after nearly four weeks, McCumber left the town and returned to Wahpeton, where he began what the Bismarck Tribune called his "momentous political career."

McCumber arrived in the city with $2.65 in his pocket, part of which he used immediately to have his boots mended. Looking back on his arrival, the Richland County Gazette described him as "a somewhat green looking young man . . . His light and ruddy complexion made him appear younger than he really was. His clothes were somewhat rusty, [he] had even come to mending."

Soon after this less than impressive arrival, McCumber began to take an active role in the community, politically and socially. In his first court case, obtained shortly after he arrived in Wahpeton, McCumber successfully defended a tenant who had failed to pay house rent and faced eviction. He remembered that "it gave me the opportunity to show what natural ability I had, [and] what my ability to labor could accomplish. From that time on, though in a small way, my practice grew." Indeed, the law office of "McCumber and Bogart--Attorneys and Counselors at Law" with its "special attention given to collections," formed in 1882 with B.L. Bogart, prospered until McCumber left for the Senate in 1899.

McCumber gained some notice as an able orator after speaking at the Fourth of July celebration during his first year in town. He held several minor city government positions between 1881 and 1883, including village justice, and attained a reputation
as a hard-working, conscientious individual, whether he was involved with legal, political, or social issues.\textsuperscript{10}

In 1884, McCumber was elected from the Tenth District to the lower house of the Territorial Legislature. At 26 years of age, he was one of the youngest representatives in the House. The Legislative session ran from January 13, 1885, to March 13, 1885, in the city of Bismarck. McCumber served on the Judiciary, Education, Public Printing, and Charitable Institutions committees. He introduced 18 House bills, 11 of which were signed by the governor.\textsuperscript{11} In keeping with McCumber's support by the Farmers' Alliance and his disassociation with railroad corporations, some of the legislation he introduced was beneficial to the farmer. House Bill 42, for example, sought to extend the time at which taxes in Sargent County for 1884 would become delinquent.\textsuperscript{12} McCumber also introduced several petitions on behalf of the residents of Richland County, including one to enact a law for the organization of farm insurance companies.\textsuperscript{13}

It is not surprising that McCumber was "endorsed by the Farmers' Alliance in every convention or public meeting it has held in years."\textsuperscript{14} After all, he entered Dakota Territory politics with a set a values and ideas developed on the farm in Minnesota. His father was a farmer. His brother was a farmer. McCumber himself states that he was supposed to become a farmer, although we have already examined McCumber's opposition to the idea. The agrarian ideals that he had been raised with, however, undoubtedly remained intact. It is only natural that he would be sympathetic to the needs of Dakota farmers. Thus, while he did not officially belong to the
Alliance, he welcomed its support and gained politically from it for some time. The Alliance recognized that McCumber was a politician they could back with confidence. At that time McCumber's name was not connected with North Dakota's political boss, Alexander McKenzie, or his political machine, as it would be in the future.

One of the political battles McCumber found himself in during his first session in the Territorial Legislature was the effort to once again transfer the capital of Dakota Territory. Between 1882 and 1883, McKenzie had masterminded the removal of the Territorial capital from Yankton to Bismarck, a move the Northern Pacific Railroad favored because it would increase their freight and passenger traffic. The move was considered McKenzie's "most masterful political maneuver." The question of the return of the capital to its original location persisted, however. McCumber, who believed the capital should stay in Bismarck, moved that consideration of the transferral bill be postponed until later in the session so that it would not interfere with necessary legislation in the "interests of the farmer, mechanic, and laboring man." He rallied the forces of those opposed to the removal and argued that the legislature should "do our duty to our constituents and give consideration to laws that are of the greatest importance to the people." According to a story which unfolded upon his election in 1899, McCumber's belief in the value of keeping the capital at Bismarck attracted the attention of McKenzie. The Tribune stated that McKenzie went to McCumber, placed a hand on his shoulder, and said, "Young man, I will make you senator some day, if I
can." As we shall later see, however, the relationship between the two men was far more complex than that.

According to contemporary reports, McCumber rendered valuable service to the Territory in 1885 through his "knack of recalling the members of the House from dalliance and bringing them face to face with something to be considered or done." His work, therefore, garnered considerable praise. The St. Paul Globe singled out McCumber as one of "three young men in the House who are making, and will make, their mark... you will find these 3 young men leading in all things..." The Gazette stated that "Wahpeton should feel proud of him and they can content themselves with the thought that 'the cottage' [McKenzie's political machine] with its huge major does not run him." Such reports not only enhanced McCumber's reputation as an orator and an active and fearless politician, but also gained for him numerous friends and acquaintances from throughout the territory, establishing connections that would serve him well in the coming years. Indeed, by 1899 it was possible to note that "no political friends have ever shown such an extreme loyal devotion as Mr. McCumber's."

Who were these friends? This is a difficult question to answer because McCumber's personal papers make little reference to specific people and, as has been indicated previously, contemporary newspapers presumed their readers were familiar with them. Several names reoccur, however. Richard H. Hankinson was often mentioned in connection with McCumber. In 1899, the Fargo Forum reported that "Col. R.H. Hankinson is here [in Bismarck] carrying on the McCumber campaign."
McCumber was fortunate to count Hankinson, a resident of Richland county and an "all around prominent man of North Dakota," as a friend. A veteran of the Civil War, Hankinson was involved in farming, real estate, and banking, as well as politics, having served Richland as a state representative and as a delegate to all the state Republican conventions since 1889. Other friends included James Shea, also of Richland County—a farmer, former government scout and future U.S. Marshal, and frequent participant in Republican state conventions; Mathew Lynch—prominent Richland county businessman, landowner, state representative, and future U.S. postmaster; and R.N. Ink, who in 1894 supported McCumber in his fight against William Lauder. These men and others formed a group of associates that would prove to be a great asset to the politician in the future.

McCumber’s star as a legislator and orator was rising and shown brightly. In 1886, he was elected with Alliance approval and with little opposition to the Territorial Upper House, or Council as it was called at the time. The Tribune commented that "McCumber was one of the Leaders of the last house—bright, energetic and honest. McCumber’s constituency is to be congratulated for their wisdom and evident appreciation of worth."

The Seventeenth Session lasted from January 11, 1887, to March 11, 1887. McCumber was assigned to the Judiciary, Revenue, Agriculture, Incorporation, and Immigration committees and chaired the committees on Rules and Territorial Affairs. He also served as temporary chair of the Council itself several times. During the session, McCumber introduced 25 Council bills, 7 of which were signed into law.
Once again, McCumber was lauded as a "conspicuous figure by reason of his mental force, fearlessness, and eloquence." The Larimore Pioneer described him as a "faithful and efficient worker in committee--champion of what he thought right . . . [and] in touch with the people." He was also remembered as one of the most frequent speakers on the floor.

McCumber wrote briefly about his years in the territorial legislature, summarizing his accomplishments:

One who has had considerable service in his own State or Territorial Legislature, or in the National congress, may well ask himself what he has accomplished. Have his labors been of material value to his State or to his Country? In answering these questions it must not be forgotten that legislative Bodies speak only through a majority vote. Therefore, it would be the height of egotism for any one person to claim for himself alone the credit for any beneficial legislation. The most that he can possibly claim is his labors in molding a bill into acceptable shape, his industry in collecting the pertinent facts in support of it, his ability in presenting such facts and his persistency in pressing a measure for consideration, were the principal or most effective forces in bringing about a favorable action . . . I took an active part in almost every important measure before the Territorial Legislature while I was a member and I think I was useful.

McCumber decided not to run for re-election after his 1887 legislative term expired, choosing instead to concentrate on the law "at least until I could lay aside sufficient [funds] to feel reasonably safe." It would appear that McCumber succeeded. By the time he was elected to the Senate in 1899, the Rochester Post Bulletin reported him to be worth more than $100,000.00. Aside from his law practice, the source of his income is unclear. Although some of the letters to his sister seem to indicate investments in oil, gold, silver, industrial stocks, and land, he insisted in 1924 that "the [investment] losses have always been complete."
McCumber did not abandon the political arena after 1887. He maintained a "lively interest" in politics, "campaigning for the Republican party in my own and nearby Counties in each following election year." Indeed, one may speculate that McCumber was already thinking of running for higher office once statehood, which was clearly on its way, had been achieved.

McCumber’s connection to the Farmers’ Alliance remained unbroken in 1888, when the organization asked him to help prepare a railroad bill. The bill’s principle features included provisions for the election of railroad commissioners and penalties for violations committed against the interests of the farmer. McCumber was lauded as the "latest man to jump into the ring and throw down the gauntlet of defiance to the railroad in the shape of a bill." His connection with the farmers remained strong and, it seemed, profitable. McCumber would soon learn, however, that the organization could not take him much further, and indeed, could prove a serious handicap to his political ambitions.

McCumber’s devotion to his chosen profession reaped numerous rewards. Contemporaries praised his legal efforts. "When it comes down to logic, law, and facts, McCumber stands at the head of the legal profession," asserted the North Dakota Globe. His practice grew "very large" and he became one of the "ablest lawyers in the state."

Within Wahpeton and surrounding communities, McCumber helped organize Republican clubs and spoke at other gatherings. As the principle speaker at the first meeting of the Republican Club of Colfax in 1894, for instance, he related the history
of the Republican party and its accomplishments. "The Republican party helps [sic] us through the war and has always given us a stable government," he said. He then urged the people to "never put a man in power who will send a democrat to represent us." McCumber’s devotion to Republicanism was the one constant in his life, disputed by no one. Even after his stunning and bitter defeat to Lynn J. Frazier in the 1922 Senatorial campaign, McCumber spoke out in support of him because "he bore the Republican stamp."

McCumber became the vice president of the Farmers and Merchants Bank and was actively involved in the local chapter of the Masons. He was a great speaking success at the annual installation of officers in December of 1887, extolling the virtues of Masonry in a speech entitled "Masonry, Ancient and Modern, Operative and Speculative."

On May 29, 1889, McCumber married Jennie Schorning of Rochester, Minnesota, "a poor girl and a telegraph operator." The ceremony took place at 8:15 pm at the Foss Methodist Church in Wahpeton. McCumber himself does not seem to have been overly interested in organized religion, although he did believe in a divine entity. His parents "never attended church," he admitted, and the children "could go to church or remain home, just as we pleased."

The bride was "the cynosure of all eyes as she walked up the broad aisle. The ceremony was touchingly beautiful and well performed, a ring being used." The
couple left shortly afterward on a six-week "wedding trip" during which they visited the East Coast, including Washington, D.C., New York, and Philadelphia. The couple later had two children, Helen and Donald.

It may be appropriate at this time to comment on McCumber's view of women. Regarding the place of women in society, he seems to have sided with the conservative group of thinkers, differing from many Farmers' Alliance members who believed in women's suffrage. He explained to his sister that:

I feel sure that the advent of women into occupations that formerly were for men alone, - imposing upon them the burden, the responsibility of seeking and holding employment, although it brings them fairer and more costly raiment, has hardly compensated for the older contentment of wifehood and motherhood. Household labors in those years were something of a drudgery. But there were very fewer cases of nervous breakdown, fewer cases of divorce, family discord and suicide. 48

McCumber even seems to have blamed popular culture for some of society's problems:

The music of the American mother of those days was her own sweet lullaby sung to lisping child when the evening shadows gathered; her theater, her children playing upon the lawn. . . . Today the devil dance jazz, - the shrieking radio 'singer' . . . which now awakens us from nightmare dreams . . . I cannot but feel that the movie and the Press have done more to unsettle and, I may add, deprave a portion of the American public than all other forces combined. 49

In 1914, while in the U.S. Senate, McCumber voted against women's suffrage, although he reversed this position in subsequent votes. 50

Although Dakota had been clamoring for statehood as early as 1871, it was not granted until 1889. 51 McCumber attended, but, surprisingly, was not an official delegate to, the Constitutional Convention in 1889. Years later he remembered, "I
have never known a more tense feeling than that which pervaded not only every
delegate but also every individual in the crowded galleries." McCumber was a
delegate to the Republican State Convention held in Fargo the same year, however,
and played an important role in the nomination of John Miller for governor of the new
state. McCumber himself called it his "first great political battle." McCumber was
the acknowledged leader of the Miller forces at the convention.
As floor leader, his duties included meeting and debating every parliamentary question
that might arise, advising his assistants, and keeping the delegation "in line." His was
an important job, in as much as the contest was anticipated to be "very close,
desperate, and exciting." McCumber remembered that "there have been no
leaders to compare with the sagacity and the power of the two men." McCumber's contribution to Miller's nomination occurred during "the principle
battle" concerning "the election of the permanent chairman," who would control the
appointment of a committee on credentials or rules of procedure. Years later
McCumber remembered the battle:
As the last County cast its vote the Secretary made a quick
computation, he announced to the temporary chairman that the vote was
130 for our side and 131 against. McKenzie's hat was sent to the
ceiling. The roaring of cheers drowned every other sound for a short
period. Then one of our men who had kept count shouted to the
temporary chairman that the announcement made by the Secretary was
incorrect. . . . I immediately shouted a demand that the count be verified by a repolling [sic] of the Counties. . . . The chair supported my view and ordered the call of the roll of Counties. When the call reached one county of ten delegates which had voted as a unit in our favor that County announced a vote of nine for us and one against. . . . Making my voice as loud as I could I got his [the Chair's] ear, raising to a point of order . . . that the calling for a verification is to determine what was the vote which was just been taken and not in any case a new vote. The Chair recognized the correctness of my point of order and sustained it. . . . We won our permanent Chairman by a vote of 131 to 130. We then controlled the situation, nominated Mr. Miller for Governor and carried our slate for all state officials through.58

Miller's nomination was hailed by his supporters as "a victory for good government, the people over the 'old gang,'" and many noted that McCumber had made "a record that will be remembered in the future."59 He was praised in part because "he would not give an inch. You cannot bulldog, confound, terrorize, cajole, buy or fool McCumber into anything."60

With the first state elections on the horizon, North Dakotans began to wonder if McCumber would run for a state office:

Honorable Porter J. McCumber's friends are urging him to consent to allow his name to be used for some honored position. Some want him for Attorney General for Dakota while others think that the United States Senate is the place for him. . . . Mr. McCumber would grace either position and if the people can induce him to accept one of these places they will have no cause to regret their action.61

The Pioneer Press pointed out that "his record as a legislator in the lower house, as well as in the Council, stamped him as a bright man, and put him in line for promotion when statehood came around. Locality and legislative record are not all. His ability as a lawyer commends him most."62 McCumber was in fact endorsed and his candidacy was "favorably received by the press and prominent gentlemen
interested in a clean government for North Dakota." He was hailed as a man who had risen to his present status unaided, was free from prejudice, associated with the people, a hard worker, and pleasant socially. The Oakes Republican commented that "Hon. Porter J. McCumber is a great champion of the farmer's interest. He is for clean men, clean politics, and an honest administration of the peoples' business." The Dakota Globe agreed: "If the people of North Dakota want a young man in the Senate who will represent them with vigor, honesty, and fidelity, they can place their trust in Mr. McCumber." This is the first concrete evidence that McCumber was interested in moving beyond the realm of state politics into a national setting. Why McCumber chose the Senate as his preferred goal is a mystery. There is no indication of any interest on his part in the Governor's position or in becoming a United States Representative.

Despite the glowing praise and high expectations, however, McCumber failed to secure the nomination. The Dakota Globe believed McCumber had been handicapped both by his residence in Richland County and by the fact that he had the "entire influence of the NP [Northern Pacific railroad] ... against him. He also incurred the displeasure of a great many influential men at Fargo and is obnoxious to a strong element, while he has no individual strength of any account." Apparently, McCumber had insulted McKenzie himself at the state Republican convention, making a "famous crack" at the powerful man. No record remains of McCumber's exact words, although McKenzie's response was well documented. McKenzie promised that "he would be around when the legislature met and drive McCumber 'out of the
.state." It seems McKenzie was disgusted with the way the "d__d farmers and young republicans have of doing things in North Dakota." Apparently, he had changed his opinion of McCumber since 1884.

McCumber may also have been hurt by his conflict at the State Convention that year with Judge William S. Lauder, although after Miller's win they "forgot their differences and hugged each other in their joy." McCumber continued to have run-ins with Lauder, a fellow lawyer and resident of Wahpeton. Lauder arrived in the territory at approximately the same time as McCumber. He served as probate judge in 1884, and later as District Attorney. Unlike McCumber, Lauder was a delegate to the Constitutional Convention, and in 1890, he was elected as Judge of the Fourth Judicial district, a position he would hold for fifteen years. Like McCumber, he was identified with the agricultural interests of the county. Lauder later became associated with the Progressive faction of the Republican party, however, a position which may have been one of the sources of the McCumber-Lauder friction. Later in life, McCumber wrote to his sister that "I have known the element that has adopted that name from the earlier days. They were always a class that no one would trust who knew them. They played politics not for principle but for whatever they could get out of it."

More likely than not, however, their dispute was a personality conflict. The Tribune pointed out that it was known that Lauder was not "enamored of Mr. McCumber" and that McCumber's defeat would not throw Lauder "into sack-cloth and ashes." Lauder's arrival in Bismarck divided the delegates of Richland county and
therefore contributed to McCumber's inability to capture a majority. This defeat was not to be McCumber's last. The Gazette noted in 1899 that "his political career has been one of ups and downs--more downs than ups. There is hardly a prominent man in the county who has been so often defeated. But, defeated or successful, he has always been called upon to serve as a campaign speaker."76

McCumber learned an important lesson in 1889. He could not count on the Farmers' Alliance to take him to the top of the political ladder. Indeed, it seemed to handicap him. He began to realize that despite any personal sympathies he might have for the farmers of the region, politically they seemed unrealistic and ineffective in an environment like North Dakota's. The railroad and McKenzie ruled the roost, and if McCumber wanted to rise beyond local politics, he would have to work with these people, not alienate them. Yet McCumber could not and did not abandon his convictions overnight. It was a long, slow, evolutionary process. To survive, he had to adapt. And his hard-earned progress from Minnesota farm boy to teacher to lawyer to politician had proven that he could. It was time to do so again. Moreover, moving away from his affiliation with the Farmers' Alliance and towards the right, and therefore toward the McKenzie machine, was not a radical departure for McCumber. He had displayed his conservatism, for instance, in opposing women's suffrage. In addition, he was a Republican to the core. So too were McKenzie and company. McCumber could continue to be true to his political convictions while moving across the political spectrum. In 1890, for example, he refused to become a member of a
third party composed of prohibitionists (which he was) and Alliance members. He would stay with the Republican party.

Up to this point, McCumber’s career had been fairly successful. He had gained a reputation as "the great champion of the farmers’ interest. He is for clean men, clean politics, and an honest administration of the people’s business." He was not yet a "McKenzie Man," although he slowly began to move in that direction after 1889, the year of defeat.
1Elwyn Robinson, History of North Dakota (Lincoln: University of Nebraska Press, 1966), 134.

2Ibid.

3Porter J. McCumber to Mrs. Sabina Salley, 3 February- 20 November 1931, 66.

4Ibid.

5Bismarck Daily Tribune, 18 May 1933, 9.

6McCumber, 66.

7Richland County Gazette, 27 January 1899, 1.

8McCumber, 66.

9Wahpeton Times, 7 April 1887, 1. Very little is known about Mr. Bogart. McCumber himself rarely mentions the man. He was born in Ohio in 1858 and came to Dakota Territory just two years before McCumber in 1879. On several occasions he was mentioned in the papers as serving on the school board or attending the county Republican meeting. He must have been a patient man, however, to calmly handle business while McCumber pursued his political career!

10Gazette, 27 January 1899, 1.


12Ibid., 108.

13Ibid., 405.

14Dakota Globe, 2 May 1889, 2.

15Joseph Jackson, "Bismarck Boomer" (1964), Special Collection, Chester Fritz Library, University of North Dakota, Grand Forks, 62.

16Robinson, 200. How McKenzie managed to move the capital to Bismarck is fascinating reading. Most of the general North Dakota histories, such as William Hennessy's History of North Dakota (Bismarck: Bismarck Tribune Company, 1910), include the incident. "The McKenzie Era-A Political History of North Dakota from 1880 to 1920" (M.S. thesis, University of North Dakota, 1955), by David Baglien, also describes the removal.
17 Gazette, 23 January 1885, 4, as quoted from the Bismarck Journal.

18 Ibid.

19 Tribune, 26 January 1899, 2.

20 Gazette, 6 February 1885, 8.

21 Ibid., as quoted from the St. Paul Globe.

22 Gazette, 20 March 1885, 8.

23 Ibid., 27 January 1899, 1.

24 Fargo Forum and Daily Republican, 5 January 1899, 4.


26 Hennessy, part 2: 466.

27 Ibid., 39; Compendium, 586; Fargo Forum, 17 July 1894, 1.

28 Dakota Globe, 27 October 1886, 2, as quoted from the Bismarck Tribune.

29 Journal of the Council of the Seventeenth Session of the Legislative Assembly, Territory of Dakota January 1887, (Bismarck: Tribune, Printers and Binders, 1887). Council Bill 22, for instance, provided for an act extending the time in which taxes shall become delinquent, and reduced the penalty and interest. Ibid., 24.

30 Gazette, 27 January 1899, 1.

31 Larimore Pioneer, 27 January 1899, 2.

32 McCumber, 67-69.

33 Ibid., 71.


35 McCumber, Porter J. to Mrs. Sabina Salley, 22 May 1924, 1. By this time, McCumber appears to have witnessed some true financial reverses. He often wrote to his sister of his difficulties, complaining that his savings were being depleted more quickly than expected and that "all the devils in hell still seem to be after me, and whether I can keep my head above water is a very serious question now." He also wrote that "I am getting poorer and poorer, both in finance and in flesh." Ibid., 3 November 1926, 1; 3 February 1927, 1.
Ibid.

**Dakota Globe,** 27 January 1888, 4, as quoted from the *Mitchell Republican.*

**North Dakota Globe,** 5 March 1892, 3.

Ibid., 24 April 1890, 2.

Ibid., 7 June 1894, 3.

Ibid.

Ibid.

**Tribune,** 18 May 1933, 9.

**Dakota Globe,** 29 December 1887, 1.

**Daily Pioneer Press** (St. Paul), 20 January 1899, 1.

McCumber, 16.

**Dakota Globe,** 30 May 1889, 3.

McCumber, 29.

Ibid.

Lynn Haines, "The Truth About Senator McCumber," (Article obtained from the E.B. Robinson Department of Special Collections, University of North Dakota, "North Dakota Elections Collection, 1920-1970, 1988, Box 445-1-1), 6. Haines writes that "I think this is the only important issue on which McCumber ever reversed a wrong position for one that was right." Ibid.

51 Most general histories on North Dakota contain fairly good accounts of her struggle for statehood. One might also consult Burleigh Spalding's "Constitutional Convention, 1889," *North Dakota History* 31 (July 1964): 151-161.

McCumber, 71.

Ibid., 69.

Ibid.

Ibid., 70. McCumber describes the two men in his letters. "Jud had the reputation of being able to make and put through any slate... McKenzie was equally strong;"
but his main strength was in personally knowing every politically active man in the state." This is the only mention McCumber makes of McKenzie and LaMoure. Ibid.

56 Ibid.
57 Ibid.
58 Ibid., 70-71.

59 Grand Forks Daily Herald, 23 August 1889, 1; 4.

60 Dakota Globe, 29 August 1889, 2.

61 Ibid., 8 August 1889, 2.

62 Ibid., 4 April 1889, 2, as quoted from the Pioneer Press.

63 Ibid., 19 September 1889, 2.

64 Gazette, 27 September 1889, 4.

65 Dakota Globe, 12 September 1889, 2, as quoted from the Oakes Republican.

66 Ibid., 29 August 1889, 2.

67 Ibid., 21 November 1889, 1.

68 Ibid., 29 August 1889, 2.

69 Ibid., 5 September 1889, 2.

70 Ibid.

71 Ibid., 22 August 1889, 2.


73 Record-Historical, Personal, and Other Sketches, September 1896, 16.

74 McCumber, Porter J., to Mrs. Sabina Salley, 22 May 1924, 1.

75 Tribune, 19 November 1889, 3.

76 Gazette, 27 January 1899, 1.

77 Dakota Globe, 12 September 1889, 2, as quoted from the Oakes Republican.
CHAPTER V

LIFE IN THE STATE OF NORTH DAKOTA

(1889-1899)

The years between 1889 and 1896 were busy ones for McCumber, and for the state as well. The 1890s were a coming-of-age period for North Dakota, a decade of economic and political growth in which McCumber participated. Politically, he continued to be active, although not in a strictly official capacity. The Bismarck Tribune reported that "any local and state political campaign in southeastern North Dakota soon saw him always in the center, fighting for Republicanism." His name could be found in the roll calls of almost every county and state Republican convention. He even served as the Chair of the State Republican Convention in Grand Forks in 1890. At that Convention, in an important and far-reaching occurrence, McCumber was nominated for the Chair by none other than Judson LaMoure, right-hand man to McKenzie. LaMoure would prove to be a good friend and important political ally in the years to come.

Two years later, however, McCumber lost a bid for the office of States Attorney of Richland County. The victor, S.H. Snyder, a friend of Lauder, would defeat McCumber again in 1898. Both McCumber's early affiliation with the Farmers' Alliance and his subsequent rejection of their support contributed to his defeat. His political transition was proving to be difficult.
McCumber addressed many organizations, entertaining large audiences with his "eloquence and logic." His law practice flourished due to the hard work of both partners. In 1896 the Record profiled McCumber, along with other prominent citizens of Richland County, stating that "Among the lawyers of Richland county Porter J. McCumber, of McCumber and Bogart, Wahpeton, stands in the front rank. . . . the firm is known to be thoroughly reliable in both council and practice." The Richland County Gazette wrote that "it has been no uncommon thing for him to work in his office from 8 in the morning until midnight, day after day. . . . His law cases are prepared beforehand with the greatest care. He knows in advance the testimony of every witness upon whom he will rely, and in most cases has the questions which he proposes to ask written down before he comes into court." The North Dakota Globe noted that "when it comes down to logic, law and facts, McCumber stands at the head of the legal profession." An example of McCumber's growing prestige as a lawyer occurred in 1892, at which time the "McCumber Commission" was created to "treat with the Turtle Mountain band for their removal and the extinguishment of the Indian title to lands claimed by them." McCumber, representing the United States, signed the agreement in which the Turtle Mountain Chippewa Indians formally ceded a large portion of north-central North Dakota. The United States agreed to pay the Indians $1,000,000 in annual $50,000 payments for twenty years. These payments were to be made in food, clothing, cattle, seed and the like. The band itself, not its individuals, gave up all claims to land outside the reservation. Members could homestead off the reservation without losing their share of the funds.
In addition to his law practice and political activities, McCumber continued his active involvement in the community affairs of Wahpeton, speaking at local literary society meetings, religious conferences, and "grand openings." His belief in the importance of education led him to take great interest in local educational activities. The first meeting of the Wahpeton Board of Education was held in the office of McCumber and Bogart in May 1890. In 1891, McCumber was appointed to the Board of Trustees for the newly created Red River Valley University in Wahpeton. He helped draw up and present its articles of incorporation, and was involved in other activities associated with its creation and maintenance. He also addressed numerous commencement exercises. At the Epworth League College Day in 1895, for example, McCumber "showed in the most eloquent language how a nation, people, or single individual is more powerful and influential, if educated."  

While McCumber slowly distanced himself from the organized farmers groups, his old nemesis, Judge Lauder, had remained a firm ally of the farmers, and a progressively "radical" one at that. It is not surprising, therefore, that the summer of 1894 found the two locally powerful men battling in the pages of the Gazette and the North Dakota Globe. The controversy began in June during the County Central Committee meeting, which had split into two factions, "McCumber and Anti-McCumber," and heated up during the Republican State Convention in Grand Forks. Lauder hoped to be nominated to the State Supreme Court, while rumors circulated that McCumber and his friends were once again putting out feelers and actually lobbying for a United States Senate nomination. Neither was successful. Lauder was
angry because McCumber, a duly elected delegate from Richland county, failed to support him in his quest for the bench, choosing instead to back current State Supreme Court Justice, Civil War veteran, and resident of LaMoure, Joseph Bartholomew. McCumber was not the only one to support Bartholomew. The Grand Forks Herald, a paper firmly on the side of the farmer, wrote that "Leading places on the ticket should be given to the very best men . . . Johnson and Bartholomew."

After the July convention, the Gazette published an editorial about combines aimed at McCumber. The paper accused McCumber of being part of a combine with such prominent politicians as R.N. Ink and R.H. Hankinson, and insinuated that he worked for the Great Northern Railroad, having been seen consulting with its attorney, W.E. Dodge. McCumber retaliated with a vicious letter published in the Globe, in which he accused the Gazette of publishing "falsehoods" and having the "courage of a snake and the instrumentalities of a pole cat." He stated his belief that the Gazette's articles "were inspired, if not written, by a person prominent in the 'combines,'" referring to Lauder. In response to charges that he was in alliance with a certain "corporation and its passes," McCumber wrote that "The very man who inspired the Gazette article rode on a pass to Grand Forks." Although McCumber admitted that "I was for Judge Bartholomew against Mr. Lauder because as an attorney, I felt that he was a broader and better man for that important position [associate justice of the Supreme Court] . . .," he denied trying to injure Lauder's candidacy and challenged the Gazette and its "inspirer" to specify "any act that would
show any corporate influence, or any act that has not been for the interests of the people. 19 He did not deny associating with W.E. Dodge but instead pointed out that:

Hon. Alex Hughes, the local attorney for the road, was supporting him [Lauder] with might and main to defeat Bartholomew, but that was his own matter and not a matter of the Northern Pacific. It was no disgrace to Mr. Lauder to have such a champion as Mr. Hughes. Now look on the other side. I have been in the legislature with W.E. Dodge. We were generally on opposite sides of important legislative matters as we have been quite often on opposite sides in political conventions. We have had business and legal relations, and have been personal friends. And if I had been a candidate he might have been favorable to me. Hughes' support of Lauder was all right but Dodges friendliness to me to me [sic] was a heinous crime. 20

McCumber concluded by stating his opinion that "If the Gazette would expend one quarter of the energy displayed in lying for the gratification of defeated candidates, in an honest support of the republican party, it might to some extent regain the respect of that party." 21

Lauder and the Gazette then replied to the charges McCumber had leveled against them, Lauder utilizing a letter published in the Gazette and the Gazette making do with an editorial in the same edition. Lauder, of whom the Record in 1895 said "invites antagonism," insisted that it was not his intention to start a newspaper controversy but that he felt he had to reply. 22 He insisted that McCumber's "two columns of self-glorification will add nothing to either his standing or his reputation, nor will his other column of indiscriminate slander and personal abuse detract one iota from the standing or reputation of any other person." 23 He criticized McCumber's activities at the convention, charging that he ignored specific instructions from the Richland delegation to help secure Lauder's nomination. "True, it was well known
that Mr. McCumber was hostile to my candidacy—he always is—but even his enemies believed him incapable of the disreputable act of deliberately violating the resolution which had been unanimously adapted by the same convention which elected him."\textsuperscript{24}

He further stated that McCumber's candidacy for the senate "had been turned into ridicule, and himself and his followers had been made the laughing stock of the entire convention."\textsuperscript{25} Ironically, Lauder himself was "roasted" for "dragging the supreme judgeship into the dirty mire of politics."\textsuperscript{26}

Lauder denied being influenced by the railroad and wrote that "every person in Grand Forks knew perfectly well that railroad influence was the head and backbone of Mr. McCumber's candidacy. . . . It was not, as he states, a personal matter between Mr. Dodge . . . my candidacy [for Supreme Court Justice], on the contrary, had its origins among the people with whom I have lived and labored during the past thirteen years."\textsuperscript{27} Just as McCumber had, Lauder denied being the head of a combine and instead insisted that McCumber had been the head of one for the past eight years:

As usual, he greatly magnifies his own importance and the value of his own service. . . . whatever he has done for the party has been . . . discounted by the dissensions which he has created wherever he has appeared . . . 'Rule or ruin,' has been his policy from first to last; and when a whole county will not tamely submit to his absolute dictation, he goes into convulsions, and cries frantically, 'They are trying to down McCumber!'"\textsuperscript{28}

The \textit{Plaindealer}, however, seemed to support McCumber's contention that Lauder was one of the "firm friends of the combinations."\textsuperscript{29} Lauder concluded with the observation that McCumber's "long-winded article is full of the bleatings [sic] of a great big calf well beaten."\textsuperscript{30}
The *Gazette* criticized McCumber in part because "he aspired to represent the people of this state in Congress, and yet did not take them into his confidence," and accused him of "trying to hide the operation of his own combination by raising the cry of 'combine' against other candidates."  

McCumber wasted no time in responding to the "malicious attacks made by the Gazette" and Lauder.  
He told Lauder that "the fact is ever since your defeat at the state convention you have been wild to give publicity to your bile . . . it was a pitiable sight to see the judge of this district on the floor of the convention, a delegate begging and whining for an instruction to elect him to the honorable position of Supreme Court Justice."  
McCumber again refuted the accusation that he had been influenced by the railroads, and insisted that the only combine at the convention was Lauder's. He wrote that:

> Another of your silly falsehoods which looked you in the face when you were writing it but which in your blind hatred you did not have sense enough to see, is your statement about my candidacy. You practically state, though in an underhanded way, that the railroad corporations were supporting me, and yet in the same sentence you say, I had but one vote outside of seven Richland county delegates. Although I know you would like to, I think you are too cowardly to claim that railroads influenced our convention in selecting delegates. Thus it will appear, that this great railroad influence, which was exercised so strongly in my behalf, succeeded in corralling one vote. Isn't that rather a silly lie to put in print?  

Once again McCumber admitted he was against Lauder's nomination "for the same reason that ninety-nine per cent of the attorneys in the state were opposed to you . . . in legal qualifications for that position you no more compare with Judge Bartholomew than a mole hill with a mountain."  

He asked Lauder to explain his
contention that McCumber had caused dissension within the party. "How? Because I
have opposed some of your men, who like yourself when defeated immediately
proceed to knife the party. I am opposed to those kind of republicans." 36

A day later the Gazette published Hankinson's article supporting McCumber as an honest and staunch republican. The paper asked McCumber to "note that the Gazette gives equal space to friend and enemy alike." 37 The Gazette continued to insist, however, that McCumber and his supporters were influenced by the railroad.

Eventually, the controversy faded from sight as other events aroused greater interest, although the friction between McCumber and Lauder remained. We may never know exactly why McCumber and Lauder were such bitter enemies. Both were staunch Republicans and came to Wahpeton at approximately the same time. Both men were well versed in the law, and both claimed to be working in the people's best interests. Perhaps the fact that they were business rivals affected their relationship, or it may have been simply a personality clash. Whatever the case, such inter-Republican fighting was not unexpected or unusual. North Dakota continued to be a one-party state. Within this one party, however, were many different factions.

The year 1896 found McCumber busy campaigning not only for his own election as Richland County's States Attorney, but also battling "Free Silver Bugs" during the Presidential campaign. Unlike the farmers of the country who desired a silver standard, McCumber was a McKinley man, firmly committed to the gold standard. Once again, we are able to witness both McCumber's commitment to his
party and his conservative beliefs. His "ringing addresses" extolling the virtues of the
gold standard were attended by many eager listeners:

I would generally begin my talk with something like this: "Those of you who have ever been in a Pacific Coast City remember that in every souvenir shop you would find some hundreds of Chinese pieces of money. . . . These were current Chinese coins. Now once upon a time, many, many years ago, the people of China, during a time of depression, arrived at the conclusion that their brass currency was too expensive that it would not purchase sufficient. And therefore, by an Imperial edit it was ordered that this money should be henceforth coined from iron instead of brass. Thereupon an amount equal to the brass coin in circulation was coined from iron and put into circulation. It was found that almost immediately every product doubled in price so that it took twice as much money to purchase an article of necessity . . . Now my friends, it is my purpose to explain as clearly and simply as I can what was wrong,-why their scheme benefitted no one and hurt many; and why the cheapening of the American dollar must to the extent that it is cheapened, have the same proportionate effect as the cheapening of the Chinese coin." I would not vouch for the historic truth of the Chinese experiment, but the story which opened up a line of thought in the minds of the hearers gave me the opportunity, not only to discuss the "quantative [sic] theory" of a circulating medium, but also the fact that gold had the same purchasing value the world over and as no cheaper metal had such purchasing value (note the cheap Mexican silver dollar), the cheaper coin always drove the more inherently valuable coin out of circulation. 38

Local papers credited Mccumber with making "the best political addresses of the campaign" and further noted that "It is only a few jealous minded sore heads at home [Lauder?] who decry Richland county's ablest republican." 39 Mccumber himself believed that his part in the campaign enhanced his political standing in the State.

McCumber's campaign for States Attorney was successful, as was McKinley's for President. "Everybody knows Mr. Mccumber: there's no better attorney in the state and a nobler friend than Mac don't live." 40 Mccumber gained a reputation for his prosecution of dry law violators, and although he was charged with "making the
county a great deal expense, the truth is that he conducted a remarkable number of cases at a cost that was merely trivial. Other officers have spent ten times as much in proportion to the results accomplished."  

The North Dakota Globe pointed out that "he has been a careful and painstaking attorney in all his advice to the county commissioners and zealously guarded the county against illegal claims and bills."  

When McCumber ran for re-election in 1898, he once again found himself the object of criticism. He was attacked by the Wahpeton Times, which favored his opponent, Snyder, who had held the office previously. Like the Gazette, the Times charged that "Railroad Porter" McCumber "has been for years and is now attorney for the NP [Northern Pacific] railroad company." The paper also maintained that McCumber was responsible for the reduction of taxes on NP land in Richland County, and gave numerous reasons why Snyder should be elected. He belonged to no "gang or mix," would guard the interests of the people and would not "promise you the world before the election and give an increase in taxes after." It was said of McCumber, "He cannot serve two masters ... He cannot serve Richland county and the Northern Pacific railroad."  

The incumbent was defended once again by the North Dakota Globe and friends like J.F. Shea. "We advocate McCumber's election for reasons that every man will admit and in which every law abiding citizen will concur. He has done his duty vigorously and honestly with an ability that is unquestionable." He was praised for the work he did for the county, as well as for his fight against the "blind pig" and gambling elements. "McCumber wiped out the pigs--filled the jail with them--and in a
measure broke up the business in Richland county. That was what he was elected to do."47

One of the reasons for the Times opposition of McCumber was their claim that he was "at present running for United States Senator, States Attorney, or any old thing."48 In a way, they were correct. After being defeated by Snyder, a defeat McCumber did not seem overly disappointed over, he immediately joined the ranks of men battling for the nomination to replace William N. Roach as United States Senator. Indeed, he could now turn his attention fully towards the task of gaining the Republican nomination. Even contemporary newspapers dwelt little on his defeat, choosing instead to focus on his effort to capture the nomination for the United States Senate. As early as November 22, 1898, editorials in the Wahpeton Globe were commenting that "McCumber’s chances are as good as anybody’s and Richland County solid for him to a man."49


3 Richland County Gazette, 14 October 1898, 1. McCumber admits that none of his earlier political addresses were extemporaneous. They were carefully written and committed to memory. He "never read a public address." McCumber, 71.

4 Record-Historical, Personal, and Other Sketches, September 1896, 16.

5 Gazette, 27 January 1899, 1.

6 North Dakota Globe, 5 March 1892, 4.


9 Gazette, 27 February 1891, 4.

10 North Dakota Globe, 14 November 1895, 3.

11 Gazette, 15 June 1894, 4.

12 Compendium of History and Biography of North Dakota (Chicago: Geo. A. Ogle and Company, 1900), 173.

13 Grand Forks Daily Herald, 18 July 1894, 4.

14 Gazette, 27 July 1894, 4.

15 Ibid.

16 North Dakota Globe, 2 August 1894, 2.

17 Ibid.

18 Ibid.

19 Ibid.

20 Ibid.

21 Ibid.
22 Record, May 1895, 31.
23 Gazette, 10 August 1894, 5.
24 Ibid.
25 Ibid.
26 Grand Forks Daily Plaindealer, 19 July 1894, 1.
27 Gazette, 10 August 1894, 5.
28 Ibid.
29 Plaindealer, 19 July, 1894, 1.
30 Ibid.
31 Ibid., 4.
32 North Dakota Globe, 16 August 1894, 1.
33 Ibid.
34 Ibid.
35 Ibid.
36 Ibid.
37 Gazette, 17 August 1894, 4.
38 Fargo Forum and Daily Republican, 23 July 1896, 1; McCumber, 72. One of the stories about McCumber that has been passed through his relatives is that he was actually asked by President McKinley to run with him as Vice-President. There are no written documents to substantiate this claim, however.
39 North Dakota Globe, 22 October 1896, 4.
40 Ibid., 25 June 1896, 5.
41 Gazette, 27 January 1899, 1. McCumber’s belief in prohibition can be attributed in part to his sister Sabina, an avid supporter of Carrie Nation.
42 North Dakota Globe, 13 October 1898, 10.
43*Wahpeton Times*, 27 October 1898, 1. It is interesting to note that later, during the senatorial contest, the *Times* stated that if their choice, Johnson, should fail, "We would be pleased to see McCumber get the place." Ibid., 1 December 1898, 5.

44Ibid., 27 October 1898, 1.

45Ibid., 2.

46*North Dakota Globe*, 13 October 1898, 10.

47Ibid. Blind pigs were unlicensed saloons.

48*Times*, 27 October 1898, 1.

49*Tribune*, 22 November 1898, 2, as quoted in the *Wahpeton Globe*. 
CHAPTER VI
TRIUMPH OF 1899

The battle occurred in January of 1899 during the State Legislature at Bismarck. The Grand Forks Herald described the fight as "the most peculiar and most remarkable in the history of North Dakota politics." The November 1898 election returns established an overwhelming Republican victory, while the fusionist element, remanents of the movement that had captured the state government in 1890 and aided the election of William Roach for Senator in 1892, lost support. As the Bismarck Tribune reported on November 11, "The overwhelming republican majority in the next legislature insure the election of a republican U.S. senator to succeed Roach and effectively settles the fact that the senator will be chosen in caucus by the republican members of the legislature." Because the Republicans would have a majority in the legislature, any hopes Senator Roach had of being re-elected were effectively destroyed. He became a nonentity in the contest. Contemporary newspapers took it for granted that he would no longer be a U.S. Senator. At no time was he mentioned as a serious candidate. Rather, it was immediately evident that the Republicans themselves would chose a Senator from among their own ranks.

The Tribune noted that the Republicans had seventy-five to eighty members in the assembly and that it would require thirty-five to forty Republican members to constitute a caucus majority, thereby making "the senatorial race an open one for all
candidates." Almost immediately, candidates began coming out of the woodwork. As we have seen, as early as November 22 the Wahpeton Globe was lobbying for McCumber’s election. McCumber himself believed "that the more he travels over the state--the better he thinks his chances for landing the prize." Despite local opinions to the contrary, however, as well as his own recollections, McCumber was very much a dark horse in the contest. He remembered that there were "four principal candidates for Senator ... namely, Thomas F. Marshall; M.N. Johnson, former Congressman; L.B. Hanna; Jud LaMoure and myself. There were also a few favorite sons who had to have their complimentary votes." There were actually six field candidates, besides Johnson and including McCumber, who were lobbying to receive the coveted position. Johnson, a "popular, reform-minded, rich Norwegian farmer," was the prominent front runner and a Republican who also resided in Richland County. After gaining experience in law and politics in Decorah, Iowa, he came to Dakota Territory in 1882, intending to farm. By 1886, however, he was District Attorney for Nelson County and in 1889 was a delegate to the Constitutional Convention. A year after losing the nomination for the Senate in 1889, Johnson was elected as North Dakota’s representative to Congress, a position he held for four consecutive terms until he declined to run again in order to pursue the office of Senator. He was a leader in the Farmers’ Alliance, a fact that did not sit well with McKenzie, who believed his election might "destroy machine control." Johnson, however, "seemed to have the support of the people and the sympathy of most of the legislators."
Johnson did not have unanimous support, however. Republican Senator Henry C. Hansbrough in particular had reasons for not being thrilled at the prospect of Johnson's election. As the Devils Lake Inter-Ocean reported, the "essential point in the senatorial contest seemed to be whether the legislature will give Senator Hansbrough a colleague [with] whom he can work harmoniously, or whether a man will be selected who has studiously opposed him in everything he has done in the senate in the interests of the state."\(^{10}\) Having contended with Democratic Senator Roach, Hansbrough apparently looked forward to the election of someone with whom he could work more easily, someone more sympathetic to his views. Although Johnson was a Republican, he was not on Hansbrough's list. According to the Inter-Ocean, Congressman Johnson had either opposed or neglected numerous bills put through by Senator Hansbrough.\(^{11}\) The Tribune, pro-Hansbrough in complexion, delighted in pointing out the differences between the two representatives and immediately began a campaign against Johnson, at one point stating that "Johnsonism is the parasite of republican politics in North Dakota."\(^{12}\)

Votes for Johnson were drawn away by the other candidates, including Clarence B. Little, a prominent banker from Bismarck and state senator since 1889; another banker, Thomas F. Marshall of Dickey County, a surveyor and future U.S. Congressman; Louis B. Hanna of Fargo, yet another banker with lumber interests who frequently chaired the Republican State Central Committee, and was also a state legislator; and finally, E.C. Cooper.\(^{13}\) McCumber himself was one of the "favorite
sons," though he had a broad base of support in general, and came to the capital, according to the Record, with "only two votes he could call his own."14

As previously stated, McKenzie did not want Johnson, a strong Alliance man, to win because he would be nearly impossible to control. The only way he could be defeated, however, was if the six candidates and their supporters formed a coalition, or caucus, around another contender. If the field could unite behind one of its candidates, it could nominate him over Johnson, who although he had more votes than any one of the other candidates, in McCumber's words had "considerably less than a majority of all."15 Efforts to unite the field forces against Johnson were orchestrated by McKenzie and LaMoure for this very purpose.

Though the Legislative Assembly would not meet until the first week of January 1899, many of the candidates for Senator began to arrive in Bismarck the week before. As the Tribune noted, "Of the senatorial candidates, none proposed to take the chances of being crowded out of the opening by too great delay in getting on the ground."16 McCumber himself arrived the morning of December 31.

According to contemporary newspaper accounts, once the legislative session began, "the senatorship [was] the overshadowing topic of public interest, from the free for all nature of the race up to the present time and the large list of candidates for honors."17 The primary struggle within the field involved the forces of Little, whom McKenzie favored, and Marshall, although as the Tribune pointed out, "in the field of candidates every one so far mentioned is logically entitled to the senatorship by the right of as sterling republicanism, as valuable service to the republican party and the
state and as ample qualifications as Johnson." From the very first day of the session, Johnson constantly strove for the nomination. He even went so far as to consider binding all those "friendly" toward him to a written pledge of support. This tactic drew immediate criticism. The Tribune claimed that such an agreement would give "the balance of power to the democrats and fusionists or preventing the election of a senator altogether." "It is not believed," it continued, "that any candidate for the U.S. senate . . . can make such a program work." By January 4, the proposed "pledge of allegiance" to Johnson was abandoned.

Not so the overall battle, however. "There was a continual hum of discussion, and the politicians and senator makers found no rest." McCumber remembered that "The caucuses were called every evening after each legislative day, for nearly three weeks." The first was held January 5 at eight p.m. According to the Tribune, the most complete source on the events in the capital, the senatorial caucus was "fruitless of result, except to demonstrate the inability of Congressman Johnson to control it, or to secure a majority of votes necessary to elect." Eight ballots were taken that night alone, starting with an informal one. Johnson received 28 votes, Little 10, Marshall 10, McCumber 10, LaMoure 6, Cooper 5, Hanna 4, Henry Hale 2, and Dennis Hannafin 1. On the first formal ballot, Johnson raised his total to 29, Little received 11 votes, and Hanna 5. McCumber lost one, dropping to 9. By the second ballot, Johnson had gained another vote at the expense of Little. The third and fourth ballots saw no change. On the fifth, Johnson remained at 30, while Marshall gained 2, increasing his tally to 12, and Little held at 10. Hale quit the race at this point.
McCumber lost another vote in the sixth ballot, dropping to 8 votes, while Johnson gained another. Ballot seven saw no changes, nor did the final vote, the eighth of the night. The final standings were: Johnson 31, Marshal 12, Little 10, McCumber 8, LaMoure 6, Hanna 5, and Cooper 4.

When the caucus met again the next evening, January 6, only one ballot was taken, with identical results recorded. Johnson’s forces lost a test of strength 44-31, however, when they moved to adjourn. The struggle would not end as quickly as the Tribune had indicated on January 3 when it wrote "From the indications at present, the struggle will not be a protracted one."

The newspapers reported no further caucusing until January 11. In the meantime, those opposed to Johnson were busy writing editorials. His Norwegian background became an issue as the Tribune claimed that "Johnson has used the nationality issue as a club to force his own advancement. . . . Johnson secured an eight year lease in congress not upon his merit, but because he posed as a martyr . . . he also claimed he was 'cheated out of the senatorship' in 1889." They pointed out that the other candidates were just as entitled to the position, stating, for example, that "McCumber has traveled all over the state making speeches for the party in every campaign." The conflict was heating up.

In the caucuses, however, little changed. Two ballots were taken on January 11. No change was recorded on the first, but on the second, Johnson lost two votes (29), Hanna gained one (6), LaMoure gained two (8), and Little and Marshall each lost one (9 and 11, respectively). Caucuses on the 13th revealed no change.
By January 15, the editorial pages were again blasting Johnson. In addition, an interesting tidbit concerning those bitter enemies, McCumber and Lauder, appeared. Lauder arrived in Bismarck on January 5, intending, it seems, to hurt McCumber's chances as he had in 1889. An editorial published in the Tribune seems to verify these attempts: "In this era of good feeling and good fellowship how much better it would be for Judge Lauder of Richland to get in to line with McCumber ... than to drop down from the exalted position of leadership to a lieutenancy under Johnson--just to get even with someone." 27

The Republicans held another caucus on the evening of January 15. Johnson received 29 votes, the other candidates a total of 39. After more balloting, McKenzie postponed caucusing because he feared Johnson might be nominated that very night. 28

The impasse remained. In the meantime, the remains of the fusionist element, all sixteen of them, had also caucused and unanimously agreed to vote for Senator Roach. 29 Though they posed no serious threat, the specter of 1890 and 1892 must have haunted McKenzie and company. They were succeeding in throwing a monkey wrench into the proceedings.

On the evening of January 16, three more ballots were taken with no overall change, although at one point McCumber lost a vote to Johnson. He later regained it. The Johnson forces did try to force the issue, however. A Johnson man named Walter Tousley proposed that, "the securing of a majority of the republican vote represented in this body shall at anytime, whether in caucus or in open legislative sessions, be accounted the equivalent of a senatorial nomination, and shall secure to the party
securing the same, the votes of every member of this body until such time as the election is accomplished." The proposal was defeated.

By January 17, the Senate and the House began to take time from their legislative duties to officially consider the election of a Senator. An informal ballot revealed no major changes from the caucuses. Of the ninety-one votes cast, Johnson received 29, Roach 16, Marshall 11, Little 9, LaMoure 8, McCumber 7, Hanna 6, Cooper 4, and Hannafin 1. That evening, the Republican caucus met again, producing an important written agreement. The Tribune reported that:

"The culmination of the senatorial fight . . . was reached last night [January 17, 1899] in the signing of an agreement by the supporters of the six field candidates that a candidate from among their number would be selected in caucus of the field supporters, and that the one receiving at anytime a majority of all the votes represented in the signers to the agreement should be voted for by all the signers in republican caucus and in joint assembly and supported by all as a candidate for the U.S. senator." Although implied beforehand, the agreement had not been officially adopted. The agreement was signed by forty-six republican supporters of the field candidates and by four members of Johnson’s group, although the Tribune predicted that more of this group "wanted in" and that a total of fifty-three signatures would be recorded. The agreement was reached, according to newspapers, because it was apparent to all that a deadlock had been reached and "in order to effect a speedy and amicable settlement of the matter, a caucus and agreement of the field force was necessary." The Tribune reported that "This is a happy termination to the struggle for the reason that it means that the next senator will be chosen in republican caucus and that there is no danger of
a protraction of the struggle to an extent which would create strife or bitterness, or which would offer any excuse for any alliance with fusionists."  

On January 18, the Senate and House recorded its first official joint ballot on the question, after the nominations of all the candidates were presented. "All available space in the spacious hall was occupied, the Tribune reported. "The gallery was filled and the floor of the house crowded with ladies and gentlemen, who watched the proceedings with interest, heard the nominating speeches with attention, bestowed unstinted applause at the mention of the names of the various candidates and followed with eagerness the recording of the choice of the members of the assembly."  

In nomination speech after nomination speech, the attributes of each candidate were put forth. According to Senator Francis Ames, Johnson’s credentials "are from the people," and he reminded those assembled of Johnson’s activities on a national level. Marshall had "fought battles in the interest of the Republican party for years . . . and he has never yet been found wanting." Representative Reuben Stevens declared that "every page of the statute law passed since statehood bears the impress of [Little’s] fidelity to the interest of the people," while Hanna was credited as a man "ever ready to render every assistance to those around him." Representative Jerry Bacon pointed out that Cooper was "one to whom none can ever point to as ever having done a dishonorable act." Hannafin, it was said, would "be in touch with McKinley."  

Senator Roach’s nominating speech, by Senator Noble, a "Fusionist," was the shortest, as Roach was "a gentleman who is too well and favorably known to require any eulogy here at this time." In an "earnest and heartfelt address" by Mathew Lynch,
McCumber was nominated.\textsuperscript{42} Enumerating his qualifications, Lynch reviewed McCumber’s previous service to the state and his skill as a parliamentarian, orator, and lawyer. He asserted that McCumber represented the "purest type of republicanism, one who will make an ideal statesman and one whom we can point with pride."\textsuperscript{43}

Actually, all of the nominating speeches were similar, each pointing out the candidate’s service to the state, and how well fitted he was to the position of Senator. McCumber’s attributes mirrored those of the other candidates. He was neither more nor less qualified for the office.

After the nominating speeches, the assembly recorded its first ballot. As expected, there was little change from either the caucus ballots or the unofficial ballot taken the day before. Johnson received 29 votes, Roach 15, Marshall 12, LaMoure and Little 8 each, Hanna and McCumber 6, Cooper 5, and Hannafin 1. The field caucus met late in the afternoon, taking several ballots but recording no change. It adjourned until the morning of the nineteenth. The Fusionists, on the other hand, met that evening and decided to give Frank Thompson of Fargo and one of their own "a complementary vote for senator."\textsuperscript{44} Senator Roach was no longer a player.

Meanwhile, the Republican field candidates busily campaigned behind the scenes. After the caucus again failed to elect a Senator, as a "last resort" McKenzie compromised with LaMoure; a coalition was formed between the forces of Little, LaMoure, and a portion of Cooper’s, and McCumber was picked as the field caucus candidate--an agreement reached "only an hour or two before the time set for the caucus [ten a.m on the 19th]."\textsuperscript{45}
LaMoure had been lobbying for McCumber's election as early as December 1898, and from the first informal caucus ballot had thrown his support to McCumber. The two had met back in Territorial days. Although the record is silent about the extent of their friendship, it appears they were personal friends, if not always political allies. As earlier noted, LaMoure nominated McCumber for the chair of the State Republican Convention in 1890, despite McKenzie's dislike of McCumber. Was LaMoure chafing under McKenzie's control? Or was he supporting a friend who had had a bad year? Most likely, LaMoure recognized McCumber's conservative character and realized that it would be only a matter of time before he moved closer to the McKenzie machine. LaMoure probably also recognized McCumber's strong personal following and strong connection to the farming element. As we shall see, most of the electorate welcomed McCumber's election despite McKenzie's shadow.

The Record reported that McKenzie was "forced to accept McCumber . . . LaMoure compelled action" and that McCumber was "almost the last man in the state who would have been chosen for this position by the distinctly McKenzie element." Little, who at one time had 23 votes, only 2 less than was needed for a majority, turned his supporters over to McCumber, forming a combination between the forces of Little, McCumber, and LaMoure. Thus, on the morning of January 19, a full Republican caucus was called. McCumber received a majority of all votes on the first ballot, 32 to be exact, while Marshall held 8 and Hanna 6. Marshall himself then motioned that the selection of McCumber as field candidate be made unanimous, stating that "There is no truer and abler man or better republican than Porter J."
McCumber in this state and I prophesy that he will make a record that the people of this state will be proud of."

A second vote of the Joint Assembly of the State Legislature taken at midday on the 19th, failed to reflect the agreement. Johnson received 30 votes, Thompson, the Fusionist’s new candidate, received 14, Marshall 12, Little and Hanna 8 each, McCumber and LaMoure 7 a piece, and Cooper 5, Hannafin having finally withdrawn. By the afternoon of the 20th, however, the contest was brought to a close, and McCumber officially elected. In the final tally, McCumber received 77 votes, Thompson 13, and Johnson 1.

McCumber appeared before to the Joint Assembly of the legislature. In his acceptance speech he thanked the assembly "eloquently and appropriately . . . for the honor conferred upon him," and pledged his "most earnest efforts for the welfare of the state." "In this hour of thankfulness," he said, "when the feelings of gratitude swell like a tidal wave over one's heart, I desire to express to you one and all my sincere thanks and gratitude for the trust and confidence you have reposed in me, as exhibited by electing me to his honorable and exalted position--the greatest in the gift of the state of North Dakota." McCumber thanked his peers for the opportunity to "represent not only a great state and an independent people, but also one of the greatest nations on the face of the earth." He thanked the field candidates for their support, support which in the end had been necessary for his victory, and for "the gentlemanly and courteous manner in which they have conducted their campaigns." McCumber also acknowledged the efforts and services Johnson had rendered for the
State, tipping his hat, as it were, to the Johnson men who had ultimately considered him a second choice. He stated that, "So far in my political life I have tried at all times to keep my record in perfect harmony with my conscious, and at all times to keep sacred every trust that has been imposed upon me; and . . . I assure you that I will act honorably and fairly by the state, and do everything that I possibly can for your interest to the very best of my ability." McCumber also expounded briefly on national events and policy, reflecting his party convictions:

I am in favor of the greatest and broadest expansion of American industries and American commerce, and to facilitate that I am in favor of holding all the territory now held by us which may be necessary or proper to facilitate that commerce and that trade, and I want to say finally that I believe that the flag which today floats over Manilla [sic] and whose every fold sings a song of glory, and whose very stars vie with the gems of the Orient, should never be withdrawn."

McCumber's acceptance speech was very much in keeping with who he was, a confident politician who was ready to embark on a journey that would ultimately take him to the forefront of national politics. He acknowledged his friends and fellow candidates, but spoke primarily of issues outside the realm of state politics. His stand on the fate of the Philippines was representative of his Republicanism, Nationalism, and the feeling of paternalism typical of the time. The fact that he neglected to mention LaMoure and McKenzie and their role in the Senatorial contest reflected his independence from the party machine. McCumber was beholden to no one. The contest had been cleanly fought and he came out on top.

McCumber's ability to gain the nomination was due in large part to the "inability of the other candidates to get together." McCumber himself believed he
had an advantage over the other field candidates because "I had a considerably larger number of personal friends among the followers of the other candidates." Indeed, McCumber was the "second choice of the Johnson men . . . ," which was one of the reasons why the result of the election was "so generally regarded as satisfactory among the party as a whole." Marshall agreed, stating that "I cannot see how out of a situation so complicated, taking everything into careful consideration, a happier result could have been effected."

McCumber also believed that he had "a better inside knowledge of what was going on behind the lines. I carried in my pocket a list showing where each voter would go when this or that candidate would withdraw or when the break finally came, as it soon must come." In his memoirs, he made no mention of the efforts of LaMoure or the compromise that was reached between the candidates.

McCumber's election was greeted with great enthusiasm throughout the state. The Herald, which had supported Johnson, saw the election as a "victory for good government and people who have labored for improved politics have every reason to be satisfied." Senator Hansbrough, whom McCumber had nominated for Congress years before, cabled his congratulations from Washington, D.C., stating that McCumber's election "will greatly strengthen the party in North Dakota." C.A. Lounsberry cabled his congratulations as well. "The result is a happy outcome from a difficult situation and will be approved by all good republicans. You will prove an ideal senator and an honor to the state." "No man in the state," according to the Tribune, "stands higher in the estimates of the people." His accomplishments were
Tribune, "stands higher in the estimates of the people." His accomplishments were hailed, and the Tribune maintained that "no man in the state of North Dakota today ... has done as much for the republican party during that time [seventeen years in the state] as has Mr. McCumber." The Herald reported that "McCumber is clean and able. He is a man of education and culture, and those who know him say that he is possessed of a sturdy independence of character which will not permit him to call any man master." The Sheldon Progress pointed out that "He is a brilliant lawyer, an able statesman and a polished orator. He has always been a champion of the people against the corporations." He was "fitted in every way to make his mark in the upper house of congress and place it high up" according to the Plaindealer. The Minot Optic reported that "it was his true Republicanism, his ability as an orator, his unwavering fidelity to his friends and a clean personal record that made Porter J. McCumber senator from North Dakota." The Dickinson Press was gratified to know "ability and true republicanism has been recognized." The Tribune was pleased to note that "the campaign that was made by the field was honestly, cleanly and openly waged."

The other candidates, including Johnson, congratulated him. "Mr. McCumber will make us a good senator. He is an able lawyer and sound republican on all points of fundamental party doctrine." Even his "bitter enemy" Lauder, who had been criticized for working for Johnson "to get even with someone," admitted that McCumber would "do every duty" and would be "watchful of state interests."
culmination of ten years of cultivating contacts and preparing for the event. After the
lesson of his defeats in 1889, McCumber adapted to the political environment. In
1896, he had gained considerable prominence throughout the state with his
campaigning for McKinley. By the end of 1898, McCumber had "regained his
balance," as it were, and recognized that although Johnson seemed to have a
tremendous amount of support, his power base did not include the important power
brokers, LaMoure and McKenzie. Recognizing the opportunity, McCumber fought
back from near oblivion in 1889 to capture the pinnacles of power. The year 1899
was a triumph for the man, politically and personally.
1Grand Forks Daily Herald, 20 January 1899, 1.

2Bismarck Daily Tribune, 11 November 1898, 2.

3Ibid.

4Ibid., 12 December 1898, 2.

5Porter J. McCumber to Mrs. Sabina Salley, 3 February-20 November 1931, 72.

6William Sherman and Playford Thorson, eds., Plains Folk (Fargo: North Dakota Institute for Regional Studies, 1986), 54.


9Ibid., 78.

10Devils Lake Inter-Ocean, 23 December 1898, 1.

11Inter-Ocean, 23 December 1898, 1.

12Tribune, 27 December 1898, 2.


14Record-Historical, Personal, and Other Sketches, February 1899, 301. The Fargo Forum and Daily Republican estimated that McCumber could count on 10 votes. Forum, 2 January 1899, 4.

15McCumber, 72.

16Tribune, 31 December 1898, 3.

17Ibid., 3 January 1899, 2.

18Ibid.

19Ibid., 3 January 1899, 2.

20Ibid., 4.
21 McCumber, 73.

22 Tribune, 6 January 1899, 2.

23 Ibid., 3.

24 Ibid., 3 January 1899, 2.

25 Ibid., 11 January 1899, 2.

26 Ibid. 12 January 1899, 2.

27 Ibid., 15 January 1899, 2.

28 Baglien, 79.

29 Tribune, 17 January 1899, 1.

30 Ibid., 4.

31 Ibid., 18 January 1899, 1.

32 Ibid.

33 Ibid.

34 Ibid.


36 Ibid.

37 Ibid.

38 Ibid.

39 Ibid.

40 Ibid.

41 Ibid.

42 Wahpeton Globe, 26 January 1899, 1.

43 Herald, 22 January 1899, 1.

44 Ibid., 2.
Contemporary newspapers from around the state offer fairly detailed daily descriptions of the efforts to unite the field against Johnson, and are recommended for further inquiry.


Tribune, 20 January 1899, 1.

Herald, 22 January 1899, 1.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid.


McCumber, 73.

Record, February 1899, 301; Forum, 23 January 1899, 4.

Tribune, 20 January 1899, 1.

McCumber, 73.

Herald, 21 January 1899, 2.

Times, 26 January 1899, 2.

Tribune, 21 January 1899, 1.

Ibid., 20 January 1899, 2.

Ibid., 19 January 1899, 1.

Wahpeton Globe, 26 January 1899, 1, as quoted from the Herald.
68Ibid., 2, as quoted from the Sheldon Progress.

69Ibid., as quoted from the Plaindealer.

70Inter-Ocean, 3 February 1899, 8.

71Tribune, 21 January 1899, 2, as quoted in the Dickinson Press.

72Ibid.

73Ibid., 1.

74Herald, 12 January 1899, 2.
CHAPTER VII
PORTER J. MCCUMBER-"MCKENZIE MAN?"

It has been argued that Porter McCumber was a "McKenzie Man." In his thesis, Kenneth Carey writes that McKenzie "directed the political activities of his friend and associate, Senator Porter J. McCumber."¹ Robert Wilkins states that "The Scots, who loomed so large in territorial and early statehood days, provided McKenzie with two shrewd, effective associates, Henry C. Hansbrough and Porter J. McCumber."² Elwyn Robinson, the state’s premier historian, holds that McCumber was a "steadfast McKenzie Man."³ Robinson also states, however, that the men chosen by the McKenzie machine were not McKenzie puppets, and further states that McCumber, for one, was accepted as U.S. Senator because of his following.⁴ The Fargo Forum in 1933 noted that although McCumber was known as a "McKenzie man", his allegiance to "the Boss" was "not blind."⁵

Therein lies the dilemma. Was McCumber a "McKenzie Man?" There can be no doubt that McCumber was the "product of the political machine of Alexander McKenzie."⁶ Anyone working politically in the state of North Dakota at the time was, if not a "product," at the very least touched and influenced by the system that included the job. The extent of McKenzie’s influence or control over McCumber, especially before 1899, is a matter for some debate, however.
It is safe to say that McCumber was not a "McKenzie Man" during his first few years in the territory, from roughly 1882 to 1889. As has been detailed previously, McCumber was supported during his campaigns for the territorial legislature, by the Farmers' Alliance, an organization "Big Alec" did not particularly care for. It is true that McCumber supported the McKenzie view that the capital should remain in Bismarck. The fact remains, however, that he also introduced legislation on the farmers' behalf, and in 1888 helped prepare a railroad bill favorable to the cause of the Farmers' Alliance, not the railroad itself. Newspapers at the time often commented on his disassociation with the "Old Gang," McKenzie and company.

McCumber grew up on a farm, and despite his distaste of that difficult life, he would naturally have felt some affinity for the farmer. He continued to be called a friend of the farmer in 1889, during the Republican state convention and his run for the Senate. His avid support of John Miller did not make him very popular with McKenzie, who supported Harrison Allen. Had McCumber not verified the vote for the permanent chair of the convention, North Dakota's history might have been much different. "We cannot fight the whole Northern Pacific railroad," McCumber stated as he fought to keep out their lobby. His run for the Senate was supported by those seeking clean government and independent action, and upon his defeat, many claimed that the railroad had beaten McCumber. Remember that McKenzie had threatened to run McCumber out of the state in 1889, just four years after he supposedly pledged to make McCumber a Senator one day.
After 1890, the question of McCumber’s connection to the McKenzie machine is less clear. For one thing, he was nominated for the State Republican Convention temporary Chair by none other than Jud LaMoure. Did McCumber realize after his defeat in 1889 that he would have to work closer with McKenzie and company in order to move ahead? McCumber was by then an experienced politician and must have realized that he had to work within the established system if he wanted to succeed. In North Dakota, that system included the McKenzie Machine.

By the mid to late 1890’s, McCumber was charged with working for the railroad and McKenzie. Newspapers like the Fargo Forum, which had previously been very enthusiastic in its support for McCumber, shifted to others, like Lauder and Johnson. Yet papers such as the Grand Forks Herald, which also supported Johnson in 1894, stated that McCumber would make a good congressman "some other time." Were Lauder’s charges in 1894, and Snyder’s in 1898, simply strategies used to get even with McCumber over some personal conflict or typical "dirty politics?" Or was there some truth to the allegations? McCumber claimed that his association with railroad personnel like Dodge was personal. Although Lauder himself was accused of being part of a combination and of utilizing railroad passes, the connection between McCumber and the railroad cannot be ignored. One must also speculate on the source of McCumber’s wealth. As stated previously, upon his election in 1899 it was reported that he was worth $100,000. If the report was true, where did the money come from? It certainly could not have come from his law practice alone, unless he had found himself a very rich patron. We do not know with any certainty whether he
made financial investments during the 1890s, or if he did, whether these investments were any more successful than those of the early 1900s. Did McCumber have occasion to represent the railroad at some point? And if he did, would that confirm a McKenzie connection?

The Senatorial race of 1899 adds another wrinkle to the debate on whether McCumber was or was not a "McKenzie Man." The evidence indicates that McCumber was not yet a "McKenzie Man." Although he was supported by and seemed to be friendly with McKenzie's right-hand man LaMoure, as contemporary newspapers pointed out, McKenzie did not particularly want McCumber to be the caucus candidate. In addition, although McCumber's defeat of Johnson pleased McKenzie, many of Johnson's own supporters considered McCumber their second choice. At the time, the Record declared that "The machine triumph is confined to the defeat of Johnson and unwillingly a tribute is paid to popular preference. McKenzie was forced to accept McCumber." At that time, McCumber was not the "staunch McKenzie man he was in later years."

Nevertheless, McCumber's election and McKenzie's implied role in it, inspired the "McKenzie Man" label, and certainly "on paper" McCumber remained McKenzie's "last vestige of control in North Dakota." During McKenzie's trouble with the law during the Alaskan difficulty in 1900-01, McCumber and Hansbrough defended him, even going so far as to secure certification from a Minneapolis physician that McKenzie's health was so poor that he would not survive a 9 month jail term. By 1922, McCumber was so firmly identified with the "Old Guard" that he was defeated.
McCumber was not a "McKenzie Man" in the sense that he had no will of his own. Although his career was undeniably influenced by the power structure in place at that time, he maintained a degree of independence. As the Record pointed out in 1896, McCumber generally stood with "what have been known as the reform elements, though never out of harmony with the better sense of his party." Ultimately, McCumber was a shrewd politician--did not burn his bridges.

The election of 1899 marks a dividing point in McCumber's life and career. For the rest of his life, he would concern himself primarily with national affairs, though the good of North Dakota was always his goal. He served in the Senate for twenty-three years and made an important mark for himself in history. Besides some of his accomplishments which were reviewed in the first chapter of this paper, the Senator initially expressed his support for territorial expansion. Subsequently, he urged the U.S. to stand "so everlastingly neutral" in World War I that "not one of the nations engaged in the conflict can make any complaint against us." He believed it was the United States' destiny to lead the world in the "path of lasting peace."

McCumber was defeated in 1922 in part because of the "McKenzie Man" label that had been placed on him. He "returned to his roots" after this defeat and resumed his law practice, although his interest in politics remained unabated. In 1933, McCumber died of a massive stroke. His career had finally come to an end.

McCumber went to the United States Senate with a "clear conscious" as it were. His election in 1899 was a triumph, a clean one at that. The contest had been waged freely and openly. McCumber's election was by no means automatic, though it
was recognized that a Republican would win. Nor was it dictated. Yes, McCumber
did have the advantage of LaMoure’s support. But for that matter, Little had had
McKenzie’s support, and he was not able to capture the office. In the end, support
was thrown McCumber’s way, support which was not forced. Acclamation upon his
election came from all Republicans. The election was his and his triumph untainted.

2Robert Wilkins, "Tory Isolationist--Porter J. McCumber and World War I 1914-1917" (North Dakota History 34, Summer 1967), 109.


4Ibid.

5Fargo Forum and Daily Republican, 19 May 1933, 1.


7Grand Forks Daily Herald, 23 August 1889, 4.

8Grand Forks Plaindealer, 30 July, 5.

9Herald, 17 July 1894, 4.

10Pioneer Press (St. Paul), 20 January 1899, 1.

11Record-Historical, Personal, and Other Sketches, February 1899, 300.


13Ibid.


15Record, September 1896, 16.

16D. Jerome Tweton, North Dakota-The Heritage of a People (Fargo: North Dakota Institute for Regional Studies, 1976), 145.


18Jennie McCumber describes the circumstances surrounding his death: Monday afternoon we all went to a White House garden party, Porter included. He seemed to enjoy it. We met so many people we knew and he seemed to enjoy visiting with them. That evening we spent as usual,—he and I always played several games of solitaire—then he went
up to his room and read and then went to bed . . . Thursday morning we visited at the breakfast table about the news in the papers. He seemed as usual as he left for the office. At ten o'clock he complained of a severe pain in the back of his head--then crumpled over. A doctor came at once and an ambulance took him to the hospital--he never regained consciousness and died Thursday evening about half past ten. Apparently there was no suffering. He passed away without a struggle . . . It was such a blessing for him and us too. He died in the harness, useful to the end.

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