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The public career of J.F.T. O'Connor

Alice Jane Johnson

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THE PUBLIC CAREER OF J. F. T. O'CONNOR

A Thesis

Submitted to the Faculty of the Graduate School
of the
University of North Dakota

By

Alice Jane Johnson
"

In Partial Fulfillment of the Requirements
for the
Degree of Master of Arts

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This thesis, submitted by Alice Jane Johnson, in partial fulfillment of the requirements for the Degree of Master of Arts at the University of North Dakota, is hereby approved by the committee of instruction under whom the work has been done.

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A. J. J.

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CHAPTER I

THE O'CONNORS OF GRAND FORKS

During the last three decades of the nineteenth century, the frontier village of Grand Forks, Dakota Territory, experienced a phenomenal growth.¹ Included in the wave of settlers were the Ryans and Campbells from the Canadian province of Ontario, and they encouraged friends they had left at home to follow them.² In 1881 Edward O'Connor took their advice. He was born at Lanrick, Ontario, in 1847, and twenty one years later married Honora Lane, who had immigrated from Newcastle, Limerick County, Ireland. Eight children were born to them and christened in St. John the Baptist church in near by Perth: Edward John (November 27, 1868), Mary (December 23, 1869), Michael (November 17, 1871), William Patrick (June 23, 1873), Thomas Joseph (no date), Stephen Lawrence (March 21, 1879), Charles Alexander (November 24, 1881) and James Francis Thaddeus (November 10, 1883). O'Connor's family remained in Lanrick for two years

¹ Robert S. Anderson, "A Social History of Grand Forks, North Dakota, 1880-1914" (unpublished M.A. thesis, University of North Dakota, 1951), 24.

² The discussion on J. F. T. O'Connor's early life was derived largely from a seventy-three page monograph of this period which he wrote during one of the last years he lived. Valuable factual data on the family background was secured from his brother, Larry O'Connor, in an interview in his home in Grand Forks, North Dakota, on March 13, 1956.

while he established his business in Grand Forks. In December, 1883, when James Francis Thaddeus was only a few weeks old, he brought them to their new home.³

Mr. O'Connor selected a choice site in Grand Forks on which to establish his business, a saloon. Walking along the bank of the Red River, he tried to determine at which point a bridge would be built to connect Grand Forks with the village of East Grand Forks.⁴ When he had made his decision, he purchased a corner lot directly south of the location and on it built a two story brick building.⁵ At this time the O'Connor family lived in a large frame house on the corner of Alpha Avenue and Third Street. Among Frank's⁶ first recollections was sitting in its doorway as it was moved to make room for the first Dacotah Hotel.⁷ Edward O'Connor was forced to abandon the liquor business when Dakota Territory became dry in 1888. He turned to farming then, and purchased five quarter sections of land

³ Interview with Larry O'Connor, March 13, 1956.

⁴ O'Connor manuscript, 19-20.

⁵ Located at Third Street and DeMers Avenue, it was soon the most valuable corner in town. Mrs. O'Connor sold the building after her husband's death. It now houses, in part, Buttrey's clothing store.

⁶ James Francis Thaddeus was commonly called Frank. The nickname Jefty, which he acquired later in life, is believed to have been originated by President F. D. Roosevelt. Interview with Judge O. B. Burtness, March 27, 1956.

⁷ O'Connor manuscript, 19.

near the village of Thompson, fourteen miles south of Grand Forks.⁸ A typical northern plains settlement with hitching posts, a blacksmith shop and four grain elevators, Thompson was remembered by Frank in later years as a "delightful little town with kind people."⁹ Frank's chores on the farm were much like those of any boy his age in that day. By the time he was ten years of age he was driving a binder, and as he grew older, he followed the threshing caravan as it moved from farm to farm.¹⁰

The O'Connors were of pure Irish stock and adhered devoutly to the Catholic faith. If bad weather prevented them from getting to mass at Thompson, the prayers were said at home. Often, while the rosary was being said in the evening, Frank would fall asleep. Later, he would awaken to find himself in the darkened room, his head on his arms, kneeling at a chair. He could never decide whether he had been punished or forgotten. There were impressions made upon him during these early years that influenced him for the rest of his life. His father, a heavy smoker, did not want his sons to smoke until they were of age. Frank--and five

⁸ "A steal," recalls Larry O'Connor. Sound buildings, all machinery, horses and seed were included for twenty dollars an acre. It was purchased from the Alton brothers of Chicago. Interview with Larry O'Connor, March 13, 1956.

⁹ O'Connor manuscript, 16.

¹⁰ Ibid., 5.

of his brothers--never did smoke. It was Mrs. O'Connor that received a promise from Frank that he would not taste liquor until he was twenty-one years old,¹¹ and he remained a total abstainer all his life. There may have been other influencing factors here, too. He recalled in later years that the lectures he had heard in their little country school on the results of alcoholism had been "most impressive," and that a Thompson saloon fire, which caused several deaths, had been the subject of many sermons.

During the winter months the O'Connors lived in Grand Forks to enable the older boys to continue their education. The younger O'Connor children found themselves in school most of the year because in addition to the elementary school in Grand Forks, they attended the little one-room school in Americus Township which continued late in the spring and reopened early in the fall.¹² Here the Irish found themselves outnumbered by the Norwegians who, nevertheless, "were true Americans and respected the rights of minorities."¹³ Frank completed his elementary education at St. Bernard's Academy in Grand Forks, a parochial school which was founded in 1885 by the parishioners of St. Michael's

¹¹ Fargo Forum, July 3, 1919. (Clipping)

¹² Interview with Larry O'Connor, March 13, 1956. Country schools did not operate December-March in the 1880's and '90's.

¹³ O'Connor manuscript, 3.

Catholic church.¹⁴ During these early years he had a variety of part-time jobs. Among them was the task of selling small steel savings banks for the Union National Bank. He sat in a chair in the president's office, bundled in a tight fitting overcoat, his feet reaching only half way to the floor, as he listened to the terms of the agreement. It was the first time he had ever heard of party of the first part and party of the second part, and had no idea what they meant.¹⁵ Like countless other boys, he also shined shoes and sold newspapers. At one time during his high school career he held down two jobs, dividing his attention between the Lyons bicycle shop and the Brown and Rogers confectionery store.¹⁶ Frank enjoyed participating in the Sunday baseball games, usually playing short stop or one of the field positions. A sport in which he seemed equally interested, but from a spectator's standpoint, was horse and cutter racing. The local fellows with their girls by their sides, raced up and down Third Street. "It was a beautiful sight to see these fine driving horses with their heads high in the air, their mouth and nostrils frosted and their hot breath like white smoke as it contacted the below zero weather."¹⁷

¹⁴ Anderson, 84. The name was later changed to St. James Academy.

¹⁵ O'Connor manuscript, 25.

¹⁶ Ibid., 23.

¹⁷ Ibid., 13.

Everyone enjoyed riding, and the livery stables did a thriving business renting teams and hacks or sleighs for Sunday drives around town.¹⁸

Edward O'Connor died in January, 1894. His eldest son and namesake followed at the age of twenty-five, in 1899, and Mrs. O'Connor in 1903.¹⁹ Michael, who was a senior at the University of North Dakota at the time of his father's death, left school to care for the farm. It was Tom, however, who eventually operated it and Michael became associated with his brother, William, in the Farmers' and Mechanics' bank in Grand Forks. Larry, a jeweler for several years, later purchased a dairy farm near the city limits. While attending St. Thomas, a boys' school in Minneapolis, Charles was injured in a skating accident. He was hospitalized or in the care of his family for the rest of his life.²⁰ Mary, called Minnie, married a local druggist, C. P. Trepanier, and lived her entire life in Grand Forks.²¹

O'Connor, meanwhile, had completed his courses at St. Bernard's Academy and was ready to enter the preparatory department of the University of North Dakota. In the fall of 1899, William, who had graduated from the University six

¹⁸ Anderson, 30.

¹⁹ Interview with Larry O'Connor, March 13, 1956.

²⁰ Ibid.

²¹ She and Larry are the only surviving members of the family.

years before, took him to Grand Forks and introduced him to President Merrifield.²² This university professor was to inspire O'Connor to a greater degree, perhaps, than any other individual. O'Connor's first crisis at the University occurred when Dr. George S. Thomas, Professor of Latin, and Dean of the College of Liberal Arts complained to Merrifield that he was not far enough advanced to be in college. The President asked O'Connor to conjugate the verb "amo." That was simple. It had been part of the class lesson only half an hour before. On this basis he was allowed to continue his studies. "No one ever graduated from high school in those days, you just slid into college . . . and the exact moment was never known unless you happened to go to the Registrar and find out how many credits you had."²³ These years were active ones for O'Connor and later in life he recalled, "It seems I was always organizing societies."²⁴ It was in oratory that he had his greatest interest. The university had several debating societies and through them the leadership of the upper classes developed.²⁵ Many of North Dakota's prominent political figures of that time received their training in public speaking in these circles.²⁶

²² O'Connor manuscript, 37.

²³ O'Connor manuscript, 38. He was referring in this instance to the University's preparatory department.

²⁴ Ibid., 40.

²⁵ Ibid., 38.

²⁶ Ibid., 41.

O'Connor however, objected to the coeducational plan of these organizations. There were others who supported his attitude, including Sveinbjorn Johnson, his future law partner. Believing that better work could be done by a society composed only of young men, O'Connor started a club that became Ad Altiora²⁷ and served as its first president. But he and his friends had reckoned without the faculty, who insisted that membership be open to women. The student organizers altered the constitution, but no women sought entry into the society. Later, the founders scored their victory when they changed the wording back to its original form.

In Ad Altiora O'Connor developed an ability that was perhaps his most valuable asset throughout his life. But his first public speaking appearance did not give him grounds for encouragement. The occasion was the presentation of a portrait of John M. Cochrane to the university. Cochrane, a distinguished North Dakota lawyer, had taught in the university's law department and had died while serving as a member of the state supreme court.²⁸ O'Connor expected praise when Professor Vernon P. Squires stopped him in the hallway the next morning, and was somewhat astounded to hear instead,

²⁷ Translated: "To greater heights."

²⁸ O'Connor manuscript, 42. As a result of O'Connor's persuasion, the university bought Cochrane's superb law library, which provided the nucleus for the present university law library. Interview with Judge O. B. Burtness, Grand Forks, North Dakota, March 27, 1956.

"Frank, you have a lot of energy and it should be directed in the right channel. I heard your speech last evening and it was the worst speech I ever heard."²⁹ But the encouraging words O'Connor had received from his mother when he was a child proved to be of greater influence than Professor Squire's rebuke. Mrs. O'Connor had read speeches of great men to him and had promised him that he would be a great orator some day if he never gave up. And he kept trying. He entered every debating and oratorical contest and his diligence was rewarding. He was the first recipient of the Palmer Medal, an award made annually to the member of Ad Altiora who, in the judgement of his fellow members, showed the greatest improvement and was most deserving of honor.³⁰ Later, he won the Merrifield Oratorical Prize³¹ and received second place in the Western League of Oratory.³² In debate he was less effective. He did not attain recognition in that respect until he became a student at Yale University. He was especially disillusioned when he was eliminated as a member of the North Dakota team for the University of Manitoba debate, considered to be the most significant event of its kind during the year. Again Merrified was an

²⁹ O'Connor manuscript, 42.

³⁰ University Bulletin, II, No. 3 (Grand Forks, 1905), 28-29.

³¹ O'Connor manuscript, 44.

³² The Weekly Student (University of North Dakota), June 1, 1907.

inspiration to him. Calling O'Connor into his office he said, "I heard you last night . . . I was one of the judges. What I am going to say to you can make you a great failure or a fine success . . . I voted for you as a member of our team. I believe you were the best speaker of all. Your manner is natural and your voice is good. Now you can go out of here and say, 'I'm a good speaker,' and just stop working or you can go out of here and continue to work hard, speak whenever you can, and when you leave this university you should be the best speaker we have ever produced."³³

Oratory did not receive O'Connor's undivided attention, however. He assisted in the organization of the Celtic Society, which had as its aim ". . . to unite the descendents of the old Celtic tribes . . . to keep alive the memory . . . to save from oblivion some of their writings; and to excite an interest in those who without losing their Celtic individuality, have played so great a part in American life."³⁴ It was probably stimulated by the development of Scandinavian language study and the fine Scandinavian (mostly Norwegian) collection at the University. O'Connor wrote the Celtic Society's constitution³⁵ and served as president of the organization in 1908.³⁶ He participated moderately in

³³ O'Connor manuscript, 43.

³⁴ The Dacotah, 1908, 123.

³⁵ O'Connor manuscript, 41.

³⁶ The Dacotah, 1908, 123.

athletics, also. Although he never made the first team in football, basketball, or baseball, his own account states that he revamped the Athletic Association constitution and served as manager of the football team.³⁷ While he piloted the group they made a trip to Wisconsin, the greatest distance they had travelled until that time. They were assured their expenses, but they were not reimbursed until after they reached Wisconsin. That necessitated a considerable amount of finesse on Frank's part as even the rail tickets had to be secured on credit. It was, without doubt, his diplomacy in making the arrangements that made the trip possible.

In 1904 the Dakota Student became a weekly instead of a monthly paper, and it was O'Connor who began agitating for the change.³⁸ There was considerable opposition from the faculty who believed that the literary standards would be lowered by frequent publication, but the students triumphed and at least one edition a week has been published ever since. O'Connor was elected associate editor in his senior year.³⁹

He gained valuable experience in the field of journalism outside the classroom, also. During the summer vacation he

³⁷ O'Connor manuscript, 40.

³⁸ Ibid., 41.

³⁹ Ibid., 42.

edited the Lakota American when the editor was on a vacation trip.⁴⁰ In Grand Forks, he covered the baseball games for the Duluth Evening Herald and Minneapolis Tribune.⁴¹ He also provided these papers with a weekly column of university news and an occasional short story. This was all done while he worked after classes at the Grand Forks Daily Plaindealer. He had got the position as copy reader for the Plaindealer only after persistently pursuing the manager, editor and everyone else on the staff. He soon proved his worth. Much of the initiative that was to win for him such a prominent position in life was displayed here. When Editor Fred Lincoln became ill, Frank assumed full responsibility for writing the editorials and publishing the paper. The owner knew nothing of the situation at the time, but wanted to replace Lincoln with O'Connor when he became aware of the incident.⁴² O'Connor, who was grateful for the guidance he had received from the editor, convinced the owner they should both stay.

But this journalistic experience included trying moments, too. He published an obituary of a critically ill Northern League baseball player only to find that the rumor of his death had been false. He became equally red-faced over an

⁴⁰ Ibid., 36.

⁴¹ Ibid., 28.

⁴² Ibid., 27.

incident that occurred during the Russian-Japanese War. Since the Japanese had the Russian fleet immobilized in Port Arthur, he felt that the headline "Russian General Worried" would apply to anything that could happen while he was at a baseball game. Luckily, he returned to the office before going to the ball park, just as the first papers were coming off the press. His headline read, "Russian General Married." Most of these first issues were circulated on rural routes, but one reached the hands of the owner's father-in-law. He came up the next day. The headline was unusual, he thought, since he could not find anything about a wedding in the paper. The owner and his father-in-law asked O'Connor for a paper and he handed them the last edition without comment, continuing to pound the keys on his typewriter. "'Well, well, Charles,' said the kindly old gentleman, 'my eyes are getting rather poor. I'll have to change my glasses.'"⁴³

It was through his newspaper work that O'Connor attended his first political conventions. In 1906, the Duluth Herald, Minneapolis Tribune and Grand Forks Daily Plaindealer sent him as a reporter to the last state nominating conventions that were held before the primary elections went into effect.⁴⁴ The Democratic convention held at Minot nominated John Burke, a Devils Lake lawyer, for governor. E. Y. Sarles was

⁴³ Ibid., 28.

⁴⁴ Ibid., 29.

renominated at the Republican convention in Jamestown. It was rumored that a Republican leader, Hugh Ryan of Grand Forks, had a promising slate. Under a pledge of secrecy O'Connor finally got the names from him and wrote the story. He wired it to his papers, cautioning them to keep the article in reserve until he informed them definitely of the nominations. When Ryan's followers gained control of the convention O'Connor wired his papers to release the article. It was a great chance, but he succeeded in "scooping" all the other newspapers. When the vote for the governorship was being counted one of the reporters received an inquiring wire from his paper saying that the Tribune was already on the street with the whole ticket! Greatest thrill of all came when the unsolicited summary O'Connor had written appeared on the front page of the Minneapolis Sunday Tribune.⁴⁵

O'Connor received his A. B. degree from the University of North Dakota in 1907; a year later he was granted the LL.B. degree from the same school. His academic record was undistinguished. Chosen to be one of the commencement speakers, he was awarded the coveted Sidney Clark Commencement Prize.⁴⁶ His subject was "John C. Calhoun" and in later

⁴⁵ O'Connor manuscript, 30-31. Some time later, while traveling with the football team as manager, Frank stopped to see Charles Hamblin, managing editor of the Minneapolis Tribune. Hamblin immediately inquired about Frank's father and wanted to know if he was with him. "When I told him my father died when I was nine years old his pipe nearly dropped from his teeth."

⁴⁶ Grand Forks Herald, June 14, 1907.

years he recalled, "Imagine my surprise when I looked at the program and found out that George B. Winship . . . a veteran of the Civil War, state commander of the G. A. R. and a leading Republican was chairman of the committee of judges. The decision was unanimous . . ."47

At the suggestion of President Merrifield, O'Connor entered the Yale Law School the following September.⁴⁸ The boys from the western part of the country were soon making O'Connor's room their headquarters.⁴⁹ Perhaps their most illustrious classmate was Robert A. Taft, son of the President of the United States. O'Connor nominated him for the presidency of the Debating Union and he was elected.⁵⁰ Their law group formed the John C. Calhoun chapter of Phi Alpha Delta.⁵¹ Arthur Koontz, the first justice of the

⁴⁷ Ibid., 45. Later the oration was published in the Grand Forks Herald and it attracted the attention of John Temple Graves of the Atlantia Constitution. ". . . this distinguished writer and orator wrote a three column editorial praising the good will and tolerance of the University that graduated such a person.

⁴⁸ Ibid. Merrifield had been a classmate of President William Howard Taft at the same school.

⁴⁹ Peoria Star, February 6, 1921. (Clipping)

⁵⁰ O'Connor manuscript, 51. In 1940 Senator Taft was a member of the Judiciary committee of the United States Senate and voted for O'Connor's nomination as United States District Judge for Southern California.

⁵¹ Shortly after his return from Yale, Frank was instrumental in securing a national charter for Corliss chapter of Phi Alpha Delta at the University of North Dakota. Interview with Judge O. B. Burtness, Grand Forks, North Dakota, March 27, 1956.

chapter, became a prominent lawyer in West Virginia. Years later O'Connor recalled: "Arthur and I were selected as the first two delegates to the Phi Alpha Delta national convention in Chicago in June, 1901. In 1920 he was nominated by the Democratic Party for governor of West Virginia, and I was nominated for governor of North Dakota by the same party. Those were Republican years and we both met the same fate."⁵²

O'Connor's first experience at a national convention came shortly after he enrolled at Yale. The United Irishmen were assembled in Faneuil Hall in Boston, and O'Connor seized the opportunity to attend.⁵³ The freedom of Ireland was a live question at that time, and he had become familiar with some of the issues through the magazine, Irish World, to which the O'Connor family had subscribed. With no previous notice, O'Connor was called upon to speak. Why, he never knew, and he never could remember what he said. He was impressed by the prominent Irishmen he met, including political leader John E. Redmond, who continued to keep in touch with him and sent him a box of shamrocks from the "old sod" every St. Patrick's Day.⁵⁴

At Yale, O'Connor gained his long sought recognition in debate. Elected president of the Kent and Weyland debating

⁵² Ibid., 50.

⁵³ Ibid., 46.

⁵⁴ Ibid.

clubs, he was also captain of the Yale team which debated against Harvard.⁵⁵ In seven contests between the two schools, O'Connor brought home seven first prizes.⁵⁶ On one of these occasions, the Boston Journal commented: "O'Connor of Yale was, without doubt, the best debater of the evening on either team. So strong was he that he even made the men on his own team appear weak and inefficient beside him."⁵⁷ According to one account, Yale President Elliot (sic) credited him with making the "greatest speech ever heard in a debate at Harvard."⁵⁸ Repeating the record he achieved at the University of North Dakota, he gained many oratorical awards. Included were the Weyland Debating prize, the Demosthenes Medal, and the Townsend Oratorical Award, in the form of one hundred dollars in gold, which was announced at the commencement exercises.⁵⁹

O'Connor received the LL.B. degree from Yale in 1909 and the M.A. in 1910. In September of that year he accepted an offer to serve as instructor on the Yale faculty. He taught public speaking and remained in the position for two

⁵⁵ Ibid., 51.

⁵⁶ Tower City Topics, June 5, 1919. The Yale records were not checked for confirmation.

⁵⁷ The Dacotah, 1910, 208.

⁵⁸ Peoria Star, February 6, 1921.

⁵⁹ O'Connor manuscript, 50.

years.⁶⁰ When urged to return for a third year he declined, stating he chose to follow the legal profession. To do so, he returned to his boyhood home of Grand Forks. Attorney Scott Rex invited him to use a small office in his suite in the Security Building. O'Connor's early political interests could not have been advanced much by this association for he recalled later, "His time was divided between law and golf. He cared nothing about politics and I never was sure to which party he belonged."⁶¹

O'Connor's first case involved a fight between a chef and his helper in the kitchen of the Hotel Dacotah. He successfully defended the helper and kept the fifty-dollar promissory note he received as a souvenir.⁶² Undoubtedly this was the first of many similar cases he handled while he was becoming established in the profession. In 1914 he entered into a law partnership with Sveinbjorn Johnson.⁶³ The two had graduated in the same law class at the University of North Dakota in 1908. During the two years following his graduation, while O'Connor was at Yale, Johnson organized

⁶⁰ Ibid., 52.

⁶¹ Ibid., 53. Included in O'Connor's outside activity was membership in the Knights of Columbus and the Elks Lodge. He was also national president of the Intercollegiate Debaters and Orators of the United States from 1913 to 1917. The Register, March 22, 1919; Grand Forks Herald, September 29, 1949; Fairmount News, undated. (Clipping)

⁶² Ibid., 71.

⁶³ Grand Forks Herald, March 9, 1921.

the legislative reference department at Bismarck, which he operated until 1911 when he opened a law practice at Cavalier, North Dakota. A year and a half later he accepted a position in the Political Science department at the state university where he remained until he entered partnership with O'Connor.⁶⁴

The years that followed found them with strikingly similar careers as both became active in state Democratic circles. In 1916 O'Connor was elected to the state legislature. His introduction to political life came at a significant time in North Dakota's history.

⁶⁴ Ibid.

CHAPTER II

MIDDLE OF THE ROAD OPPONENT OF THE NPL

The opening of the fifteenth legislative session brought a shift in emphasis on the North Dakota political scene. Controlled by the farmers' organization, the Nonpartisan League, the assembly represented victory for the agrarian interests of the state. As in the entire midwest, there had long been dissatisfaction with the agricultural economy in North Dakota. The resulting agitation for reform had appeared in successive movements whose forces were spent when prosperous years reappeared. But the need for amelioration continued to present itself, and it became progressively more pronounced. Every facet of North Dakota's economy was susceptible to abuse, but the source of all difficulty was the primary cash crop--wheat.¹ The farmer was convinced, and rightly so, that he was being deprived of a just share of his profits. A number of forces contributed to this situation. Marketing presented a problem.

¹ Discussion on North Dakota's agrarian problems may be found in Robert H. Bahmer, "The Economic and Political Background of the Non-Partisan League" (unpublished Ph.D. thesis, University of Minnesota, 1941); Andrew A. Bruce, Non-Partisan League (New York, 1921); Herbert E. Gaston, The Nonpartisan League (New York, 1920); Robert L. Morlan, "The Political History of the Nonpartisan League" (unpublished Ph. D. thesis, University of Minnesota, 1949); hereafter cited as Morlan, "Nonpartisan League", Robert L. Morlan, Political Prairie Fire, the Nonpartisan League, 1915-1922 (Minneapolis, 1955), hereafter cited as Morlan, Prairie Fire; Charles Edward Russel, The Story of the Nonpartisan League (New York, 1920).

The Minneapolis Chamber of Commerce exercised an effective monopoly of the grain trade, controlling line elevators, terminal elevators, grain traders and commission houses. Cooperating with this monopoly were the railroads. Indicative of their exorbitant transportation fees is the fact that around the turn of the century the cost of grain shipment from western North Dakota to lake port was often greater than from lake port to London.² "Phantom switching" fees were a source of annoyance.³ They were seldom demanded by the railroad (\$1.50 per car), but often extracted from the farmer by the grain handler.⁴ In addition, a fraudulent grading system, whereby an inferior grade of wheat in the farmer's hand became "No. 1 hard" at the terminal elevator, understandably created discontent.⁵ Contributing to this unfavorable situation was the banker, who charged high interest rates and extended only short term loans at a time when the farmer needed easy, long-term credit.⁶ Merchants, especially machinery dealers, were guilty of charging prices

² Charles N. Glaab, "John Burke and the North Dakota Progressive Movement" (unpublished M.A. thesis, University of North Dakota, 1952), 12.

³ William W. Phillips, "The Growth of a Progressive: Asle J. Gronna" (unpublished M.A. thesis, University of North Dakota, 1952), 141.

⁴ Morlan, Prairie Fire, 11-12.

⁵ Jackson K. Putnam, "The Socialist Party of North Dakota, 1902-1918" (unpublished M.A. thesis, University of North Dakota, 1956), 3.

⁶ Bahmer, 75-87.

that at times netted profits of "twenty-five to one-hundred per cent above normal levels."⁷ Tax rates increased annually,⁸ with a rising mortgage indebtedness as a natural result.

The 1911 legislative session increased the power of the railroad commission to control rates which eased this aspect of the situation,⁹ but many other ills continued to exist. To remedy these the farmers sought cooperative action. Their most significant achievement was in the field of marketing, which they endeavored to control through the American Society of Equity.¹⁰ In North Dakota this organization's cooperative arm, the Equity Cooperative Exchange, perennially led the agitation for a state owned terminal elevator, which had been a political issue since the beginning of statehood.¹¹ All agitation had become centered in the demand for this terminal elevator, which was supported by many elements in the state including the North Dakota Bankers' Association.¹² Successive state legislatures had paved the way for construction of the terminal since 1909, but the 1915 assembly abruptly killed it.¹³ Equity leader George Loftus and his

⁷ Morlan, "Nonpartisan League", 32-33; Morlan, Prairie Fire, 17-18.

⁸ Bahmer, 87-91.

⁹ Glaab, 152.

¹⁰ Phillips, 141.

¹¹ Putnam, 8.

¹² Bahmer, 243.

¹³ Phillips, 140.

group of farmer lobbyists were rebuffed by the legislature.¹⁴
The indignation that resulted was the immediate factor in
the rise of the Nonpartisan League.¹⁵

The initial growth of this farmer organization was phenomenal. Conceived by A. C. Townley while he was an organizer for the Socialist Party, it was designed for political action, and its goal was to capture the major parties from within.¹⁶ The aims of the League were concrete and immediate. In contrast to the Equity plan of private cooperatives, it favored state ownership of industrial enterprises including terminal elevators, flour mills, packing houses and cold storage plants. The state government was to sell hail insurance on the acreage tax basis and operate rural credit banks at cost. In addition, farm improvements were to be exempted from taxation and grain grading and inspection were to be state controlled.¹⁷ This program loomed as a radical threat to democracy in the eyes of many throughout the nation.¹⁸ North Dakota was considered a Socialistic laboratory.

This fifteenth legislative session was to conduct the

¹⁴ Ibid., 142.

¹⁵ Ibid.

¹⁶ Ibid., 143.

¹⁷ Gaston, 60.

¹⁸ "A New National Party," Literary Digest, LV (August 11, 1917), 13-14.

first experiment. In the 1916 election, the League had been given a majority of twenty-five in the House of Representatives.¹⁹ Control of the senate was not achieved, but League optimists predicted that it would be effected through the cooperation of at least seven holdover senators.²⁰ And the governorship was theirs. Lynn J. Frazier, a farmer from the village of Hoople, had been swept into office by the biggest majority ever given a gubernatorial candidate in North Dakota.²¹ It was with great enthusiasm and excitement that the fifteenth legislative assembly convened in January, 1917. An Emmons county senator, in a flurry to get to the capitol, forgot collar and tie until he arose to address the chair.²² Governor Frazier set the tone early when he announced that there would be no inaugural ball.²³ The farmer legislators had descended on Bismarck for a purpose; there was no time for frills.

It was in this setting that O'Connor made his political debut. He was to play an important role. As a cry arose from the conservative press warning of the threat to the

¹⁹ Morlan, Prairie Fire, 89.

²⁰ Ibid., 87.

²¹ Ibid.

²² Grand Forks Herald, January 3, 1917.

²³ Morlan, Prairie Fire, 92-93. Influential, perhaps, was Frazier's strict adherence to the Methodist faith, which did not approve of dancing.

social structure, the minority felt its obligation keenly. Party lines blurred as the League and anti-League forces began consolidating. Democrats and Republicans alike comprised the stalwart camp which opposed the League innovations. The Grand Forks Herald asserted that the stalwart forces were willing to deal fairly with their colleagues and give them "full recognition as long as they are good."²⁴

But soon it was the stalwarts who were seeking recognition. Their primary complaint was directed against the League's secret caucus in which all proposed League legislation was determined and discussed. Townley, with foresight, had arranged to lease the Northwest Hotel for the entire session.²⁵ It was there that nightly sessions were held to formulate League doctrine, secure unified action, and school the inexperienced farmer-legislators in parliamentary debate.²⁶ Since all members were pledged to vote in the chambers in accordance with the majority vote of the caucus, the legislative machinery of the House was effectively controlled by the League. The senate, where League strength was not as great or as dependable, provided the only check on the League steamroller.

The session proved to be a period of agitation in which

²⁴ Grand Forks Herald, January 3, 1917.

²⁵ Morlan, Prairie Fire, 96-99.

²⁶ Ibid., 96.

the League familiarized the citizens of the state with their objectives and laid the groundwork for the realization of these aims. It was not until the sixteenth legislative assembly convened two years later that most of the legislation was actually enacted. But it was during this "softening" process that the voice of the minority was most distinctly heard. This conservative element exercised great effort to apply the brakes as the League raced down a seemingly radical road. In this attempt, O'Connor's oratorical ability served the minority well. Polished and articulate, he provided a striking contrast to the majority of the Leaguers who were without experience in public speaking. The Bismarck Tribune reported his letting out the "tremulo stop . . . until he had the eagle back of the speaker's chair shedding tears."²⁷ He achieved dramatic effects by allowing his voice to rise to a crescendo and subsequently drop to a whisper which could still be heard in the remotest corner of the hall.²⁸

The most significant debate of the session, in which O'Connor played a dominant part, centered around House Bill 44, a proposed revision of the state constitution. It was self evident that the League's program of state industries could not be achieved without some type of constitutional

²⁷ Bismarck Tribune, January 12, 1917. (Clipping)

²⁸ Sharon Reporter, October 26, 1917. (Clipping)

change.²⁹ Townley declared, "Cowpunchers and Indian fighters planned the present constitution of North Dakota, the farmers of the state were not considered."³⁰ That these implications alarmed the conservatives can well be imagined, but in the argument over the method of achieving a change they possessed an effective weapon. The League considered the usual amendment procedure too time consuming and proposed a number of alternative methods. These included plans for a constitutional convention comprised of either legislators or delegates elected by the people. When it was evident that these procedures were vulnerable to attack on the basis of legality, the League determined that a regular bill might bring the desired results.

House Bill 44, embodying the revised constitution, came up for debate on January 25. O'Connor, who opened the discussion, set the stage the previous day by warning the majority leaders that they would expose themselves to severe criticism if they attempted to thwart the minority by gag methods.³¹ Half an hour before the session open the galleries and corridors were filled with interested spectators, and the senators adjourned early in order that they might hear the debate in the House.³² Although House ruling

²⁹ Morlan, Prairie Fire, 100.

³⁰ Mandan Daily Pioneer, January 18, 1917. (Clipping)

³¹ Unmarked, undated clipping.

³² Fargo Courier News, January 26, 1917. (Clipping)

limited debate to twenty minutes, O'Connor was given all the time he desired and spoke for an hour and a half.³³ Even caucus members joined in the frequent and sincere applause in spite of the fact that several of their colleagues contemptuously continued to read newspapers.³⁴

O'Connor shrewdly concentrated on the question of legality. Citing similar instances in other states, he indicated that such procedures had never been supported by the courts.³⁵ He quoted sections of the decisions on the Nebraska and Indiana constitutions, concluding that he failed to find any sanction of the method North Dakota was currently considering.³⁶ Effective, also, was his emphasis that the people should be consulted on the desirability of a constitutional convention.³⁷ O'Connor proposed two methods of revision: the regular course of amendment and the convention. Without recommending either, he asserted that the citizens of the state, in any event, should be given the opportunity to exercise their rightful authority.³⁸ He had a point. In framing the constitution, the people had required the concurrence of two successive legislative assemblies and a

³³ Ibid.

³⁴ Grand Forks Herald, January 26, 1917.

³⁵ New Rockford State Center, January 26, 1917. (Clipping)

³⁶ Fargo Courier News, January 26, 1917. (Clipping)

³⁷ Fargo Forum, January 26, 1917. (Clipping)

³⁸ Ibid.

general election for any amendment. A revision by a single session³⁹ hardly seemed acceptable.

He then briefly attacked specific provisions, including the "blue sky" limit on indebtedness, public ownership, and the infringement on public school funds.⁴⁰ But his greatest emphasis was not here. These were measures for which the majority was clamoring; better to attack the means to the end than the end itself. O'Connor was absent two days later when House Bill 44 was voted upon in the House, but no one was in doubt as to his attitude. And his dissent would have had no influence as the measure was overwhelmingly endorsed by a vote of 81 to 28.⁴¹ It met a somewhat different fate in the senate, however, where a more conservative group, by a vote of 28 to 21, killed the bill.⁴²

Thus the constitutional revision schemes were thwarted, but there were other issues to be considered. The league's vision of state-owned industries was dimmed by the defeat of House Bill 44, but the Nonpartisans were determined to construct a terminal elevator. This would now have to be

³⁹ Followed by submission to the people. Ibid.

⁴⁰ It was proposed that loans to speculative enterprises could be made from this fund. Fargo Forum, January 26, 1917. (clipping)

⁴¹ Journal of the House of the Fifteenth Session of the Legislative Assembly, 1917 (Bismarck, 1917), 337.

⁴² Journal of the Senate of the Fifteenth Session of the Legislative Assembly, 1917 (Bismarck, 1917), 250.

financed through taxation, not by bond issues⁴³ as had been the previous plan. Clearly, the bill was a compromise, but there was a general consensus among Leaguers that it was a step in the right direction. It came somewhat of a surprise, therefore, to have Frazier apply a veto. His numerous reasons all pointed to his belief that in two years they would be able to have the mill and elevator system they really wanted.⁴⁴ This is significant here only because his veto provided O'Connor with an effective political weapon for future campaigns.

The sharpest debates in which O'Connor participated during these sixty days found him pitted against C. P. Peterson of Towner county and L. L. Stair of Bottineau. Tempers feared when Stair implied that O'Connor's sympathies inclined toward big business interests.⁴⁵ Not only did O'Connor deny the charge, but he criticized Stair and Peterson for the caustic remarks they had been hurling at him and other minority members throughout the session.⁴⁶ This dissension presented itself in Stair's proposal to make Fargo the permanent site of the State Fair.⁴⁷ Such an act would hurt Grand Forks because it had been the practice to hold the

⁴³ Which would be a specific liability against the industries themselves. Unmarked, undated clipping.

⁴⁴ Morlan, Prairie Fire, 107-108.

⁴⁵ Grand Forks Herald, February 16, 1917.

⁴⁶ Ibid.

⁴⁷ Unmarked, undated clipping.

fair alternately in the two cities. O'Connor did not fail to accept Stair's challenge. Assisted by other representatives of Grand Forks county, he successfully argued that the measure was discriminatory, aimed at penalizing the northeastern section of the state. As a result, the bill was indefinitely postponed.⁴⁸

Again they exchanged words when a bill was introduced to deprive the supreme court justices of their \$500 annual expense account. The issue evolved into a mere technicality when the justices' \$500 allowance was terminated but their salary increased by the same amount.⁴⁹ Asked if he believed the members of the court would quite their posts if deprived of this pay, O'Connor responded with a question, "Would you if your pay was cut from five dollars to three dollars per day? "I would," came the reply.⁵⁰ The vote testified that many agreed and that the Grand Forks legislator had made his point.

Before the assembly adjourned O'Connor initiated or supported numerous measures that could have been a part of any session, regardless of regime. And considering the urgency of the farmer program, which was uppermost in the minds of most people throughout the state, many of the

⁴⁸ Unmarked, undated clipping.

⁴⁹ Ibid.

⁵⁰ Unmarked, undated clipping.

proposals seem insignificant. O'Connor introduced a bill requesting the United States government to establish a national park at the Fort Berthold reservation. He labored hard for his Memorial Day bill through which he wanted to ban participation in sports and other kinds of entertainment on that day.⁵¹ Violation of the act would be punishable by imprisonment or fine. The conviction of most of the members that public sentiment would not uphold its enforcement caused its defeat.⁵²

Measures introduced by the minority were not beginning to feel the effects of the League steamroller which was to operate so flawlessly in the next legislative session.⁵³ O'Connor felt its weight when a motion he offered concerning child labor was overwhelmingly turned down.⁵⁴ When League representative B. D. Arnold proposed the same motion only minutes later, "every caucus sworn member . . . yelled 'aye' his loudest just as he had shouted 'no' to Mr. O'Connor. . . ."⁵⁵ But bitterness was brushed aside for the moment when jovial merrymaking accompanied adjournment in the early hours of March 3. In both houses, the usual night addresses

⁵¹ Grand Forks Herald, January 9, 1917.

⁵² Unmarked, undated clipping.

⁵³ Grand Forks Herald, January 30, 1917.

⁵⁴ Unmarked, undated clipping.

⁵⁵ Ibid.

of felicitation were exchanged and in the House it was O'Connor who praised Speaker H. R. Wood and presented him with a picture of the group.⁵⁶ He participated in another type of vocalizing when he and several other members clustered around the desk of Staale Hendrickson and "harmoniously, if not with harmony, sang the praises of friend and foe."⁵⁷

The fifteenth legislative assembly had, actually, accomplished little in the way of concrete legislation to facilitate development of the League program. But the issues were now clear in the minds of the people and they could easily detect the course of events. The League would accept no compromise and had adopted the slogan, "A whole loaf or none."⁵⁸ Two years later, the sixteenth session would bring to high noon the new day that had dawned in North Dakota.

After adjournment, a faction of the conservative element met in Grand Forks and organized the Lincoln Republican Club.⁵⁹ Fearing the conservative Democrats might find the name offensive,⁶⁰ it was changed to the Independent Voters

⁵⁶ Unmarked, undated clipping.

⁵⁷ Ibid.

⁵⁸ Unmarked, undated clipping.

⁵⁹ Edward C. Blackorby, "Political Factional Strife in North Dakota from 1920 to 1932" (unpublished M.A. thesis, University of North Dakota, 1938), 9.

⁶⁰ The radical Democrats had gravitated toward the Nonpartisan League.

Association when the group convened in Minot the following year.⁶¹ The IVA, as it was soon popularly called, "quickly became the core of the opposition to the League, thus further obliterating the already badly faded party lines in North Dakota."⁶²

Before the fall election determined the cast of the sixteenth legislative assembly, O'Connor had an opportunity to return to Bismarck. For the second time in the history of North Dakota, a special session was called.⁶³ It convened on January 23, 1918. The chief purpose was to amend the county grain bonding act, and "to provide for any other war measures that may be deemed advisable."⁶⁴ "Adjourn as early as possible" became the slogan of the meeting,⁶⁵ but proceedings slackened in a few days when O'Connor informed the body that much of its work would have to be redone. All appropriation bills thus far adopted carried an emergency clause which had been held unconstitutional by the supreme court of North Dakota.⁶⁶ O'Connor used his knowledge of legal procedure to the advantage of his faction. When they could not influence

⁶¹ Blackorby, 10.

⁶² Morlan, Prairie Fire, 208.

⁶³ Grand Forks Herald, January 9, 1918. The first was called by Governor Andrew Burke in June, 1892.

⁶⁴ Ibid.

⁶⁵ Grand Forks Herald, January 23, 1918.

⁶⁶ Ibid., January 26, 1918.

the advantage of his faction. When they could not influence they could block, which often brought the desired results.

The session also considered the live issue of the soldiers' franchise. O'Connor seized the opportunity to utilize his patriotic eloquence in support of extension of the vote to the servicemen in France.⁶⁷ A similar issue, that of extending the vote to women, was before the national senate at this time.⁶⁸ It was O'Connor's resolution that reminded North Dakota's representatives there that equal suffrage was embraced by all political parties in the state and that they encouraged passage of the amendment.⁶⁹ When the session adjourned January 29, the representatives all faced an election hurdle before they could hope to assemble again. For O'Connor there was no trouble; he was reelected without opposition.⁷⁰ There is little indication that he did any stumping for the ticket. The general outcome was an overwhelming victory for the League, which secured "virtually a clean sweep of all three branches of the government."⁷¹

As the victors began gathering in Bismarck, a Nonpartisan Leader reporter observed that "there was a different

⁶⁷ Bismarck Tribune, January 25, 1918.

⁶⁸ Grand Forks Herald, January 30, 1918.

⁶⁹ Ibid.

⁷⁰ Grand Forks Herald, November 1, 1922.

⁷¹ Morlan, Prairie Fire, 211.

kind of a crowd from what is usually around when a legislature opens. There was a predominance of tall, tanned men, wrapped in fur coats and wearing fur hats, . . . /and/ a marked absence of the sleek, well-groomed city men usually found around legislatures."⁷² "In a single session," announced the Grand Forks American, "North Dakota's legislature plans to adopt laws which will give this state the most advanced and constructive program of public ownership in the world."⁷³ Arthur Townley was on hand to keynote the session and convey the same idea:⁷⁴ "We have arrived at the place and the time to either accomplish the League program or quit coming to Bismarck."⁷⁵ It was soon evident that the League machinery was well oiled. L. L. Stair was entrenched in the speaker's chair⁷⁶ and the Leaguers enjoyed the experience of "being in the seat instead of under the wheels of a 1919 model steamroller."⁷⁷ The minority found itself virtually powerless. O'Connor, calling himself the "wee childlike voice," could hardly be heard.⁷⁸

⁷² Nonpartisan Leader, January 20, 1919.

⁷³ Grand Forks American, January 13, 1919.

⁷⁴ Morlan, Prairie Fire, 222.

⁷⁵ Ibid., 222-223.

⁷⁶ O'Connor was the minority candidate.

⁷⁷ Morlan, Prairie Fire, 229.

⁷⁸ Grand Forks American, January 14, 1919.

The work of the session progressed rapidly as the farmer-legislators built upon the groundwork they had laid two years before. The opposition, realizing its impotence, was more formal than fiery, and often protested merely as a matter of principle.⁷⁹ By mid January, the Grand Forks Herald considered the state committed to a socialistic form of government.⁸⁰ O'Connor, meanwhile, was imploring his colleagues to, "Go more slowly, . . . I don't believe you men want to turn the state over to the Socialists."⁸¹ The "wee" minority, by the end of the session, did win enough support to prevent the application of the emergency clause, which required a two-thirds vote.⁸² But there was no hope of thwarting the program itself. The efforts of the fifteenth legislative assembly were clearly producing results. When the minority was invited to take its stand before the governor signed the industrial commission measure, O'Connor could only reply that he had nothing to say.⁸³ But when the Bank of North Dakota act followed he used his twenty minutes to warn the legislators of state bank failures in

⁷⁹ Morlan, Prairie Fire, 228-229.

⁸⁰ Grand Forks Herald, January 18, 1919.

⁸¹ Ibid., January 15, 1919.

⁸² Blackorby, 13. The attachment of the emergency clause caused a law to go into effect immediately.

⁸³ Grand Forks Herald, February 26, 1919.

Mississippi, Florida, Tennessee and Kansas, and brought his speech to a resounding close by shouting, "There is no man who can . . . tell me how I shall vote on these bills!" All members of the House, and spectators alike, applauded.⁸⁴

The banking act passed with no trouble, however. Accepted also was a system of compulsory hail insurance, state income tax, a home building association to provide credit for people who wished to build their own homes, an industrial commission to run the new industries, and other progressive measures.⁸⁵ The minority did what it could to muster its strength by bringing T. T. Donner to his chair from a local hospital and calling O'Connor back from Grand Forks where he had been summoned by the illness of his brother-in-law, C. P. Trepanier.⁸⁶ " . . . all our work here and the welfare of your state depends upon your return. We depend on you. Come on first train," read the message that O'Connor received shortly after Trepanier's death.⁸⁷

He returned at once. It was a legislative closing he would not have wanted to miss. League leaders had made every effort to dramatize their victory. National banners decorated the gallery, and the legislators held small flags

⁸⁴ Grand Forks American, February 14, 1919.

⁸⁵ Morlan, Prairie Fire, 229-230.

⁸⁶ Grand Forks American, February 14, 1919.

⁸⁷ Grand Forks Herald, February 13, 1919.

as they joined in singing several patriotic anthems.⁸⁸ Moving picture cameras recorded the event.⁸⁹ Shortly after three o'clock in the afternoon the senators filed into the house chamber in a body, followed by state officials. Governor Frazier, last to arrive, took his place and, after a brief introductory speech by Lieutenant Governor Wood, began signing the bills. The Grand Forks American reflected, "Some of the gray-haired farmers--both in the galleries and of the floor of the legislature--had been fighting for twenty-six years to enact these measures into law, and as Governor Frazier signed each bill the announcement was the signal for an outburst of applause."⁹⁰ Several representatives, including O'Connor, delivered addresses on the bills following the signing. He noted that it was no time to deal in debatable questions. "That can be left for the great arena of democracy, because it is out there on those fields, on those prairies, on those hills where life and inspiration and courage come to men, and I know as long as men fear God, as long as they act under only the dictates of their own conscience and their own judgment, I know that they cannot be far from being right."⁹¹

No clock was turned back at the end of this session;

⁸⁸ Grand Forks American, February 26, 1919.

⁸⁹ Ibid.

⁹⁰ Ibid.

⁹¹ Ibid.

adjournment was six days ahead of time. The usual merriment was missing, too.⁹² This, perhaps, can be attributed to the bitterness the minority was feeling over the attack made upon them by the majority.⁹³ O'Connor reflected, "It was shocking the way the minority was treated last session. They manhandled us as though we had no right to be there the last night . . . "⁹⁴ But to many, O'Connor's actions had been somewhat surprising too. Together with C. Ness of Richland county, he had lined up with the majority and voted for the state owned elevator, warehouse and flour mill and the state home building association bills.⁹⁵ The minority had argued that there was danger in giving elective officials the power to exercise the right of eminent domain. O'Connor's vote for the home building association ruined the effectiveness of that debate. He explained:

" . . . we seem to have a great deal of money at our disposal to experiment with a great many different things. We are contemplating issuing between \$15,000,000 and \$20,000,000 in bonds. This bill only calls for \$100,000 of an appropriation for something that may work out for the benefit of many people in the state. The right of eminent domain, to be exercised by the industrial commission

⁹² Grand Forks Herald, March 2, 1919.

⁹³ Ibid.

⁹⁴ Grand Forks American, March 4, 1919.

⁹⁵ Grand Forks Herald, February 21, 1919. O'Connor's colleague from Grand Forks, O. B. Burtness, voted no on the first bill when he found that it was not limited to the building of grain elevators and flour mills, but included factories and plants of various kinds as well.

under this act, bothered me for some time until I looked at Section 14 of the constitution of the state. That section seems to me to provide sufficient safeguards to protect the property rights of the citizens of the state. I vote aye."⁹⁶

While the farmer-legislators applauded, the League press pondered, but they offered no satisfactory explanation. Yet, many issues in the League program had received no intense objection. It was a definite reality that the state's agrarian economy needed adjustment, and O'Connor seemed convinced that some of the Nonpartisan proposals were workable. He was willing, at any rate, to go along with the farmer-legislators and experiment with the most plausible features of the program.

During the following summer, O'Connor had the opportunity to deliver many speeches and express his views on a variety of subjects. The question of America's entry into the league of nations was a pertinent one at this time. Actually, there was little opposition to it in North Dakota,⁹⁷ and O'Connor was among those who favored United States' participation in it.⁹⁸ But most of his attention was focused on his own state. In the previous legislative assembly he

⁹⁶ Grand Forks American, February 19, 1919.

⁹⁷ Paul Willard Morrison, "The Position of the Senators from North Dakota on Isolation, 1889-1920" (unpublished Ph.D. thesis, University of Colorado, 1954), 272. One of the nation's leading advocates for participation was a North Dakota senator, Porter J. McCumber.

⁹⁸ Grand Forks Herald, August 20, 1919.

had supported the elevator bill, now he was promoting Grand Forks as an ideal site. For this he offered a number of reasons: the greater supply of cheap electric power in the eastern part of the state, advantageous location with respect to west-east wheat shipment, good rail facilities, and the ability of Grand Forks to assimilate the additional population which would naturally be drawn there.⁹⁹

As early as June, 1919 it was evident that O'Connor's availability as a gubernatorial candidate was being considered. It was the always agreeable Tower City Topics which was making the suggestion.¹⁰⁰ In fact, he was the only Democrat in the state considered by this paper to be able to win the position.¹⁰¹ O'Connor himself undoubtedly had designs on the governor's chair by now, which perhaps explains his conciliatory attitude toward the League program. Before much consideration could be given the 1920 election, however, the state legislators again sat in Bismarck. Governor Frazier called an extra session to convene on November 25, 1919. Plans for this meeting had been made during the regular session of the sixteenth legislature in order "to review the newly established industrial program and make any corrections shown necessary by practice."¹⁰² The

⁹⁹ Ibid., September 6, 1919.

¹⁰⁰ Tower City Topics, June 5, 1919. (Clipping)

¹⁰¹ Ibid., July 3, 1919. (Clipping)

¹⁰² Morlan, Prairie Fire, 270.

League press was soon criticizing the Grand Forks representatives, Burtness and O'Connor, together with L. L. Twitchell of Fargo, for rising at every move and vote to "let loose a long string of words, none of which have any great weight upon the question before the house."¹⁰³ By the end of the session, however, the same source was giving O'Connor a re-evaluation, which, perhaps, was something for which he had been waiting. They decided he did keep most of his remarks close to the subject and some of his recommendations were even found in amendments to bills that went through.¹⁰⁴

Considered to be a significant action of the session was the decision to build a bridge across the Missouri River at Bismarck.¹⁰⁵ It was "floated into place on a flood of oratory from J. F. T. O'Connor," who, in a bid for western votes, reminded the assembly that they should not regard the issue from a standpoint of sectional self-interest.¹⁰⁶ That he was from a county further from the bridge than any opposition member, he added, proved that he felt the project would benefit the whole state.¹⁰⁷ Diversionary tactics were employed by O'Connor and Burtness when they originated a

¹⁰³ Grand Forks American, December 5, 1919.

¹⁰⁴ Ibid., December 16, 1919.

¹⁰⁵ Ibid., December 12, 1919.

¹⁰⁶ Bismarck Tribune, December 11, 1919. (Clipping)

¹⁰⁷ Ibid.

bill providing for a nonpartisan ballot for the election of all county and state officers.¹⁰⁸ The League record on this issue had been a vacillating one. Although never pledged to such a measure, O'Connor maintained he had always favored it.¹⁰⁹ It was all to no avail. Discussion ceased when Dell Patterson of Renville county declared the League had given its full attention to other matters of greater importance.¹¹⁰

The session was not without sordid aspects, and O'Connor became a member of the committee assigned to investigate the state library.¹¹¹ Burtness professed to be much disturbed to discover books on socialism, free thinking and free love on its shelves and immediately charged the League with attempting to undermine the morals of North Dakota's citizens.¹¹² Although the investigating committee proved that the books had been there before the League reign and that they had not been circulating around the state, the administration felt compelled, under pressure of public opinion, to remove Dr. Charles E. Stangeland, the head of the library commission.¹¹³ The administration was the source of

¹⁰⁸ The Independent, December 4, 1919.

¹⁰⁹ Ibid.

¹¹⁰ Grand Forks Herald, December 3, 1919.

¹¹¹ Ibid., December 2, 1919.

¹¹² Blackorby, 20.

¹¹³ Ibid., 20-21.

another attack which was borne by attorney General William Langer.¹¹⁴ A resolution demanding his resignation was passed by the House and Senate when the League decided that they were no longer receiving sufficient cooperation from him concerning their program. The charges of treachery to the farmers' program, incompetency, and neglect of duty quickly brought a rebuttal from the minority.¹¹⁵ It was O'Connor who was again the chief spokesman, and he pressed the point that Langer should be given an opportunity to defend himself.¹¹⁶ Branding the situation as the "nearest approach we have had to tyranny of the majority," he declared:

" . . . I say that if it should so happen that a governor was elected at the next election who happened to be in opposition to you men . . . you would deprive that governor of every vestige of power. . . . Willian Langer will rise from the ruins of those who would set fires under him, the strongest figure in the state of North Dakota, because the public sentiment always turns toward a man when he is being crucified. . . ."¹¹⁷

With the advantage of hindsight, O'Connor's assertion seems somewhat prophetic.

Nor was the session without its trivialities. In these, too, O'Connor engaged freely. The League, through

¹¹⁴ Grand Forks Herald, December 12, 1919.

¹¹⁵ Ibid.

¹¹⁶ Bismarck Tribune, December 12, 1919. (Clipping)

¹¹⁷ Ibid.

House Bill 130, tried to infringe on fire department funds because they did not consider their current use justifiable.¹¹⁸ O'Connor and Burtness retorted that just because one company had used the money to buy beer, the widows and orphans of firemen losing their lives in the line of duty should not be deprived of the protection they had previously received.¹¹⁹ The issue was decided in favor of the minority. O'Connor was not as successful, however, in exposing a lobbyist bribe that was rumored to have been offered to Representative W. L. Caddell.¹²⁰ That there was cause for suspicion is unquestionable, but too little evidence existed to support the charges.¹²¹

At 10 p.m., December 11, the session adjourned. O'Connor's career in the state legislature was over. It began when the League program was in its infancy; it ended at the time the Nonpartisans were experiencing their greatest strength. Under these circumstances the anti-League forces could do little but strive to check the advances of the majority. In this effort O'Connor took an active part. But very early he saw the wisdom of accepting much of the League program. The Nonpartisans were offering to North Dakotans

¹¹⁸ Grand Forks Herald, February 9, 1919.

¹¹⁹ Ibid.

¹²⁰ Grand Forks American, February 17, 1919.

¹²¹ Ibid.

unique plans for curing their economic ills. Many seemed workable. O'Connor took the lead among the opposition in shifting to a more moderate position. The minority found him an able leader and in his silver oratory they had a definite asset. Twenty years later, George A. Reishus of Fargo, who had served in the two regular and two extra sessions with O'Connor, recalled: "He was young, he was handsome, he was bubbling with good nature and bursting with energy. And when he took the floor to speak! Boys, when O'Connor took the floor we dropped our several concerns and just relaxed and listened. That ringing voice 'Mr. Speaker' comes back over the years."¹²²

During the two terms O'Connor served in the state legislature, he became known to the people of North Dakota as a political figure of considerable ability. Although he was never a brilliant student and had no great legal mind, he possessed a boundless ambition and capitalized on every opportunity. He was hard working and reliable--his contemporaries credit him with having been a person you could always depend upon to accomplish a job. But even his admirers admit that he was self-seeking, somewhat egotistical and often unappreciative.

O'Connor never swore, smoked nor used intoxicating

¹²² George A. Reishus to Paul B. Griffith, June, 1934 (?), North Dakota State Historical Society. Volume of congratulatory letters on the occasion of a dinner tendered to O'Connor at Grand Forks, North Dakota.

beverages. And he never married. He frequently escorted a girl to college parties and to other functions later in life, but apparently never gave serious consideration to becoming a family man. He was deeply devoted to his mother. Activity out on the home farm always interested him and he enjoyed lending his brothers a hand with the work whenever possible.

O'Connor was short, and although he was never heavy he appeared squat on the speaker's platform. A habit of constantly adjusting his pince-nez, which he wore all his life, was distracting. But he loved the role of an orator, and in 1919, as he was on the threshold of greater political achievement, he had many public speaking engagements ahead of him.

CHAPTER III
FUSION CANDIDATE FOR GOVERNOR

By the following February, O'Connor was being considered as a possible gubernatorial candidate for the coming election. The Killdeer Herald commented, "If he could steer clear of the 'scalp, cremate and crucify' element of both parties he would be a formidable candidate."¹ On February 4 the North Dakota Democrats held a conference in Fargo for the purpose of nominating a national committeeman, presidential electors and delegates to the national convention to be held in San Francisco.² At the same time, it was made known that there would be a strong state Democratic ticket in the June primaries,³ and Paul Campbell of Mandan presented O'Connor to the conference as a possible standard bearer.⁴ Referring to O'Connor's record in the legislature, he said he would be a candidate that could be placed before the people without apology. This brought an eloquent response from O'Connor, who gave an appreciative nod to the delegates present who had not given up their Democratic principles for some small gain they might have made with another party.⁵

¹ Killdeer Herald, February 26, 1920. (Clipping)

² Grand Forks Herald, February 5, 1920.

³ Ibid.

⁴ Ibid.

⁵ Ibid.

Campbell also suggested that "the time was propitious for inviting the Independent Voters Association to join the Democratic party and support the Democratic ticket."⁶ This reflected the growing conviction among conservative Republicans and Democrats that they would have to cooperate closely if they were to have any success in combating the Nonpartisan League. Democrats had openly asserted before their conference convened that they would select delegates to represent them at the I. V. A. conference, which was to be held in Grand Forks the following day, February 5.⁷ At this I.V.A. meeting no candidates were named,⁸ but a platform upholding democracy and denouncing socialism was adopted.⁹ The League press predicted, as the group assembled, that the convention's biggest problem would be "what to do with Langer."¹⁰ He wanted the convention's endorsement as candidate for governor, but the I.V.A. was only half satisfied with his activity in opposition to the League.¹¹ Langer, however, was more or less ignored,¹² and after some plans

⁶ Ibid.

⁷ Grand Forks American, February 4, 1920.

⁸ Ibid., February 6, 1920.

⁹ Ibid., February 7, 1920.

¹⁰ Fargo Courier News, February 4, 1920.

¹¹ Ibid.

¹² Ibid., February 6, 1920.

had been made for the next campaign, the meeting adjourned.¹³

As O'Connor's possible candidacy gained increased attention, the League press began emphasizing his past opposition to the farmer-labor program. To this charge O'Connor responded with a reminder--that although he had been floor leader of the minority which opposed the farmer-labor program in the recent legislative session, he had voted for some of the League bills.¹⁴ In mid-April O'Connor announced that he would accept the gubernatorial candidacy if his party offered it to him.¹⁵ He was somewhat evasive concerning the platform on which he would make his campaign, declaring that it could be found in the votes he had cast during the two terms that he had served in the state legislature.¹⁶ "I have been in favor of building the terminal elevator and flour mill. I want to see this given a fair trial . . . But on the state owned bank and various other measures I am not prepared to make any statement. In due time (sic) I shall let the people know where I stand on these matters."¹⁷ O'Connor was the fourth candidate to voice his desire for leadership against the farmers' administration.

¹³ Ibid.

¹⁴ Unmarked clipping, April 8, 1920.

¹⁵ Fairmount News, April 16, 1920. (Clipping)

¹⁶ Unmarked clipping, April 14, 1920.

¹⁷ Ibid.

Others, all Republicans, included R. A. Nestos, L. F. Crawford and William Langer.¹⁸ Rumors began circulating that an elimination convention would be held with the intent to center on one candidate in opposition to the Nonpartisan League.¹⁹ O'Connor asserted he "considered the fight for nomination by candidates for or opposed to the Nonpartisan League to be wholly within the Republican ranks and something with which we Democrats have nothing to do."²⁰

The prediction of an elimination convention proved to be only a rumor, and in May the I.V.A. convened to settle the pre-primary issues. Since February the association had been building an effective political organization, and as they gathered in Minot their objective was to choose a gubernatorial candidate.²¹ Langer again sought their endorsement, but the delegates still could not agree on his candidacy.²² Many felt that he deserved the nomination for his defiance of the League leaders. Others believed that he had been too closely associated with the League to gain much

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Ibid.

²¹ Blackorby, 24. Voters were listed as true-blue, white or red. True-blue voters were those known to be Independents, those labeled red were Leaguers. The white voters could be swung to either side, and they were besieged with propaganda by the I.V.A.

²² Ibid., 23.

confidence in Independent ranks.²³ But Langer succeeded in getting the nomination, and the Courier News reported, "The one hundred per cent Republicans have cast their eyes once more to the Democratic party."²⁴

Several days later, North Dakota Democrats met in Fargo and I.V.A. leaders were on hand to influence the selection of a candidate for the governorship.²⁵ The nomination of Frazier over Langer in the June primary Republican column was a foregone conclusion, and a general understanding was developing that Independent Republicans and Independent Democrats would have to join forces in the general campaign in order to have any chance in defeating the League. It was further understood that the Democratic nominee would be their choice for governor.²⁶ Sveinbjorn Johnson, chairman of the Democratic State Central Committee, called the convention to order on the morning of May 19.²⁷ Three candidates were active and receptive in the gubernatorial field--O'Connor, Dr. L. S. Platou of Fargo, and Scott Cameron of Linton.²⁸ There was a fourth possibility in J. W. McDowell of Marion, but it was generally believed that

²³ Ibid.

²⁴ Fargo Courier News, May 14, 1920.

²⁵ Ibid., May 19, 1920.

²⁶ Ibid.,

²⁷ Ibid., May 20, 1920.

²⁸ Grand Forks Herald, May 19, 1920.

he would adhere to his previous declaration that it would be impossible for him to accept the nomination.²⁹ Platou received serious consideration. He was of Norwegian descent, and it was argued that he would draw a heavy vote among the Scandinavian people of the state.³⁰ The endorsement went to O'Connor, however, and was made unanimous on the second ballot when he commanded a majority of all votes cast in a field that included Platou, McDowell, and Cameron.³¹ In accepting the nomination, O'Connor said he was concerned with "just being square," and added that if he was elected the people of North Dakota would be his one master.³² The resolutions adopted by the convention lauded the activity of the I.V.A.,³³ renounced the "alien socialists" in control of the state government,³⁴ and listed a number of state governmental policies that they supported. Included were compulsory hail insurance, a land credit system addition to the Bank of North Dakota, aid to cooperative enterprises, and a fair and thorough test for the mill and elevator.³⁵ Nationally, they supported the Versailles peace treaty and

²⁹ Ibid.

³⁰ Fargo Courier News, May 19, 1920.

³¹ Fargo Forum, May 20, 1920.

³² Ibid.

³³ Ibid.

³⁴ Duluth Herald, May 20, 1920. (Clipping)

³⁵ Fargo Courier News, May 20, 1920.

approved of the general policies of the administration.³⁶

The Nonpartisans, meanwhile, had endorsed Frazier for governor and Dr. E. F. Ladd of Fargo for the senatorial post.³⁷

All political factions now began a vigorous campaign. A. C. Townley stumped the state and received the usual "we'll stick" response.³⁸ At the same time the I.V.A. organ, the Independent, was declaring that "both parties functioning harmoniously against the political freebooters at the helm should assist tremendously in cleaning house."³⁹ This need for cooperation was receiving heavy emphasis in the anti-League ranks. O'Connor was unopposed on the Democratic ticket. I.V.A. leaders, therefore, encouraged Democrats to register their choice in the Republican column where the real contest existed.⁴⁰ To provide a further inducement, they promised that "all the I.V.A. Republicans would turn Democrats in the fall election and then defeat Langer with the election of J. F. T. O'Connor."⁴¹ In the closing days of the campaign, League leaders asked their followers to devote Monday and Tuesday, June 28 and 29, to a final drive for

³⁶ Grand Forks Herald, May 19, 1920.

³⁷ Fargo Courier News, May 15, 1920.

³⁸ Ibid., June 25, 1920.

³⁹ Independent, May 27, 1920. (Clipping)

⁴⁰ Kalispell Bee, July 8, 1920. (Clipping)

⁴¹ Ibid.

League votes.⁴² "Knock off work . . . sacrifice to this extent . . . get out in your car and make the state of North Dakota ring from end to end with the campaign message of earnest Leaguers in every precinct, in every county of the entire state."⁴³

It was this type of spirit that had enabled the League to score previous victories and they were successful again. Although ninety per cent of the Democrats who voted cast a Republican ballot,⁴⁴ Frazier beat Langer by 5,414 votes.⁴⁵ The League professed belief that the results "constituted perhaps its greatest victory considering the terrific fight which had been made against it."⁴⁶ True, Frazier's vote was higher than in 1918, but his majority was much less,⁴⁷ and the Dickinson Press reported, "For the first time since the League was organized in North Dakota there has been an election in which the League candidate did not get a majority of all the votes."⁴⁸ The I.V.A. boasted, "The primary left half of Mr. Townley's hide nailed to the barn, and we have better than an even chance to get the rest of it in November."⁴⁹

⁴² North Dakota Leader, June 26, 1920.

⁴³ Ibid.

⁴⁴ Fargo Courier News, July 2, 1920.

⁴⁵ Ibid., July 28, 1920.

⁴⁶ Morlan, Prairie Fire, 294.

⁴⁷ Ibid.

⁴⁸ Dickinson Press, July 31, 1920. (Clipping)

I.V.A. confidence increased in the light of these gains, but a problem presented itself before they could feel assured of a gubernatorial candidate for the contest in November. Because most of the Democratic voters had had a voice in the Republican selection, O'Connor, unopposed in the Democratic column, polled only 7,920 votes.⁵⁰ O'Connor did virtually no campaigning, either, which is a partial explanation for the light vote. Nonpartisan interests promptly referred to a statute requiring a candidate, in order to run under party designation in the general election, to poll at least one-fourth of the vote cast for the head of that ticket at the previous general election.⁵¹ Since S. J. Doyle, Democratic candidate for governor in 1918, had polled 36,733 votes,⁵² the anti-League forces had cause for alarm until it was proved that the North Dakota supreme court had declared the law unconstitutional several years before. The Fargo Forum reassuringly commented: "Under this ruling it is pointed out that had O'Connor received but one vote, he would have been nominated."⁵³

With its candidate's position on the fall ticket secure, the anti-League forces began surveying their prospects for a

⁵⁰ Fargo Courier News, July 28, 1920.

⁵¹ Unmarked, undated clipping.

⁵² Ibid.

⁵³ Fargo Forum, July 14, 1920.

November victory. The confident Fairmount News predicted that "the few thousand votes Frazier received over Mr. Langer will be easily overcome by the Democratic vote alone."⁵⁴ The Dickinson Press more cautiously observed that since O'Connor and Langer had received 2,500 votes more than Frazier, a unity of anti-Townley forces should put the ticket over.⁵⁵ O'Connor for Governor clubs began organizing,⁵⁶ and Sveinbjorn Johnson professed to find United sentiment for O'Connor among the rank and file of the independent voters.⁵⁷ At the same time the League press was insisting that the I.V.A. was considering dropping O'Connor for someone who had not been so closely identified with the political factions in the state.⁵⁸ The Independent replied that this was only a rumor manufactured by the League press, and dismissed the charge as 'ridiculous.'⁵⁹

The anti-League forces well realized that it was only through pooling their efforts that they could achieve any success in November. In late July the conservative Republicans and Democrats took definite action to merge their forces

⁵⁴ Fairmount News, July 9, 1920.

⁵⁵ Dickinson Press, July 31, 1920.

⁵⁶ Grand Forks Herald, June 16, 1920; Dodge Dispatch, August 6, 1920.

⁵⁷ Grand Forks Herald, July 11, 1920.

⁵⁸ Fargo Courier News, July 8, 1920.

⁵⁹ Independent, July 29, 1920.

in the fight against Townleyism. They decided to raise campaign funds jointly and that campaign details should be directed by committee chairmen Sveinbjorn Johnson. (Democrat), Treadwell Twitchell. (Republican), and Theodore Nelson, secretary of the Independent Voters Association.⁶⁰ The "Committee of 21" met in Grand Forks July 22 and 23 to agree on a ticket and to formulate plans.⁶¹ This group, which was composed of an equal number of Independent Republicans, Democrats and members of the I.V.A., had been meeting periodically in an attempt to solidify the anti-Townley forces in the state.⁶² At the Grand Forks conference harmony reigned as they placed their "desire to defeat socialism above party lines or personal ambitions."⁶³ In the June primaries, three Independent Republicans had been nominated, over Nonpartisans, which gave them places on the fusion ticket.⁶⁴ These included the candidates for the state offices of auditor, treasurer, and secretary of state.⁶⁵ The rest of the slate was filled by Democrats, headed by

⁶⁰ Minneapolis Tribune, July 24, 1920. (Clipping)

⁶¹ Unmarked clipping, July 24, 1920.

⁶² Ibid.

⁶³ Ibid.

⁶⁴ Fargo Forum, July 24, 1920. (Clipping)

⁶⁵ Bruce, 220.

O'Connor in the gubernatorial position.⁶⁶ The Courier News, hailing the convention as a complete victory for the Democrats, said O'Connor was the choice of the element that was putting every obstacle in the way of the farmer program.⁶⁷

Actually, there had been little question as to the choice for governor. Langer had been soundly defeated by Frazier in the primary and his early affiliations with the League made him unacceptable to many of his fellow party members.

No action was taken by the committee concerning United States Senator or Congressmen.⁶⁸ A general feeling prevailed that such consideration did not properly fall under the jurisdiction of the committee, but should be left to the state central committees of the two parties.⁶⁹ The Grand Forks Herald reassured the voters that national issues were not involved in any way and that they could vote for the man who represented their views in state affairs, and, with perfect consistency, vote for the presidential candidate whose attitude on national subjects appealed to them.⁷⁰ It was a curious situation that this fusion was creating. All effort was to focus on the defeat of Townleyism within the state,

⁶⁶ Fargo Forum, July 24, 1920. In several instances Democrats withdrew in favor of I.V.A. candidates. Morlan, Prairie Fire, 298.

⁶⁷ Fargo Courier News, July 24, 1920.

⁶⁸ Unmarked clipping, July 24, 1920.

⁶⁹ Ibid.

⁷⁰ Grand Forks Herald, July 25, 1920.

and it was announced that no campaigns would be made for Harding or Cox, for senators or representatives.⁷¹ The Fargo Forum could foresee the necessity of extensive voter education since the Independents would be scattered in both the Republican and Democratic columns,⁷² but the Duluth Herald confidently predicted from the neighboring state that the Non-partisan League would receive a crushing defeat in November.⁷³

O'Connor strongly favored fusion of the Independent forces, but the Democratic party was sharply divided on the issue. Many felt the party should not endanger its own identity and that its best policy would be to continue working through its own ranks. But O'Connor, seeing in fusion the only hope for defeat of the League, readily entered into the cooperative effort.⁷⁴

He began his campaign early. It was to be a vigorous

⁷¹ Dickinson Press, July 31, 1920. (Clipping)

⁷² Fargo Forum, July 24, 1920.

⁷³ Duluth Herald, undated. (Clipping)

⁷⁴ Interview with David Kelly, Grand Forks, North Dakota, April 24, 1956. An indication of the strength of anti-fusion sentiment was revealed through an incident at the Democratic national convention of 1932, which met in Chicago. O'Connor, who had come from California in an unofficial capacity, was anxious to secure a vice-chairmanship from a state delegation which would enable him to work on the floor for Franklin D. Roosevelt. Numerous states were willing to extend it to him, but courteously delayed doing so, thinking North Dakota should have the honor. But too many of the North Dakota delegates retained a grudge against O'Connor for his fusionist sympathies of the early 1920's and refused to make the gesture. Oregon promptly did. Ibid.

one. Sveinbjorn Johnson announced that it would have less politics in it--in the partisan sense of the word-- than any other campaign in the state's history.⁷⁵ The issues before the people, he continued, were not those which had historically divided the Republican and Democratic parties; Townleyism was the paramount concern. The conservative press capitalized on O'Connor's personal assets, referring constantly to his speaking ability, his Yale career, and always to his high "calibre."⁷⁶ The general theme that O'Connor emphasized in all of his early speeches was "constitutional government." In a day when distance was great and no radios existed, the same speech could be delivered innumerable times without loss of effectiveness. He talked a great deal about the roles of the federal and state governments and said in part, "Representative government rests upon the intelligence of the voters. Therefore, at the basis of representative government is education . . . the political philosophy which teaches hatred and arouses the prejudices of any one class against another is a false philosophy. No man can pour the poison of hate in my soul . . ."⁷⁷ He urged his listeners to study both sides of the question in an effort to achieve a better understanding of the issues.⁷⁸ A meeting

⁷⁵ Grand Forks Herald, July 11, 1920.

⁷⁶ Werner Record, September 3, 1920. (Clipping)

⁷⁷ Unmarked clipping, July 12, 1920.

⁷⁸ Independent, August 5, 1920. (Clipping)

at Spiritwood Lake, near Jamestown, in early August attracted wide attention and drew a crowd of over two thousand.⁷⁹ As he carried his tour into stronger League territory--McLean, Oliver, Mercer and Dunn counties--the crowds were somewhat reduced--which the papers favoring him attributed to the harvest season. The Steele County Observer however, reported that he was given a fair hearing.⁸⁰

Conservative newspapers agreed that O'Connor concentrated on issues and ignored personalities,⁸¹ and that while he was willing to concede any good that he could see in his opponents record or platform, he did not hesitate to attack that which he believed to be wrong. "He is forceful without being vituperative; he is vigorous without being bitter . . ."⁸² There were a number of cardinal principles upon which he based his campaign--constitutional and representative government, service to all the people and not any one class, less politics and more efficient service in state government, decrease in taxation, fair trial of established state industries, greater cooperation and better marketing conditions, and a free press.⁸³ He favored the expansion of

⁷⁹ Jamestown Daily Alert, August 2, 1920. (Clipping)

⁸⁰ Steele County Observer, September 9, 1920. (Clipping)

⁸¹ Ibid., Beach Advance, August 6, 1920. (Clipping)

⁸² Unmarked, undated clipping.

⁸³ Sioux County Pioneer, undated. (Clipping)

cooperative agencies as a method of bringing about better marketing conditions.⁸⁴ He used the practices of the California fruit growers and the Denmark dairy farmers as examples. To this the League retorted that wheat was a basic commodity--a world crop which received a world price, whereas the specialized products of California and Denmark went directly from fruit tree or milk pail to the consumer.⁸⁵

O'Connor, however, was supporting an economic principle that was receiving wide acceptance. The farmer in the early '20's had high production expenses, paid dearly for the manufactured goods that he bought, but received a low price for his grain. A great deal of consideration was given to the theory that cooperatives would promote better marketing conditions, and give the farmer a fairer share of the nation's income.⁸⁶

In Frazier's terminal elevator veto O'Connor had a weapon. He reminded the people that while the League called the bill their measure, it had been introduced in the 1917 senate where the League was not in control.⁸⁷ O'Connor, a member of the House of Representatives, voted for the bill, but the League lost it through their own leader.⁸⁸ O'Connor

⁸⁴ Bismarck Tribune, October 6, 1920.

⁸⁵ Fargo Courier News, October 24, 1920.

⁸⁶ Gilbert C. Fite, George N. Peek and the Fight for Farm Parity (Norman, Oklahoma, 1954), Chap. I-II.

⁸⁷ Jamestown Weekly Alert, October 21, 1920. (Clipping)

⁸⁸ Ibid.

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⁸⁷ Jamestown Weekly Alert, October 21, 1920. (Clipping)

⁸⁸ Ibid.

also raised the usual cry of higher taxes, pointing out that taxes had increased by 168 per cent in 1919 when the League controlled both houses of the legislature, over the 1917 figure when they had a majority in only the House of Representatives.⁸⁹ As for the Bank of North Dakota, O'Connor advocated making it a deposit bank for funds held by the various departments of the state and a rural credits bank to assist the farmers.⁹⁰ This represented a curtailment of the League plan which had provided for such additional functions as that of a clearing house, a rediscount agency and a financing agency for state departments and enterprises. In addition, O'Connor favored a more thorough examination of both assets and liabilities. The law in effect at that time governed only the assets.⁹¹ The line O'Connor was using here had really become the official one of the I.V.A. Although the Independents did not openly attack the bank, their proposals were designed to weaken it.

Concerning other issues, he supported woman suffrage which should "protect the two bulwarks of the state--the home and the schools."⁹² On the subject of labor he was put in the defense when S. S. McDonald, chairman of the Workman's

⁸⁹ Steele County Observer, September, 9, 1920. (Clipping)

⁹⁰ Unmarked, undated clipping.

⁹¹ Ibid.

⁹² Bismarck Tribune, October 6, 1920.

Compensation Bureau, charged him with conspiracy to put "jokers" in a labor bill during the 1919 legislative session.⁹³ McDonald said O'Connor had sought his aid in inserting sections that would later be grounds for declaring the law unconstitutional.⁹⁴ O'Connor could only deny the charge and give McDonald a personal blow by saying, ". . . he has an easy job with a fat salary that he doesn't care to pass on to some other laborer . . . 'Mac' worked in Grand Forks in a printing shop, and the manager told me he let him out because he couldn't keep the time straight for a few men. Now 'Mac' handles a half million dollars in the Workman's Compensation Bureau."⁹⁵ During the rest of his campaign, O'Connor deemed it wise to remind the voters that he had supported the full crew bill, the workman's compensation act, the eight-hour day for women and the minimum wage bill.⁹⁶ O'Connor's campaign approach, on the whole, was a moderate one, and his attack on the League was milder than that employed by the I.V.A. in general. It was a wise political philosophy which, in several years, enabled the opposition to triumph over the League. Townley, meanwhile, was opening the League to severe criticism by proclaiming that the businessmen who opposed it

⁹³ North Dakota Leader, October 16, 1920.

⁹⁴ Ibid.

⁹⁵ Unmarked, undated clipping.

⁹⁶ Fargo Forum, October 29, 1920. (Clipping)

during the coming election would be punished and "driven off the map."⁹⁷ He promised to return to North Dakota and supervise the process if necessary. Governor Frazier and William Lemke, attorney general nominee, indicated they were in virtual agreement with his attitude when they urged the boycotting of businessmen.⁹⁸ Such threats did the League no good, and its position was further endangered by a quarrel in which it engaged with two former leaders who had been eased from the League ranks.⁹⁹ J. R. Waters and J. W. Brinton, who has been influential in early Nonpartisan circles, directed vicious attacks against Townley and Lemke, and the anti-League newspapers capitalized on the fray. The League press, exposing "infamous" activities of Waters and Brinton, did not aid in silencing the matter and drew attention to the internal difficulties of the organization.¹⁰⁰

The explosive issue of religion was touched off when the Norwegian paper, the Nord Dakota Tidende¹⁰¹ claimed that Dr. L. S. Platou did not favor O'Connor because he belonged to the Catholic church.¹⁰² Platou, it will be remembered,

⁹⁷ Ibid., October 21, 1920. (Clipping)

⁹⁸ Unmarked clipping, October 19, 1920.

⁹⁹ Fargo Forum, August 25, 1920. (Clipping)

¹⁰⁰ Morlan, Prairie Fire, 299-300.

¹⁰¹ A weekly paper published by the League organ, the Grand Forks American.

¹⁰² Grand Forks Herald, August 27, 1920.

had been a candidate for the Democratic endorsement for governor at the Fargo convention in May. The Grand Forks Herald reported that Platou denied the charge, and surmised that the Tidende accusation was an effort on the part of League managers to attract the Norwegian vote.¹⁰³ The Tidende, in no mind to be silenced, called attention to O'Connor's membership in the Knights of Columbus and included Langer's name in the same charge.¹⁰⁴ That these accusations reflected Tidende editorial attitude rather than Nonpartisan conviction is indicated in the fact that no other League paper used the attack. In fact, the Courier News absolved itself completely just before the election by denouncing religious prejudice and pointing out that Howard Wood, a founder of the League, was also a Knight.¹⁰⁵

An attack in which all League papers participated, however, centered around the grain grading act, which had been one of the first accomplishments of the former legislature. O'Connor, believing the law to be inadequate, had considerable influence in getting it declared unconstitutional.¹⁰⁶ The League retaliated, not with a defense of the measure, or a

¹⁰³ Ibid.

¹⁰⁴ Editorial from the Tidende quoted in the Grand Forks Herald, September 1, 1920.

¹⁰⁵ Fargo Courier News, October 27, 1920.

¹⁰⁶ Ibid., August 28, 1920.

proposal for a better one, but by criticizing Lawyer O'Connor's unconcern for the farmer's welfare.¹⁰⁷ The League would have done well to sacrifice some of these personal attacks in order to concentrate more heavily on other pertinent issues that were arising. The IVA was formulating five initiated measures which they intended to put before the people in November. If accepted they would provide for an immediate independent audit of the Bank of North Dakota; permission for political subdivisions to withdraw funds from the Bank of North Dakota and to deposit them in private banks; limitation of the right of the Bank of North Dakota to make real estate loans to those farmers living in North Dakota only; some freedom of choice for municipalities as to which papers would publish their legal notices; and a bill increasing and defining the powers of the Superintendent of Public Instruction.¹⁰⁸ The first two measures constituted the greatest danger to the League program. That the Non-partisans were not completely unaware of their threat can be surmised from occasional statements made by the Courier News, which saw in the audit "an opening for killing the bank,"¹⁰⁹ and in the initiated measures in general an effort to block the whole farmer program.¹¹⁰ But the issues were not

¹⁰⁷ Ibid., September 5, 1920.

¹⁰⁸ Blackorby, 27.

¹⁰⁹ Fargo Courier News, October 2, 1920.

¹¹⁰ Ibid., September 14, 1920.

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¹⁰⁵ Fargo Courier News, October 27, 1920.

¹⁰⁶ Ibid., August 28, 1920.

proposal for a better one, but by criticizing Lawyer O'Connor's unconcern for the farmer's welfare.¹⁰⁷ The League would have done well to sacrifice some of these personal attacks in order to concentrate more heavily on other pertinent issues that were arising. The IVA was formulating five initiated measures which they intended to put before the people in November. If accepted they would provide for an immediate independent audit of the Bank of North Dakota; permission for political subdivisions to withdraw funds from the Bank of North Dakota and to deposit them in private banks; limitation of the right of the Bank of North Dakota to make real estate loans to those farmers living in North Dakota only; some freedom of choice for municipalities as to which papers would publish their legal notices; and a bill increasing and defining the powers of the Superintendent of Public Instruction.¹⁰⁸ The first two measures constituted the greatest danger to the League program. That the Non-partisans were not completely unaware of their threat can be surmised from occasional statements made by the Courier News, which saw in the audit "an opening for killing the bank,"¹⁰⁹ and in the initiated measures in general an effort to block the whole farmer program.¹¹⁰ But the issues were not

¹⁰⁷ Ibid., September 5, 1920.

¹⁰⁸ Blackorby, 27.

¹⁰⁹ Fargo Courier News, October 2, 1920.

¹¹⁰ Ibid., September 14, 1920.

emphasized and Frazier's simple treatment of the matter was to advise the people to vote 'no' on all initiated measures if they wanted to rule instead of the banks and big business.¹¹¹ Partly as a result of this oversight, the issues went through in November and, as will be noted later, served to cripple seriously the League program.

The 1920 general election was the first in which women exercised their right to vote by the nineteenth amendment. A good deal of importance was attached to this, and a considerable effort made to educate the women in voting procedures. Schools were held for this purpose toward the end of the campaign, and were reportedly well attended.¹¹² The League women in the rural districts were considered better organized than the Independents,¹¹³ but in many precincts the women of both factions met together and the evenings took on the atmosphere of old debating societies.¹¹⁴ The Fargo Forum reported, ". . . many 'warm' sessions have resulted, but the evening has generally closed with a luncheon and the best of feeling has prevailed."¹¹⁵

As election day drew near, both sides expressed the

¹¹¹ Fargo Forum, October 19, 1920. (Clipping)

¹¹² Fargo Forum, October 30, 1920. (Clipping)

¹¹³ Grand Forks Herald, November 2, 1920.

¹¹⁴ Fargo Forum, October 30, 1920. (Clipping)

¹¹⁵ Ibid.

usual confidence. The Minneapolis Journal credited O'Connor with making the most remarkable speaking campaign ever seen in North Dakota, "talking four to seven hours a day for eight weeks . . . making 191 speeches and reaching 70,000 persons."¹¹⁶ O'Connor expressed satisfaction over the intense interest the papers were displaying and declared, "I am convinced that there is a big change in the sentiment of the people . . . and that November 2 will see that change registered in the ballot box."¹¹⁷

The day before the election he closed his campaign in his home county. Bearing the slogan, "Grand Forks County stands with her own," a torchlight procession was held in Grand Forks.¹¹⁸ The next day dawned with perfect weather conditions, a factor of utmost importance in rural North Dakota where so much hinged on the farmer's vote.¹¹⁹ Minot reported that the women were marking the ballots as fast as the men,¹²⁰ and the general turnout over the state was considered good. The Fargo Forum made a final prediction of a 7500 vote majority for O'Connor,¹²¹ and the early returns,

¹¹⁶ Minneapolis Journal, November 11, 1920. (Clipping)

¹¹⁷ Fargo Forum, October 15, 1920. (Clipping)

¹¹⁸ Unmarked, undated clipping.

¹¹⁹ Grand Forks Herald, November 2, 1920.

¹²⁰ Ibid.

¹²¹ Fargo Forum, October 30, 1920. (Clipping)

predominantly from urban areas, were in his favor. When all the ballots had been tabulated, however, Frazier commanded a lead of 4,630 votes.¹²² But the League victory was far from complete. Although they had a majority of one in the Senate, the Independents had gained control of the House by a four vote margin, and all five of the initiated measures had been accepted by the people. Receiving 49.1 per cent of the vote, O'Connor consoled himself with the thought that it was as close as he could come to victory without achieving it.¹²³ Commenting on the outcome, he said, "A storm would have spelled defeat for the League but no one with the proper spirit would wish a victory under such circumstances. My own defeat has not shaken my confidence in the people. . . . The eight weeks I spent among the people . . . taught me to know their generous hospitality . . . unselfish spirit, and . . . kindness. . . . Let us draw no lines between those who voted for us, and those who voted against us. Let us not think of ourselves but of North Dakota."¹²⁴

The most puzzling part of the outcome was the paradoxical defeat of O'Connor and the victory of the initiated measures. Undoubtedly party labels were among the most significant factors. The Republican landslide which swept

¹²² Morlan, Prairie Fire, 300.

¹²³ Minneapolis Journal, November 11, 1920. (Clipping)

¹²⁴ Grand Forks Herald, November 7, 1920.

President Harding into office gave an automatic boost to the League, while the initiated measures, on a no party ballot, did not have that advantage. And it cannot be overlooked that while the I.V.A. had succeeded in undermining the League program they had not been able to destroy Frazier's popularity. There is no doubt that the people of North Dakota felt a kinship with him that they never experienced with O'Connor. To them Frazier was a fellow farmer who spoke simply and directly. O'Connor was a polished professional man whose oratory was too often filled with high-flown generalities, which actually had small meaning in a campaign where the issues were clear and very sharply drawn.

It was not long after the election that the seriousness of the League's wounds became evident. The initiated measure allowing withdrawal of funds from the Bank of North Dakota combined with an economic depression to cripple the League program. On December 20 the Homebuilding Association ceased to function; on December 22 construction work on the mill and elevator came to a halt.¹²⁵ Throughout the seventeenth legislative session, which convened in January, a deadlock existed and little was accomplished.¹²⁶ Independent members began voicing a desire for a recall election, and it was decided that the issue would be considered at a convention of Independent delegates to be held in Devils Lake

¹²⁵ Blackorby, 33.

¹²⁶ Grand Forks Herald, January 1, 1922.

March 30 and 31.¹²⁷ O'Connor who took no active part in instigating such a move, was completely friendly toward it, however.¹²⁸ The convention, at the suggestion of O'Connor, adopted the slogan "plow, plant and prosper" and voted in favor of a recall to be held sometime before November 8.¹²⁹ It was decided to confine the recall to the Industrial Commission, and to initiate five laws which would limit or abolish the various state enterprises.¹³⁰ O'Connor presented the name of R. A. Nestos of Minot as a candidate for governor. Referring to his own fight against Frazier he said, "I have kept the battle above the clouds, and have kept it clean, and hand you back your standard unsullied."¹³¹ When nominated for the attorney generalship, O'Connor declined but urged instead the nomination of Sveinbjorn Johnson.¹³² Nestos and Johnson were placed on the ticket to oppose Frazier and Lemke, and the recall, which the League had originated a year earlier, threatened to destroy its creator.

The farmers organized their campaign under the slogan "summer fallow and fight,"¹³³ and took the defensive as the

¹²⁷ Morlan, Prairie Fire, 316.

¹²⁸ Interview with Judge O. B. Burtness, May 2, 1956.

¹²⁹ Grand Forks Herald, April 1, 1921.

¹³⁰ Ibid. The Industrial Commission included the governor, attorney general, and commissioner of Agriculture and labor.

¹³¹ Devils Lake Daily Journal, April 1, 1921. (Clipping)

¹³² Grand Forks Herald, April 1, 1921.

¹³³ Morlan, Prairie Fire, 315.

I.V.A. charged League leadership with inefficiency and bankruptcy.¹³⁴ But the Independent attacks proved effective. When the election was held on October 28, all three League leaders were recalled. The returns, however, had a unique twist:

" . . . curiously enough every one of the initiated measures, on the basis of which in large part the campaign had supposedly been fought, was defeated by majorities approximately equivalent to those which had elected I.V.A. candidates. Thus, ironically, R. A. Nestos was assigned the task of carrying out the program which his faction had sought to curtail."¹³⁵

The general outcome produced much speculation. The League undoubtedly suffered from the depressed economic conditions in 1921. It is virtually impossible for the party in power to escape that fate. And there were many who were convinced of weakness in League leadership. Yet, they were not willing to abandon the program. The I.V.A. in its campaign had promised to give it a fair trial and North Dakotans gave them the opportunity to do so. But the League's force was not spent. In the election the following year, O'Connor and his fellow Independents would face the same formidable foes.

¹³⁴ Blackorby, 50.

¹³⁵ Morlan, Prairie Fire, 326.

CHAPTER IV

FUSION TACTICS SUCCEED BUT O'CONNOR FAILS

The North Dakota political scene in early 1922 was dominated by the fight for senatorial endorsement in the Republican party. The series of conventions that preceded the primary election began in March when the Nonpartisan League assembled in Fargo. A. C. Townley had returned to North Dakota shortly before to advocate his "balance of power" plan. It was his conviction that, rather than place a ticket in the field, the League should endorse desirable candidates of any political party.¹ The immediate reaction of the League was one of almost solid opposition, and most counties instructed their delegates to vote against the plan at the forthcoming convention.² Townley, sensing the general hostility, abandoned hope of achieving his aim before the delegates met,³ but the previous disagreements carried on into the convention and caused a serious rift to develop. In the interest of harmony, Townley announced that he would resign as national president of the League, and would take no further active part in North Dakota politics.⁴ Along with

¹ Morlan, Prairie Fire, 340.

² Grand Forks Herald, March 17, 1922.

³ National Leader, April 17, 1922.

⁴ Grand Forks Herald, March 26, 1922.

this proclamation he suggested that a new state executive committee be elected by the delegates of the convention. He scored a victory in defeat when a committee in sympathy with his views was chosen.⁵ This, however, did not alter the convention's determination to endorse candidates for the coming primary election. A. J. Gronna, with the hope of returning to the United States Senate, made overtures to the group,⁶ but was ignored in favor of Frazier, who only several months before had been recalled from the governor's chair. Before the session adjourned a complete ticket for state and national offices was endorsed.⁷

The following month the Democrats and conservative Republicans held simultaneous conventions in Jamestown. It was the issue of fusion that brought them to Jamestown together, yet the Democrats were far from agreed that fusion was desirable.⁸ Indeed, F. O. Hellstrom former gubernatorial and senatorial candidate withdrew from the Democratic convention in indignation after accusing the fusion faction of wanting to "sell out" the Democratic party.⁹ On the first ballot O'Connor was unanimously endorsed for the United

⁵ Fargo Courier News, March 26, 1922.

⁶ Grand Forks Herald, March 26, 1922.

⁷ Ibid.

⁸ Fargo Courier News, April 20, 1922.

⁹ Bismarck Tribune, April 20, 1922.

States Senate over Wesley McDowell.¹⁰ In his acceptance O'Connor declared that there had been too much bitterness in the state and that it was his desire to iron it out and bring the people back on a sane basis of neighborliness and friendliness.¹¹ The delegates generally agreed that the platform should be an endorsement of the pledges of Nestos and his associates in the recall election and the anti-Townley platforms of previous elections.¹² That the Democratic faction sympathetic toward fusion exerted its influence is evident in the statement that accompanied the primary ticket announcement. Any men nominated in June, it declared, would be permitted to resign, without being accused of party disloyalty, to make place for a Republican in the fall for the good of the slate.¹³

Republicans, meanwhile, were meeting three blocks away with the delegates supporting Porter J. McCumber comprising what was perhaps the most influential faction in the convention. McCumber had occupied a seat in the United States Senate since he was elected by the state legislature in 1899. He was eagerly seeking another term, and had come up from

¹⁰ Grand Forks Herald, April 20, 1922.

¹¹ Ibid.

¹² Fargo Courier News, April 20, 1922.

¹³ Ibid.

Washington in mid April to mend political fences.¹⁴ Many Independent Republicans, however, were displeased with McCumber, whom they suspected with good reason, of tacitly cooperating with the League. Others mentioned were former United States Congressman P. D. Norton and A. M. Christianson, supreme court justice. There was some support for Gronna. Since no satisfactory decision could be reached concerning the senatorial endorsement, the convention adjourned without officially supporting any candidate for the position.¹⁵ Otherwise, the ticket was completed with Nestos again being endorsed for the governorship. A platform was adopted which placed the campaign upon the record of the Nestos administration, in which special effort had been made towards finishing the mill and elevator and towards forwarding the rural credits system of the Bank of North Dakota.¹⁶ This, of course, was an example of League policy acceptance, which had been characteristic of O'Connor's position since 1919.

The race for the senate was narrowed somewhat in May when Gronna died and P. D. Norton withdrew. At the same time, Ormsby McHarg of Jamestown, former private secretary of McCumber, became an active contestant. Meanwhile, the senatorial picture also changed in the Democratic camp when the anti-fusion faction there decided in mid-May to place its

¹⁴ Bismarck Tribune, April 15, 1922.

¹⁵ Ibid., April 20, 1922.

¹⁶ Blackorby, 60.

own ticket in the field.¹⁷ Disgruntled with the fusionist wing over consolidation with the Independent Republicans, they maintained they wanted to keep the Democratic organization intact. Hellstrom and Platou, old favorites of the liberal Democrats, received the senatorial and gubernatorial endorsements.¹⁸ The Grand Forks Herald saw in this an effort on the part of anti-fusion Democrats, who were sympathetic with the League, to frustrate the crossing of party lines in the primary election. Independent Democrats, rather than vote in the Republican column, might well decide to help settle the issue on their own ticket, the total effect resulting in a better chance for the Leaguers in the Republican arena.¹⁹

By the first part of June the Independents began softening their attitude toward McCumber, and he went a step further in healing the rift by endorsing Nestos.²⁰ This exchange of support was obviously a recognition of the necessity for cooperation if the Nonpartisans were to be defeated in the coming primary. The tariff was being debated in the United States Senate at this time and McCumber encouraged his colleagues to stay on the job and not spend much

¹⁷ Grand Forks Herald, May 11, 1922.

¹⁸ Fargo Courier News, May 10, 1922.

¹⁹ Grand Forks Herald, May 11, 1922.

²⁰ Bismarck Tribune, June 13, 1922.

time campaigning at home. He practiced his own advice.²¹ Meanwhile, other senatorial aspirants in his own state were promoting their causes among the voters. Greater activity than usual appeared in the Democratic camp where pro- and anti-League factions actively contested each other. A sharp increase in the Democratic vote was predicted, and there was much speculation as to whether more of the votes would be drawn from the League or the I.V.A.²² O'Connor, meanwhile, was doing what he could to enhance his chances by urging the people to get out and vote, emphasizing that in North Dakota the primary was really as significant as the general election.²³ Contending that he had always supported both agrarian and business interests, which he considered one and the same in rural North Dakota, he pointed, as usual, to his legislative record.²⁴ League measures or not, he had voted for them if he thought they were sound. And he used again a theme from his 1920 campaign--constitutional government.²⁵ Frazier, too, was stumping the state, promising to work for the farm bloc if he was sent to Washington.²⁶ O'Connor was

²¹ Ibid., June 1, 1922.

²² Ibid., June 28, 1922.

²³ Grand Forks Herald, June 25, 1922.

²⁴ Ibid., June 23, 1922.

²⁵ Ibid., May 6, 1922.

²⁶ North Dakota Leader, June 24, 1922.

silent on the issue. On June 28, the voters nominated both in their respective columns, giving O'Connor a large majority over Hellstrom and Frazier a decided victory over McCumber. That the people of the state still considered the gubernatorial position of paramount importance was revealed in the fact that nearly 3000 who voted for governor did not indicate a choice for the senate.²⁷ O'Connor's victory had been expected and Frazier's nomination did not need much explanation. It could be partially interpreted by the votes disgruntled Gronna supporters gave to Frazier rather than to McCumber whom they blamed for Gronna's defeat.²⁸ Further explanation must recognize the fact that Frazier profited from organized support that McCumber did not receive.²⁹ Frazier's recall of the previous year apparently had little effect since opposition forces had failed to convict him of any political corruption.³⁰

The fusion of the Independent Republicans and Democrats which had been so complete and harmonious in 1920, was somewhat confused and unsettled as preparations began for the 1922 campaign. It had been generally understood that

²⁷ Grand Forks Herald, July 28, 1922. The Herald did not publish official election returns which included all precincts, and no Blue Book was published for 1922.

²⁸ Bismarck Tribune, June 29, 1922.

²⁹ Blackorby, 70.

³⁰ Ibid.

O'Connor would receive joint endorsement since no candidate in the Independent Republican circles had been nominated for the senate. O'Connor, who had always favored the policy of fusion, was undoubtedly hoping for I.V.A. support but early July brought rumblings of a desire for a straight Republican line-up.³¹ A conference of the committee of forty-five-- representing the anti-League Republican and Democratic voters-- was called to meet at Fargo July 21 to consider what candidates the Independent voters of the state should support, how the campaign would be financed and under whose auspices it should be handled.³² The committee went on record as supporting O'Connor and they decided to turn the management of the fall campaign over to the I.V.A.³³ The problem of party labels, it seemed, had become a perennial one, and during the month that followed, the Independents resumed efforts to keep voters thinking along cooperative lines. "Let us not indulge in any hairsplitting partisan arguments regarding the wisdom of sending a Democrat instead of a Republican to the United States Senate," warned the Independent Review.³⁴ In early September the Democratic and Republican state central

³¹ Bismarck Tribune, July 13, 1922. Excepting the offices included in a trade made in Jamestown.

³² Ibid., July 19, 1922.

³³ North Dakota Leader, July 29, 1922.

³⁴ Independent Review, July 27, 1922.

committees met in Bismarck. The Democrats, as expected, re-asserted their support of O'Connor for senator and Nestos for governor.³⁵ Independent Republicans, refusing to meet with the Nonpartisans, held their own session and gave indirect support to O'Connor by commending the actions of the committee of forty-five, which had recently endorsed O'Connor.³⁶ The League created somewhat of a stir when at their meeting they added Lemke as a gubernatorial candidate to their ticket.³⁷ Bert Baker had been the League choice for this position in the primary election, but had been defeated by Nestos.³⁸ Lemke's selection received much attention and was met by mixed emotions. Some Leaguers felt he could not ride to triumph over the recall, as Frazier had been able to do in the primaries.³⁹ Others believed the nomination might mean the return of A. C. Townley to ascendancy in League affairs, but the Grand Forks Herald hailed it as an insurance of re-election for O'Connor and Nestos.⁴⁰ Distaste for Lemke in many League circles, it was asserted, would swing votes in the Independent direction.

³⁵ Grand Forks Herald, September 7, 1922.

³⁶ Bismarck Tribune, September 7, 1922.

³⁷ Ibid.

³⁸ Ibid.

³⁹ Ibid., September 30, 1922.

⁴⁰ Grand Forks Herald, September 8, 1922.

With the slogan "Give O'Connor a chance and Nestos a full term," the Independents launched into their campaign in mid-September. Immediately they reactivated what had become a perennial charge: In North Dakota party issues are of little significance--it is radicalism verses rationalism.⁴¹ This was O'Connor's theme when he made his keynote address at Hankinson,⁴² and he continued to reiterate it throughout the entire campaign. As in the campaign of 1920, he placed much emphasis on government--"Good Government," "Representative Government," and the relationship between the federal and state governments. On the machinery of government O'Connor had some suggestions which he had been voicing for some time:

" . . . elect fewer state officials and hold those elected to strict accountability for the enforcement of laws. Elect a governor, a lieutenant governor and secretary of state with the power of recall in the hands of the people for malfeasance in office. In many instances the present state officials, such as treasurer and auditor, would become the appointed head of the department because of training and experience . . . A four year term should apply to all county offices. The term of the President of the United States should be six years with limit of one term. In this way the President would make appointments to high positions not with a view to furthering his own political ambitions, but solely in the interests of the people. Our congressmen should be elected for four years and changes should be made in the election machines to assure the President of a working majority in congress."⁴³

⁴¹ Stutsman County Democrat, September 28, 1922.

⁴² Grand Forks Herald, September 16, 1922.

⁴³ St. Paul Dispatch, August 7, 1921.

O'Connor was only expressing general ideas of the times. The reforms he was proposing were sound but they were not the important issues of the day--certainly not in North Dakota.

O'Connor contended that the League wanted to establish a socialistic form of government, and thus did not want the farmers to be prosperous for that would thwart the League aims.⁴⁴ In reference to broken promises of the League,

O'Connor and other Independents used the mill as an example. It has been noted that the League industries were weakened when an initiated measure voted upon in 1921 allowed withdrawal of funds from the Bank of North Dakota, and as a consequence, construction work on the mill ceased in December. O'Connor insisted that the League should have been able to finance the project in some other manner.

" . . . when you consider that the League leaders loaned nearly a million dollars out of the funds of the Scandinavian-American bank to league corporations, collected over three million dollars from the farmers in dues and wasted another million, surely it was possible to get one million out of some of these sources to finish the mill and elevator if they were in good faith."⁴⁵ The anti-League forces capitalized on this situation when they rushed the mill into

⁴⁴ Devils Lake Daily Journal, October 19, 1922.

⁴⁵ Grand Forks Herald, October 19, 1922.

operation just before the election in 1922.⁴⁶ Although the League speakers and press hastened to point out that it was only one-third complete and without a heating pipe in the whole building,⁴⁷ the mill was put into operation on October 30 when Governor Nestos pressed a button to set the machinery in motion.⁴⁸ Until the people went to the polls a few days later, the Nestos administration was busily claiming the achievement as their own.

An issue which no one could ignore was the tariff. In the opening rounds of the campaign it was obvious that O'Connor hoped to evade the problem by stating that he thought the tariff should not be a party issue.⁴⁹ As the campaign progressed and he found it necessary to take a definite stand, he asserted that as long as the established principle was protection, farm products should be protected to the same extent that manufactured goods were.⁵⁰ His suggestion that the whole matter be placed in the hands of a non-political board of experts was perhaps a very sound, but impracticable, one. Another issue of significance in 1922 was the proposed St. Lawrence-Great Lakes Waterway,

⁴⁶ Morlan, Prairie Fire, 345.

⁴⁷ Fargo Courier News, October 22, 1922.

⁴⁸ Bismarck Tribune, October 25, 1922.

⁴⁹ Bismarck Tribune, September 16, 1922.

⁵⁰ Grand Forks Herald, October 5, 1922.

which O'Connor ardently favored. Since the North Dakota wheat farmer competed in a world market, said O'Connor, he was at a disadvantage as far as transportation costs were concerned. The waterway, it was estimated, should save ten cents on every bushel of grain exported from the state.⁵¹ Payment for the project, he added, could come out of water power development and transportation charges.⁵²

Included in the many facets of the farm problem was the risk of one-crop farming. The farmer's concentration on grain production subjected him to the whims of the weather and the hazards of a fluctuating market. The desirability of greater diversification was receiving increased attention, although the rigorous climate in North Dakota made it difficult to convert theory into practice. O'Connor, however, strongly advocated more dairying for the state.⁵³ The extension of farm loans was another matter of perpetual interest. O'Connor recognized the need of the farmer for long term credit and maintained that agriculture had not received as much consideration through the Federal Reserve banks as had other lines of business.⁵⁴ When Lemke charged that the Nestos made fewer loans to farmers than had

⁵¹ Dickinson Press, October 21, 1922.

⁵² Grand Forks Herald, October 8, 1922.

⁵³ Devils Lake Daily Journal, September 16, 1922.

⁵⁴ Grand Forks Herald, October 8, 1922.

Frazier's, O'Connor retorted with some figures that refuted the statement. In the twenty-eight months Frazier and Lemke controlled the bank of North Dakota, farmers were lent the sum of \$2,725,000; during the nine months of the Nesots administration they had received \$3,363,000.⁵⁵

O'Connor made an effective issue of this in local areas. At Langdon he reminded the voters that Frazier had made no loans to Walsh county farmers and only a few to those in Cavalier county.⁵⁶ The reason why these and many other eastern areas in the state were neglected, he believed, was because it was strong Independent territory.⁵⁷

In harmony with a popular solution to the farm problem --and with his 1920 platform--O'Connor continued to advocate cooperative marketing.⁵⁸ Through this method the farmer could hold his grain and thus avoid flooding the market which forced prices down. These cooperatives, he said, could be financed through such national agencies as the War Finance Corporation and the Federal Reserve Banks.⁵⁹ He interrupted his speaking campaign to go to Washington to join Nestos and L. B. Hanna, an ex-governor and ex-

⁵⁵ Dickinson Press, October 21, 1922. It was impossible to locate a confirmation for the second figure, but the first is corroborated by Morlan.

⁵⁶ Grand Forks Herald, October 27, 1922.

⁵⁷ Ibid.

⁵⁸ Bismarck Tribune, October 8, 1922.

⁵⁹ Grand Forks Herald, October 8, 1922.

congressman in conferring with the War Finance Corporation.⁶⁰ He also suggested another form of cooperation to alleviate the fall marketing problem. If everyone would store up a winter's supply of flour as they do coal, he reasoned, the miller could absorb more wheat. He proposed that a week be set aside as "National Flour Week," and urged commercial clubs and other civic bodies to promote the idea.⁶¹ He was ignored except for a weak League protest which accused him of only trying to aid the processors.⁶²

In the League camp, Townley was lending his assistance, speaking not as the fiery enthusiast of early League days, but as a polished orator. Most of his original program, he reminded the voters, had been achieved, and the anti-League forces who had called the program socialistic were now trying to claim credit for much of it.⁶³ Lemke, too, was touring the state, but the Independent press said his speeches were comprised mostly of abuse and promised little in the form of a constructive policy.⁶⁴ McCumber, disgruntled because he failed to gain official support from either the League or anti-League forces, finally came out in support of Frazier

⁶⁰ Ibid., September 22, 1922.

⁶¹ Bismarck Tribune, October 2, 1922.

⁶² Ibid., October 9, 1922.

⁶³ Ibid., November 4, 1922.

⁶⁴ Dickinson Press, October 14, 1922.

in the closing days of the campaign. His staunch Republicanism prevented him from supporting a Democrat, and he probably felt O'Connor had been influential in deflecting the Independent endorsement from him in the Jamestown convention.⁶⁵ The platform upon which Frazier made his appeal was considerably more mild and brief than those upon which he had been campaigning in previous years. The reason was a simple one--most of the League program had been carried out. He emphasized now extension of the Nonpartisan League program throughout the nation, labor legislation, and the enactment of a soldier's bonus law--which O'Connor also supported.⁶⁶ The attacks he made upon his senatorial opponent, however, took on many forms, and he had generous support from the League press. An old target that was used again was the initial grain grading act, which O'Connor had been instrumental in having declared unconstitutional. The League now favored a new law,⁶⁷ but O'Connor preferred

⁶⁵ Blackorby, 73.

⁶⁶ Grand Forks Herald, October 4, 1922. About the only attention the Independents gave to labor was in the tie-up they tried to create with the League and the I.W.W. A letter written on I.W.W. stationery by one Jack Fleming to A. Lund, Fellow Worker, which implied that Lemke and Frazier were "with them" was reprinted in numerous Independent papers. The League ignored the issue and it is doubtful that it had much effect. Devils Lake Daily Journal, October 30, 1922; Dickinson Press, November 4, 1922; Grand Forks Herald, October 28, 1922; Independent Review, October 26, 1922; Stutsman County Democrat, October 26, 1922.

⁶⁷ North Dakota Leader, August 12, 1922.

to skirt the issue by saying, "It is absolutely necessary that there be fixed a standard grade for all grain recognized everywhere in the United States. The only effectual method of fixing the grades of grain is through the federal government."⁶⁸

While the Courier News assailed O'Connor for being "pro-nothing,"⁶⁹ the Leader questioned his civilian status during the World War.⁷⁰ Actually, O'Connor at the age of thirty-four had not qualified for the draft; before it was necessary to extend the limit to include his age group, the war was over.⁷¹ There were also the usual petty criticisms such as O'Connor's efforts to capitalize on his farm background.⁷² It was the Independent press rather than O'Connor that was using the issue, and in a state as rural as North Dakota it was only to be expected. The Courier News ignoring the fact that O'Connor had been a teetotaler all his life, maintained that since his father had operated a saloon, his early experiences might make him a threat to

⁶⁸ Grand Forks Herald, September 16, 1922.

⁶⁹ Fargo Courier News, October 12, 1922.

⁷⁰ North Dakota Leader, October 28, 1922.

⁷¹ Interview with Judge O. B. Burtness, March 27, 1922. It might be added here that O'Connor did not display any military interest while a student at the University of North Dakota where he frequently petitioned to be excused from military drill.

⁷² Fargo Courier News, October 25, 1922.

prohibition.⁷³ And rather ridiculous heights were reached when O'Connor and Nestos were even assailed for being bachelors.⁷⁴

An attack which was undoubtedly of far greater significance was made on O'Connor's religion. Although it is impossible to measure its effectiveness, it has been frequently said it was the cause of his defeat. This can be easily overemphasized, however. Politically, North Dakota has had a record for considerable tolerance in matters of religion. An earlier governor--John Burke--and a later one--William Langer--experienced few attacks on their Catholicism. It is true that O'Connor did receive support from a Catholic paper, the Columbian, the North Dakota organ of the Knights of Columbus.⁷⁵ The Leader and Courier News reported that the Columbian had printed an article on its front page threatening members of the Catholic church with expulsion if they failed to vote for O'Connor.⁷⁶ The Leader went so far as to accuse O'Connor of phrasing the article.⁷⁷ It contended that fellow members of the organization were incensed over the issue and that O'Connor was losing many potential votes because of it.⁷⁸ The conservative press chose to ignore the

⁷³ Ibid.

⁷⁴ Independent Review, October 19, 1922.

⁷⁵ North Dakota Leader, October 28, 1922.

⁷⁶ Ibid., Fargo Courier News, October 26, 1922.

⁷⁷ North Dakota Leader, November 4, 1922.

⁷⁸ Ibid.

issue, more or less, which was perhaps the most effective way of repressing it. Another form of the religious issue was reflected in Ku Klux Klanism, which made its appearance in North Dakota during the 1922 campaign. Instigated largely by F. Halsey Ambrose, a Presbyterian minister in Grand Forks,⁷⁹ the activity was localized in the northeastern part of the state and had little over-all effect.

As election day drew nearer, the Independents hinted at the over confidence in their ranks which they feared might prove dangerous.⁸⁰ Although the Bismarck Tribune insisted that the lethargy was fading away,⁸¹ there is no question that there had been less interest in the campaign than in others of recent years. Most of the League issues which had once been hotly contested were now enacted into law. The remaining concern was the administration of the program. The Leader confidently asserted that the entire League ticket could win easily⁸² and almost in the same breath announced that the Independent ticket would be altered by the rejection of O'Connor. The Knights of Columbus episode had seriously threatened Independent chances,

⁷⁹ Marian E. McKechnie, "A Short History of the First Presbyterian Church of Grand Forks, North Dakota" (unpublished seminar paper, University of North Dakota, 1953), 13-14.

⁸⁰ Dickinson Press, November 4, 1922.

⁸¹ Bismarck Tribune, October 14, 1922.

⁸² North Dakota Leader, October 28, 1922.

said the Leader, and the "only hope for Nestos is seen in having O'Connor in the part of Jonah and feeding him to the fishes."⁸³ This eleventh hour prediction was completely meaningless and the eve of the election found both O'Connor and Frazier winding up their campaigns in Grand Forks.⁸⁴ The next day they would face roughly the same contest they had faced just two years before. They were seeking a different office, but each was still pitted against the same opponent.

O'Connor had the weather in his favor when the polls opened the following morning. Rain fell throughout the state and in the western section snow lay a foot deep. The Grand Forks Herald reported that mud was universal, and Independents hoped it would keep many rural voters from the ballot boxes.⁸⁵ As expected, the first returns were from urban areas and gave O'Connor the lead, but slow returns from the Missouri Slope, where the League had always piled up its heaviest vote, kept everyone cautious.⁸⁶ When tabulations were complete it was evident that O'Connor had again failed to defeat Frazier. By a margin of 8848 votes,⁸⁷ the man who

⁸³ Ibid., November 4, 1922.

⁸⁴ Grand Forks Herald, November 7, 1922.

⁸⁵ Ibid., November 8, 1922.

⁸⁶ Bismarck Tribune, November 8, 1922.

⁸⁷ Morlan, Prairie Fire, 345.

had been recalled as governor in 1921 was sent to the United States Senate. Lemke, however, was buried beneath an avalanche of votes for Nestos.⁸⁸ Independents gained control of both houses of the state legislature, which marked the first complete conservative control of that body since 1915. It was in this light, and in the fact that he had received more votes as candidate for governor in 1920, that O'Connor's defeat was so difficult to explain. That religious prejudice had a part there is no doubt, but the extent of its influence was undoubtedly slight. Russian-German settlements in the south-central part of the state, predominantly Catholic, voted for the League. Pembina and Walsh counties, largely Protestant, continued in their Democratic tradition and voted for O'Connor.⁸⁹

O'Connor lost some Democratic votes in the western part of the state because of unwise campaign tactics. Edward Hughes of Dickinson, Democratic candidate for congress, travelled with O'Connor and introduced him. O'Connor, fearful of distracting I.V.A. votes, did not give Hughes due recognition. This antagonized many Democrats, and consequently they cast their ballots for Frazier in the fall election.⁹⁰

⁸⁸ Grand Forks Herald, November 9, 1922. Nestos received 110,321; Lemke, 81,048. Morlan, Prairie Fire, 345.

⁸⁹ Interview with David Kelly, April 24, 1956.

⁹⁰ Ibid.

the failure of the Independent Republicans and Democrats to cooperate as completely in 1922 as they did in 1920 also weakened O'Connor's position. Farm policies, to which Frazier gave more attention than did O'Connor undoubtedly influenced the vote. Perhaps the greatest single factor responsible for his defeat was the Democratic party label. Many North Dakota Republicans who had no objections to a Democrat's occupying the governor's chair, remained loyal to their party when national politics were concerned.⁹¹ The vast difference in the O'Connor-Nestos vote testifies to this,⁹² and the influence of those who voted a straight ticket cannot be discounted. If only five per cent of the Independent Republicans voted the straight Republican ticket it meant defeat for O'Connor.⁹³

O'Connor's North Dakota political career ended in 1922. Although he had been unsuccessful in achieving a major office, his contribution to the minority had been significant. The moderate position he took in dealing with the League was a prudent one. North Dakota's economic problems were deep rooted and needed attention. O'Connor recognized this. His conciliatory attitude toward the League program was undoubtedly, in part, practical politics, but it also

⁹¹ Interview with Judge O. B. Burtness, March 27, 1956.

⁹² O'Connor received 101,312 votes; Nestos, 110,321. Morlan, Prairie Fire, 345.

⁹³ Blackorby, 73.

represented a sincere desire to improve the lot of the North Dakota. The conditioning O'Connor received in his North Dakota political activity prepared him well for his future career. It was in the federal government that he was to gain his next recognition.

CHAPTER V

O'CONNOR GOES TO WASHINGTON

O'Connor remained in North Dakota only three years after his defeat in 1922. During that time he continued his law practice in Grand Forks. The partnership he had entered into with Sveinbjorn Johnson in 1914 was dissolved in 1921 and Charles F. Peterson then joined O'Connor's firm. Peterson had graduated from the University of North Dakota Law School in 1915 and practiced law in Fargo until 1921.¹ Perhaps the most outstanding case that O'Connor handled during those years, from the standpoint of public interest, was the defense of Dr. S. R. Kirby,² a pseudo medical practitioner of Northwood, North Dakota who prescribed a standard treatment for all ills. A foul-smelling mixture--his own preparation--was applied to the patient's throat with a large paint brush, and a strong laxative was administered. This was the procedure that had been followed when an elderly Northwood resident, whose case had been pronounced hopeless by medical doctors, died.³ Kirby was faced with two charges--manslaughter and practicing without a license.⁴ He engaged O'Connor to

¹ Grand Forks Herald, March 9, 1921.

² Interview with Charles F. Peterson, Grand Forks, North Dakota, April 26, 1956.

³ O'Connor manuscript, 65.

⁴ Ibid., 64.

defend him. The secretary of the North Dakota Medical Association, witness for the state, brought records of the association to prove that Kirby was not among the licensed doctors. O'Connor, however, discovered that the handwritten records were at times illegible, which made it impossible for the state to prove that the practitioner did not have a license. The jury delivered a verdict of not guilty.⁵ The same decision was rendered on the manslaughter charge in view of the fact that the case was hopeless and the family had sought Kirby's services.⁶ The defendant, grateful for the acquittal, gave a dinner for O'Connor and the jury. After several of the jury members had spoken they insisted that Kirby say a few words. O'Connor, fearful that new charges might be brought if he did, rose to his feet and said, "Our host has asked me to thank you for your presence here tonight. In this modest way he desired to thank you one and all for the consideration you gave to him in his trouble. He has asked me to say that he is not an orator but an artist. He paints, and after the dinner he would be glad to give a demonstration of his art if any desired to see just how it is done."⁷ Needless to say, none volunteered!

It was during this interim, between O'Connor's North

⁵ Ibid., 66.

⁶ Ibid., 67.

⁷ Ibid., 68.

Dakota political career and his departure for California in 1925, that the First Savings Bank of Grand Forks, in which he was a director, closed. His brother William, also a director, and treasurer of the bank, was charged with embezzlement and brought to trial. He was found guilty of taking over four thousand dollars in money, bank notes and other funds, but appealed to the state supreme court on the grounds that the term "funds" was a vague description.⁸ Although fraudulent appropriation of property constitutes embezzlement, when it was proved that the defendant had never used any of the money the conviction was set aside and a new trial granted.⁹ William was acquitted. The bank, however, closed several months later. Banking regulations at the time provided for a double assessment to be charged against the shareholders of both state and national banks in the event of a bank failure. Although J.F.T. lost upwards of \$10,000, he did not meet the double liability obligation. He paid dearly for that financial victory. It created ill feeling toward him and it has been said that "he was left without a friend in the town."¹⁰

In the light of these events it is understandable that he was ready for new opportunities elsewhere. A choice one

⁸ 226 North Western Reporter, 601 (1929).

⁹ Ibid.

¹⁰ This assertion was made by a number of contemporaries who chose not to be quoted.

presented itself in 1925 when William G. McAdoo invited him to join his law firm in Los Angeles. The way had been paved the year before at the Democratic National Convention at Madison Square Garden.¹¹ O'Connor attended as a delegate from North Dakota. As the state delegations convened it became obvious that the gulf separating the southern and northern Democrats was unbridgeable.¹² They were divided on virtually every major issue. The South favored the League of Nations; the North wanted to forget the issue.¹³ On the question of aid to farmers the North was lukewarm while the South was enthusiastically for it. The urban North sponsored advanced labor legislation while the agrarian South was unfriendly toward the working man. Southern Democrats were anti-negro while the northern Democrats registered many colored men among their voters.¹⁴ But most prominent of all issues were prohibition and the Ku Klux Klan. Southern Methodists and Baptists favored strict enforcement of the eighteenth amendment. The North sought its repeal.¹⁵ While the southern Democrats supported or feared the Klan, northern

¹¹ Arthur S. Link, American Epoch; A History of the United States Since the 1890's (New York; 1955), 258.

¹² Ibid., 257.

¹³ Ibid., 258.

¹⁴ Ibid.

¹⁵ Ibid., 257.

Democrats, mostly Catholic or foreign born, opposed all that the Klan stood for. The two leading contenders for the presidential nomination were diametrically opposed concerning both issues. Alfred E. Smith, governor of New York, was Roman Catholic, a "wet", and an avowed enemy of the Klan.¹⁶ William G. McAdoo, California attorney and Secretary of the Treasury under Wilson, supported by the South and West, was Protestant, a "dry", and, although he openly repudiated it, had the endorsement of the Klan.¹⁷ The Smith forces were vociferous in their efforts to convict McAdoo of Klan sympathies, and finally sponsored a resolution condemning the Klan as un-American.¹⁸ It failed by a vote of 543 to 542.¹⁹

As a refutation of the Klan charge, the McAdoo managers arranged for O'Connor to address the convention and second McAdoo's nomination for the presidency.²⁰ O'Connor's Catholicism, they reasoned, would relieve him of any suspicions of Klan sympathies. But the delegates, understanding he was to second McAdoo's nomination, were

¹⁶ Ibid.

¹⁷ Karl Schriftgiesser, This was Normalcy: An Account of Party Politics During Twelve Republican Years: 1920-1932 (Boston; 1948), 178.

¹⁸ Grand Forks Herald, June 27, 1924.

¹⁹ Link, 258

²⁰ Grand Forks Herald, June 29, 1924.

startled when he shouted in loud, clear tones, "I condemn the order known as the Ku Klux Klan."²¹ Up to that point in his address he had not mentioned McAdoo, and the delegates thought possibly he had changed his mind and would second the nomination of Smith.²² The convention hall was thrown into an uproar. O'Connor waited patiently until the commotion had been quieted by the chairman and then announced that he wished to second the nomination of McAdoo. In doing so he quoted a declaration made by McAdoo at a St. Patrick's Day celebration that "all creeds and races should have equal opportunity."²⁴ It was an effective stroke even though reactions of the California delegates betrayed their sympathies. When O'Connor denounced the Klan they sat silently, without even applauding, while anti-Klan delegates marched around the Garden to emphasize their approval.²⁵ Only as O'Connor concluded his address with an endorsement of McAdoo did the Californians join in the demonstration.²⁶

For ninety-five ballots the convention remained deadlocked, with both Smith and McAdoo refusing to yield to each

²¹ New York Times, June 28, 1924.

²² Ibid.

²³ Ibid.

²⁴ Grand Forks Herald, June 28, 1924.

²⁵ New York Times, June 28, 1924.

²⁶ Ibid.

other.²⁷ Both finally withdrew by agreement on the ninety-sixth ballot, and on the one hundred and third the convention turned to John W. Davis, a lawyer for corporation and banking interests.²⁸ As a sop to the agrarian element, Charles W. Bryan of Nebraska was chosen as a candidate for the vice presidency.²⁹

O'Connor's memo book reveals that after his speech he left immediately for McAdoo's apartment where McAdoo and his wife had listened over the radio.³⁰ Their response was enthusiastic and they reportedly enjoyed hearing the account O'Connor gave them.³¹ A short time later McAdoo invited O'Connor to enter his law firm in Los Angeles, which he did the following year. O'Connor had first come to McAdoo's attention in 1920 when he was campaigning for the governorship. McAdoo had heard him speak and was impressed.³² The situation at the convention had called for exactly the type of contribution that O'Connor could make. An orator of

²⁷ Schriftgiesser, 178. The Convention had a rule of long standing requiring a winning candidate to receive a two-thirds majority of the vote.

²⁸ Link, 258.

²⁹ Ibid.

³⁰ Entry of June 27, 1924, memo book of J. F. T. O'Connor, O'Connor Collection. Hereafter cited as O'Connor memo book.

³¹ Ibid.

³² Interview with Dean O. H. Thormodsgard, University of North Dakota Law School, Grand Forks, North Dakota, May 7, 1956.

considerable ability and a Catholic, he was the logical choice for the Klan denunciation.

O'Connor was associated with the firm of McAdoo, Neblett and Claggett for five years.³³ It was a position of prominence that was to serve as a springboard to even bigger things. The only available example of his practice there was one of his first cases--the defense of an elderly woman who had been injured by an electric railway company.³⁴ She asked for \$1500 damage to which the electric company replied by offering her \$500. Deciding on legal action, she placed the matter in O'Connor's hands. "He was a comparative stranger in Los Angeles, but he soon became known, for when the case came to trial [O'Connor] addressed the jury and the court with so much eloquence and force that the jury rendered a verdict of \$3500. . . . The electric company passed the word around to look out for that red headed young fellow in McAdoo's office."³⁵ In 1930 O'Connor became engaged in a law practice with C. J. Mulvane who had been a United States District Court judge in Arizona and New Mexico.³⁶ That his new association was satisfactory was reflected in an entry he made in his memo book on December 31, 1931, "Closed my

³³ Unmarked, undated clipping.

³⁴ W. H. Rogers to Paul B. Griffith, June, 1934 (?), Congratulatory letters.

³⁵ Ibid.

³⁶ Unmarked, undated clipping.

most successful legal year."³⁷ In 1933, ex-Assistant Attorney General of the United States A. G. Divet--formerly of North Dakota--joined the firm.³⁸

The economic depression that gripped the country at this time afforded O'Connor the greatest opportunity of his lifetime, and he made the most of it. During the New Deal's "Hundred Days" in 1933, President Roosevelt appointed him Comptroller of the Currency. The banking structure throughout the country had been weakening steadily since the stock market crash in October 1929. By early 1933 many state banks were placing restrictions on withdrawals, and in some instances state-wide moratoriums were proclaimed.³⁹ The banks were in serious straits largely because of their own unsound policies. It was general practice to extend loans to both individuals and corporations, accepting stock as collateral security.⁴⁰ Banking institutions frequently set up affiliates for dealing in securities, and "their directors . . . became directors on boards of numerous corporations interested in these ventures."⁴¹ Under these circumstances the unstable foundations of many banks gave way.

³⁷ Entry of December 31, 1931, O'Connor memo book.

³⁸ Los Angeles Daily Journal, April 22, 1933. Both Divet and Mulvane were Republicans!

³⁹ J. F. T. O'Connor, The Banking Crisis and Recovery Under the Roosevelt Administration (Chicago, 1938), 11. Hereafter cited as O'Connor, Banking Crisis.

⁴⁰ Ibid., 8.

⁴¹ Ibid.

As their doors closed the confidence of the public was shaken and individuals steadily withdrew funds from the institutions remaining in operation. This, of course, only aggravated the situation to the point of disaster.

It was the first problem that Franklin D. Roosevelt considered when he took office in March. The declaration of a bank holiday, which he proclaimed at one o'clock a.m. on March 6, was his first official act.⁴² Its purpose was "to suspend all banking functions in order that the nation's currency could be regulated and the gold supply conserved."⁴³ It was obvious that the banks would have to be regulated and controlled if the public and institutions themselves were to be protected from the effects of unwarranted withdrawals by panic stricken depositors. Three days later the Emergency Banking Act was passed, its most important provisions vesting power in the 1) President of the United States to close the banks, 2) Secretary of the Treasury to regulate the business of the banks during such emergency period, 3) Comptroller of the Currency to appoint conservators to "conserve the assets of a national bank for the benefit of its depositors and creditors and to effect reorganization."⁴⁴

The office of Comptroller of the Currency had been

⁴² Ibid., 15.

⁴³ Ibid.

⁴⁴ Ibid.

established by the National Bank Act of 1863.⁴⁵ Its primary purpose was to assist in financing the Civil War. Secondly, it was to establish a "circulating medium designed to move freely at par throughout the United States, without regard to the bank issuing such currency."⁴⁶ The structure of the department as described by O'Connor was as follows:

"The principal officer is the Comptroller of the Currency. Serving under him in Washington at this time as principal executive officers are three Deputies Comptroller, a General Counsel, and a Chief National Bank Examiner. The authority for establishing new national banks is vested by law solely in the Comptroller of the Currency. All national banks must obtain from him an authorization to begin a banking business. And no branch can be established without his approval. The Comptroller is required by law to have all national banks and branches thereof examined twice each year. He is empowered to issue regulations with reference to certain phases of the operation of such banks. He has the duty of supervising the operation of national banks which are in conservatorship, perfecting and approving all plans of reorganization for national banks which are in financial straits, and liquidating those for which he finds it necessary to appoint a receiver."⁴⁷

For convenience of administration the bureau contained five divisions: Examining, Insolvent, Legal, Organization and Statistical.⁴⁸ After the banking holiday two more were added--that of Conservatorship and Reorganization.

⁴⁵ George W. Woodworth, The Monetary and Banking System (New York; McGraw Hill), 109.

⁴⁶ Ibid.

⁴⁷ Ibid., 1-2.

⁴⁸ Ibid.

The appointment of O'Connor to this high position in the federal government was the result of a combination of factors. The New York Times asserted that "it had been known for some time" that O'Connor would be the President's choice for the office,⁴⁹ but O'Connor maintained that the appointment was a surprise to him and that he had recommended another man for the place.⁵⁰ He added, "I told the president I didn't want anything and had settled back to the practice of law."⁵¹ Undoubtedly James Farley was instrumental in the selection. The influential postmaster general was a fellow Irish Catholic, and he and O'Connor became close friends. How well they knew each other at this early date is difficult to determine, but on March 29 O'Connor recorded in a memo book, "Jim Farley called long distance. Said President wanted to appoint me Comptroller of the Currency President wanted me to come at once to Washington."⁵² McAdoo, it seems, was also a logical connection, but the San Francisco News denied that the appointment could be attributed to him.⁵³ They contended that it was James Roosevelt,

⁴⁹ New York Times, May 2, 1933.

⁵⁰ Unmarked, undated clipping.

⁵¹ Ibid.

⁵² Entry of March 29, 1933, O'Connor memo book.

⁵³ San Francisco News, undated. (Clipping)

who had intervened in O'Connor's behalf.⁵⁴ The previous year young Roosevelt had visited California in the interest of his father. While most of California's leading Democrats were busy campaigning and paying little attention to Roosevelt's son, O'Connor was escorting him around Los Angeles.⁵⁵ It is difficult to determine how beneficial this relationship was to O'Connor, but it undoubtedly was to his advantage. He and James Roosevelt became not only good friends but later business associates.⁵⁶

Lastly, O'Connor's own connection with President Roosevelt cannot be discounted. Undoubtedly it was the most influential factor in his appointment. In the primary election of 1932 O'Connor led the fight in California for the election of Roosevelt delegates to the Democratic National Convention. At the convention O'Connor was an active worker for Roosevelt's nomination.⁵⁸ On March 21, 1933 O'Connor

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ In 1939 they joined forces with F. M. Hole of Los Angeles to organize a motion picture company. The corporation was designed to own, lease or otherwise acquire theaters and broadcasting stations and to manufacture, buy and hire all kinds of still and motion pictures. Roosevelt had previously been associated with Samuel Goldwyn in producing films. Grand Forks Herald, December 23, 1939.

⁵⁷ New York Times, April 17, 1933. Ironically McAdoo, managed Garner's campaign. O'Connor commented later, "We had lots of fun telling each other how we were going to win." Unmarked, undated clipping.

⁵⁸ Interview with David Kelly, April 24, 1956.

recorded the following laconic statement in his memo book:

"Spent one-half hour with President Roosevelt. Said he told McAdoo I was number one in California."⁵⁹

Whatever the reason for O'Connor's appointment, it was confirmed by the Senate without objection.⁶⁰ Moments after the vote, however, David A. Reed Representative of Pennsylvania announced his opposition to the nomination.⁶¹ Obviously he was ignorant of the First Savings Bank incident when he said, "[O'Connor] has never been an officer of a bank. He has never been a director of a bank. He knows no more about banking than any depositor would know from having a checking account. . . ."⁶² It is like appointing a man to be captain of an ocean liner in the middle of a hurricane."⁶³ This gave McAdoo, now Democratic Senator from California, (elected in 1932), an opportunity to speak in O'Connor's behalf. "We don't need so much a man with experience in banking," he said, "as a man who has had experience with bankers. I am not casting reflections on bankers, but the Comptroller is a policeman of the banks. I have learned it is better to have a man in that post free and independent than with

⁵⁹ Entry of March 21, 1933, O'Connor memo book.

⁶⁰ New York Times, May 9, 1933.

⁶¹ Ibid.

⁶² Grand Forks Herald, quoting the Detroit News, undated. (Clipping)

⁶³ New York Times, May 9, 1933.

banking experience."⁶⁴

Immediately following the bank holiday, examination of all national banks was urgently needed so that as many as possible could reopen. By March 15 the survey was completed, with 5938 national banks having been examined.⁶⁵ It was found that 1407 national banks, and ten state banks located in the District of Columbia, could not be licensed until further corrective action had been taken.⁶⁶

Exemplifying O'Connor's duties as Comptroller of the Currency was the organization of the new First National Bank at Grand Forks. Because of the personal interest element, however, it cannot be considered a typical example. The original First National was one of the banks that did not open after the banking holiday of March 6, 1933. Like many other institutions of its kind, it had been poorly managed. This is revealed in the book value of its assets at the date of failure--estimated good, \$2,117,943; doubtful, \$2,747,772; worthless, \$275,275.⁶⁷ The amount of borrowed money at this time totaled \$990,927.⁶⁸ Since the reopening requirements

⁶⁴ Ibid.

⁶⁵ O'Connor, Banking Crisis, 19.

⁶⁶ Ibid.

⁶⁷ Seventy-Sixth Annual Report of the Comptroller of the Currency Covering the Year Ended October 31, 1938. (Washington; 1939), 310.

⁶⁸ Ibid., 249.

specified by the Comptroller's office could not be met, the bank remained closed.

This presented O'Connor with an opportunity to redeem himself to the people of Grand Forks. Through his efforts a new First National Bank was opened when a loan of almost one million dollars was secured from the Reconstruction Finance Corporation.⁶⁹ As the bank opened its doors in October, O'Connor commented, "Since taking up my duties as Comptroller of the Currency nothing has pleased me so much as issuing the charter to the Grand Forks bank."⁷⁰ The Grand Forks Herald proclaimed that the new bank was starting with a state of liquidity that had been seldom matched in banking annals of the state.⁷¹ And the people of Grand Forks were pleased with the settlement. The loan from the Reconstruction Finance Corporation, together with the cash liquidated by the conservatorship between the banking holiday of March 6, and the time the new bank opened for business on October 4 permitted a dividend distribution to depositors of the failed bank of fifty per cent of their proven deposit balances.⁷²

⁶⁹ Grand Forks Herald, June 23, 1933.

⁷⁰ Ibid., October 4, 1933.

⁷¹ Ibid.

⁷² Interview with Fred R. Orth, Grand Forks, North Dakota, May 22, 1956.

O'Connor had repaid his debt. The response must have been gratifying indeed to the man who "did not have a friend left in Grand Forks" when he departed in 1925. The Grand Forks Herald credited him with being solely responsible for the exceptional arrangement worked out by his office and the Reconstruction Finance Corporation.⁷³ And the acclaim he received on the official opening day in October was a recognition he had long awaited:

" . . . /O'Connor/ has acquitted himself in such a manner as to make North Dakota proud of one of its sons. Appreciating as no other man in Washington did the facts surrounding the existence of such a bank as this in Grand Forks, Mr. O'Connor devoted himself assiduously to the solution of this problem in such a manner that the sound interests of his home people would be protected and their progress promoted. Men who have visited with him and conferred with him on the subject know how profound and sympathetic has been his interest, how persuasive his argument, how untiring his effort. In all their contacts with him they have recognized in him the spirit of loyalty to the old home town and the home people which was expressed in accents of convincing sincerity in the radio address which he caused to be transmitted to the people of Grand Forks on the eve of the opening of the bank. Our people have cause for rejoicing in the opening of the bank, and they have fresh reason to esteem their old friend and fellow citizen, J. F. T. O'Connor."⁷⁴

O'Connor went one step further to redeem his family's good name. He appointed his brother William, with whom he

⁷³ Grand Forks Herald, June 23, 1933.

⁷⁴ Ibid., October 5, 1933.

had been associated in the First Savings Bank, and who, it will be remembered, had been acquitted of an embezzlement charge, as receiver of the old First National Bank.⁷⁵ This was obviously an opportunity that William had been waiting for, also. Refusing to accept full salary allowed under the law for those duties, he devoted all his energy to the task, often working into the night and never taking a vacation.⁷⁶ In January, 1937, he suffered a stroke at his desk, and died two months later.⁷⁷ By then his job was essentially finished however, and it had been well done. The government loan, together with the interest, had been repaid and the administrative expense of liquidation had been handled at fifty per cent less than the average cost of receivership throughout the country.⁷⁸ O'Connor left his duties in Washington to attend the funeral services for his brother in Grand Forks. In commenting on his accomplishments he said:

"Two large bank buildings are saved as well as several thousand acres of farm land and in addition mortgages and notes which had been pledged to the government are now redeemed. He did the job for the people of Grand Forks which has been his home for over half a century and in my opinion gave his life in the effort. Considering the poor crops and the not too favorable prices the accomplishment is

⁷⁵ Ibid., November 16, 1933.

⁷⁶ Unmarked, undated clipping.

⁷⁷ Ibid., Interview with Larry O'Connor, March 13, 1956.

⁷⁸ Unmarked, undated clipping.

rated among the highest in the nearly 2,000 receiverships under my jurisdiction. I am proud of my brother's work."⁷⁹

The work of the Comptroller's office progressed rapidly. During the "Hundred Days" the Federal Deposit Insurance Corporation was created, which insured bank deposits up to \$2,500 on individual accounts.⁸⁰ A year later the amount was raised to \$5,000.⁸¹ O'Connor briefly stated its purpose as, "to make a fact of the theory that bank depositors have a right to the return of their money."⁸² Members of the board of the FDIC, in addition to O'Connor, were Walter J. Cummings, executive assistant to the Secretary of the Treasury and E. G. Bennett of Ogden, Utah.⁸³ As Comptroller of the Currency, O'Connor was also an ex-officio member of the board of governors of the Federal Reserve System.⁸⁴ At the close of 1933 O'Connor proclaimed that the banking structure had never been on a more firm foundation.⁸⁵ He pointed out that deposits aggregating over two billion dollars

⁷⁹ Ibid.

⁸⁰ New York Times, August 23, 1933. The average deposit maintained by those in the \$2,500 group, which made up ninety-seven per cent of all deposits, was \$183. Unmarked, undated clipping.

⁸¹ Columbus Citizen, June 27, 1934. (Clipping)

⁸² Chicago American Financial, September 7, 1933. (Clipping)

⁸³ New York Times, September 8, 1933.

⁸⁴ Unmarked, undated clipping.

⁸⁵ New York Times, January 30, 1934.

in the banks that remained closed after the March moratorium had been "unfrozen" with the exception of only two and seven tenths per cent of the total.⁸⁶

O'Connor considered incompetency among bankers a major cause of the banking difficulties, and proposed that they be required to take examinations in order to qualify for a position.⁸⁷ "What we need," he contended, "is to make banking a profession instead of security gambling with other people's money. Only men competent to pass on the many-sided legal and economic questions incident to managing a bank should be permitted to enter the banking business."⁸⁸ At the same time, he appointed former bank presidents conservators of the same institutions whenever they were believed to be reliable, thus drawing upon qualified material.⁸⁹

By early 1934 rumors of O'Connor's resignation were circulating.⁹⁰ Although he always enjoyed a friendly relationship with the President, his association with Henry Morgenthau, Secretary of the Treasury, was not a harmonious one. Morgenthau tried to coordinate the Comptroller's office with the treasury department, thus eliminating the

⁸⁶ Ibid.

⁸⁷ Unmarked, undated clipping.

⁸⁸ Ibid.

⁸⁹ New York Times, September 12, 1933.

⁹⁰ Grand Forks Herald, February 23, 1934.

comptroller post.⁹¹ As a part of this attempt at finesse, Morgenthau arranged for an offer to be made to O'Connor to serve as Federal Reserve Agent at San Francisco.⁹² The scheme, however, failed when O'Connor declined the position. The Comptroller was also reportedly at odds with Leo T. Crowley, Chairman of the Federal Deposit Insurance Corporation.⁹⁴ But O'Connor had an influential supporter in James Farley, who consistently stood behind him.⁹⁵

These early rifts healed and O'Connor remained in office until April 1, 1938. By the beginning of that year he was giving serious consideration to seeking the Democratic gubernatorial nomination in California, and on January 14 he resigned.⁹⁶ President Roosevelt, in a letter headed "My dear Jefty,"⁹⁷ requested that the date be postponed until April 1, in view of the fact that "there remains important, unfinished work in connection with the payment of dividends to depositors in closed national banks requiring at least

⁹¹ Unmarked, undated clipping.

⁹² New York Times, October 27, 1934. Perhaps influential in this maneuver was Herbert C. Gaston, advisor to Morgenthau. He was formerly editor of North Dakota Non-partisan League newspapers, the Fargo Courier News and the North Dakota Leader. Unmarked, undated clipping.

⁹³ New York Times, December 22, 1934.

⁹⁴ Ibid., May 24, 1934.

⁹⁵ Unmarked, undated clipping.

⁹⁶ Los Angeles Examiner, January 21, 1938. (Clipping)

⁹⁷ Ibid.

your part time attention."⁹⁸ O'Connor had made an impressive record as Comptroller of the Currency. Only twelve national banks failed while he was in office, compared to 1750 in the previous decade.⁹⁹ The press reported that during these five years "79.75 per cent of the liabilities of national banks under receivership were disbursed to depositors or other creditors."¹⁰⁰ O'Connor summed up the progress by pointing out that the national banks had been strengthened, their deposits had been insured and they had received the largest deposits in their history.¹⁰¹

O'Connor received due recognition as he resigned from his federal government service. The Detroit News credited him with being a New Dealer who kept his financial feet on the ground,¹⁰² and the American Banker said he "'stimulated loyalty, recognized career men and from coast to coast glorified his office to bankers and the public.'"¹⁰³ Senator Couzens of Michigan, admitting that he had originally felt a man of greater experience should have been selected as Comptroller, said no one had devoted himself more unselfishly

⁹⁸ New York Wall Street Journal, January 21, 1938. (Clipping)

⁹⁹ "Waxing and Waning," Time, XXXI (February 21, 1938), 63.

¹⁰⁰ San Francisco Examiner, February 11, 1938. (Clipping)

¹⁰¹ Charleston News and Courier, January 21, 1938. (Clipping)

¹⁰² Detroit News, undated. (Clipping)

¹⁰³ "Waxing and Waning," Time, XXXI (February 21, 1938), 63.

to his task than had O'Connor, and that he had won the admiration of all those with whom he came in contact.¹⁰⁴

President Roosevelt acclaimed O'Connor's contribution as a "satisfactory achievement for the lifetime of most people."¹⁰⁵ But perhaps no commendation meant quite as much to O'Connor as the praise he received from his old acquaintances in Grand Forks.

Although his possible gubernatorial candidacy occasioned speculation for over a year, it did not materialize. It was not the only post for which he was mentioned. The American Banker predicted he would be a candidate for the United States Senate,¹⁰⁶ and a year later North Dakotans and Californians were urging President Roosevelt to appoint him to the place on the United States Supreme Court made vacant by the death of Justice Pierce Butler.¹⁰⁷ But it was as United States District Judge for Southern California that he was sworn in on January 12, 1941.¹⁰⁸ He remained on the bench until his death in 1949. During these years there was

¹⁰⁴ Unmarked, undated clipping.

¹⁰⁵ Charleston News and Courier, January 21, 1938. (Clipping)

¹⁰⁶ American Banker, March 29, 1938. (Clipping)

¹⁰⁷ Grand Forks Herald, November 21, 1939. In 1942 O'Connor was again being mentioned for the bench, this time to fill the vacancy created by the resignation of Justice James F. Byrnes to become National Economic Director. Los Angeles Daily Journal, October 20, 1942.

¹⁰⁸ Unmarked clipping, January 13, 1941.

tremendous economic development on the Pacific coast with the resulting increase in population. This added to his responsibilities. Some believe overwork in this capacity hastened his death.¹⁰⁹ It was evident that he was feeling the pressure in 1947 when he suggested that retired judges should be called back into service to relieve the crowded conditions in the federal courts.¹¹⁰

It was before O'Connor that Serge Rubenstein, international financier, was sentenced to two and a half years in prison and fined \$50,000 for draft evasion.¹¹¹ He presided at the cases involving the seizure of the notorious gambling ship, Lux, which operated off the southern California coast,¹¹² and he officiated at some of the cases involving motion picture actor Charles Chaplin who was held on four federal indictments.¹¹³ Among the many aliens who were naturalized before him were motion picture actor S. Z. Sakall and Danish born opera star, Lauritz Melchior.¹¹⁴

O'Connor suffered a heart attack in 1948. Refusing to enter a hospital, he was confined to his home for several

¹⁰⁹ Interview with David Kelly, April 24, 1956.

¹¹⁰ San Francisco Examiner, July 25, 1947. (Clipping)

¹¹¹ New York Post, undated. (Clipping)

¹¹² Grand Forks Herald, September 29, 1949.

¹¹³ New York Times, September 29, 1949.

¹¹⁴ Los Angeles Examiner, June 14, 1947. (Clipping)

Ellingson, a former North Dakotan.¹²² They had completed construction of one housing project and had all the materials purchased for a second at the time World War II began.¹²³ O'Connor also invested shrewdly in stocks and retained valuable property in Grand Forks. The bulk of this estate he left in equal shares to the University of North Dakota, St. James', St. Michael's and St. Mary's schools, all of Grand Forks. They will receive their share one year after the death of the last surviving brother or sister--who have a lifetime interest in the income--but only if they have raised a sum equal to their share. If any school fails to meet this requirement, its share passes to the institutions complying with the terms. In the event that no institution can fulfill the stipulations, the estate goes to St. Michael's Hospital. O'Connor further directed that three thousand dollars be expended for a tombstone on which would be inscribed, "He kept the banks sound and your money safe." They were President Franklin D. Roosevelt's words as he spoke to the citizens of Grand Forks on his visit to the city October 4, 1937.¹²⁴ They represented, more than did anything else, O'Connor's claim to recognition in Grand Forks, his

¹²² Interview with Judge O. B. Burtness, March 27, 1956; interview with David Kelly, April 24, 1956.

¹²³ Interview with David Kelly, April 24, 1956.

¹²⁴ A visit, incidentally, that was arranged by O'Connor. Ibid.

home in boyhood and early manhood, and his own valuation of his life accomplishment.

O'Connor always retained a deep loyalty to Grand Forks and to North Dakota. This was revealed in the numerous positions he secured for North Dakotans, in his frequent visits to Grand Forks, and in the gifts he left the community upon his death. But to the people living there no greater proof of his interest could have been shown than in his efforts to open the First National Bank. When the Reconstruction Finance Corporation hesitated to extend a loan in exchange for preferred stock which they considered of doubtful value, O'Connor assured them that they could have faith in the people of Grand Forks. "I know them," he emphasized, and they proved ultimately that he was right.¹²⁵

O'Connor lived conservatively and did not own a home or an automobile. He was thrifty--to a point of excess in the estimation of many of his acquaintances in Grand Forks--and he possessed a shrewdness in business matters, as his estate testified. In this light it seems somewhat paradoxical that he mingled with Los Angeles' and Washington's cafe society, drinking buttermilk instead of martinis,¹²⁶ but dancing, at times, until dawn.¹²⁷ The social columnists gave him constant and favorable attention, and he was labeled as

¹²⁵ Grand Forks Herald, October 4, 1949.

¹²⁶ San Diego Union, September 12, 1946. (Clipping)

¹²⁷ Hollywood Variety, January 5, 1948. (Clipping)

the nation's number one bachelor by the June, 1937 issue of Bachelor magazine, which described him as "attractive, gracious, popular and distinguished."¹²⁸ But it was frequently rumored that he was considering marriage. Among the women in whom he was reportedly interested were actresses Jayne Regan¹²⁹ and Elissa Landi.¹³⁰ Although he was a frequent escort of Miss Landi and his Washington apartment contained many of her pictures,¹³¹ he vigorously denied the rumors, and the marriage never came off.

O'Connor was a sentimentalist and something of a pretender. He wore a western-style hat while he lived in Washington, but in no way could he really be considered a westerner. In his earliest days as a college student he wore pince nez and a windsor tie when his fellow students were wearing steel rimmed glasses and four-in-hands. This dramatic inclination was reflected in his love of oratory, and in his spectator interest in theatrics. He had a personality that enabled him to get along well in any group. Yet, he did not develop close relationships. It has been said that he was self-centered, but herein lies a paradox, too, for he devoted his life to service. It is indisputable that in him the public had a faithful steward.

¹²⁸ Fargo Forum, July 4, 1937. (Clipping)

¹²⁹ New York News, April 19, 1937. (Clipping)

¹³⁰ Chicago Tribune, May 21, 1936. (Clipping)

¹³¹ Pittsburgh Press, March 2, 1938. (Clipping)

BIBLIOGRAPHY

BIBLIOGRAPHICAL ESSAY

The O'Connor Collection at the University of North Dakota library yielded the greatest amount of material of any single source. It is comprised largely of clipping books, maintained by O'Connor, which contain articles from newspapers published throughout the United States. They form a partial record, however, since only specific years were covered--1917-1921; 1936-1938; and 1946-1948. There is virtually no correspondence, but a number of memorandum books furnished pertinent information. An essay treating O'Connor's youth through his early law practice in Grand Forks was prepared by him during one of the last years that he lived. This proved to be of infinite value. Two volumes of congratulatory letters written on the occasion of a dinner given in honor of O'Connor in Grand Forks in June, 1934, are on file in the library of the North Dakota State Historical Society at Bismarck. The newspapers that were examined were selected for their attitudes toward O'Connor and the principles which he supported. Newspapers endorsing and opposing his viewpoint were represented on all issues pertaining to his North Dakota political career. It was this phase of his life that received the greatest concentration because of its significance to North Dakota history. A thorough study of his life, which would be beyond the scope of a master's thesis, was not intended.

O'CONNOR PAPERS

Clipping books, 1917-1921, two volumes; 1936-1938, eleven volumes; 1946-1948, one volume. University of North Dakota library, Grand Forks.

Congratulatory letters, two volumes, North Dakota State Historical Society, Bismarck.

Memorandum books, 1907; 1924; 1927-1933. University of North Dakota library, Grand Forks.

O'Connor, J. F. T., Brief account of his early life (untitled). University of North Dakota library, Grand Forks.

O'Connor, J. F. T., Last will and testament, May 10, 1946. Copy in possession of J. Lloyd Stone, University of North Dakota, Grand Forks.

INTERVIEWS

Burtness, Olger B., United States District Court Judge, Grand Forks, North Dakota, March 27, 1956.

Kelly, David G., Democratic National Committeeman, Grand Forks, North Dakota, April 24, 1956.

O'Connor, Larry E., brother of J. F. T. O'Connor, Grand Forks, North Dakota, March 13, 1956.

Orth, Fred R., President, First National Bank, Grand Forks, North Dakota, May 22, 1956.

Peterson, Charles F., Attorney, former law partner of J. F. T. O'Connor, Grand Forks, North Dakota, April 26, 1956.

Thormodsgard, O. H., Dean, University of North Dakota Law School, Grand Forks, North Dakota, May 7, 1956.

LETTER TO WRITER

Lokken, O. J., Class of 1908, University of North Dakota, Walcott, North Dakota, March 25, 1956.

OFFICIAL PUBLICATIONS AND DOCUMENTS

The Dacotah. (University of North Dakota Annual).
Minneapolis: Tribune Printing Company, 1906.

The Dacotah (University of North Dakota Annual).
Minneapolis: Tribune Printing Company, 1908.

The Dacotah (University of North Dakota Annual).
Grand Forks: Herald Printing Company, 1910.

Journal of the Senate of the Fifteenth Session of the Legislative Assembly: 1917. State of North Dakota, Bismarck: Tribune, State Printers and Binders, 1917.

Legislative Manual of the Sixteenth Legislative Assembly: 1919: Bismarck: Tribune, State Printers and Binders, 1919.

Seventy-Sixth Annual Report of the Comptroller of the Currency Covering the Year Ended October 31, 1938.
Washington: United States Government Printing Office, 1939.

NEWSPAPERS

Bismarck Tribune, 1920-1922.

Devils Lake Daily Journal, 1922.

Dickinson Press, 1922.

Fargo Courier News, 1920-1922.

Grand Forks American, 1919-1920.

Grand Forks Herald, 1916-1949.

Independent Review (Fargo), 1922.

National Leader (Minneapolis), 1920-1922.

New York Times, 1924-1949.

Nonpartisan Leader (Fargo), 1918-1919.

North Dakota Leader (Fargo), 1920-1922.

Stutsman County Democrat (Jamestown), 1922.

Weekly Student University of North Dakota, (Grand Forks), 1905-1908.

MAGAZINES AND PERIODICALS

- Boyle, James E., "The Agrarian Movement in the Northwest," American Economic Review, VIII (September, 1918), 505-552.
- Gillette, John M., "The North Dakota Harvest of the Non-partisan League," Survey, XLI (March 1, 1919), 753-760.
- "Is the Non-Partisan League Declining?" New Republic, XXIV (September 22, 1920), 88-90.
- "A New National Party," Literary Digest, LV (August 11, 1917), 13-14.
- "North Dakota's Political Twister," Literary Digest, LXXI (October 22, 1921), 12-13.
- "North Dakota's 'Recall' Puzzle," Literary Digest, LXXI (November 19, 1921), 10.
- North Western Reporter, Vol. 226. St. Paul: West Publishing Company, 1929.
- "Waxing and Waning," Time, XXXI (February 21, 1938), 63.
- "Where Democrats Vote Republican," New Republic, XXIII (August 18, 1920), 334-335.

BOOKS

- Bruce, Andrew A., Non-Partisan League. New York: The MacMillan Company, 1921.
- Fite, Gilbert C., George N. Peek and the Fight for Farm Parity. Norman, Oklahoma: University of Oklahoma Press, 1954.
- Fossum, Paul R., The Agrarian Movement in North Dakota. Baltimore: The John Hopkins Press, 1925.
- Gaston, Herbert E., The Nonpartisan League. New York: Harcourt, Brace and Howe, 1920.
- Link, Arthur S., American Epoch; A History of the United States Since the 1890's. New York: Alfred A. Knopf, 1955.

MacKay, Kenneth C., The Progressive Movement of 1924. New York: Columbia University Press, 1947.

Morlan, Robert L., Political Prairie Fire, The Nonpartisan League, 1915-1922. Minneapolis: University of Minnesota Press, 1955.

O'Connor, J. F. T., The Banking Crisis and Recovery Under the Roosevelt Administration. Chicago: Callaghan and Company, 1938.

Russell, Charles E., The Story of the Nonpartisan League, A Chapter in American Evolution. New York: Harper and Brothers, 1920.

Saloutos, Theodore and Hicks, John D., Agricultural Discontent in the Middle West. Madison: University of Wisconsin Press, 1951.

Schriftgiesser, Karl, This Was Normalcy; An Account of Party Politics During Twelve Republican Years, 1920-1932. Boston: Little, Brown and Company, 1948.

Woodworth, George W., The Monetary and Banking System. New York: McGraw-Hill Book Company, 1950.

THESES AND SEMINAR PAPERS

Anderson, Robert S., "A Social History of Grand Forks, North Dakota, 1880-1914." Unpublished M. A. thesis, University of North Dakota, Grand Forks, 1951.

Bahmer, Robert H., "The Economic and Political Background of the Non-Partisan League." Unpublished Ph. D. thesis, University of Minnesota, Minneapolis, 1941. (Microfilm copy at the University of North Dakota library)

Blackorby, Edward C., "Political Factional Strife in North Dakota, From 1920 to 1932." Unpublished M. A. thesis, University of North Dakota, Grand Forks, 1938.

Glaab, Charles N., "John Burke and the North Dakota Progressive Movement," Unpublished M. A. thesis, University of North Dakota, Grand Forks, 1952.

McKechnie, Marian E., "A Short History of the First Presbyterian Church of Grand Forks, North Dakota." Unpublished seminar paper, University of North Dakota, Grand Forks, 1953.

Morlan, Robert L., "The Political History of the Nonpartisan League, 1915-1922." Unpublished Ph. D. thesis, University of Minnesota, Minneapolis, 1949. (Microfilm copy at the University of North Dakota library)

Morrison, Paul W., "The Position of the Senators from North Dakota on Isolation, 1889-1920." Unpublished Ph. D. thesis, University of Colorado, Boulder, 1954. (Microfilm copy at the University of North Dakota library)

Phillips, William W., "The Growth of a Progressive, Asle J. Gronna." Unpublished M. A. thesis, University of North Dakota, Grand Forks, 1952.

Putnam, Jackson K., "The Socialist Party of North Dakota." Unpublished M. A. thesis, University of North Dakota, Grand Forks, 1956.

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Alice Jane Johnson was born October 7, 1926 in Grafton, North Dakota, and received her elementary and secondary education in the local schools. She attended the North Dakota State School of Science at Wahpeton from 1949 to 1951 and entered the University of North Dakota in 1951 where she received the Bachelor of Philosophy degree with high honors in 1953. Ranking at the top of her graduating class in the College of Science, Literature and Arts, she received the Gansl Scholarship Award and departmental honors in history. She is a member of Phi Beta Kappa, Phi Alpha Theta, honorary history fraternity of which she was president in 1952-1953 and 1955-1956, Gamma Theta Upsilon and Pi Omega Pi, honorary fraternities in geography and business education, respectively. She taught at the Bemidji, Minnesota, high school from 1953 to 1955, and in September 1955 enrolled at the University of North Dakota as a candidate for the Master of Arts degree in History. During the 1956-1957 academic year she will study at the University of Oslo, Norway, on a Fulbright Scholarship.