

FRANK W. MURPHY

A LAWYER IN HIS TIMES

BY

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(1919)

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Preface

There are dozens of biographical sketches and memorials to deceased lawyers and judges posted on this website. This study of Frank W. Murphy is different.

Here I place his political activities and several of his lawsuits in historical context—by introducing them with descriptions of the state or national political and economic conditions existing at the time. This helps us learn what motivated him, why he acted. To understand Murphy, it is necessary to understand his times.

The result is a very long article. Many readers will not make it to the end, casualties of lengthy, lethal footnotes. But they are packed with facts that are available to those who wish to know more.

A few words on what this article is not: I do not contend that Murphy has been unfairly neglected by historians of the 1920s and 1930s. Excepting the late Gilbert C. Fite, historians rarely mention him in their writings. Realistically he was and always will be considered a small figure on the far periphery of the major events of his day.

It may occur to some readers that a similar biographical—historical study could be written about many other lawyers who practiced law and politics in the last century, a few they knew personally. Indeed.

Chapter One

(The Formative Years)

Franklin William Murphy arrived in Wheaton, the county seat of Traverse County, in 1893, at age twenty-four, shortly after graduating from the University of Minnesota College of Law and being admitted to the bar.¹ He practiced with Thomas F. O'Hair until 1899. For the next fourteen years he practiced alone and built a large, general practice. All the while he was involved in civic affairs; he served on the school board,² helped found the West Central Development Association³ and worked for the construction of the Lake Traverse-Bois de Sioux flood control project, among many other endeavors. He was a reliable Republican until 1928.

By 1913 he needed help and took on Victor E. Anderson, a 1906 graduate of the University of Minnesota Law School, who shared his commitment to public service.⁴ In 1915, he described the firm as having "a large and profitable general practice both in the civil and criminal branches of the law."⁵ The firm's entry in a bar directory published in 1921 listed their professional affiliations and several corporate clients, including rural banks which brought in collection and commercial work:⁶

¹ He was admitted on June 2, 1893, as a member of the class of 1893 of the University Law College. *Roll of Attorneys, Supreme Court, State of Minnesota, 1858-1970*, at 30 (Minnesota Digital Library). At this time, graduates of the Law School were admitted automatically under the so-called "diploma privilege" law.

² The following story appeared in the *Warren Sheaf* on March 1, 1916, at 3:

"To the God of things as they ought to be and to the finest people in the finest community in the finest of states—to all that is finest in education." In these words Frank W. Murphy, president of the Wheaton school board, dedicated Wheaton's new \$36,000 school community building.

³ For the influence of the WCMDA, see Steven K. Keillor, *Cooperative Commonwealth: Co-ops in Rural Minnesota, 1859-1939* 265-66 (Minn. Hist. Soc. Press, 2000).

⁴ For the bar memorial for Victor Emanuel Anderson (1883-1948), see "Traverse County Bar Memorials" (MLHP, 2015)(delivered first, 1949).

⁵ As a subscriber of Henry A. Castle's *Minnesota: Its Story and Biography*, published in 1915, he was entitled to place a sketch of himself in the book. In it he describes his family history, law business and civic activities. Henry A. Castle, ed., 3 *Minnesota: Its Story and Biography* 1300-1 (1915). The profile is posted in the Appendix 1, at 128-130.

⁶ James Clark Fifield, *The American Bar: A Biographical Directory of Contemporary Lawyers of the United States and Canada* 517 (1921).

MURPHY & ANDERSON

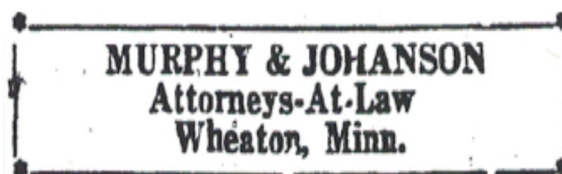
General practice. Firm consists of: Franklin W. Murphy, Victor Emanuel Anderson.

Franklin W. Murphy, b. Pleasant Valley, Wis., Aug. 24, 1869; grad. River Falls Normal Sch., 1890; legal ed. Univ. of Minn., LL.B., 1893. Mem. Board of Managers Minn. State Fair, 9 years; Pres. Minn. State Fair, 2 years; Pres. All State Development Ass'n; Pres. West Central Development Ass'n, 3 years; mem. Board of Governors, Minn. State Bar Ass'n.

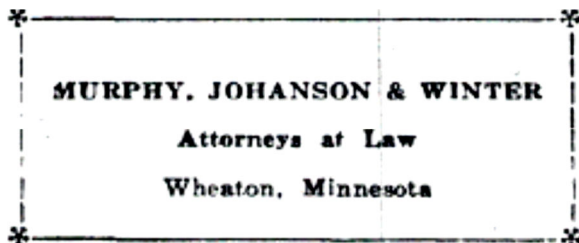
Victor Emanuel Anderson, b. Minn., May 27, 1883; a. to bar, 1906, Minn.; grad. Northwestern College, 1903; legal ed. Minn. Univ., LL.B., 1906. Mayor, Wheaton, 1913-1915; Co. Atty., Traverse Co., Minn., 1910-1912; City Atty., Wheaton, 1915-1922; Treasurer Minn. Farm Bureau Federation; Secy. Board of Education, 10 yrs.; mem. County Farm Bureau Ass'n., 11 yrs. Mem. Minn. State, and American Bar Ass'ns.

Attorneys for: The Nat'l Bank, Wheaton; First Nat'l Bank, Graceville; First Nat'l Bank, Clinton; John McRae & Sons, Graceville.

Anderson departed the firm in 1923 when he was appointed Assistant Attorney General. Alvin R. Johanson was hired the next year, and the firm's business card was placed in the local paper:⁷



Alfred H. Winter was added in 1931, and the firm's new business card was published in the *Wheaton Gazette*:⁸



There were few issues of the *Wheaton Gazette* in the 1920s and 1930s that did not publish one or more legal notices from his firm such as a summons, a notice of a mortgage foreclosure or a probate proceeding.

⁷ *Wheaton Gazette*, June 8, 1928, at 8.

⁸ *Wheaton Gazette*, October 25, 1940, at 6.

Over time Murphy acquired a state-wide reputation for success as a trial lawyer. His business expanded from serving clients in Traverse County and adjacent counties to Minneapolis. By the 1930s, he had an office in the Rand Tower, and he and his wife resided in the Radisson Hotel for lengthy periods while he tried cases or had other professional obligations in the city.⁹

As expected he was active in local and state bar associations. In 1927, he was President of the Sixteenth Judicial District Bar Association, and in 1933-1934 he was President of the Minnesota State Bar Association.



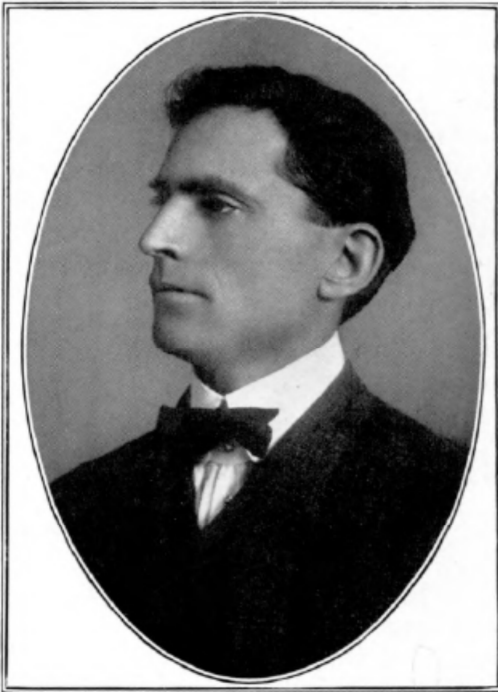
The Murphy residence in Wheaton (1984)

⁹ He married Estelle M. McGray, a native of Stillwater, in 1895. They had one son, F. Mac, who was born December 27, 1899.

Chapter Two (The State Fair Years)

Living and practicing in rural Traverse County, Murphy developed a life-long interest in raising the living standards of farmers, many of whom were his neighbors and clients.¹⁰ He saw that county and state fairs could highlight the importance of agriculture — they were festive events and useful marketing tools as well. He joined the Minnesota State Agricultural Society which started and managed the State Fair. In 1910 he was elected to the Board of Managers of the Society, and his profile appeared in a history of the Society published that year:

FRANKLIN W. MURPHY. Member of the Board of Managers of this Society by election since the annual meeting



of 1910, having served by appointment (vice Liggett, deceased), from the previous September. Born at Pleasant Valley, Wis., Aug. 24, 1869; came to Minnesota in 1891, locating at Minneapolis; since 1893 has resided at Wheaton; principal profession, attorney at law; attended the State Normal School at River Falls, Wis., for three years; was a student in the Ann Arbor (Mich.) High School for one year; graduated from the law department of

the University of Minnesota in 1893, and June 1 of that year was admitted to the bar before the Supreme Court;

¹⁰ Traverse County was sparsely populated: 1890: 4,516 persons; 1900: 7,573; 1910: 8,049; 1920: 7,943; 1930: 7,938; 1940: 8,283.

Wheaton was also: 1890: 883 persons; 1900: 1,132; 1910: 1,300; 1920: 1,337; 1930: 1,279; 1940: 1,700. Source: U. S. Decennial Census.

since his admission has had an extensive and important law practice throughout Western Minnesota. For several years he has been actively engaged in the development of agriculture in Minnesota; owns a farm near Wheaton, which is now used as a demonstration station under the supervision of the State Agricultural School; was largely influential in the organization and development of the Traverse County Agricultural Society and its president in 1907-08-09; has been especially active and noted in the development of the farms of Western Minnesota.¹¹

He served two terms as President of the Minnesota State Agricultural Society, 1919-1921.¹² His presidential address in 1919 celebrated the American farmer, attacked “agitators, anarchists, Bolsheviki” and advocated “Americanism.”¹³ He worked so hard for the Society that a street on the Fair Grounds is named after him.¹⁴

In the first three decades of the new century he delivered many speeches about the sorry state of agriculture,¹⁵ became known as an

¹¹ Darwin S. Hall & Return I. Holcombe, *History of the Minnesota Agricultural Society*, Appendix at vii (1910).

¹² *Annual Report of the Minnesota State Agricultural Society for the Year 1921* 32 (1921)(“F.W. Murphy, a member of the Board for over nine years and President the past two years, was elected an honorary or life member of the Society.”). As president he testified before a committee of the state House of Representatives for appropriations for the state fair:

Fair Men Are Heard

Representatives of the State Agricultural society, headed by Frank W. Murphy of Wheaton, president, presented the claims for aid of the state and county fairs to members of the legislature. Mr. Murphy asked that \$300,000 be appropriated for livestock buildings, \$32,500 for repairs and \$52,000 for completing the roof of the grandstand. He said that the state had not made any appropriations for buildings for nearly 10 years. For maintenance he asked \$25,000 a year.

Warren Sheaf, January 22, 1919, at 10. The Legislature appropriated \$357,550. 1919 Laws, c. 463, §7 (1), at 567-68.

¹³ It is posted in Appendix 3, at 134-141.

¹⁴ Donald L. Empson, *The Street Where You Live: A Guide to the Place Names of St. Paul* 192 (Univ. of Minn. Press, 2006).

¹⁵ On June 3, 1910, he addressed the Seventh District Group of the Minnesota Bankers Association in Ortonville, Minnesota, on “What the Banker Can Do to Bring About Better Farming Conditions in His Locality,” cited in 17 *The Commercial West* 18 (June 11,

“agricultural expert” and was president of several organizations formed to help farmers.¹⁶ His law practice was so lucrative that by the late 1920s, he claimed to own 25 farms.¹⁷ He was a lawyer by profession and a farmer by trade.

1910). On July 10, 1912, he addressed the Annual Minnesota Bankers Association on “Elements and Results in Minnesota’s Agricultural Development,” cited in *The Commercial West*, July 6, 1913, at 10. A decade later he spoke at a meeting of the National Editorial Association in St. Augustine, Florida, on “Agricultural and the Press” cited in *The Fourth Estate*, March 6, 1921, at 6.

¹⁶ His address at the Northern Minnesota Fair in Bemidji was noted in *The Bemidji Daily Pioneer*, September 20, 1921, at 6 (“In the afternoon at 1 o’clock, Hon. Frank W. Murphy, noted agricultural expert, will deliver the address of the day.”).

In 1915, he was President of the All Minnesota Development Association that met at the Capitol at the invitation of Governor Hammond. The Association aimed to improve rural credit, increase aid for public highways, suppress weeds, encourage accurate surveys, etc. *Cook County News-Herald*, December 16, 1915, at 6.

His reputation as an “expert” led to his appointment in August 1917, by the State Committee of Food Production and Conservation to see that surplus crops and livestock would be brought to market efficiently, eliminating waste during wartime, in counties assigned to him. The *Warren Sheaf* carried the story:

COUNTIES GUIDED BY SPECIALISTS SENT OUT BY FOOD COMMITTEE. COMMISSION OF PUBLIC SAFETY APPROVES PLAN

The entire state of Minnesota is being organized for such handling of the surplus crops, crops that might glut the usual channels, particularly of perishables, as will eliminate as far as possible any waste of foodstuffs this fall and winter. The work of organization is being pushed by a group of specialists, chosen by the Markets Division of the State Committee of Food Production and Conservation, in co-operation with the County Directors of the Commission of Public Safety. The Committee of Public Safety last week sent word to each county director to appoint in his county a markets committee representing each trade center. The following Wednesday the markets division of the state committee of Food Production and Conservation called in the following group of men for instructions as to the work of organization....[Frank Murphy, Wheaton]...To each of these men has been assigned a group of counties in which to work...”).

Warren Sheaf (Warren, Marshall County), August 15, 1917, at 5.

¹⁷ Speech in favor of minority plank on agriculture at 1928 Republican National Convention, June 13, 1928, posted in Appendix 5 at 179 (“Ladies and gentlemen, who is the best judge of that? A man who owns, as I do, 25 farms and practices law to get money enough to pay the losses I sustain every year in farming them? (Laughter and applause.) And the only way I can keep those farms is because many people have been good enough to give me plenty to do in the practice of law.”).

Chapter Three

(The Road Not Taken)

There is something absent from Murphy's story—what might be called the road not taken. While he championed the interests of farmers through county and state fairs and organizations such as the Traverse County Farm Bureau, there was a parallel movement launched in 1915 in North Dakota that also sought to improve farmers' lot—the Nonpartisan League. The NPL arose in response to a widespread belief by Midwest farmers that the marketplace for their crops was rigged, that terminal grain elevators and millers who bought their wheat, bankers who held mortgages on their farms, insurance companies who sold them hail insurance and other big corporations took unfair advantage of them, reducing their economic and social status. In his recent history of the NPL, Michael J. Lancing describes how the founders of the NPL proposed to bring equity to the marketplace through ballot box politics:

[T]he notion of nonpartisan politics grew out of Progressive Era reform initiatives. Large municipalities all over the country turned to nonpartisan elections in local races, thinking that unaffiliated bureaucrats better fit the needs of citizens in the modern, industrialized city. Other efforts to craft a nonpartisan politics came from the impulse to weaken political machines. Minnesota's state legislature, for instance, became an officially nonpartisan body in 1913. . . .

With so many land transactions, he inevitably became involved in litigation. One such case arose in October 1911, when L. A. Anderson leased 160 acres to Murphy with an option to buy before November 1, 1912, for \$55 an acre. Murphy exercised the option but Anderson refused to execute a deed on the ground that the option was too vague because it failed to specify the number of acres or the time or terms of payment. Murphy represented himself for much of the trial but hired James B. Ormond to conduct his direct examination. Judge William L. Parsons ruled in favor of Murphy and ordered Anderson to specifically perform the agreement, a ruling affirmed by the Minnesota Supreme Court. *F. W. Murphy v. L. A. Anderson*, 128 Minn. 106, 150 N.W. 387 (Minn. 1914). For a biographical sketch of Judge Parsons, see "William L. Parsons (1858-1939)" (MLHP, 2012).

Energized by frustration and empowered by a small group of former Socialist organizers, the farmers who signed up for the NPL embodied a politics that did not fit conventional continuums or categories. They proved neither entirely radical nor merely reform oriented. The combination of their platform and innovative tactics represented a new option for electoral politics in America.

Until the League emerged, middling agrarians in North Dakota envisioned the economy and politics as separate, if overlapping, realms. Early twentieth-century farmer associations, for instance, worked on the former but expressly avoided the latter. They concentrated on cooperative selling, shipping, and marketing, leaving politics to politicians. . . .

Instead of being acted upon by politicians, [NPL members] would themselves act to simultaneously transform both the wheat economy and politics itself. . . . Prosperity denied through unfair market practices as well as a search for self-respect animated their protest.

Thus, joining the NPL did not represent or require an ideological transformation. In fact, lower-middle-class farmers remained thoroughly committed to capitalism and deeply respected private property. . . .

The farmers created a political organization to improve their chances in the marketplace. Hard experience taught them that direct participation as a political bloc was their only remaining option. . . .

Instead of using government to craft the "cooperative commonwealth," the NPL would simply utilize the state to foster another competitor—albeit one directly controlled by the democratic process—in a competitive marketplace. Farmers who joined the League believed that state intervention in the wheat economy would increase, not decrease, market competition. The organization promised to reorient government to ensure that the self-interest of

farmers found a voice alongside the self-interest of corporations.¹⁸

The NPL proposed that the state—not the federal government—intervene in the marketplace to increase competition; its leaders called for state-run banks, mills, elevators and insurers to enable farmers to compete with big business; and it encouraged its members to support candidates of any party for the legislature who supported its solutions to correct marketplace deficiencies.

Murphy was not a Leaguer. As a lawyer, he represented banks; as a farmer, he was a member of the Farm Bureau which did not believe that the State of Minnesota should intervene in the marketplace; and in politics he was a member of the Republican Party whose candidates were opposed at times by NPL endorsed candidates.

In 1917, as war fever increased, the NPL was criticized for its ambivalent position on the conflict—it espoused loyalty to the nation but saw entry into the war as a way of profit-making. Over the next three years NPL members were harassed for being socialists and unpatriotic, its Minnesota leaders prosecuted for sedition.¹⁹ On this

¹⁸ Michael J. Lansing, *Insurgent Democracy: The Nonpartisan League in North American Politics* 22-24 (Univ. of Chicago Press, 2015)(citing sources); see also Robert L. Morlan, *Political Prairie Fire: The Non-Partisan League, 1915-1922* 33-34 (Univ. of Minn. Press, 1955)(“The Nonpartisan League was a return to the belief in the necessity of political action if effective control of the economy was to be achieved, but it recognized both the inadequacy of balance of power tactics and the numerous failures of third parties. Cooperation, it felt, was useful but doomed to a minor role unless accompanied by political dominance. The League was, therefore, a new departure in the techniques of agrarian protest movements.”).

¹⁹ For accounts of attacks on the NPL during the World War, see Robert L. Morlan, note 18, at 152-182; Michael J. Lansing, note 18, at 99-138; Carol E. Jenson, *The Network of Control: State Supreme Courts and State Security Statutes, 1920-1970* 18 (Greenwood Press, 1982) (“Of the eighteen Minnesota Supreme Court cases based on the [state] Sedition Act of 1917, seven involved the Nonpartisan League...”); William G. Ross, *World War I and the American Constitution* 306 (Cambridge Univ. Press, 2017) (“Suppression of liberties was particularly intense in Minnesota. Although Minnesota had a large German-American population, state authorities directed most of their wrath against the Non-Partisan League, an agrarian populist organization that was winning wide-spread support throughout the Upper Midwest.”).

The most famous prosecution in Minnesota was that of Joseph Gilbert, the League’s organizational manager, whose conviction for violating the state Sedition Act was affirmed by the United States Supreme Court in *Gilbert v. Minnesota*, 254 U.S. 325

front Murphy was a foe of the NPL. He became President of the America First Association which supported the war effort in Minnesota and attacked the NPL for disloyalty.²⁰ After the Armistice

(1920) (White, C. J., and Brandeis, J., dissenting). For a study of the Gilbert trial, see Frederick L. Johnson, *Patriot Hearts: World War I Passion and Prejudice in a Minnesota County* (Goodhue County His. Soc., 2017).

The years of harassment took its toll on the NPL and by October 1923, “the last great farmers’ crusade had ground to a halt.” Robert L. Morlan, note 18, at 346.

²⁰ The United States declared war on Germany on April 6, 1917, and on Austria-Hungary on December 7, 1917. The America First Association was formed on November 16 of that year. William Millikan writes:

On November 16, 1917, over 10,000 delegates jammed into the St. Paul Auditorium and founded the America First Association (AFA). . . . Under the cloak of Americanism, Minnesota busirtesspeopie hoped to destroy the NPL.

At the first meeting of officers, President Frank W Murphy explained that, “it was the task of the America First Association to arouse the soul of America and to carry the meaning of the war to every individual citizen.” Beginning on December 10, an America First loyalty meeting would be held in every township of the state over a two-week period. In cooperation with county committees, a central speakers’ bureau was formed to coordinate the patriotic message of this enormous campaign. Within three months, over 100,000 Minnesotans joined the AFA. At fifty cents per member, a war chest of \$ 50,000 was created. It was agreed that the AFA would absorb or guide other patriotic organizations. Pamphlets would be published to augment the patriotic effect of the loyalty meetings.”

William Millikan, *A Union Against Unions: The Minneapolis Citizens Alliance and Its Fight Against Organized Labor, 1903-1947* 118-119 (Minn. Hist. Soc. Press, 2001) (citing sources). For a shorter account of the founding see the *Cook County News-Herald*, November 28, 1917, at 4.

It continued operations into 1919-1920. *The Appeal* (St. Paul), January 25, 1919, at 3 (“America First Association held a convention on Wednesday evening in the Palm Room, Hotel St. Paul. Upward of 125 members were present, representing every county in the state. A committee was appointed to revise the constitution and perpetuate the organization. Frank W. Murphy, president of Wheaton, presided.”).

But other organizations arose that syphoned its support from the business community:

ANOTHER ORGANIZATION TO FIGHT NONPARTISANS

Minneapolis—Another organization to fight the Nonpartisan League was born in Minneapolis, January 30 [1920]. It is the Sound Government association of Minnesota. Cyrus Northrop, the aged president emeritus of the University of Minnesota, was elected president, O. J. Quane, editor of the *Streeter Herald*, vice president, Frank E. Putman of Blue Earth, secretary, and Henry von der Weyer of St. Paul, treasurer. Putman is a

on November 11, 1918, the Association continued to wage a grass-roots campaign for “Americanism” while raising the specter that communists and socialists were trying to overthrow the nation’s democratic institutions and install a “Bolsheviki” dictatorship in its place. Legal historian Arthur J. Sabin gives a thumbnail sketch of the events that resulted in the “Great Red Scare” of 1919:

Though the fighting had ended, 1919 was a tumultuous year in the nation as well as in war-devastated Europe. Anarchists blew up banks and sent bombs to dozens of public figures, including the U.S. attorney general. Seventy Blacks were lynched that year as race riots in Chicago, Washington, D.C., and other cities rocked the postwar peace. Major strikes renewed labor troubles. But that which seemed most ominous was the new Soviet dictatorship in Russia. The Soviet regime was apparently bent on exporting revolution to Europe and elsewhere with the aim of overthrowing capitalist governments.

Immediately after 1919, the mood was one of ultra-nationalism (“we won the war, single-handedly”) and anxiety. Anti-alien sentiment hastened the end of a liberal immigration policy; there was fear of race war and fear of labor battles and mass revolution. The latter was inspired by Russia’s successes in promoting some revolutions in Europe and fear generated by the organization of a new communist party in the United States. The overall result of these tumultuous times was the first major Red Scare of the twentieth century—a reaction to fear of aliens, radicals, political dissent, and all ideas and movements

lawyer and a leader of the reactionary forces in the state senate. Von der Weyer is a wealthy banker.

Membership dues in the Sound Government association, which has no program except to fight “socialism,” are \$5.00 a year. Business interests which formerly supported the American First association and other organizations formed to fight the League will now center their support in the Sound Government association. The association has raised \$200,000 in St. Paul, it is reported, and expects Minneapolis business interests to come through with \$300,000. The budget is said to call for an even million.

The Tomahawk (White Earth, Becker County), February 26, 1920, at 6.

considered foreign to a conforming image of America. There was also anger and disappointment with America's altruistic (as it was portrayed) involvement in the War.²¹

This background is helpful to understand Murphy's sprawling address—actually a strident lecture—titled “Americans Do Your Duty” to the America First Association in Fairmont on November 14, 1919. He touched on the recent war, the need for patriotism to combat the evils of state socialism, failures of state intervention in the economy in the 1840s (a swipe at the NPL), a call for better highways, the dangers of labor strikes, the loyalty of the press, the responsibilities of women who now had the vote, the importance of the farmer as “the real backbone of the republic,” a demand that public school teachers be “one hundred percent American” and the paramount importance of a citizen's belief in “Americanism.” The speech was such a success that it was published as a 24 page pamphlet for wider distribution.²² He surely imprinted in many a fear

²¹ Arthur J. Sabin, *In Calmer Times: The Supreme Court and Red Monday* 16 (Univ. of Penn. Press, 1999). In his history of the period, Robert K. Murray writes:

In an intolerant postwar year in which people were still conditioned to the danger of spies and sabotage, these domestic Bolsheviki seemed particularly dangerous. As labor unrest increased and the nation was treated to such abnormal events as general strikes, riots, and the planting of bombs, the assumption that the country was under serious attack by the Reds found a wide acceptance. In the long run, each social and industrial disturbance was received as prima-facie evidence of the successful spread of radicalism. Even the temporary instability arising from demobilization and reconversion, and the many justified protests concerning high prices, were traced to the Reds.

As a result, exaggerated conclusions were reached concerning the size and influence of the movement. Indeed, never before had the nation been so over-whelmed with fear. It is understandable. Because of its waning faith, its political and moral irresponsibility, and its momentary abandonment of high ideals, the nation had been susceptible as never before. Harassed by the rantings and ravings of a small group of radicals, buffeted by the dire warnings of business and employer organizations, and assaulted daily by the scare propaganda of the patriotic societies and the general press, the national mind ultimately succumbed to hysteria.

Robert K. Murray, *Red Scare: A Study in National Hysteria, 1919-1920* 16 (Univ. of Minn. Press, 1955).

²² The pamphlet is posted in Appendix 4, at 142-166.

of the “Red” menace.²³ He reflected the real anxieties, fears and mood of that particular moment but a century later many readers will find him intolerant, tedious and repetitious. One particle of evidence that he came to regret fomenting the Great Red Scare in Minnesota is that the America First Association is not mentioned in his flattering self-portrait in Theodore Christianson’s history of Minnesota published in 1935.²⁴

At the beginning of the 1920s, we have this picture of Murphy: a successful middle-age, small town lawyer, a farmer with a passion for county and state fairs, a community leader and a staunch Republican with conventional beliefs about the economy and limited role of the state.

By the end of the decade, the picture had changed: he was a sixty-year old successful lawyer with a state-wide practice, an active member of the state bar association, a farmer with a national reputation as an advocate for a complex program for the federal government to raise the prices of farm products, a community leader

Murphy continued to give occasional patriotic speeches. In March 1920, he spoke on “American Citizenship” to a conference of 7th District League of Women Voters in Willmar. *Willmar Tribune*, March 10, 1920, at 4; *Willmar Tribune*, March 24, 1920, at 1.

On the Armistice Day ten years later he addressed the local American Legion. *Wheaton Gazette*, November 14, 1930, at 1 (“When the boys went to war,” said Mr. Murphy, “they were promised many things by a grateful nation, but these promises have not been kept.”).

²³ The political implications of Murphy’s speech were not lost on reporters. E. g., *Little Falls Herald*, November 28, 1919, at 4 (“St. Paul, Minn., Nov. 25, 1919.—The republicans are laying the foundation for the coming state campaign and they have decided that the issue shall be ‘Down with the Reds.’ You will remember how successfully they worked the loyalty issue in the last election and they have great hopes for their new slogan, which will replace ‘Keep the Party Loyal’ of 1918. President Frank W. Murphy, of the America First Association, started the ball rolling at a meeting of that organization in Fairmont last week. He was certain that the U. S. A. stands on the brink of chaos. He intimated that it would be necessary for the loyal people of the country to get together to overthrow the danger of the bolsheviki, the labor agitator and the Nonpartisan [League].”). On the 1918 election, see Robert J. Morlan, “The Nonpartisan League and the Minnesota Campaign of 1918,” 34 *Minnesota History* 221 (Summer 1955), and Carol Jenson, “Loyalty as a Political Weapon: The 1918 Campaign in Minnesota” 43 *Minnesota History* 42 (Summer 1972).

²⁴ Theodore Christianson, 4 *Minnesota: The Land of Sky-Tinted Waters* 303-305 (1935). It is posted in Appendix 2, at 130-134.

and a supporter of the Democratic presidential candidate, Alfred E. Smith.

What happened?



(1920)

Chapter Four

(The McNary-Haugen Movement)

For many Americans, the Great Depression began in mid-1929 but for farmers it began in late 1920 when the prices of their products fell while their operating expenses remained high.²⁵ This situation was caused by overproduction and led to a movement in agricultural states for enactment of the McNary-Haugen bill, named after its sponsors, Senator Charles McNary of Oregon and Representative Gilbert Haugen of Iowa. It was a complex surplus-control and price-lifting scheme that aimed to raise farm prices to the level of other commodities by creating a federal board to acquire and dispose of surplus farm crops abroad. To cover expected losses incurred by the board as it dumped their products abroad, farmers would be assessed an “equalization fee” on produce they sold but, in the end, the benefits they would receive from higher domestic prices would exceed the fees they paid. The “equalization fee” was most contro-

²⁵ Historian Richard M. Valelly recounts the beginnings of the crisis in agriculture:

Between July and December 1920 the demand for grains fell sharply, bottomed out over the winter of 1921-22, and then slowly climbed back up, finally steadying in late 1923. For instance, in June 1920 wheat, on the national average, fetched \$2.58 a bushel. By December 1, it dropped to \$1.43. The next year, the price of a bushel dropped below a dollar.

The sharp break in prices during the 1920-23 crisis created problems that characterized the entire decade. The postwar farm crisis inaugurated a chronic depression in agriculture that profoundly shaped the problems facing Minnesota farmers for the rest of the 1920s. The average value of a farm in the United States dropped 25 percent between 1920 and 1925. In Minnesota it dropped 31 percent. . . .

A proximate cause of the postwar farm crisis was a politically fashioned drop in the foreign demand for American foodstuffs. In time a drop in demand would have occurred anyway, but the actual drop depended on America's unplanned, chaotic war demobilization. . . . For farmers these developments signified a possible collapse of the wartime regulatory apparatus geared towards sustaining agriculture. Europe was no longer a booming market, yet the national government would not intervene to manage the shock of collapsing markets. Continued high production exacerbated the consequences of the drop in demand. Expecting a long-term shift to higher output, farmers expanded acreage during the war and improved their production techniques.”

Richard M. Valelly, *Radicalism in the States: The Minnesota Farmer-Labor Party and the American Political Economy* 72 (Univ. of Chicago Press, 1989).

versial feature of the bill, which was amended several times from 1924 through 1928, when it finally died.

Murphy claimed to be the first farm leader to recognize the depth of the depression in 1920-1921, and fought for the McNary-Haugen bill from beginning to end.²⁶ Before examining his role in these battles, it is important to identify economic and cultural grievances that underlay this legislation, as they are prominent in his thinking. For this we turn to political historian Richard M. Valelly:

Much of McNary-Haugenism was based on a perception of deep biases in the American political economy.... Government seemed openly to favor eastern financial and industrial capital. . . .

Supporters of the McNary-Haugen bill believed that there were two Americas, industrial and agricultural, and that those who ran the industrial America wanted to subordinate the other to its interests. [Historian] Gilbert Fite had captured McNary-Haugenism well. For him, it was "something even deeper than the matter of living standards, incomes, or farm foreclosures. Basically, it was a conflict between agrarian and industrial capitalism. In the 1920's farmers were making a last-ditch stand against industrial and commercial domination." In an important sense, then, the issue was whether an accumulationist political economy turned farmers into second-class citizens.²⁷

As we shall see, Murphy expressed similar schismatic views time and again in public addresses and political speeches. He thought that any government program favoring manufacturers or the urban worker would disfavor the farmer.

²⁶ See his profile in Theodore Christianson's state history. Appendix 2, at 131. ("Mr. Murphy was probably the first farm leader to appreciate the collapse of 1920 and 1921, portended something more serious for agriculture than merely another depression. He began to give warning that the trouble was derived from a fundamental fault in the national economic policy. . . . His diagnosis turned out to be the correct one and the depression of 1921 continued to become the sub-depression of 1932.").

²⁷ Richard M. Valelly, note 25, at 76-77 (citing Gilbert C. Fite, *George N. Peek and the Fight for Farm Parity* (Univ. of Oklahoma Press, 1954).

The first McNary-Haugen bill was defeated in Congress in 1924.²⁸ The response in farm belt states was swift. A meeting of leaders of national farm organizations was held in St. Paul on July 11-12, 1924, to develop a strategy to pressure Congress to pass the law, with Murphy presiding.²⁹ The American Council of Agriculture, “a non-partisan group designed to provide central direction and unified leadership in the battle for McNary-Haugenism,” emerged from this meeting.³⁰ It was led by George N. Peek, who would be appointed the first head of the Agricultural Adjustment Administration by President Roosevelt in 1933. Murphy worked tirelessly and at great personal sacrifice for the Council, as noted by Gilbert C. Fite, a historian of the period:

²⁸ John D. Hicks describes the scope and fate of the initial bill:

The first McNary-Haugen bill was presented to Congress in 1924. It listed eight basic commodities—wheat, flour, corn, cotton, wool, cattle, sheep, and swine (together with any food-stuffs derived from the last three)—as the objectives of its provisions. The Secretary of Agriculture and of Labor should compute the ratio price on each farm product, using for purposes of comparison an all-commodity average for the years 1905-14 to be obtained from the Bureau of Labor Statistics. An Agricultural Export Corporation, consisting of the Secretary of Agriculture and four other members to be appointed by the President would be authorized to buy on the American market at the ratio prices and to sell on the world market at whatever price it could get. To cover the loss involved, farmers were to be charged an equalization fee, or tax, on every bushel of wheat or other item that they sold. But the fees so charged, it was assumed, would be far less than the benefits obtained from the high domestic prices. . . . The measure suffered the first of many defeats on June 3, 1924, when a combination of eastern Republicans and southern Democrats voted it down in the House, but its protagonists were persistent, farm sentiment in favor of it grew. Also, as time went on, changes went into the bill to satisfy the demands of particular groups and individuals.

John D. Hicks, *Republican Ascendancy, 1921-1933* 198-99 (Harper & Row, 1960) (citing sources).

²⁹ *Winona Republican-Herald*, July 10, 1924, at 4 (“Murphy Will Sound Keynote at Farm Meet – McNary-Haugen Bill Will Be Center of Discussion at National Conference of Farm Organizations Convening at St. Paul...Frank W. Murphy of Wheaton, Minn., a staunch supporter of the defeated McNary-Haugen bill, will preside as temporary chairman at the conference, and he will deliver the keynote speech tomorrow morning...”).

³⁰ Gilbert C. Fite, “The Farmers’ Dilemma, 1919-1929” in John Braeman, Robert H. Bremner & David Brody, eds., *Change and Continuity in Twentieth-Century America: The 1920’s* 67, 90 (Ohio State Univ. Press, 1968).

There were many eager and devoted, workers in the agricultural pressure group ranks besides Peek. Chester C. Davis, a former newspaper publisher and commissioner of agriculture in Montana, was perhaps Peek's most worthy lieutenant. Davis was extremely effective in behind-the-scenes work and performed yeoman service in Chicago and Washington as a legislative draftsman and propagandist. Frank W. Murphy, chairman of the executive committee of the American Council of Agriculture, did outstanding work for the McNary-Haugenites both in the Corn Belt and in Washington. He was a small-town Republican lawyer of Wheaton, Minnesota, who had become convinced that only surplus-control legislation could save the farmers. Peek, Davis, and Murphy were three of most enthusiastic, active, and influential fighters for farm relief before and during the campaign of 1928. Peek and Murphy spent thousands of dollars of their own money between 1924 and 1928 lobbying in Washington.³¹

The election in 1924 of Calvin Coolidge dampened prospects for the McNary-Haugen scheme but did not deter farm lobbyists from continuing to pressure Congress for relief. In 1925 and 1926, other proposals were offered but did not advance in Congress. Murphy was on the front lines of these battles. In March 1926, he testified before the U. S. House Agricultural Committee in support of a bill major farm organizations backed after much discussion and delay, and was blasted by Louisiana Congressman James B. Aswell for his group's intransigence (two years later, in the heat of the 1928 presidential campaign, similar charges of delay and rigidity were thrown at Murphy).³² Finally, in February 1927, a modified McNary-

³¹ Gilbert C. Fite, "The Agricultural Issue in the Presidential Campaign of 1928," 37 *Mississippi Valley Historical Review* 653, 655-56 (March 1951) (citing sources).

³² *Minneapolis Journal*, March 20, 1926, at 1 ("F. W. Murphy Put Under Fire in Farm Relief Hearing. . . . You are taking up the time of congress now at your own peril. You know this bill [known as the Dickinson bill] cannot pass with the secretary of agriculture against it; with the director of the budget not consulted, and the President opposed. Don't you think it is time to get a definite plan that has some chance?").

At a later hearing Kansas Congressman Jasper N. Tincher accused Murphy of writing speeches for members of congress who supported a farm-relief bill. Murphy denied the charges and went on the offense: "This is not the first time that the friends

Haugen bill passed Congress only to be vetoed and denounced by the President as violating the “philosophy of our government” and “the spirit of our institutions.”³³ In 1928 the bill again passed

of the farmer have been attacked and insulted. Such attacks do not dismay us. We are sorry that such tactics have been resorted to. We have been fair and consistent.” *Minneapolis Journal*, May 9, 1926, at 1-4.

Murphy’s opposition to one of the proposed laws, named the Tincher bill after the Congressman, shows how uncompromising he had become:

William M. Jardine, the Secretary of Agriculture, proposed to deal with the surplus through a farm board, but without adopting the equalization fee plan, which he described as “an excise tax, put on the necessities of life.” This proposal was incorporated into the Tincher bill, which he endorsed but which was opposed by Peek, Frank Murphy, and McNary-Haugen supporters who were bound and determined either to pass the equalization fee proposal or else to elect a Congress that would. According to the equalization fee enthusiasts, about the only thing that the Jardine plan would do was to add “a few extra experts on cooperative marketing to the Department of Agriculture.”

Theodore Saloutos & John D. Hicks, *Agricultural Discontent in the Middle West, 1900-1939* 392-93 (Univ. of Wis. Press, 1951).

³³ John D. Hicks describes the fates of the 1927 and 1928 versions:

When finally passed by Congress in 1927, the McNary-Haugen varied markedly from the original measure. As introduced, it listed only five basic commodities, cotton, wheat, corn, rice, and hogs A Federal Farm Board of twelve members, one from each Federal Land Bank District, was to administer the measure and, out of deference to the strong position attained by co-operatives, was to work through them in the orderly disposal of surplus crops—the Federal Farm Board might not itself buy farm products directly. There was no reference whatever to price fixing, but the provisions for a stabilization fund to absorb losses and the retention of the equalization fee made it clear that the two-price system was still contemplated. Certainly the Board would be free to raise domestic prices to extent of the tariff Congress had placed on each individual item. The equalization fee, however, was not to be assessed directly on producers, but rather on the transportation, processing, or sale of a given commodity. . . . [I]t failed to win the approval of President Coolidge, who returned it to Congress with a scathing veto message. Nothing daunted, the farm leaders pushed another McNary-Haugen bill through Congress the following year, with modifications designed to meet the President’s objections, but still with the equalization fee. For their pains they got only another veto, even sharper than the first, in neither case could they find the necessary votes to override.

However it might be phrased, the McNary-Haugen bill as Coolidge saw it, asked government to do what government had no right to do. It called for price fixing, for an improper delegation of the taxing power, and for the

Congress only to be vetoed again by the President who bluntly pinpointed its defects.³⁴

creation of a vast and cumbersome bureaucracy. It was economically unsound, for the higher prices it contemplated would lead to greater overproduction and larger surpluses, while the disposal of American goods abroad at cut-rate figures would arouse resentment and, promote retaliation.

John D. Hicks, note 28, at 199 (citing sources). For an account of how one Minnesota Congressman worked to advance these bills, see Jon M. Wefald, "Congressman Knud Wefald, A Minnesota Voice for Farm Parity" 38 *Minnesota History* 177 (December 1962).

³⁴ The President's veto message on May 23, 1928, was quoted in the *Chicago Tribune* the next day under the headline "Text of President's Message Vetoing McNary-Haugen Bill, " and subtitled "Tells Congress It Would Mean Disaster. Finds New Bill Almost as Bad as First":

This measure is as cruelly deceptive in its disguise as governmental price-fixing legislation and involves the impossible scheme of attempted governmental control of buying and selling through political agencies. The bill carefully avoids any direct allusion to such price-fixing functions, but there can be no doubt about its intentions to impose upon the farmer and upon the consumers of farm produce a regime of futile, delusive experiments with price fixing, with indirect governmental buying and selling, and with a nationwide system of regulatory policing, intolerable espionage, and tax collection on a vast scale. These provisions would disappoint the farmer by naively implying that the law of supply and demand can thus be legislatively distorted in his favor. Economic history is filled with the evidences of the ghastly futility of such attempts. Fiat prices match the folly of fiat money....

The equalization fee which is the kernel of this legislation is a sales tax upon the entire community. It is in no sense a mere contribution to be made by the producers themselves, as has been represented by supporters of the measure. It can be assessed upon the commodities in transit to the consumer and its burdens can often unmistakably be passed on to him.

Furthermore, such procedure would certainly involve an extraordinary relinquishment of the taxing power on the part of congress, because the tax would not only be levied without recourse to legislative authority but its proceeds would be expended entirely without the usual safeguards of congressional control of appropriations. This would be a most dangerous nullification of one of the essential checks and balances which lie at the very foundation of our government.

Incidentally this taxation or fee would not be for purposes of revenue in the accepted sense but would simply yield a subsidy for the special benefit of particular groups of processors and exporters. It would be a consumption or sales tax on the vital necessities of life, regulated not by the ability of the people to pay, but only by the requirements and export losses of various trading intermediaries.

This set the stage for the Nineteenth Republican National Convention held in Kansas City from June 12 to 15, 1928. Murphy was a delegate and spoke in favor of the “Agriculture Plank” of the “Minority Platform”³⁵ the center of which was the McNary-Haugen bill. To the convention he displayed a large map of the country on which the districts of Congressmen who had supported McNary-Haugen were colored blue, others red; he pointed to this map like a trial lawyer who holds up a damaging exhibit to a jury:

I call your attention to that map, ladies and gentlemen, and on that map you are about to take a vote. Look at the great area marked blue. That is the vote in the House by which this bill passed in the last session of Congress. With but few minor exceptions all of the agricultural west and the great Mississippi and Ohio Valleys voted for the McNary-Haugen bill.

The *St. Paul Dispatch* called Murphy’s speech “spectacular” and quoted many passages under the headline, “Do not Drive Farmers Out of the Party, Give Us Square Deal, Murphy Pleads.”³⁶ It described the delegates’ response to his warning that “if the Republican party won’t bring the farmer into equality with other groups it ought not to want to live”:

Murphy was given a real demonstration by the convention as he concluded, with that parting shot. Many of the delegates from the agricultural states stood up cheering and yelling while others applauded vigorously.

Again there were cheers and hat waving as Murphy returned to his place with the Minnesota delegation.³⁷

Predictably the majority platform was adopted.³⁸ And, as threatened, Murphy and other farm state Republicans deserted to support

Chicago Tribune, May 24, 1928, at 2 (excerpt).

³⁵ Murphy’s complete convention address is posted in Appendix 5, at 167-182.

³⁶ *St. Paul Dispatch*, June 14, 1928, at 1.

³⁷ *Id.*

³⁸ Gilbert C. Fite, note 31, at 659 (“With the oratory over the convention voted 806 to 278 in favor of the majority plank. So far as the Republicans were concerned, McNary-Haugenism was cast in the outer darkness.”)(citing source).

the Democratic presidential candidate, New York Governor Alfred E. Smith, and vice presidential candidate, Arkansas Senator Joseph Robinson. He left the party to oppose Hoover rather than to support Smith.³⁹ Still he became a leader of the Minnesota All-Party Smith-Robinson Club, and delivered numerous radio addresses and stump speeches for the Democratic ticket.⁴⁰ That year he became renowned as a political orator.⁴¹

In the farm belt the McNary-Haugen bill was a major issue, seemingly favoring the Democrats, but Republicans attempted to turn the tables on them. In a speech to the Iowa Farmers Union convention in September, Republican Senator Smith W. Brookhart of Iowa accused Murphy and other farm leaders of “double crossing” farmers by acting to defeat the bill for political purposes. He recounted how he appeared before a Senate committee:

³⁹ In announcing his decision, Murphy declared that Hoover was “unsympathetic and unfriendly toward agriculture” but that he would not bolt the party and would support other Republican candidates despite his opposition to Hoover. *Minneapolis Star*, August 8, 1928, at 1 (“Frank Murphy Deserts Hoover on Farm Stand....Says He Is Not Bolting Party in State, But Will Aid Smith”).

⁴⁰ The *Wheaton Gazette* reported the itineraries of Democratic speakers on the first page of its October 12, 1928, edition:

DEMOCRATS PLAN
ACTIVE CAMPAIGN

...

Speakers for the Minnesota All Party Smith-Robinson Club swing into action throughout Minnesota this week...

F. W. Murphy, Chairman of the Legislative Committee of the American Council of Agriculture and a member of the Corn Belt Committee, speaks Friday evening from radio station KSTP. Saturday the 13th he will speak at Plainview at an afternoon meeting and at Chatfield at an evening meeting. Sunday, October 13 (sic), he will speak at Kasson in the afternoon and at Preston in the evening. Monday, October 15th, he will speak at Blooming Prairie in the afternoon and at Owatonna in the evening. Tuesday, October 16th, he will address a meeting at Rochester, in the evening and another meeting in the afternoon of the same date at some point in Morrow County.

⁴¹ Though we do not have a recording of Murphy’s broadcasts, we may assume he had a rich, even melodious voice, as he was in frequent demand for radio addresses in political campaigns in the 1930s, at times even substituting for F.D.R.

I was the only man who appeared and that did not take an hour. But [George M.] Peek and Murphy and [William] Hirth did not want an early hearing. They pulled every possible string to defeat it in both house and senate. They wanted it passed late and vetoed and killed so there would be no time to pass another bill that might give some relief. They wanted the issue alive. . . .

Finally near the end of the session the McNary bill passed. It went to the President, was vetoed and the veto sustained by the senate and it was too late to pass any other bill. The happiest men in the United States were Peck and Murphy and Hirth. They had defeated any farm relief whatsoever and they had the issue alive for their Tammany candidate in the election.

The farmers have been double-crossed in the house of their friends....⁴²

Shrugging off the Senator's attack, which must have reminded him of Congressman Aswell's two years earlier, Murphy "took the floor [of the convention] and was given an ovation when he asked his hearers to stand with him for continuance of the fight for the McNary-Haugen bill."⁴³ Brookhart's stratagem failed. The convention ended when the delegates adopted a resolution opposing Hoover and sang "The Sidewalks of New York."⁴⁴

As he campaigned against Hoover, Murphy must have been exasperated by Smith, who waffled in his support for the McNary-Haugen scheme as he attempted to satisfy all interests and sections.⁴⁵ Professor Fite writes:

⁴² *Minneapolis Journal*, September 20, 1928, at 1.

⁴³ *Minneapolis Journal*, September 21, 1928, at 1 ("Murphy, only one of the trio named who was present, said he did not see why he was included in the attack unless it was because of his speeches recently favoring the McNary-Haugen bill.").

⁴⁴ *Id.*

⁴⁵ In a front page story headlined "Smith Amplifies His Stand on Fee" on September 21, 1928, the *Minneapolis Journal* reported Smith's response to reporter's questions on the equalization fee in a "crowded hotel room" in Oklahoma City:

"At Omaha you offered a prescription for the ills of the farmers and said you intended to leave no doubt as to your stand on farm relief," the questioner, who is traveling with the nominee, started off. "I find that even

Smith's equivocal stand on the McNary-Haugen bill and the equalization fee caused some of his supporters much embarrassment and weakened his position considerably, both among farm leaders and ordinary dirt farmers. His attempt to promise more than Hoover without alienating conservative interests met with little success.

. . .

One of the worst results of Smith's "agricultural straddle" was that it left the way open for many prominent Republican McNary-Haugenites to support Hoover in good faith and without the least embarrassment. Many were sincerely convinced that there was little difference between the Republican and Democratic positions. Smith failed miserably to make the farm issue clear-cut.⁴⁶

Hoover buried Smith in a landslide.⁴⁷ During Hoover's term there was no renewed effort to enact the bill but a Federal Farm Board was

those who are with you place a different construction on your stand on the equalization fee."

"All right then, I'll clear it up for you," Smith replied. "First, we have the definite, fixed principle that in order to give the farmer benefit of the tariff we must lift the surplus out of his crop, the cost to be levied on the unit benefited. Just how to do that best I'm not prepared to say."

"Isn't that the equalization fee?" the reporter pursued.

"Not necessarily," Smith responded. "There are four or five plans, and I'm not familiar with them all...."

"Then we can quote you that what you favor is not the equalization fee?"

"I don't think I should say that," said the nominee, with a trace of impatience.

⁴⁶ Gilbert C. Fite, note 31, at 666-67 (citing sources).

⁴⁷ Hoover defeated Smith by a wide margin in the popular vote:

Hoover (Republican).....	21,427,123	58.21%
Smith (Democrat).....	15,015,464	40.80%
Norman Thomas (Socialist).....	267,478	0.73%
William Z. Foster (Communist).....	48,551	0.13%
William L. Reynolds (Socialist Labor).....	21,590	0.06%
William F. Varney (Prohibition).....	20,090	0.05%
Frank Webb (Farmer-Labor).....	6,390	0.02%

And in the Electoral College as well:

Hoover (40 states).....	444
Smith (8 states).....	87

established. In 1930 it made “mass purchases to shore up the grain market,” placing Hoover in “the same mode of price support the farm advocates in Congress had sought for so long.”⁴⁸

It is easy to dismiss the McNary-Haugen bill on the grounds that it was based on bad economics and would have failed if enacted.⁴⁹ Professor Fite, however, takes a longer and more discerning view:

Despite its basically conservative nature, the drive for farm relief during the 1920's was highly important. The McNary-Haugen campaign pointed up as never before the unfavorable position of agriculture in the nation's economy. It emphasized, too, that greater efficiency was not the sole answer, especially when more production simply resulted in additional surpluses....Almost unwittingly, the McNary-Haugenites helped to publicize the idea of getting higher agricultural prices by cutting acreage.

Perhaps the most significant thing about the farm relief campaign in the 1920's was the emphasis upon the parity price concept. This became a symbol in the farm mind, and parity prices actually became the goal of the Agricultural Adjustment Act of 1933. Moreover, the idea

Hoover carried Minnesota with 560,977 votes to Smith's 396,451. Traverse County, however, went Democratic—there Smith received 1,899 votes to Hoover's 1,214. 1929 *Blue Book*, at 370-71.

⁴⁸ Charles Rappleye, *Herbert Hoover in the White House* 122 (Simon & Schuster, 2016).

⁴⁹ Professor Valelly writes

Some supporters of McNary-Haugenism perhaps conceded to themselves that their plan might promote economic disaster. It might well cause more surplus production, compounding the problem, as Coolidge rightly charged, and the foreign dumping would eventually wreak havoc on international trade, as Coolidge also understood. But economics was not the heart of the issue. The issue was equality of economic group power. As Farmer-Labor senator Shipstead put it in a speech in Washington, "We only ask for the same treatment that has been accorded industry, transportation, and banking." The issue was whether or not America would move to a kind of political economy different from the accumulationist political economy it then had.

Richard M. Valelly, note 25, at 76 (citing sources).

became widely accepted that the federal government had a responsibility to help farmers achieve this price goal. Thus farm policy makers did not achieve significant concrete results in the 1920's, but they did prepare the way for an extensive agricultural program after the election of Franklin D. Roosevelt. Their main objective, parity prices, and the means to achieve this goal, the federal government, were incorporated in New Deal legislation.

Thus it was in the field of ideas, not in the solutions offered, that the McNary-Haugenites were most important.⁵⁰

⁵⁰ Gilbert Fite, note 30, at 100-101 (citing sources). While Professor Fite looked ahead, Professor Lancing looked backward to the antecedents of McNary-Haugenism and saw a familiar pattern in American politics—proposals of a minor party or faction that are rejected in one period are adopted in the next. He writes with usual perceptivity:

Most former Leaguers had put their political trust in the agrarian bloc that they had elevated to the US Senate earlier in the decade. Far from radical, the loosely organized senators—including a few who had opposed the NPL—came together only as shared interests aligned. From 1924 on, their energy coalesced around policies tied together in the McNary-Haugen Act. Seeking federal intervention to help agrarians facing the deepest depression yet seen in rural America, senators pushed for tariff protection and price supports. They hoped to extend the benefits of government policies supporting various industries, to farmers. Ironically, opponents in the business community claimed that the search for structural equity would undercut the self-sufficiency of American farmers. They chose to ignore the ways in which federal policies helped businesses. Instead, they pushed farmers to create more independent cooperatives. The NPL experience had convinced many farmers that cooperatives alone were not enough.

Agrarians demanded that McNary-Haugen be passed. Their representatives in Congress worked hard to find allies. Proponents of the legislation—tarred by one opponent as "only a few fanatics . . . who more recently were wrecking the Northwest with Townley's Non-Partisan League"—did everything they could. In the end, both houses passed the legislation twice. President Calvin Coolidge vetoed the bill both times.

Between 1921 and 1933, senators originally elected with NPL support, such as Burton Wheeler (D-MT), Clarence Dill (D-WA), and Gerald Nye (R-ND), proved the most consistent supporters of McNary-Haugen and other pro-farmer legislation in the US Congress. Henrik Shipstead (FL-MN), and Lynn Frazier (R-ND) joined them by backing such measures at least 85 percent of the time. These men represented three different parties—Democratic, Republican, and Farmer-Labor—and kept the long-

Murphy never lost his faith that a “farmers’ paradise,” to twist an old slogan, would result from implementation of the McNary-Haugen price-parity scheme. Seven years after its demise, he devoted about one-fifth of an autobiographical sketch in a history of Minnesota to his work for the bill.⁵¹ Journalists even referred to it when reporting jury trials in which he appeared, as for example, this from the *Park Region Echo* in October 1932:

Frank Murphy Wins His Case

A big man was in our midst Saturday and Monday. Frank Murphy of Wheaton was in Alexandria trying a personal injury case. He won it. That’s a habit he has. There are few men in Minnesota or anywhere else more successful in pleading the case of the distressed and unfortunate, whether it is before a jury or a legislature, a mass meeting or gathering of hard-headed business men.

Murphy has had one great failure in life. The greatest case he ever pleaded was the McNary-Haugen farmer relief bill. Twice he won a “verdict” from Congress only to lose by the veto of the President. Then he went to Kansas City four years ago and made his plea to the Republican national convention. It was the most powerful that it has been made at a national convention in the memory of any man now living. But it failed. That was Frank Murphy’s one great defeat.⁵²

In 1940 he had the satisfaction of casting his ballot for his old friend and ally Senator Charles L. McNary himself, the Republican candidate for Vice President.

departed League's demands for government intervention to bring equity to the marketplace alive.

They also formed the core of a bloc of western progressives in the US Senate. But without a democratic movement of farmers that cut across party lines to consistently back them, they offered few on-the-ground successes for struggling farmers

Michael J. Lancing, note 18, at 256-7 (citing sources).

⁵¹ Profile in Theodore Christianson, Appendix 2, at 130-134.

⁵² *Wheaton Gazette*, October 7, 1932, at 1 (reprinting a story in the *Park Region Echo*).

Chapter Five (The Depression Years)

Although Murphy supported the Democratic presidential candidate in 1928, he did not quit the Republican Party. In 1930 he campaigned for Republican Senator Thomas D. Schall, who was facing a



difficult bid for re-election. Schall had political ambitions that Murphy lacked; he served five terms in the U. S. House of Representatives, 1915-1925, and was elected as a Republican to the Senate in 1924, defeating incumbent Magnus Johnson, a Farmer-Laborite and former Leaguer.

Murphy had known Schall for decades—he was a teenager attending school in Wheaton when Murphy arrived in 1893—and more important, he was a steadfast McNary-Haugenite during his years in Congress. On a few occasions when Schall could not appear at a political rally in the fall of 1930, Murphy filled in.⁵³ Days before the election, the editor of the *Wheaton Gazette* published Murphy's endorsement of the Senator on the front page:

F. W. Murphy Endorses the Work of Senator Schall

Farm Leader Says Senator is Attacked by Farmer's Enemies

I have known Senator Schall for more than thirty-five years. When I first came to Wheaton the Senator was attending school here. He was a well behaved, hard

⁵³ *Wheaton Gazette*, October 3, 1930, at 8 ("Assailing the Republican administration for what he termed its unfair attitude toward the Northwest, Frank W. Murphy, Wheaton attorney, former champion of the McNary-Haugen bill and a member of the Republican party, spoke at the Chippewa county fair Tuesday. Mr. Murphy addressed the fair audience in behalf of the candidacy of Senator Thomas D. Schall, who was unable to be present at the fair to fill a speaking engagement. . . . Mr. Murphy contended in his address that the Northwest needs better representation in Washington, and praised Senator Schall for his attitude during the writing of the Hawley-Smoot tariff bill.").

working, ambitious boy. I have watched his career as a public servant with interest. There has never been a time when he has not stood on the side of the common people.

While in charge of the campaign for the McNary-Haugen bill in Washington, one of the most loyal and dependable supporters the farmers of this country had was Senator Schall. As might be expected, scores of occasions arose when we needed assistance. I could always count on Senator Schall doing what he could in the interest of the farmers cause, not only when he was a member of the house, but as well when he became a member of the senate. He never wavered. He never questioned what he should do. This could not be said of many members of congress from the western states. . . .

If you want to support your friend, vote for Senator Schall. If the price he is to pay for his loyalty to the farmers cause,—if the price he is to pay for his months of fighting against the infamous Smoot-Hawley tariff bill passed in the last session of congress,— is to have the men and women who are imposed upon by that bill, vote against him, then a loyal public servant may well stop and consider whether it really pays to stand on the side of the people.

A vote for Senator Schall is in your own interest. A vote against him is lending your personal approval to those big interests of this state that oppose his election.⁵⁴

Schall eked out a victory.⁵⁵ This permitted him to continue a dispute with the Hoover administration over the selection of a new federal judge for Minnesota. He wanted Ernest A. Michel, a Minneapolis lawyer, while Attorney General William D. Mitchell had other can-

⁵⁴ *Wheaton Gazette*, October 31, 1930, at 1.

⁵⁵ The results of the election on November 4, 1930, were:

Thomas D. Schall (Republican).....	293,626	37.61%
Einar Hoidale (Democrat).....	282,012	36.13%
Ernest Lundeen (Farmer-Labor).....	178,679	22.89%
Charles A. Lund (Independent).....	20,669	2.65%
Rudolph Harju (Communist).....	5,645	0.72%

1931 *Blue Book*, at Abstract of Votes.

didates in mind.⁵⁶ After Michel withdrew in mid-February 1931, Schall sent the names of ten lawyers, including Murphy's, to the president for consideration.⁵⁷ Disregarding Schall's recommendations but accepting Mitchell's, Hoover made a recess appointment of Judge Gunnar H. Nordbye of the Hennepin County District on March 18, 1931; confirmed by the Senate on February 3, 1932, he served on the federal bench for the next forty-five years.⁵⁸ And in 1940, he was an honorary pallbearer at Murphy's funeral.

Murphy's endorsement of Senator Schall did not impair his support for Floyd B. Olson of the Farmer-Labor Party for governor in 1930 as their campaigns had a *sub rosa* "tie-up," as Charles B. Cheney, the political reporter for the *Minneapolis Tribune*, called it.⁵⁹

⁵⁶ *Minneapolis Journal*, December 19, 1930, at 1 ("Schall Hits Mitchell on Judge Stand. Says deadlock is because Attorney General wants Winona Democrat for post refused to Michel."). The "Winona Democrat" was Karl Finkelnburg, a district court judge in Winona.

⁵⁷ *Winona Republican-Herald*, February 19, 1931, at 1 ("In a letter to President Hoover, the Minnesota senator said he 'was exceedingly sorry' that Michel 'is denied a chance to answer the unjust charge made against him by the attorney general. 'Realizing, however,' he added, 'that Minnesota needs a judge...I am herewith submitting the names of ten lawyers for the position of federal judge in Minnesota, as per your suggestion and sincerely hope that you will find from among this list one name which will be satisfactory to you.' The list follows: Frank Ellsworth, Minneapolis. M. M. Joyce, Minneapolis. Mark Wooley, Minneapolis. Thomas McMeekin, St. Paul. Frank Murphy, Wheaton. John Roeser, St. Cloud. John B. Devaney, Minneapolis. Thomas Mancan, Morris. George R. Smith, Minneapolis. Charles H. March, Litchfield.""). The article went on to note that several men were "surprised" that their names were on the list. Murphy was unavailable for comment; he of course knew that his support for Al Smith in 1928 barred him from any appointment by Hoover.

⁵⁸ For Nordbye's recollection of his appointment, see the conclusion of his dedication speech at the William Mitchell Law School on May 6, 1959 ("Justice William Mitchell" 10 (MLHP, 2016)).

⁵⁹ Charles B. Cheney, *Minnesota Politics: High Lights of Half Century of Political Reporting* 71 (1947) ("Floyd B. Olson was elected governor then for the first time. There was a behind-scenes tie-up between Schall and Olson, two men who would have met in a terrific contest for the Senate in 1936, had death not intervened.").

In a front page article in the *Minneapolis Journal* on September 7, 1930, Cheney wrote that political leaders saw "nearly every voter taking an open stand is crossing lines and supporting candidates of more than one party....The commonest lineup finds voters on one side supporting Senator Thomas D. Schall, who wears the republican label, and Floyd B. Olson, farmer-labor nominee for governor. On the other side are supporters of Ray P. Chase, republican for governor, and Einar Hoidale, democrat, for United States senator."

Olson was Hennepin County Attorney during the 1920s and at some point he and Murphy became acquainted. He ran as the Farmer-Labor candidate for governor in 1924, and was smeared as a communist sympathizer.⁶⁰ He was defeated by Theodore L. Christianson.⁶¹ In 1930 the economic and political landscapes were much different. He was too, in ways that must have impressed Murphy. He now had a deeper understanding of the effects of the agricultural depression and more empathy for farmers.⁶² Professor Millard L. Gieske describes Olson's sophisticated campaign:

⁶⁰ Theodore C. Blegen, *Minnesota: A History of the State* 522 (Univ. of Minn. Press, 1963) ("Floyd B. Olson, the Hennepin County attorney, had made a challenging run for the governorship in 1924, but in that campaign . . . he did not reject Communist support. This contributed to his defeat. . . ."); Millard L. Gieske, *Minnesota Farmer-Laborism: The Third-Party Alternative* 90 (Univ. of Minn. Press, 1979) ("During the final week of the campaign, Republicans made an all-out assault upon alleged Farmer-Labor radicalism. It was a chronicle of conspiracy. . . . The climax came at a mass rally in the St. Paul auditorium [on October 25], where 10,000 listeners heard a parade of speakers charge Farmer-Laborism with becoming a tool of communist infiltration and the featured speaker, American secretary of state Charles Evans Hughes, appealed to Minnesota voters to avoid becoming prey for dangerous third-party quacks. Every major metropolitan newspaper became a political sounding board for these Republican charges.") (citing sources).

⁶¹ The results of the election on November 4, 1924, were:

Theodore L. Christianson (Republican).....	406,692	48.71%
Floyd B. Olson (Farmer Labor).....	366,029	43.84%
Carlos Avery (Democrat).....	49,353	5.91%
Michael Ferch (Prohibition).....	9,052	1.08%
Oscar Anderson (Industrial).....	3,846	0.46%

1925 *Blue Book*, at Abstract.

⁶² Olson's biographer writes:

The emergence of Olson in the role of an agrarian crusader was more than a political maneuver. It involved a complete reorientation of his social and economic outlook. From his earliest days he had been an urban radical, preoccupied with the problems of the city worker. He had taken the farmer for granted— as a necessary but troublesome appendage of the radical movement. His Populist orations of 1924 flowed more from a sound instinct for political pyrotechnics than from any real understanding of the policies he advocated. Even as late as 1930 he was so badly informed on the farm problem that he made a campaign speech on wheat prices in a dairy region.

It was the terrific impact of agrarian depression on Minnesota that changed Olson's perspective. He began to see that the farmer, as well as the city worker, was battling against a hostile economic system and for all his individualist psychology was a genuine member of the underprivileged

The strength of his 1930 appeal, which was the greatest of his public career, was built solidly around a nonradical image, a skillful working arrangement with cooperating Democrats (which he never again was able to repeat so successfully), and his own adaptation of the [Senator Henrik] Shipstead strategy of political independence. His appeal was never to a parochial Farmer-Laborism but was tripartisan, and the mechanism through which he campaigned was the "Olson All-Party Volunteer Committee." This ad hoc organization functioned independently of the Farmer-Labor Association, and the all-party theme caused the left-wing third-partyists to be distrustful of it because it undermined the basic third-party spirit of political and ideological realignment. Leftists and radicals were further dismayed by Olson's choice for chairperson of the All-Party Volunteers, Mrs. Jean (Frederick) Wittich, a woman of moderate political attitudes who had been a Republican and who had served as state vice-president of the League of Women Voters.⁶³

Radio Talks TONIGHT
Floyd B. Olson
 10:15 p.m., KSTP
FOR MR. OLSON
 8:00 p.m., WDAY, Fargo
Frank W. Murphy
 of Wheaton, Minn.
 10:45 p.m., WRHM
Gottfrid Lindsten
 TUESDAY, KSTP, 12:30 p.m.

Prepared and inserted by Mrs. F. W. Wittich, chairman Olson All-Party Committee, 125 So. Sixth St., for which \$10.50 has been paid.

It was as an All-Party Volunteer that Murphy campaigned for Olson in this election and in the next two. By now he was so well known that his name was in bold letters on newspaper advertisements for his radio addresses and speeches.⁶⁴

The *Minneapolis Star* described Murphy's curious path to support of Olson in an article published the weekend before the election:

class. This realization converted Olson from a professional agrarian to a sincere student of farm problems.

George H. Mayer, *The Political Career of Floyd B. Olson* 89 (Univ. of Minn. Press, 1951).

⁶³ Millard L. Gieske, note 60, at 136-37.

⁶⁴ *Minneapolis Star*, October 27, 1930, at 4 (reduced).

MURPHY COMES OUT FOR OLSON

‘Victory Rally’ at Lyceum
Will Listen in on Broadcast

Frank W Murphy of Wheaton, Minn., came back into Minnesota politics today with the announcement that he would take the air from WNAX in Yankton, S.D., at 7:45 p.m. today in behalf of the gubernatorial candidacy of Floyd B. Olson, Farmer-Labor nominee.

Mr. Murphy, before the Kansas City convention, was one of the active Republican leaders in Minnesota for Frank O. Lowden, a prospective presidential candidate. Mr. Lowden’s name was drawn at the convention Mr. Murphy made a stirring appeal for the inclusion of an adequate farmer relief plank in the Republican platform but when that failed he walked from the hall and has taken no active part in politics since until he came out today for Mr. Olson.

Olson campaign managers have arranged that the Murphy speech will come over the radio tonight at the time of a “victory rally” which the All-Party Olson for Governor Committee is planning tonight at the Lyceum theater. The meeting, scheduled to start at 7:30 will be the climax of the Olson campaign. Mrs. Frederick T. Wittich, chairman of the committee will preside. Gottfried T. Lindsten, chairman of the Railroad Employees Olson committee will introduce the gubernatorial aspirant. Mr. Olson, in the big wind up speech of his campaign, is expected to summarize the points he has made thus far to his drive upon the Republican administration records in Minnesota.⁶⁵

Olson routed his three opponents.⁶⁶

⁶⁵ *Minneapolis Star*, November 1, 1930, at 2. The *Minneapolis Tribune* also reported Murphy’s radio address at the Olson “Victory Rally.” November 1, 1930 at 4.

⁶⁶ The results of the election on November 4, 1930, were:

Floyd B. Olson (Farmer-Labor).....	473,154	59.34%
Raymond P. Chase (Republican).....	289,528	36.31%

Within weeks of his inauguration on January 1931, he began receiving “Dear Floyd” letters from Murphy, some polite, others not



Governor Olson
November 27, 1933

so, on matters ranging from personnel complaints to road maintenance, a chronic problem in rural areas. The candor and depth of their friendship is evident in the following exchange of letters initiated by a blistering complaint from Murphy about the governor’s new highway code in which he set the hourly wage of highway workers at 45 cents.

Murphy has an *Us vs. Them* view of the economy. He contends that higher hourly wages of road workers will increase the prices of goods needed by farmers and, more aggravating, those wages far exceed the minimal earnings of farmers.⁶⁷

Olson begins his reply by giving Murphy a stiff jab in the ribs about—what else?—the McNary-Haugen bill. He has a more subtle understanding of farm economics. Many farmers, he reminds Murphy, have two jobs, road work being one. And the more money laborers make, the more they have to spend on food, thereby benefiting farmers.⁶⁸

Edward Indrehus (Democrat).....	29,109	3.65%
Karl Reeve (Communist).....	5,594	0.70%

1931 *Blue Book*, at Abstract of Votes.

⁶⁷ Letter from Murphy to Olson, March 4, 1931, followed by letter from Olson to Murphy, March 10, 1931, in Governor Floyd B. Olson Records, General Correspondence Files, Box 131, File No. 651a (1931), Minnesota Historical Society.

⁶⁸ Murphy was not alone in his criticism of Olson’s wage policy. Other farmers, a few Republican newspaper editors and some highway contractors attacked the code as

F. W. MURPHY
A. R. JOHANSON
R. N. NELSON

MURPHY, JOHANSON & NELSON
ATTORNEYS AT LAW
WHEATON, MINNESOTA

Recd

*Advice
Misinformed*

March 4, 1931.

*Received
MAR 5 1931*

Hon. Floyd B. Olson,
State Capitol,
St. Paul, Minnesota.

Dear Floyd:

Rural Minnesota, the writer included, does not agree with you at all in your announcement to the Highway Commission that labor on road work must be paid 45¢ per hour and must not work over 8 hours a day. Common sense and prudence dictates that such a program as that is in violent opposition to the best interests of the people of this State. Personally I do not believe in that program at all. I am violently opposed to fixing prices or wages.

Farmers and their families are not earning 45¢ per hour nor 1¢ per hour. They have earned absolutely nothing in the last 8 years. There will be no return to normal business under any such program unless and until the present indefensible price level is reduced very materially. And until that is done there will be no recovery and no prosperity in this State.

There is one thing that everyone must face robustly. And that is, that we will never make progress on any price fixing basis, nor in any other way excepting the good old fashioned way of hard work.

Very truly yours,

M:O

F. W. Murphy

increasing unemployment and costs to the taxpayer. The controversy, marked by a strike and lawsuits, smoldered throughout the summer and fall of 1931. George H. Mayer, note 62, at 81-84.

Murphy,

March 10, 1931

Mr. Frank W. Murphy,
Attorney at Law,
Wheaton, Minnesota.

Dear Frank:

For a doughty champion of the McNary-Haugen Bill like you to unburden yourself of a diatribe against price fixing passes all understanding and transcends all comprehension. For shame, Frank, for shame!

My Highway Code which you claim you violently oppose fixes a 48 hour week so as to compel contractors to hire more men. The more men, the more money in circulation, and the more buying power. How in Hell is the farmer going to get anything for his crop unless the people who buy it have some buying power?

The minimum wage scale of 45¢ an hour will help from the same standpoint, and in addition will directly help the farmer because a great many farmers during periods when they are not busy on the farm are hired on road crews.

That the farmers themselves appreciate these facts is attested by the receipt at my office of numerous commendatory communications from farmers.

I disagree with you on your economics. The way to bring about normal conditions is not to beat down price levels or wage levels but to equalize them.

I agree with you in what you say about hard work, but from my observation neither the farmer or the working man has ever stopped working hard.

I appreciate your letter, however, and look forward to a good tough argument with you when you next come in the office.

Sincerely yours,

O/M

Four months later, the Governor appointed Murphy to the Century of Progress Exposition Commission—an ideal assignment as it entailed planning and placing exhibits in a setting similar to the State Fair.⁶⁹ He soon became chairman of the Commission.⁷⁰

THE STATE OF MINNESOTA
EXECUTIVE DEPARTMENT

loyd B. Olson Governor of said State.

To *F. H. Murphy* of *Traverse* County, Sends Greeting:

Reposing especial trust and confidence in your prudence, integrity and ability, I have appointed you, the said *F. H. Murphy*, a member of the Century of Progress Exposition Commission, created by Chapter 475 Session Laws of Minnesota for 1931 (New)

You are therefore by these presents appointed and commissioned *a member of said Commission* as aforesaid,

To Have and to Hold, The said office of *a member of said Commission* together with all the rights, powers and emoluments to the said office belonging, or by law in anywise appertaining, until this commission shall be by me or other lawful authority superseded or annulled, or expire by force or reason of any law of this State.

In Testimony Whereof, I have hereunto set my name and caused the Great Seal of the State of Minnesota to be affixed at the Capitol, in the City of St. Paul, this *30* day of *July* in the year of our Lord one thousand nine hundred and *31* and of the State the *74th*

By the Governor: *loyd B. Olson*

Wick Helen Secretary of State.

SEAL

⁶⁹ The Commission was established by the 47th Legislature. 1931 Laws, c. 415, at 596-97 (April 25, 1931), to participate in an exposition in Chicago in 1933. Section 2 empowered the Commission to “provide such exhibits as will, in its judgment, best depict and exemplify the progress of the state and its people in the fields of agriculture, recreation, game conservation, forestry, industry, commerce, finance, education, science, and the arts.”

⁷⁰ *St. Paul Dispatch*, November 4, 1932, at 6 (“Wheaton Man Heads Group on World’s Fair”).

This was the first of three assignments Olson gave Murphy, each increasing in responsibility, the last in 1935 when he placed the fate of his governorship in Murphy's hands.

In 1932 Olson ran for re-election on the Farmer-Labor Party ticket and Franklin D. Roosevelt ran for president as a Democrat. Each supported the other, and Murphy supported both. To understand this requires a brief look at the convoluted politics of Minnesota in the 1920s and 1930s.⁷¹ Excepting John Lind's one term as governor, 1899-1901, John Albert Johnson's two and a half terms, 1905-1909, and Winfield Hammond's one year, 1915, the Republican Party dominated state politics from the start of the Civil War through the 1920s. A third party, the Farmer-Labor Party, was formed in 1918 and had its first success when Henrik Shipstead, its candidate for United States Senator, defeated Frank Kellogg in 1922, followed by the next year Farmer-Laborite Magnus Johnson's election to the Senate over Republican Governor Jacob A. O. Preus. But Johnson was defeated by Thomas Schall in 1924. At the end of the decade, the Republican Party was still dominant, the Farmer-Labor Party a vigorous challenger, and the Democrats in distant third place but still alive. The depression in agriculture in the 1920s and Great Depression that hit the rest of the economy loosened voters' traditional loyalties to the major parties, freeing them to cross-over to favor the candidate of the Farmer-Labor Party. To win a state-wide election, Farmer-Laborites needed to siphon away Republican voters, as Olson did in 1930, or Democratic voters, as he did in 1932 by forming an alliance with the national Democratic Party's presidential candidate who saw this as an opportunity to take Minnesota and its eleven electoral votes.

Olson and F.D.R. first met at the annual governors' conference in French Lick Springs, Indiana, in June 1931, and quickly realized they had similar views of the role government to bring about economic

⁷¹ Fortunately, several superb studies that unravel the byzantine politics of this period have been published, including: Richard M. Valelly, *Radicalism in the States: The Minnesota Farmer-Labor Party and the American Political Economy* (Univ. of Chicago Press, 1989); Millard L. Gieske, *Minnesota Farmer-Laborism: The Third-Party Alternative* (Univ. of Minn. Press, 1979); and John Earl Haynes, *Dubious Alliance: The Making of Minnesota's DFL Party* (Univ. of Minn. Press, 1984).

recovery.⁷² A year later, F.D.R. addressed a Democratic rally in St. Paul and met again with Olson. Both saw they would benefit from some degree of cooperation, and after F.D.R. prevailed in an intra-party feud with a faction favoring Al Smith in Minnesota, an informal, ambiguous alliance was formed. According to Olson's biographer:

The alliance fell far short of fusion. It called for the national Democratic leadership to keep hands off the state campaign and for Olson to deliver to Roosevelt as many Farmer Labor votes as possible. Neither side could risk the public arrangements necessary to achieve more thorough collaboration. Simon-pure Farmer Laborites abhorred even informal arrangements with middle class parties, while the regular Democrats dared not show open friendliness for Olson lest they drive the rumpers to vote for Hoover.

These hard political facts drove cooperation underground. It operated in the ward and precinct clubs rather than from the hustings....The alliance created, a remarkable dispensation under which politicians refrained from telling the public how to vote. . . .

Nonetheless, the principals on both sides cooperated in good faith.....Beyond his slashing attacks on Hoover, Olson gave few public indications of solidarity with the Democrats. He actually had to repudiate the fusion committee organized for a joint Olson-Roosevelt campaign, but his preferences were not concealed from insiders who ran the local Farmer Labor clubs.⁷³

It was under the cover of the Olson All-Party Committee that Murphy supported both candidates. In October and early November he delivered stump speeches and radio addresses for Olson and F.D.R. at a frantic pace.⁷⁴ Four days before the election, the *Wheaton*

⁷² George H. Mayer, note 62, at 97-98 (citing sources).

⁷³ *Id.* at 101-102 (citing sources).

⁷⁴ In early October, he delivered a spellbinder to a business group in Minneapolis:

Reports from Minneapolis of the dinner given last week by 1000 business men for governor Olson stated that Frank Murphy's after-dinner speech attacking the administration and eulogizing Governor Olson and Governor

Gazette, which was always willing to give front page space to Murphy's activities, listed his speaking schedule:

F. W. MURPHY ACTIVE IN PRESENT CAMPAIGN

Wheaton attorney is in Demand for Political Addresses

Attorney F. W. Murphy is carrying on an active speaking campaign at meetings and over the radio in the interests of Gov. F. D. Roosevelt for president and governor Floyd B. Olson for re-election as governor of Minnesota. Altho scheduled to give an address at the Armory at Morris Wednesday evening [November 2], he was called to St. Paul Wednesday afternoon to give a talk over KSTP during the hour allotted to Gov. Roosevelt, who was unable to speak. For this speech there was a hook-up, Murphy was told, of nearly every station west of Ohio.

Last Friday evening he spoke over WCCO in favor of Roosevelt. Monday night he spoke over KSTP. He was scheduled to speak at Yankton Thursday night. Tonight he makes an address at Fergus Falls and the microphone will be set up in the high school assembly room so that his speech will be heard over KGDE.

Monday from 12:15 P.M. to 1 o'clock Mr. Murphy will be heard over WCCO on a hook-up from Ohio west. At this time he expects to speak in behalf of Gov. Roosevelt.⁷⁵

Roosevelt brought every man to his feet at the close and the applause was long and enthusiastic.

Wheaton Gazette, October 7, 1932, at 1 (quoting a story in the *Park Region Echo*).

⁷⁵ *Wheaton Gazette*, November 4, 1932, at 1 (final paragraph on Murphy's election as Chairman of the Minnesota Commission of Progress omitted).

A week earlier, the *Gazette* carried the following front page article on Murphy's schedule:

Murphy to talk for Roosevelt on WCCO

Attorney F. W. Murphy of Wheaton will make an address over WCCO in Minneapolis from 9:15 to 9:45 P.M. October 29, on behalf of Gov. Franklin D. Roosevelt. One hook-up was promised for the occasion of all radio

Both candidates were elected by large margins though Olson received only half the votes cast.⁷⁶

Soon after the election, newspapers reported rumors that Murphy was in line for an important position in the Roosevelt administration. On January 4, 1933, both houses of the Minnesota Legislature

stations from Ohio to the Rocky Mountains. Mr. Murphy met Gov. Roosevelt by request at St. Louis and accompanied him on a special train to Topeka, Kansas, where the governor gave his keynote address on the agricultural situation. The Wheaton attorney and farm leader is confident the election of Roosevelt would aid agriculture.

Wheaton Gazette, October 28, 1932, at 1.

⁷⁶ The results of the election for governor of Minnesota on November 8 were:

Floyd B. Olson (Farmer-Labor).....	522,438	50.57%
Earle Brown (Republican).....	334,081	32.34%
John E. Regan (Democrat).....	169,859	16.44%
William Schneiderman (Communist).....	4,807	0.47%
John P. Johnson (Industrial).....	1,824	0.18%

Traverse County gave Olson 2,270 votes, Brown 697, Regan 497, and 7 write-ins. 1933 *Blue Book*, at 358, and Abstract of Votes.

FDR defeated Hoover in the national election that year:

FDR (Democrat).....	22,821,277	57.41%
Herbert Hoover (Republican).....	15,761,254	39.65%
Norman Thomas (Socialist).....	884,885	2.23%
William Z. Foster (Communist).....	103,307	0.26%
William D. Upshaw (Prohibition).....	81,905	0.21%
William H. Harvey (Liberty).....	53,425	0.13%
Vern L. Reynolds (Socialist Labor).....	34,038	0.09%
Jacob Coxey (Farmer-Labor).....	7,431	0.02%

FDR carried 42 states to Hoover's 6.

The presidential vote in Minnesota was:

FDR (Democrat).....	600,806	59.91%
Herbert Hoover (Republican).....	363,959	36.29%
Norman Thomas (Socialist).....	25,476	2.54%
William Z. Foster (Communist).....	6,101	0.61%
Jacob Coxey (Farmer-Labor).....	5,731	0.57%
Verne L. Reynolds (Socialist Labor).....	770	0.08%

And so FDR received Minnesota's 11 electoral votes as well. In Traverse County he received 2,633 votes and Hoover only 608.

1933 *Blue Book*, at 374-75.

passed a resolution endorsing him for Secretary of Agriculture.⁷⁷ After Henry A. Wallace was selected for that post, he was considered for Assistant Secretary of Agriculture⁷⁸ but that also failed to materialize. Finally, in July, he was appointed Regional Advisor to the

⁷⁷ The resolution read:

A concurrent resolution to the President-elect endorsing The Honorable Franklin W. Murphy of this State for Secretary of Agriculture.

WHEREAS, in the years 1925, 1927 and 1929 sessions of this body, memorials to Congress were adopted in support of the Northwest's plan for restoring equality to agriculture, our nation's basic industry, and

WHEREAS, since the year 1920, the agricultural industry of our land has so lagged behind and been so discriminated against that a serious, far-reaching and intensely critical condition now confronts not only those engaged in the production of the necessities of life, but practically all other groups within our nation, and

WHEREAS, the incoming national administration is committed to the solution of the problems confronting agriculture and its restoration to a fair share of the nation's wealth, along the very lines and principles heretofore urged by this body, which were developed and perfected in the Northwest. This augurs well for all our people but it is self evident that unless there is a tested and true champion of such policy and plan at the head of the Department of Agriculture the fullest benefits therefrom would be impossible of attainment, and

WHEREAS, The Honorable Franklin W. Murphy, a citizen of this State, represents the leadership in the fight for agricultural equality and through him all agricultural interests have their strongest supporter, and

WHEREAS, because of his outstanding ability, unquestioned integrity, unswerving loyalty, broad experience, deep sympathy, fine character and special and out-standing fitness for this highly important position, we but honor ourselves and the people of this state, and also give dignity and standing to the business of agriculture in endorsing his name as our choice and the choice of our people for the agricultural portfolio.

THEREFORE, BE IT HEREBY RESOLVED, By the House of Representatives of the State of Minnesota, the Senate Concurring, that we wholeheartedly endorse and urge the appointment as Secretary of Agriculture of the North-west's Agricultural Champion, the Honorable Franklin W. Murphy of Wheaton, Minnesota.

BE IT FURTHER RESOLVED, That a duly authenticated copy of this Resolution be transmitted by the Secretary of the State to the Honorable Franklin Delano Roosevelt, the President-elect of the United States.

Journal of the House, January 4, 1933, at 19-20 (yeas 110, nays 0); Journal of the Senate, January 4, 1933, at 39-40; 1933 Laws, Resolution 1, at 904-5 (January 11, 1933).

⁷⁸ *Minneapolis Star*, February 23, 1933, at 1 ("Roosevelt to Name Murphy Wallace Aide").

Public Works Administration, a public construction program within the Interior Department led by Secretary Harold L. Ickes. The *Tribune* reported the story:

Frank W. Murphy of Wheaton was named by President Roosevelt Tuesday [July 25, 1933] as the regional advisor to the public works administration in its \$3,000,000 program.

From the city of Omaha, Mr. Murphy will act as liaison agent between the federal public works executives and region No. 4, including the states of Minnesota, the Dakotas, Nebraska, Iowa and Wyoming.

Serving as a direct representative of the administration, Mr. Murphy will receive from the state boards lists of public works projects for consideration under the federal grants for hastening re-employment. The appointment speeds a start on the work program for the northwest.⁷⁹

⁷⁹ *Minneapolis Tribune*, July 26, 1933, at 1 ("Frank Murphy Named Advisor"). Secretary of the Interior Harold Ickes explained the duties of a Regional Advisor:

Functions of the regional advisors will consist of obtaining from the state boards within the regions lists of projects under consideration by them together with recommendations or rejections.

Each regional advisor will from time to time visit the office of the state boards within the region and advise and consult with those boards to the end that action may be consistent with sound local and district planning.

The regional advisors will keep the national planning board in Washington advised of developments and accumulate, collate and submit to the Washington planning board all available information to it.

The advisors will also serve the federal public works administrator in any manner that he may order for the purpose of speeding up the work, investigating and solving such problems as may arise.

Id., at 2 ("Ickes Outlines Duties of Regional Advisors").

This invites speculation about why Murphy was not appointed to a high policy-making post within the Agriculture Department. F.D.R. met Murphy during the campaign and surely felt indebted for his support (see *Wheaton Gazette*, October 28, 1933, note 74). What likely doomed Murphy was not that he was a rural lawyer with no government experience but that he was an unyielding advocate of the McNary-Haugen bills, which F.D.R. never supported. In fact F.D.R.'s farm program, the Agricultural Adjustment Act enacted in May 1933, aimed to control production whereas the McNary-Haugen scheme neglected if not encouraged overproduction by proposing to dump surpluses in foreign markets. Professor Valelly describes the change in direction:



1933

The time had come to stop encouraging farmers to use as much of the land as possible as intensively as possible. McNary-Haugenism was based on an obsolete view of agriculture, as demonstrated by the failure of the Federal Farm Board to purchase enough farm surplus to raise prices during the early months of the Depression. The solution to farmers' problems was to control how much farmers produced by controlling how they produced. The solution was not for government to buy, store, and market surpluses, but for government to prevent surpluses.

Richard M. Valelly, note 25, at 95 (citing sources). Henry Wallace might have vetoed Murphy's appointment if it was proposed (George Peek, an ally of Murphy in the McNary-Haugen battles, was appointed the first Administrator of the AAA but was forced out before year's end. Harold F. Breimyer, "Agricultural Philosophies and Politics in the New Deal," 68 Minn. L. Rev. 333, 343 (1983)).

The PWA was intended to stimulate the economy and increase employment by quickly funding construction projects.⁸⁰ But Secretary Ickes, wanting to avoid charges of corruption and waste, set up a time-consuming screening process for proposed construction projects.⁸¹ As a Regional Advisor Murphy was aware of these delays but could do little to solve them.⁸² Frustrated, in September in a speech at the World's Fair in Chicago he lashed out at the National Recovery Administration's policies of fixing—and raising—wages and prices through industry codes.⁸³ The National Industrial Recovery Act was

⁸⁰ New Deal historian Arthur M. Schlesinger, Jr., describes its function:

The Public Works Administration had several kinds of authority. It could initiate its own projects as a construction agency. It could make allotments to enable other federal agencies to carry construction work. It could offer a combination of loans and grants to states and others public bodies to stimulate nonfederal construction. And, for a time, it could make loans to certain private corporations. It worked, in the main, through private contractors, and it was not, like most of the work relief programs, restricted to the use of labor from relief rolls.

Arthur M. Schlesinger, Jr., *The Coming of the New Deal* 283-84 (Houghton Mifflin Co., 1959).

⁸¹ *Id.*, at 285-87.

⁸² *Winona Republican-Herald*, September 2, 1933, at 9 ("Frank T. (sic) Murphy Will Urge Speed on Public Works. Regional Director Alarmed at Unemployment, Need for Assistance."); *Winona Republican-Herald*, October 10, 1933, at 3 ("Despite the large number of applicants, only five projects have been approved by the public works administration in Washington, Mr. [William N.] Carey [state engineer] said. The slowness in final approval of applications was the reason for a recent meeting of district advisory boards and state engineers here, called by Frank W. Murphy, regional advisor, and Governor Olson."). But the bottleneck soon opened, and by March 16, 1934, projects valued at \$26,229,669 were approved. *Federal Relief Construction in Minnesota, 1933-1941*, at 5 (available online).

⁸³ The Associated Press reported his speech:

Farm Prices Must Rise or Program of NRA
Will Fail, Murphy Tells Crowd at Fair

Minnesota Man Pleads for Immediate
Price Fixing of Farm Goods by Government.

Public Works Director for Northwest
Demands New Deal for All.

Chicago —(AP)—A warning that unless price fixing is established immediately for the rehabilitation of the agricultural industry, there can and will be no national recovery was sounded yesterday by Frank

an odd target because its mission was to bring recovery to the industrial sector whereas the AAA aimed at farm relief.⁸⁴ In this speech he reiterated a deep conviction—that farmers were hurt if the wages of labor and prices of industrial goods increased. To state the obvious: the PWA job did not take advantage of his knowledge of law, skills as an advocate, support from major farm organizations and experience lobbying Congress in the 1920s. Nevertheless he continued working as an advisor until resigning in 1934.⁸⁵

W. Murphy of Wheaton, Minn., fourth district federal regional director of public works. Murphy spoke at the Century of Progress exposition in observance of Minnesota day.

An audience of many thousands, including a number of prominent Minnesota officials, heard Murphy, in discussing national recovery, characterize as an injustice the policy of price fixing in labor, industry and transportation to the exclusion of agriculture.

"All groups must receive the same type of treatment," he said.

This policy of price and wage fixing in industry and labor has artificially increased the price of things that the farmer must use, he said, and this results in greatly increasing the cost of production of farm products.

Says Farm Prices Are Low.

"If price fixing is a wise governmental policy for certain groups of American citizens, by the same token that policy must be wise and must be good business when applied to the agricultural industry." He said that the price of farm commodities today is so drastically out of line with wage scales and industrial prices that the success of the program for national recovery is endangered at its inception.

He said it was his opinion that, if the price of farm commodities should be increased to the point where the farmer's products had the exchange value they had in 1914, national recovery would be well on the way to complete success in a few months.

"American people are willing to pay the farmer a living price for food stuff," he said. "The farmer has been robbed in the market place for many years. Under present economic conditions he is being robbed of the 1932 crop."

Winona Republican-Herald, September 22, 1933, at 1.

⁸⁴ The Supreme Court declared the NIRA unconstitutional in *Schechter Poultry Corp. v. United States*, 295 U. S. 493 (1935).

⁸⁵ The date of his resignation has not been found. An article in the *Winona Republican-Herald* on October 27, 1934, identifies him as the "former PWA regional administrator." In his profile in Theodore Christianson's history of Minnesota published in 1935, he writes that he had an office in "the Federal Building in St. Paul, where quarters have been assigned him as public works administrator." Appendix 2, at 134. He likely wrote that profile in 1934.

Murphy received a greater honor—more than this presidential appointment to a part-time advisory post—on May 2, 1933, when he was appointed to the Board of Regents of the University of Minnesota by the governor.⁸⁶



The Board of Regents (ca. 1935). Left to right: Dr. A. E. Olson, Frank W. Murphy, unidentified, William T. Middlebrook, Lotus D. Coffman, Fred B. Snyder, John Von Williams, George W. Lawson, Malcolm Willey and Dr. William J. Mayo.

Aside from an appointment to the state Supreme Court, a University Regent was the most prestigious office a governor could bestow at that time. While Murphy disclaimed any ambition to be appointed to high office by the candidates he supported, he must have pressed his friend for this one.⁸⁷ Two years later, a Joint Convention of the Minnesota Senate and House elected him to the Board.⁸⁸

⁸⁶ A copy of his appointment has not been found.

⁸⁷ In 1934, while campaigning for Olson for the third time, Murphy spoke in the Fergus Falls high school auditorium and, according to a newspaper report, “He reiterated, over

and over again, the purity of his own motives, saying that he had no interest in the campaign, that he was not a candidate and expected no office, but was out in the interest of the people.” *Fergus Falls Daily Journal*, October 31, 1934, at 3.

⁸⁸ Journal of the House of Representatives, February 7, 1935, at 289-299. It is posted in Appendix 7, at 199-209.

This situation came about because the state Senate failed to confirm new regents in 1933. At that time, the law provided that the governor’s nominations to the Board were subject to the “advice and consent” of the Senate. 1923 Laws, c. 429, §1, at 640-41 (effective April 21, 1923), codified as Stat. c.14, §3110, at 721-22 (1927). The House of Representatives passed a resolution for a joint convention with the Senate on February 28, 1933, to select four regents, but the Senate never responded. Journal of the House, February 8, 1933, at 398. Because the Senate failed to act, Olson placed four new members on the Board, each representing a congressional district: George W. Larson, St. Paul, Mrs. Anna Olson, Litchfield, Dr. A. E. Olson, Duluth and Murphy. But this action precipitated a confrontation between the Legislature and the Governor over the power to appoint regents.

On July 8, 1935, Attorney General Harry H. Peterson issued a formal opinion that the Governor had the sole constitutional authority to appoint regents. He then brought a *quo warranto* action in the Supreme Court against Ray Quinlivan, who was one of the regents elected by the Legislature on February 7, 1935, challenging his right to hold office. On September 11, 1936, the Supreme Court held that the 1923 “advise and consent” law was unconstitutional, the Legislature had the sole power to elect regents and Quinlivan rightfully held office. In his *Biennial Report* to the Governor covering the years 1935-1936, Attorney General William S. Ervin described the case:

State ex rel. Peterson, Attorney General v. Quinlivan, 198 Minn. 65, 268 N.W. 858. Ray Quinlivan, the respondent in this case, was elected a member of the Board of Regents of the University of Minnesota by a joint meeting of both branches of the Legislature held February 7, 1935. This election was made pursuant to an act of the Territorial Legislature known as Chapter 3, Laws 1851. At the request of Governor Floyd B. Olson, Attorney General Peterson started this proceeding challenging Mr. Quinlivan's right to hold the office of Regent of the University. In challenging Mr. Quinlivan's right to hold this office, Mr. Peterson contended that the Legislature had no power to elect the Regents of the University, because at the time of the election of Mr. Quinlivan, and for a long time prior thereto, the statutes of the state vested in the Governor the right to appoint Regents and that for a long time prior thereto Regents had been appointed by the Governor of Minnesota. The court held that the power which the old territorial act vested in a joint convention of the Legislature to elect Regents was perpetuated by Section 4 of Article 8 of the State Constitution and that all acts giving the Governor power to appoint Regents which were passed by the Legislature subsequent to the adoption of the State Constitution, including Chapter 429, Laws 1923, the last of these acts, were unconstitutional and that, therefore, the election of the respondent, Ray Quinlivan, by the Legislature to the office of Regent of the University was valid.

Chapter Six (Trial Lawyer)

There are many signs of a lawyer's success. One mark of Murphy's place in the profession is this squib on the first page of the *Wheaton Gazette* on October 28, 1932.

SUPREME COURT JUDGES ARE WHEATON VISITORS

Charles Loring and I. M. Olson, associate justices of the Minnesota Supreme Court, were guests at the F. W. Murphy home Saturday and Monday.

Both these judges and Judge Homer B. Dibble are up for re-election this fall. The lawyers of the state have given all three jurists practically unanimous endorsement.⁸⁹

Biennial Report of the Attorney General to Governor Elmer A. Benson 7-8 (1936). General Ervin was appointed to that office in December 1936 by Governor Hjalmar Peterson to fill the vacancy caused by his appointment of Harry Peterson to the Supreme Court. Curiously General Peterson's "Formal Opinion" dated July 8, 1935, was not included in General Ervin's *Biennial Report*, which published all other "Formal Opinions" of the Attorney General for those two years; for practical purposes, it is unavailable even though it was discussed by the Supreme Court in *Quinlivan* and widely reported in state newspapers. E.g., *Winona Republican-Herald*, July 9, 1935, at 1 ("Peterson Upholds Olson on Regent's Row—Power to Appoint Governor's, Rules Attorney General").

For a history of *quo warranto* proceedings, see Jason Tayler Fitzgerald, "The Writ of Quo Warranto in Minnesota's Legal and Political History: A Study of its Origins, Development and Use to Achieve Personal, Economic, Political and Legal Ends" (MLHP, 2015).

⁸⁹ *Wheaton Gazette*, October 28, 1932, at 1. Incumbent justices at this time found it politically advantageous to run in an election together rather than separately. For an analysis of this strategy, see Malcolm C. Moos, "Judicial Elections and Partisan Endorsement of Judicial Candidates in Minnesota," 35 *American Political Science Review* 69, 71 (February 1941) ("The justices of the supreme court of Minnesota have adopted a rather interesting method of campaigning for reelection, which has contributed to their permanency of tenure. For many years it has been the practice of the judges seeking reelection to campaign together, irrespective of their partisan affiliations. The result has been that it is a case of the incumbents against the field. From a practical standpoint, the scheme has been very successful. Since the enactment in 1912 of the law extending the nonpartisan ballot to judicial primaries and elections, this system of "one for all and all for one" has been almost unbeatable. Thus at each general election, the two or three justices, who are up for reelection, or for the first election after appointment, have always had their names appear together in newspaper advertisements and campaign literature. In every respect they have made common cause together.").

He acquired the esteem of the bench and bar mainly because of his accomplishments in the courtroom. Even while working to improve agricultural conditions and electioneering, he was trying cases. But it is the lot of trial lawyers such as Murphy that most of their cases are settled and their courtroom triumphs soon forgotten.⁹⁰ Three of his will be exhumed.

In mid-1925, Roger L. Dell, a Fergus Falls lawyer and future Chief Justice of the Supreme Court, enlisted Murphy for help when a difficult procedural question arose in a criminal case.⁹¹ It began in 1924 when funds were found missing from the Fergus Falls Co-operative Packing Company, which John A. Kiewel managed. Two civil suits and five criminal charges were brought against him. In January 1925 Dell negotiated a settlement with directors of the Co-op under which Kiewel paid \$7,500 to the Co-op to satisfy its claims and with his understanding, not shared by the directors, that they



would not pursue the criminal charges. Dell then negotiated an agreement with Otter Tail County Attorney Leonard Eriksson under which Kiewel would plead guilty to one charge of second degree grand larceny and the others dismissed. The case was assigned to Judge John A. Roeser of the Seventh Judicial District, who was presiding over a jury trial in St. Cloud. Not wanting to interrupt that trial to travel to Fergus Falls during the day (and perhaps urged by Dell, who saw the need to act fast to preserve the deal) he took the night train on January 22, 1925, to Fergus Falls to ratify the plea bargain.

He arrived at 11:00 P.M., opened the courthouse, took the plea, fined Kiewel \$500 and costs, granted the county attorney's motion to

⁹⁰ Cf., Horace Rumble, "Rumble and the Younger Generation," in John Mortimer, *The Best of Rumble* 9 (Viking, 1993) ("Barristers' speeches vanish quicker than Chinese dinners, and even the greatest victory in court rarely survives longer than the next Sunday's papers.").

⁹¹ Dell (1897-1966) served as Associate Justice from January to July 1953, when he was appointed Chief Justice, a post he held until resigning in 1962. For his bar memorial see *Testimony: Remembering Minnesota's Supreme Court Justices* 330-332 (Minnesota Supreme Court Historical Society, 2008).

dismiss the remaining four charges, hopped the 2 A.M. train back to St. Cloud and resumed holding court there the next morning.⁹²

Under pressure from many Co-op shareholders who were infuriated at Kiewel's light sentence, the seven Directors who signed the settlement agreement ending the civil lawsuits signed a new criminal complaint against him in April 1925, an act Kiewel considered a breach of their understanding. He was charged with five counts of grand larceny, the most serious being his handling of several certificates of deposit and his cashing a \$520.89 check received from the sale of a car of grease (it was also one of the charges dismissed earlier). At this point Dell enlisted Murphy as co-counsel. The case would last four more years and include two trips to the Supreme Court (one loss, one win) and three jury trials (one tie, one loss, one win).

At the outset, Murphy and Dell moved to dismiss the charges because they were barred by the prohibition against double jeopardy, pointing to Judge Roeser's grant of the county attorney's motion to dismiss the charges. Under these odd circumstances, District Judge Charles W. Stanton denied the defense motion but certified to the Supreme Court the "important and doubtful" question of whether the State was barred by estoppel and the constitutional

⁹² The settlement negotiations of both the civil and criminal actions and the late night court hearing were described in a lengthy article in the *Fergus Falls Daily Journal*, Friday, January 23, 1925, at 5. According to it, settlement of the civil suit was "finally reached" earlier that week, adding "with this matter settled it was agreed that he should be allowed to plead guilty to a charge of second degree larceny, the other cases against him were to be dropped." It went on, "The defendant's version of the case is that he entered a plead (sic) of guilty to second degree larceny after the civil suits had been settled in order to avoid further litigation." The next day, a letter to the editor from C. H. Thomas, Manager of the Fergus Cooperative Packing Co., declared that "the settlement of the civil suits against J. R. Kiewelhad nothing to do with the settlement of the criminal cases against Mr. Kiewel. The board of directors of the Packing Company would never had consented to settle the civil suits if it had been supposed that this settlement would be used in reducing Mr. Kiewel's prospective sentence in the criminal cases." *Fergus Falls Daily Journal*, Saturday, January 24, 1925, at 7. The following Monday, the *Daily Journal* carried a letter from Otter Tail County Attorney Leonard Eriksson explaining his reasons for accepting Kiewel's guilty plea. January 26, 1925, at 5. Murphy was not a member of the defense team at this stage of the case.

bar against double jeopardy from prosecuting Kiewel. On March 5, 1926, the Court held it was not.⁹³

Because of wide publicity in the Fergus Falls area, the venue of Kiewel's criminal trial was changed to Bemidji, the county seat of Beltrami County. It lasted five days, from June 8-12, 1926. Assistant Attorney General G. Aaron Youngquist led the prosecution, with Murphy and Dell for the defense.

The State contended that Kiewel used money received at the Co-op to invest in mining stock, and made restitution only after the shortfall was discovered. Kiewel testified that he placed the certificates of deposit in a bank deposit box for a secret reserve fund to be used to equalize the profits of the Co-op from year-to-year and that he simply did not maintain a proper record of those transactions or notify some of the directors of his intent. Closing arguments were summarized by the local newspaper:

Mr. Youngquist reviewed the various transactions involved in the case, pointing out the various discrepancies of testimony that indicated in his opinion an intent to defraud the company.

Mr. Murphy in his argument to the jury declared that there had been no wrong-doing but merely lack of proper bookkeeping and that the restoration of all funds in dispute without demand indicated that there was no criminal intent.⁹⁴

The jury retired at 10 o'clock on Saturday morning and deliberated 30 hours. On Sunday afternoon, the jury foreman announced it was deadlocked, 6 to 6, whereupon Judge Stanton called a mistrial at 4 P.M.⁹⁵

⁹³ *State v. Kiewel*, 166 Minn. 303, 207 N.W. 646 (1926)(Stone, J.).

⁹⁴ *Bemidji Daily Pioneer*, June 12, 1926, at 1. The trial received extensive coverage in the *Pioneer*, usually on the front page. As the reporter explained, "The case has been one of exceptional interest, not so much because of the facts involved but because of the surrounding circumstances and the attending facts." *Pioneer*, June 14, 1926, at 1,

⁹⁵ *Bemidji Daily Pioneer*, June 14, 1926, at 1 ("Kiewel Trial Jury Fired on Disagreement").

Kiewel was re-tried in mid-December 1926, in Bemidji, and found guilty of grand larceny in the first degree for embezzling the \$520.89 payment of a shipment of grease. Murphy handled most of the trial work. One of Judge Stanton's evidentiary rulings was the basis of the second appeal to the Supreme Court. The State introduced the settlement of the civil suits as an admission of wrongdoing by Kiewel. On cross examination Murphy asked an officer of the Co-op to relate Kiewel's denials that he had misappropriated any money at the time of the settlement but Judge Stanton sustained an objection, believing that Murphy was trying to prove a settlement of the criminal charges which is impermissible. Before discussing this issue, the Supreme Court made an observation that must have alarmed the defense:

We find ample evidence to sustain the verdict, and even defendant's own testimony is not very persuasive in his favor; but if errors resulting in substantial prejudice to him occurred at the trial, he is entitled to a new trial.⁹⁶

It held that the trial court erred in excluding Kiewel's explanations of his handling of the certificates of deposit and the \$520.89 check when the settlement agreement was negotiated:

But proof of the settlement of these [civil] claims was offered and received as an admission by defendant that property or the proceeds thereof had come into his hands for which he had failed to account to the company. Where an admission is put in evidence against a defendant it is well settled that he has the right to have the entire conversation or transaction put in evidence, so far as it bears upon the admission and was a part of the same conversation or transaction. Where the inculpatory part is admitted he has the right to have the exculpatory part, including self-serving declarations made at the same time and as a part of the same transaction, also admitted.⁹⁷

⁹⁶ *State v. Kiewel*, 173 Minn. 473, 478, 217 N.W. 598 (1928)(Taylor, Commissioner) (Hilton, J. took no part).

⁹⁷ *Id.* at 479, 217 N.W. at 600. It concluded with another statement—ominous for the defense—that in the retrial “evidence tending to show that he had misappropriated

Finding that Kiewel was prejudiced by the trial court's ruling, it ordered a new trial. A year passed before the case was tried a third time, again in Bemidji. Because Judge Stanton had died, Judge Benjamin F. Wright of the Fifteenth Judicial District presided.⁹⁸ It began with jury selection on Monday, February 18, 1929, and concluded with a verdict late Saturday night. The tide turned on Friday.

The trial proceeded as before—with the introduction and analysis of many mind-numbing documents, endorsed checks, bills of lading and receipts for materials handled at the Co-op in 1922-1925.⁹⁹ Officers of the packing company including Nicolai F. Field, its former attorney, testified about their investigation into its books and conversations with Kiewel in which he made damaging admissions.¹⁰⁰

The defense lawyers had concluded they needed more than their client's "bad bookkeeping" explanation to free him. Counting the jurors in the first two trials, 18 had voted guilty, only 6 not guilty. On Friday, February 22, Murphy used the ruling of the Supreme Court that the "entire" settlement negotiations of the civil suits be admitted into evidence to raise a "new angle," as the newspaper headlined it. He attacked the duplicity of the seven Co-op directors who signed the agreement and then double-crossed Kiewel by signing a new criminal complaint. Here we have Murphy, the master courtroom tactician.¹⁰¹

other property of the company under his control as manager was properly admitted as bearing upon [the] question [of intent]."

⁹⁸ Stanton died on June 2, 1927, at age sixty-five.

⁹⁹ *Bemidji Daily Pioneer*, February 19, 1929, at 1. The newspaper reporter later summed the trial:

The recent trial dragged tediously through the introduction of quantities of financial data and old records of the packing company with the necessity of export explanations. Sales transactions of several carload shipments of commercial grease, rendered by the packing plant, had to be gone into minutely and the tracing of payments or obtained on the same had to be diligently gone into.

Bemidji Daily Pioneer, February 25, 1929, at 2.

¹⁰⁰ *Bemidji Daily Pioneer*, February 21, 1929, at 2.

¹⁰¹ *Bemidji Daily Pioneer*, February 23, 1929, at 1 ("Kiewel Trial is Scheduled to End Today. New Angle is Brought into Present Action. Evidence Introduced Showing Multiplicity of Actions Against Defendant"). The paper went to press before the verdict.

JUDGE ADJOURNS COURT TO RESPOND TO SUMMONS

The law plays no favorites. The summons of a court which hales into the witness chair the humblest citizen has equal application to eminent jurists it was disclosed in the John R. Kiewel case Friday when Judge John A. Roeser of St. Cloud put up his right hand before Judge B. F. Wright and swore to tell the truth, the whole truth and nothing but the truth. Judge Roeser was engaged in the trial of a jury case when served by the summons to appear. It was necessary for him to adjourn court and appear.

On Saturday morning, February 23, a few witnesses were called, the lawyers delivered their closings in the afternoon and the jury. It began deliberations about 6 p.m. and returned with its verdict at 11:30 P.M.: Not guilty.¹⁰³

¹⁰³ *Bemidji Daily Pioneer*, February 25, 1929, at 1 (“Kiewel Found Not guilty of Grand Larceny. Jury Out Only About Six Hours Saturday”); *Fergus Falls Daily Journal*, February 25, 1929, at 3 (“It has probably been the most extended litigation in the history of Otter Tail County.”).

Practicing in a rural area, Murphy necessarily had a general trial practice. He handled all sorts of cases, including negligence actions. In mid-November 1929, he represented Beulah Prevey in a dental malpractice suit against Dr. A. T. Watzke. The jury awarded Prevey \$12,000, which the Supreme Court held was not excessive over two years later.¹⁰⁴

The 1933 “picket murder case” arose out of a futile attempt by the Farmers Holiday Association to alleviate the hardships of farmers, the very cause that had consumed Murphy since 1920. For the background of the crime, we turn again to Professor Gieske:

[S]ome unwelcome agitation began to appear in May 1932, beginning first in Iowa and spreading into Minnesota, when the Farm Holiday Association (FHA) formed as an independent adjunct to the National Farmers Union movement. Farm Holiday managers condemned the “free market” pricing system for farm commodities which was based upon supply and demand, preached that farmers themselves should help set commodity prices, and called for “farmer strikes” to keep commodities from being marketed in order to dramatize their economic plight, force prices higher, and push the federal government into adopting corrective legislation to increase commodity prices.

Olson and Farmer-Labor campaign advisers quickly recognized the political danger in sympathizing with FHA.

...

Farm strikes were costly in other ways. They were opposed by conservative farm groups like the Farm Bureau, were financially damaging to liberal cooperatives which were forcibly restrained from marketing perishable

¹⁰⁴ The case was tried in Traverse County District Court, Judge Stephen A. Flaherty presiding. On January 16, 1931, the Supreme Court held that the jury’s “finding of negligence was overwhelmingly established by the evidence” and that its verdict was not excessive. Interestingly, it added that the rule of *res ipsa loquitur* may have been available to Prevey because “defendant’s work was so manifestly wrong that intelligent laymen might so find without expert testimony.” *Prevey v. Watzke*, 182 Minn. 332, 234, N.W. 470 (1931).

foodstuffs, and they tended to hurt Farmer-Laborism's moderate appeal. . . .

Nevertheless, when the Minnesota farmer's strike began in late September and early October [1932], roads to market were shut down, disturbances became unruly and nasty, and local sheriffs and the state highway patrol had to disperse farmers in order to reopen highways. Fortunately, injuries were few and the disorders quickly disappeared, allowing Farmer-Laborites to escape the consequences of any major upheaval, including that of pitting farmers against blue-collar truckers.¹⁰⁵

The FHA's tactics hindered and angered farmers who wanted to take their crops to market. On the night of October 4, 1932, Ole Anderson, who needed to sell his grain to pay off several "threshing liens," drove by the tent picketers had set up along a road near Canby, a small town in Yellow Medicine County, and fired a shotgun to frighten them. Norval Peterson, a picketer, was killed. Anderson and his son, who was driving the auto, were arrested and charged with third degree murder. Murphy and his partner Alvin R. Johanson were retained as defense counsel. The trial began with jury selection on Monday, March 6, 1933, in Granite Falls, the county seat, and ended on Sunday morning when the jury returned its verdict. Murphy's summation on Saturday afternoon took three hours. The *Granite Falls Tribune* described the theory of the defense:

It was the contention of the defense that the shots that killed the highway picket, Norval Peterson, might have been fired by some person other than Anderson because of there being two kinds of empty cartridges, both high brass and low brass, along the road. The evidence indicated that the only cartridges Anderson fired were high brass.

There was also evidence to the fact that other shots were heard after the Andersons, father and son, had gone from that vicinity.

¹⁰⁵ Millard L. Gieske, note 60, at 167-68.

After the testimony that was presented by the defense witnesses through the questioning of attorney Murphy, people attending the court were of the opinion that a reasonable doubt as to the guilt of Anderson had been established so that it was no surprise to those interested in the case to have the jury return an acquittal verdict. It is said that the jury's first vote was nine to three for acquittal Saturday afternoon. Sunday morning the vote was unanimous for acquittal.¹⁰⁶

It is noteworthy that Murphy was not deterred from acting as defense counsel in a murder trial that divided the farming community at the very time he was being considered for an appointment to a post in the Agricultural Department. One likely reason was that he strongly opposed the strong-arm tactics of the FHA.

¹⁰⁶ *Granite Falls Tribune*, March 16, 1933, at 1 ("Ole Anderson is Acquitted of the Peterson Murder"). For earlier accounts of the trial, see two front page stories in the weekly *Granite Falls Tribune*, March 2, 1933 ("Picket Murder Case to Start Next Monday"); March 9, 1933 ("Crowd Jams Court for Picket Case").

In its account of the trial, the *Wheaton Gazette* described other evidence Murphy emphasized during his closing:

After one of the most largely attended trials in the history of Yellow Medicine County a verdict of acquittal was returned by the jury in the trial of Ole Anderson, 58-year-old farmer, for the murder of Nordahl (sic) Peterson, 26-year-old farm youth, during picketing operations near Canby last October while the Farmers Holiday was being observed.

Attorneys F. W. Murphy and A. R. Johansson (sic) were at Granite Falls all last week defending Anderson and one of the striking bits of evidence introduced by the defense was a collection of "war clubs" which the defense attorney said were heavy enough to "fell an ox." These clubs according to evidence were picked up by a deputy sheriff after the pickets had deserted their posts after the shooting (sic) affray. The defense pointed out that picketers were committing an unlawful act and stopping cars and picketing a public highway.

Peterson was fatally wounded Oct. 4 when a member of a party of farmers picketed a public highway. The state, represented by Assistant Attorney General Roy Frank and County Attorney Selmer N. Knutson, allege that the shot which killed Peterson came from the car being driven through the picket lines by Anderson and his 19-year-old son, Leonard. The boy is also under indictment but following the jury's verdict the indictment may be quashed

Wheaton Gazette, March 17, 1933, at 1.

Chapter Seven

(President of the Minnesota State Bar Association)

In 1933 Murphy was selected President of the MSBA, the last of three honors that year for his commitment to public service: a gubernatorial appointment to the Board of Regents, a presidential appointment as advisor to an important federal recovery program and, last, selection by his fellow lawyers to lead their organization.

He served one year and read his presidential address to the state convention in Duluth on July 12, 1934.¹⁰⁷ It was long and serious, and deserves close attention because reveals his thinking on politics and economics. After some observations about the state of the

¹⁰⁷ Proceedings, Minnesota State Bar Association 25-32 (1934). The complete address is posted in Appendix 6, at 184-197.

The increase in crime, particularly highly publicized kidnappings, became the focus of a study during Murphy's term, as reported in the *Winona Republican-Herald*:

A Study in Betterment.

The Minnesota State Bar association has undertaken a study which should prove of aid in combating crime. The president, Frank W. Murphy of Wheaton, appointed a committee of 53, including Herbert M. Bierce of Winona, to study causes and cures because of the national attention directed to the Twin Cities and consequently Minnesota as a result of kidnappings.

Murphy provided a good starting point when he said: "We must face the fact that crime has become a business in America. . . . It is childish to dispute the fact that in this region criminals have operated extensively. The thing to do is to recognize what we are confronted with and find a way to rid ourselves of those who have made crime an active, everyday business in this great Northwest."

Of necessity the study must concern laws to a great extent. That means the legislature must act for the state, boards for counties and councils for cities if recommendations are to become effective.

All agencies are aroused because of the Twin Cities situation, with the result the governing groups, including the legislature, may be expected to hear the committee's report eagerly and with determination to better existing conditions.

Winona Republican-Herald, February 27, 1934, at 8. At the annual convention of the MSBA in 1934, the Chief Justice delivered a preliminary report. See Appendix 6, at 196-198. The bench and the state bar association were much closer at this time than later and this explains why Murphy was able to "appoint" the Chief Justice to head the committee.

organization, he lectured the lawyers about their need to understand government.

All lawyers should know about their government. I think but few lawyers do actually know what they ought to know about our government. Many lawyers know some things about our government and when they speak they do so from the standpoint of prejudice. That ought not to be. In dealing, with our government and public questions generally, lawyers ought to know all about the subject. Then when they speak they can do so, not as partisans, but as statesmen and leaders. So I plead for that leadership which is statesmanship as distinguished from partisanship.

The gauntlet laid down, did Murphy measure up to his own standards? Not so well. In a critical passage he contends that the enactment of legislation, apparently in the economic sphere, benefiting one group “always” disadvantages other groups, which then demand new laws to compensate themselves for the harm they suffered from the first:

But what has come to us in America by legislating in the interest of groups? Legislating to the advantage of one group always results in corresponding disadvantage to either some other group, or all other groups; and having embarked in the enterprise of law-making in America and having entered the field of paternalism, we have found it necessary when we legislate advantages to one group, to undertake to legislate advantages to other groups to correct the situation which arose in the original act of legislation which imposed disadvantages on certain groups. So, when we have undertaken to meet and correct all disadvantages which arise from paternalistic legislation, we have engulfed ourselves in a maze of asinine protective legislation which has resulted in the building up of a great bureaucracy in America and this bureaucracy is inimical to the welfare of all the people.

This is hardly an accurate description of the legislative process. Interest groups have always lobbied Congress or state legislatures for help but as a proposed aid law is examined and debated, its terms may be trimmed by compromises and even expanded to extend benefits to other groups. Each new law does not inevitably harm or diminish the status of other groups (there is no set amount of government beneficence to be distributed among competing interest groups); some laws do indeed burden some groups, as for example the National Recovery Act (1933) and Fair Labor Standards Act (1938), which restricted child labor, imposed costs on certain manufacturers, but the benefits they brought to children and society over time, though immeasurable, obviously dwarf the costs to those industries.

He claimed that government agencies took away work from the bar but seemed oblivious to their importance in implementing the countless reform laws passed in the Progressive Era and New Deal. Worse he ignored the growth of bureaucracies in other aspects of American life, as for example in business where they were essential to the management of large enterprises.¹⁰⁸ He traced the problem of

¹⁰⁸ Alfred Chandler, an influential business historian, writes:

The modern industrial enterprise began when manufacturers built their own sales and distribution networks, and then their own extensive purchasing organizations. By integrating mass production with mass distribution, they came to coordinate administratively the flow of a high volume of goods from the suppliers of the raw materials through the processes of production distribution to the retailer or ultimate consumer.

In all these new enterprises—the railroads, the telegraph, the mass marketers, and the mass producers—a managerial hierarchy had to be created to supervise several operating units and to coordinate and monitor activities. The railroads, in managing their huge regional systems, Western Union, in administering its national one, had to recruit large managerial staffs that included several levels of middle managers. On the other hand, in the marketing and the nonintegrated mass producing enterprises and in all but the largest steamship, traction, and utilities companies the managerial hierarchy remained relatively small. But when an enterprise integrated mass production with mass distribution, its management became even larger than those in transportation and communication.

Once such a hierarchy had successfully taken over the function of coordinating flows, the desire of the managers to assure the success of their enterprise as a profit-making institution created strong pressures for its continuing growth.

“paternalistic” and bureaucratic government to 1914, the midpoint of the Sixty-third Congress:

From 1900 to 1914 we had in America a period in which nearly every man was at work; people were buying and paying for homes; farmers owned their lands; farmers were happy and contented—labor had a fair wage—laboring people were able to have homes! There was a reasonable equality of interchange of goods and prices within America. And during that period we had a tariff system. But, beginning in 1914 and continuing to this day, we have engaged in an orgy of law-making. These laws were passed with the idea of raising prices of commodities and service. The great body of people were adversely affected by these laws. The protected industrial groups were enabled to earn unconscionable dividends. The exchange power of goods and services of millions of people were entirely out of line with the prices they had to pay for what they needed. The result was that through this economic maladjustment, wealth was drained out of the hands of the great masses of people and into the hands of the few. This situation brought on the collapse of business which in a measure still engulfs us.

Like most histories rooted in nostalgia, this one misstates some facts and omits many others. Those fourteen years before the War that Murphy pines for were not uniformly prosperous, being divided by a market crash and banking crisis known as the Panic of 1907.¹⁰⁹ Not by coincidence, they include the base period for setting prices under the McNary-Haugen scheme.¹¹⁰ The “orgy of law-making” he laments

The Visible Hand: The Managerial Revolution in American Business 486-487 (Harvard Univ. Press, 1977). See also Thomas K. McCraw, “The Progressive Legacy” in Lewis L. Gould, editor, *The Progressive Era* 181, 182 (Syracuse Univ. Press, 1974) (the list of reforms in the Progressive Era “should include the subtle intellectual shifts that underlay legislation and other formal change. It should also specify the central trend of the period—the bureaucratization of American life—a trend well served by many progressive reforms”).

¹⁰⁹ See generally Robert F. Bruner and Sean D. Carr, *The Panic of 1907: Lessons Learned From the Market's Perfect Storm* (John Wiley & Sons, 1907).

¹¹⁰ John D. Hicks, note 28, at 198.

included several laws that were important then and remain so today: The Federal Income Tax Act (October 1913), Federal Reserve Act (December 1913), Federal Trade Commission Act (September 1914) and Clayton Anti-Trust Act (October 1914).¹¹¹ Historians of the period do not support his claim that an equilibrium of interests of agriculture and labor existed in the pre-War period, permitting both to prosper, but was upset by legislation passed in 1914 and afterwards that favored the industrial and financial sectors and led to an “economic maladjustment,” the concentration of wealth in a few pockets and the Great Depression.¹¹² Here Murphy was reasserting an old grievance,¹¹³ a tenant of McNary-Haugenism, capsulized by Professor Valelly:

Government seemed openly to favor eastern financial and industrial capital. . . . Supporters of the McNary-Haugen bill believed that there were two Americas, industrial and agricultural, and that those who ran the industrial America wanted to subordinate the other to its interests.¹¹⁴

¹¹¹ John Milton Cooper, Jr., *Woodrow Wilson: A Biography* 219-236 (Alfred A. Knopf, 2009) (“With the passage of the Clayton Act and the creation of the FTC, Wilson’s initial legislative program was complete. The Sixty-third Congress could finally adjourn in October 1914, having met continuously for nearly eighteen months. This Congress had done more than set an endurance record. It had enacted a set of laws that would profoundly change American life.”).

¹¹² Compare John Milton Cooper, Jr., *Pivotal Decades: The United States, 1900-1920* 132-33 (W.W. Norton & Co., 1990) (“But economic growth was not uniform: it had already begun to slow in older, maturing industries. . . . Several factors contributed to this uneven economic growth. Much of the fall-off in job creation reflected disruptions caused by the outbreak of World War I in 1914, which shut off large-scale immigration from Europe. At the same time greater mechanization and plant reorganizations were starting to reduce the need for industrial workers and reduce pressures on employers to pay higher wages. For the time being, however, they tended to boost workers’ wages and productivity, and to aid the growth of new industries.”).

¹¹³ In his combative speech to the 1928 Republican Convention, he said, “The farmer furnishes the banquet, but like Lazarus sits at the feet of industry and finance and commerce and picks up the crumbs. We have lost forty billion dollars out of the agricultural States as the result of the fact that we buy dear and sell cheap, and national legislation compels us to do it, and nobody will appear here to dispute the proposition.” Appendix 5, at 179. He made a similar point in his criticism of the NRA at his speech at the World’s Fair on September 21, 1933. See note 83.

¹¹⁴ Richard M. Valelly, note 25, at 76.

This resentment permeates Murphy's political and economic views. He was not a sophisticated political thinker; for him the best course for the legislature is to pass fewer laws. He had a faulty understanding of recent history that led him to draw foolish conclusions; he was unable or unwilling to see that workers in urban industries and manufacturing plants had economic concerns similar to farmers'. His knowledge of agricultural economics was superficial, grounded on his experiences in Traverse County, and led him to embrace a solution to the difficult problem of production surplus that was impractical and politically unpalatable.

To understand Murphy it helps to remember this fact: he was a trial lawyer who possessed exceptional courtroom skills. He believed in his own voice, his ability to persuade others that he was right. Like many successful trial lawyers, he developed a surplus of self-confidence that explains in part some of his actions, as for example his ultimatum to the 1928 Republican National Convention, his delivery of a radio address on a moment's notice in 1932 in place of the Democratic nominee for President and his advice to a convention of lawyers in 1934 that they should learn how their government works.

Chapter 8

(The Olson Re-election Campaign of 1934)

In 1934 Floyd B. Olson, running for a third term, faced invigorated opponents: Martin A. Nelson, an Austin lawyer and war veteran, was the Republican nominee, while John E. Regan, a Mankato lawyer and one-term conservative state representative who had run in 1932, was the Democratic candidate. In September Arthur C. Townley, a founder of the Nonpartisan League, quit the Farmer Labor party to run as an independent.

The campaign was waged as the depression raged, and it was ugly. Olson had to distance himself from a radical platform adopted by the Farmer Labor Party at its convention in March, fend off rumors about his ethics and morals, fight accusations that he was a Communist sympathizer, defend his imposition of martial law during the teamsters' strike in Minneapolis, and extinguish a last-minute fire-

storm over a law proposed by his party to have the state publish school textbooks. One of Olson's most effective tools was to align himself with F.D.R., a tactic described by George H. Mayer, Olson's biographer:

Olson expended equal energy assuring voters that the Farmer Labor party stood for exactly the same things as the national administration. He insisted that the Farmer Laborites were fighting alongside Roosevelt for lower interest rates, public ownership of utilities, and government operation of idle factories. Even the analysis that replaced the March platform contained the statement that the "red scare" attacks against the Farmer Labor party were "part and parcel of the Republican campaign against the Roosevelt administration." These efforts to exploit the popularity of the President for the benefit of the Farmer Labor party began to pay dividends in late summer, scaring Martin Nelson into assuring voters that a Republican state victory in 1934 would not injure the President's chances in 1936.¹¹⁵

Murphy was not a member of the governor's inner circle of political advisors that conceived this tactic,¹¹⁶ but on the campaign trail he found that it meshed with his predilection to extol F.D.R. and blame Herbert Hoover for the depression. In late October, the Associated Press reported a speech in Minneapolis:

Murphy For Olson

Minneapolis (AP)—Urging re-election of Gov. Floyd B. Olson to prevent a return to Hooverism, Frank W. Murphy, Wheaton, former president of the State Bar association and former PWA regional administrator, spoke here last night

¹¹⁵ George H. Mayer, note 61, at 240 (citing sources).

¹¹⁶ In his chapter on the 1934 election in his biography of Olson, Mayer does not mention Murphy. In fact the index to his biography does not list Murphy even once.

"In all the annals of politics, no political party has so forgotten the people in disregard to their rights as the Republican party," Murphy said.

He lauded President Roosevelt and declared, "One of the first prominent men of this state to announce his undivided and effective support of the president, was Gov. Olson."

Murphy charged Republicans with responsibility for the depression.¹¹⁷

He repeated these themes in a speech at a rally in Fergus Falls that was advertised in a large banner crossing the bottom of a page of the local newspaper:¹¹⁸

PAID ADVERTISEMENT - Prepared and ordered published by Olson for Governor Oliver P. Olson, County Veterans Committee, Elmer H. Lofgren, Sec. & Treas., Fergus Falls, and paid for at advertising rates

Olson Political Rally Tuesday, Oct. 30, 8 p. m.	HIGH SCHOOL AUDITORIUM <small>FERGUS FALLS</small> Speakers—Hon. Frank W. Murphy, Wheaton, Minn. Prof. Paul A. Rasmussen, Moorhead, Minn.
Music by the Carlisle Band—Radio Broadcast Over KGDE—Learn the Facts About Gov. Olson's Administration	

In his account of Murphy's address, the newspaper reporter could not resist inserting commentary of his own:

**MURPHY HOLDS
GOOD MEETING
IN THIS CITY**

**F. W. Murphy Speaks at
High School Auditorium
Here on Behalf of Olson**

¹¹⁷ *St. Cloud Daily Times and Daily Journal-Press*, October 27, 1934, at 2. This Associated Press story was reprinted in other newspapers. E.g., *Winona Republican-Herald*, October 27, 1934, at 2 ("Frank Murphy Urges Olson Re-election").

¹¹⁸ *Fergus Falls Daily Journal*, October 27, 1934, at 3.

The Farmer-Labor rally addressed by Frank W. Murphy at the high school auditorium Tuesday evening drew a good audience, but not as large an audience as that addressed by Mr. Murphy at the same place two years ago. There were probably 200 empty seats at the meeting last evening. The main part of the auditorium as well filled, but not the sides. The Carlisle band played during the evening. . . .

Mr. Murphy was in his best form, and gave an entertaining address. Long experience in arguing cases before juries enables him to make a strong plea on behalf of any client for whom he appears. He re-iterated, over and over again, the purity of his own motives, saying that he had no interest in the campaign, that he was not a candidate and expected no office, but was out in the interest of the people. He said that a vote for Regan was a vote thrown away, as the contest is between Martin A. Nelson and F. B. Olson.

He first made an extended plea for Judge Devaney, a shorter plea for Judge Olsen and a still shorter plea for C. L. Hilton, who is a Fergus Falls man, urging that they be elected to the Supreme Court.

He predicted the re-election of Gov. Olson by a larger majority than ever before, and praised the governor extravagant terms. He reverted back to the Republican national conventions to which he had been a delegate, and blamed the Republican Party for the depression, which has been world-wide, and for all of the other evils that afflicted this nation. He failed to tell of the good times there were enjoyed for years under Republican administrations, and centered all of his talk on the panic and collapse – which, by the way took place several months after Mr. Roosevelt was elected. He praised Roosevelt very highly and was sure he would bring back prosperity in the course of time. He said we had the best government on earth – it has been Republican during most of the past fifty years – and he said that intelligent people like those in the audience were in no danger of communism. . . .

[I]t would be well for Minnesota, if it wanted relief, to stand well with Washington. He did not quite say so, but tried to convey the impression that the Roosevelt administration might starve any state that voted Republican this year, and might starve Minnesota if it did not vote for Olson.

He told how Olson had gone to Washington with a price fixing proposal, but neglected to say that his great friend, Roosevelt, had turned it down. He gave Olson a lot of credit for faring favoring the sample waterway—a proposal that has been favored by every Republican governor, by Coolidge, Hoover and Roosevelt.

He felt that all of our troubles would have been ended by the passage of the McNary–Haugen bill, but failed to say why Roosevelt was not advocating this bill and ending them.

The speech throughout was an able plea by an able attorney, and everyone listening enjoyed listening to it.¹¹⁹

In the end, rural voters—the block Murphy solicited—abandoned Olson. He was re-elected only because of a large labor turnout in the Twin Cities and the Iron Range, receiving only 44% of the total votes.¹²⁰ Had his two major opponents coalesced behind one candidate, he might have been defeated.

¹¹⁹ *Fergus Falls Daily Journal*, October 31, 1934, at 3. The weekly *Wheaton Gazette* in its November 2nd issue reported the speech on its front page: “F.W. Murphy spoke before a large audience at the school auditorium at Fergus Falls Tuesday evening. Large delegation from Wheaton was present to hear Mr. Murphy.”

He was delivering radio addresses as well. The *Gazette* carried the following item on its front page on October 26:

Murphy Will Talk Nov. 5.

F.W. Murphy will deliver two political talks over WCCO Nov. 5, one at 10:15 P.M. and the other at 11:30 P.M. Mr. Murphy spoke over the radio from Duluth yesterday at 8:15 P.M. with a Fargo hook-up.

¹²⁰ George H. Mayer, note 61, at 250 (“An analysis of the vote by sections made it clear that labor had re-elected the governor. His margin in heavily urban Ramsey, Hennepin, and St.. Louis counties came within a few hundred votes of his margin for the state as a whole. Rural Minnesota voted solidly against him except for the the Red River Valley and the sparsely populated north central counties, indicating that the Republican

Sensing his vulnerability and stung by his repeated attacks on them, a few businessmen associated with the conservative Citizens Alliance decided to remove Olson from office by challenging him in what they hoped would be a more friendly forum—court.

Chapter 9 (The “Ouster” Case)

The “Ouster Case” is a long forgotten and very short chapter in the colorful and turbulent political history of Minnesota in the 1930s.¹²¹ It began in 1935 when a Minneapolis lawyer filed suit on behalf of 29 voters to remove the governor for violating the Corrupt Practices Act.

The first Corrupt Practices Act, enacted in 1895 and revised in 1905, lacked enforcement teeth and was ineffective.¹²² In June 1912, the 37th Legislature met in a special session that became one of the most productive in the state’s history: it strengthened the Corrupt Practices Act, expanded the direct primary, mandated nonpartisan election of judges, restricted child labor and ratified the 16th and 17th Amendments to the U. S. Constitution (authorizing income taxes and the popular election of senators).¹²³ Behind many of these laws

agitation against the platform and the state printing of textbooks, had alienated the farmers.”).

The results of the election for governor of Minnesota on November 6, 1934, were:

Floyd B. Olson (Farmer-Labor).....	468,812	44.61%
Martin A. Nelson (Republican).....	396,359	37.72%
John E. Regan (Democrat).....	176,928	16.84%
Arthur C. Townley (Independent).....	4,454	0.42%
Samuel K. Davis (Communist).....	4,334	0.41%

Traverse County gave Olson 1,600 votes, Nelson 1,055, Regan 850, Townley 27 and Davis 2 votes. 1935 *Blue Book*, at 362, and Abstract of Votes.

¹²¹ The case is not mentioned by George H. Mayer in his biography of Olson.

¹²² 1895 Laws, c. 277, at 664-674 (adopted April 26, 1895). To University of Minnesota Political Science Professor William A. Schaper it was “inherently defective, because it did not provide any adequate means of enforcement.” “New Primary and Corrupt Practices Acts in Minnesota,” 7 *The American Political Science Review* 87, 90 (1913).

The Corrupt Practices Act was later amended in part and codified as Stat. c. 6, §§348-379, at 63-68 (1905).

¹²³ 1912 Laws (Sp. Sess.) c. 2, at 4-22 (direct primary); c. 2, §2, at 5, and c. 12, §1, at 53-54 (nonpartisan election of judges); c. 3, at 23-40 (Corrupt Practices Act) c. 8, at 44-49

were convictions widely shared in the Progressive Era that government, especially at the local and state levels, was undemocratic, the political system corrupt and political parties, legislators and elections controlled by big corporations and special interests. Urgent reform was necessary. Among many remedies proposed for these ills were laws requiring candidates to disclose their campaign expenses which were limited by law—what is called “transparency” a century later—and “direct democracy” legislation which reflected the Progressives’ faith in the wisdom of an informed electorate, “the people.” Both found places in the Corrupt Practices Act of 1912.

Under the new law each candidate for office, his agents and party committees were required to file monthly statements during the campaign detailing expenditures for travel, rent, speakers and musicians, printing, filing fees, copying poll lists and advertising.¹²⁴ This was a marked change from earlier versions which required candidates to file lists of expenditures “within thirty days *after* the election.”¹²⁵ Political ads in newspapers were required to be labelled “Paid advertisement.” A candidate who owned a newspaper or had an interest in one had to file a statement detailing the extent of that interest with the county auditor.¹²⁶ Citizens would become better informed by these disclosures.

The 1912 act had four enforcement mechanisms. The Attorney General was authorized to enforce the act, as was the county attorney where the alleged infraction occurred, but if that county attorney “shall fail or refuse to faithfully enforce” the law, “any citizen” could hire a lawyer in private practice to prosecute a violator. He would be “associate counsel” to the county attorney.¹²⁷

(child labor); 16th Amendment, Resolution 2, at 57 (income tax); and 17th Amendment, Resolution 1, at 56 (popular election of U. S. Senators). For a history of the first primary law, enacted in 1901, see Clarence J. Hein, “The Adoption of Minnesota’s Direct Primary Law,” 35 *Minnesota History* 341-351 (1957).

¹²⁴ 1912 Laws (Sp. Sess.), c. 3, §19, at 30-32.

¹²⁵ 1895 Laws, c. 277, §7, at 668; Stat. c. 6, §350, at 64 (1905).

¹²⁶ 1912 Laws, c. 3, §3, at 24.

¹²⁷ 1912 Laws, c. 3, §42, at 39-40 (A.G.), §32, at 35-36 (county attorney). These provisions were far stronger than the 1895 and 1905 versions, which deterred challengers by taxing them costs of the litigation if they lost. The 1895 act authorized only “the person who received the next highest number of votes” to present a verified application

The fourth enforcement provision—used in the Ouster Case—was new. It empowered 25 citizens to petition a court to remove a candidate or office holder who was found after trial to have violated the act. It provided:

Any twenty-five voters of the state, or of any political division thereof, may contest the right of any person to nomination, position, or office for which said voters had the right to vote, on the ground of deliberate, serious and material violation of the provisions of this act or of any other provisions of law relating to nominations and elections. Any defeated candidate for said nomination, position or office may make said contest. Said procedure shall be commenced by petition filed in the district court of the county in which the candidate whose election is contested resides, and the contest shall be carried on according to law. In case of contests over nominations, the court shall pronounce whether the incumbent or contestant was duly nominated, and the person so declared nominated shall have his name printed on the official ballots.¹²⁸

This section is a peculiar reflection of the Progressives' belief in "direct democracy." The primary, initiative, referendum and recall are the most prominent examples of laws that directly empower citizens ("the people") to adopt reform laws or by-pass government when it is thought to be controlled or immobilized by special interests. About them David Traxel writes:

to the Attorney General setting forth charges that the officer holder violated the Act and should be removed from office. But if the Attorney General "neglects or refuses" to act, the applicant can bring suit "at his own expense" in the name of the state to oust the offending office holder. If, however, he fails, he is liable for the costs of the suit. 1895 Laws, c. 277, §10, at 669, §13, at 670.

Under the 1905 statute, "any voter" who was a constituent of the offending office holder could petition the Attorney General to enforce the act (and file a bond to cover costs) and if the General refused to act could bring his own action in the name of the state to oust the officer holder. But if he lost, "judgment shall be rendered against such petitioner and his sureties for costs." c. 6, §§351-353, at 64-65.

¹²⁸ 1912 Laws, c. 3, §33, at 39-40. The law was re-codified in 1927 as Mason Minn. Stat. c. 6, §§538-579, at 113-118 (1927). The Supreme Court cites the latter in its opinion in 1936. See Appendix 10, at 322-329.

State legislatures were often incompetent or subject to bribery or pressure from corporations, especially railroads, so ways around them were devised to put power directly into the hands of the people through direct democracy. The primary and the initiative were two innovations that were designed to raise the quality of elected officials. The primary system was an attempt to avoid the power of the machines in selecting candidates; the recall allowed voters to remove corrupt or incompetent officials at a special election. But if the houses of representative government could not be fully cleansed, there were two other measures to restore democracy. The initiative allowed voters to pass legislation on their own, while the referendum let them repeal bad laws.¹²⁹

The recall is a means of removing a public official by popular vote and, sometimes, the election of his successor. It works like this: A petition to recall an incumbent signed by eligible voters constituting a percentage—say 20%—of the total vote in the last election for that office is filed with the appropriate officials who examine and verify the signers; if the petition is found sufficient, the question of whether to remove the incumbent is placed on the ballot in a special election. Minnesota did not adopt a state-wide recall law;¹³⁰ however, the

¹²⁹ David Traxel, *Crusader Nation: The United States in Peace and the Great War, 1898-1920* 14 (Alfred A. Knopf, 2006). The direct primary and the 17th Amendment approved by the 37th Legislature are examples of direct democracy.

A controversial form of recall authorized a particular judge or court ruling to be recalled by voters. “No other element of direct democracy aroused as much strident opposition as the judicial recall,” according to Thomas Goebel, *Direct Democracy in America, 1890-1940* 62 (Univ. of North Carolina Press, 2002). It was not adopted in Minnesota. For a review of the debate over judicial recall that includes exchanges between two Minnesota lawyers, Rome G. Brown and James Manahan, see William G. Ross, *A Muted Fury: Populists, Progressives, and Labor Unions Confront the Courts, 1890-1937* 110-129 (Princeton Univ. Press, 1994).

¹³⁰ Carl H. Chrislock, *The Progressive Era in Minnesota, 1899-1918* 200 (Minn. Hist. Soc. Press, 1971) (“A number of cherished progressive goals, notable,...the initiative, referendum, and recall, were never realized in Minnesota.”). In 1909, however, certain Minnesota cities were permitted to enact recall, initiative and referendum ordinances. See Laws 1909, c. 170, §5, at 183 (effective April 10, 1909); codified as Revised Laws (Supp.) c. 9, §758 (5), at 114 (1909). It provided:

procedure permitting 25 eligible voters—a fairly significant number—to petition a court to try an office holder for a “deliberate, serious and material violation” of the Corrupt Practices Act is similar to the traditional recall. The removal decision, while not by voters, is made by a judge who was popularly elected. A premise of this procedure is that each petitioner understands the grounds for charging the incumbent with committing illegal acts so severe they require removal.

The Ouster case was, from beginning to end, a political prosecution. The Corrupt Practices Act was a cover for a few of the governor’s political enemies to embarrass and wound him. It is an example of a familiar American political phenomena—a reform law usurped for ulterior purposes.

After the election on November 3, 1934, Martin M. Monaghan, a Minneapolis lawyer, drafted a petition seeking the removal of the governor-elect. Monaghan graduated from the Georgetown University Law School in 1898, came to Minneapolis in 1902 and practiced there until his death on February 3, 1950, at age seventy-four.¹³¹ His approach to litigation was described in his memorial at services by the county bar association in 1950:

He was a man of conscientious, strong and firm convictions. He presented issues to the Court always with a sincere and zealous interest in the welfare of his clients. To Mart, a lawsuit was not an invitation to play a parlor

Recall and removal of officers—Ordinances.—Such board of freeholders may also provide for the re-call of any elective municipal officer and for his removal by vote of the electors of such city, and may also provide for submitting ordinances to the council by petition of the electors of such city and for the repeal of ordinances in like manner; and may also provide that no ordinance passed by the council except an emergency ordinance shall take effect within a certain time after its passage, and that if, during such time, a petition be made by a certain percentage of the electors of the city protesting against the passage of such ordinance until the same be voted on at an election held for such purpose, and then such ordinance to take effect or not as determined by such vote.

¹³¹ He was admitted on July 25, 1902. Roll of Attorneys, Supreme Court, State of Minnesota, 1858-1970, at 63 (Minnesota Digital Library).

game,—it was an opportunity to work for what he believed to be the merits and justice of his client's case. As one of his close friends said, "He was indeed a fighting Irishman." He undertook litigation to establish what he believed to be righteous principles, often when no definite precedents had been established by the Court, and without consideration of monetary reward. He was interested in causes which involved an interpretation of the Constitution, and was often retained by clients whose fundamental rights were involved, which gave him the reputation of being the champion of the rights of minorities and brought him into litigation in many borderline cases.¹³²

This is how he prosecuted the Ouster case: with zeal and a sense of righteousness. By law he had to file his challenge within 30 days after the general election or after discovering omissions on the governor's disclosures filed after the election.¹³³ Thus he had to quickly find voters who were willing to appear in a case that would receive publicity. They were not typical clients in a lawsuit; they did not hire him; he and associates searched for and found them. He needed 25; he found 29.

The Ouster petition alleged that the governor deliberately violated two sections of the Corrupt Practices Act: One, he did not disclose on his affidavit of campaign expenditures filed with the county auditor his ownership interest in the *Farmer Labor Leader*, the newspaper of the Farmer Labor Association in which he was a member. Monaghan contended that Olson, as a dues-paying member of the Association, was a part owner of the party newspaper that endorsed him, and consequently required him to disclose that interest. Two, he did not report the value of space of articles in this newspaper or the value of time used by him and supporters for radio

¹³² Hennepin County Bar Association Memorial delivered by Walter J. Welch on March 25, 1950. For complete transcript, see "Martin Michael Monaghan (1876-1950)" (MLHP, 2018).

¹³³ Section 572 of the Act required a contest proceeding to be commenced within "thirty days after a general election, unless the ground of action is discovered from the statements filed under this act, in which event the action must be commenced within . . . thirty days after such discovery."

speeches advocating his re-election.¹³⁴ Foremost among those volunteer supporters was the Olson All-Party Committee, which sponsored Murphy's radio speeches for the governor's re-election.

The Ouster suit placed Floyd B. Olson's governorship and political future in jeopardy. For defense counsel he needed someone he trusted, who had judgment and courtroom skills he could rely upon.

¹³⁴ The amended petition is posted in Appendix 9, at 219-231. The two disclosure requirements Olson allegedly violated are §§540 and 556 of the 1927 Statutes:

§540. Financial interest in newspaper—Every candidate and every member of any personal campaign or party committee, who shall either in his own name or in the name of any other person, own any financial interest in any newspaper or periodical, circulating in part or in whole in Minnesota, shall, before such newspaper or periodical shall print any matter otherwise than as is provided in section [529], which is intended or tends to influence, directly or indirectly, any voting at any election or primary in this state, file in the office of the auditor of the county in which he resides a verified declaration, stating definitely the newspaper or periodical in which or over which he has such a financial interest or control, and the exact nature and extent of such interest or control. The editor, manager or other person controlling the publication of any such newspaper or article, who shall print or cause to be printed any such matter contrary to the provisions of this act, prior to the filing of such verified declaration from any person required by this section to file such declaration, shall be deemed guilty of a violation hereof.

§556. Statements of disbursements—(1) Every candidate and the secretary of every personal campaign and party committee shall, on the second Saturday occurring after such candidate or committee has first made a disbursement or first incurred any obligation, expressed or implied, to make a disbursement for political purposes, and thereafter, on the second Saturday of each calendar month, until all disbursements shall have been accounted for and also on the Saturday preceding any election or primary, file a financial statement verified upon the oath of such candidate or upon the oath of the secretary of such committee, as the case may be, which statement shall cover all transactions not accounted for and reported upon in statements theretofore filed. Each statement after the first shall contain a summary of all preceding statements, and summarize all items theretofore reported, under the provisions of this act, but it shall not be required to file any such statement on the second Saturday of the months of July, August and September between any primary and general election.

1 Mason Minn. St. c. 6, §540, at 113 (1927)(originally 1912 Laws, c. 3, § 3); and §556, at 115-116 (1927)(originally 1912 Laws, c. 3, § 19, amended by 1927 Laws, c. 75, §1, at 124-125 (March 29, 1927)(adding proviso at end of last sentence)).

He was, his biographer wrote, “a man of a thousand friends, genial and gregarious to fault.”¹³⁵ He probably knew more lawyers in Minnesota than anyone else and was, besides, a keen judge of the trial bar.¹³⁶ At this moment of crisis, he turned to Frank W. Murphy from Wheaton, Minnesota.



The case was filed in Hennepin County on December 6, 1934, and assigned to 69 year old Horace D. Dickinson, who was considered “a colorful, cultured figure and an able orator.”¹³⁷ He had been elected six times to the district court, the first in 1904, the last in 1934.¹³⁸ Thus he had first-hand knowledge of how campaigns for public office were run. He presided over the Ouster trial without a jury.¹³⁹

Monaghan faced formidable obstacles from the outset. His claims were based on tenuous legal theories and the sheer impracticality of

¹³⁵ George H. Mayer, note 62, at 235.

¹³⁶ Olson was comfortable in the courtroom. He had served years as county attorney. As governor he personally argued a case in federal court before a three-judge panel consisting of Eighth Circuit Judge John B. Sanborn, Jr., and District Court Judges Joseph W. Molyneaux and Gunnar Nordbye over the legality of his imposition of martial law during the truck drivers’ strike in 1934. The panel grudgingly ruled in his favor. *Powers Mercantile Co. v. Olson*, 7 Supp. 865 (D. Minn. 1934)(per curiam). For the background of the case, see William Millikan, note 20, at 264-288; and George H. Mayer, note 62, at 218-19.

¹³⁷ *Minneapolis Journal*, November 30, 1936, at 1 (obituary on his death at age 70).

¹³⁸ The judge’s biographical sketch in the 1935 Legislative Manual was out-of-date, omitting mention of his re-elections in 1918 and 1934:

FOURTH DISTRICT

Horace D. Dickinson, born at Ogdensburg, St. Lawrence county, New York, July 25, 1866. Moved to Minnesota the same year and has resided in Minneapolis since September, 1876. Graduated from the law department of the Minnesota University in 1890. Assistant city attorney of the city of Minneapolis, 1896-1900; elected in 1900 one of the judges of municipal court of Minneapolis, resigning the latter office to assume the duties of one of the judges of the district Court, to which place he was elected in 1904 and re-elected in 1910, 1916 and 1922.

1935 *Blue Book*, at 489.

¹³⁹ Section 570 of the Act permitted only a bench trial in a removal suit.

complying with his interpretation of the law. He did not have the benefit of pretrial discovery such as depositions and document requests available in litigation in later years. He also faced a judge who was not sympathetic to his cause and who gave Murphy considerable latitude in his examination of witnesses.

Murphy viewed the Ouster Case as a continuation of the recent political campaign. He had two goals: one, show that the contestants were not representative of the public and, two, discover who financed the lawsuit. We may be confident that Murphy, knowing him as we do by now, never worried about its outcome.



Preparing for trial of Governor Olson for corrupt practices in 1934 election
Left to right: Sidney H. Buttz, J. A. Danielson, Mart Monaghan,
Governor Floyd B. Olson and Frank W. Murphy
Date: June 17, 1935.

In his rush to meet the statutory deadline, Monaghan made poor selections of “contestants” to sign the removal petition. Some were so reluctant to testify at trial that he had to subpoena them. Worse, he did not horseshed them as the trial neared. When Murphy began his cross-examination, many were unprepared, defenseless. Read-

ing the trial transcript recalls Trollop's description of Mr. Chaffanbrass's treatment of adverse witnesses in *The Three Clerks*:

Some sorts of torture are, as it were, tacitly allowed even among humane people. Eels are skinned alive, and witnesses are sacrificed, and no one's blood curdles at the sight, no soft heart is sickened at the cruelty.

To apply the thumbscrew, the boots, and the rack to the victim before him was the work of Mr Chaffanbrass's life. And it may be said of him that the labour he delighted in physicked pain. He was as little averse to this toil as the cat is to that of catching mice. And, indeed, he was not unlike a cat in his method of proceeding; for he would, as it were, hold his prey for a while between his paws, and pat him with gentle taps before he tore him. He would ask a few civil little questions in his softest voice, glaring out of his wicked old eye as he did so at those around him, and then, when he had his mouse well in hand, out would come his envenomed claw, and the wretched animal would feel the fatal wound in his tenderest part.¹⁴⁰

Murphy dominated the courtroom. He delighted in asking each contestant whether he or she hired Monaghan, paid him a retainer or understood the petition. Here is an excerpt from his cross of Lynn C. White, a reluctant witness appearing under subpoena:

Q. You are not employing Mr. Monaghan, and he was never authorized to appear for you?

A. No, sir.

...

Q. Do you want the court to strike your name off this record and get out of this thing?

Mr. Monaghan: Just a moment. That is objected to as irrelevant and immaterial. An utter impossibility at this stage of the game.

Mr. Murphy: I am cross examining.

Mr. Monaghan: I don't care if you are cross examining or not.

...

¹⁴⁰ Anthony Trollope, *The Three Clerks*, Chapter 41 (1857).

The Court: Well, without conceding that it makes any difference to the validity of the petition, I will let any signer of the petition who wants to get out of it to get out of it.

Q. How do you feel about it?

A. I have asked Mr. Monaghan to release me twice before and he would not.¹⁴¹

Here is an excerpt from his cross of Pauline Chrysler, another contestant subpoenaed by Monaghan:

Q. How did you come to sign this petition?

A. I really do not know. I didn't understand it thoroughly. I didn't understand what it meant when I sign it. ...

Q. Did you hire Mr. Monaghan as your lawyer in this matter?

A. No.

Q. Did you ever talk to anybody else about this?

A. No, sir.

Q. You never discussed this petition with anybody?

A. No.

Q. You don't want to have anything to do with it, do you?

A. Not exactly.

Q. You were brought in here on a subpoena, and that is how you happened to come, is that right?

A. Yes.¹⁴²

These contestants were not the knowledgeable and informed voters envisioned by the Progressive Era legislators who inserted the recall procedure in the Corrupt Practices Act.¹⁴³ The conclusion was inescapable that they did not represent the public.

¹⁴¹ Appendix 9, at 237-239. At least three contestants asked to withdraw.

¹⁴² Appendix 9, at 254-255.

¹⁴³ The Ouster case showed how this reform law was abused. Historians of the Progressive Era have noted the ambiguity of the phrase "the people" and that reforms taken under this banner at times were abused or had unintended results. E.g., John D. Buenker, *Urban Liberalism and Progressive Reform* 118 (Charles Scribner's Sons, 1973) ("Although nearly all political change was advocated as a means of returning government to 'the people,' many measures really had the opposite effect, sometimes because the proposal failed to deliver as advertised but often because its designers had a very narrow conception of just who 'the people' were. Like all else in this volatile and complex period, political reform was characterized by a myriad of groups pressing for a plethora of reforms for even more variegated motives.").

On cross examination, John A. Danielson, a ringleader of the recall drive, disclosed who financed the suit:

Q. Is Mr. Monaghan your lawyer in this case?

A. Yes, sir, he is.

Q. When did you employ him?

A. I did not employ him.

Q. How can you have a man represent you as a lawyer without employing him, do you know?

A. I qualified the statement that he was my lawyer by saying that he represents me in this action.

Q. Did you hire him to represent you in this action?

A. Not exactly.

...

Q. Then you are the man who has been working on this petition, have you? You are the man, finally?

A. To some extent, yes.

...

Q. How much money in all did you collect in connection with this contest?

A. About \$1,050. ...

Q. Can you give us the list now of the gentlemen from whom you got the money?

A. No, sir.

A. Well, tell us those that you can remember.

A. The money came from sources that—from individuals who collected from their friends and then turned it over to me.

Q. All right. Give me the names of the individuals who turned the money over to you.

A. Mr. H. A. Greiner turned over some money.

Q. Now, who is he—Mr. Greiner?

A. He was the secretary of the Minnesota Truck Owners' Association. ...

Q. How much did he turn over to you?

A. Oh, I think about \$75.

Q. All right. From whom did you get the rest of the \$1,050?

A. I got about \$300 that were brought to me at the hotel room.

Q. That does not answer my question. Whom did you get it from?

A. That money, as far as I know, came from Mr. Schroeder.

Q. What Schroeder?

A. Citizens' Alliance.

Q. Citizens' Alliance (Laughter in court room).¹⁴⁴ What is Schoeder's first name?

A. I forget his first name.

...

A. I got about \$180 from Mr. Clapper. ...

Q. Mr. Clapper. Now who is Mr. Clapper? I am a stranger here in town, you see. I want to get a little information.¹⁴⁵

A. I met Mr. Clapper at the Toro Manufacturing Company. . . .

Q. You got \$100 from where?

A. Outside of Minneapolis.

Q. And whom did you get it from?

¹⁴⁴ The spectators laughed because it was well known that leaders of the Citizens' Alliance loathed the governor for, among many other reasons, a raid he ordered on its headquarters on August 3, 1934. It was one more act of Olson that led his opponents to view him as having autocratic impulses. William Milliken describes the raid in his study of the Citizens' Alliance:

Reeling from the political repercussions of the raid on Local 574, Governor Olson ordered a raid on the CA's headquarters, ostensibly to obtain military intelligence on the CA's attempts to subvert a settlement of the strike. Olson secretly assigned the task to two men: The head Securities Commission investigator in the Northwest Banco case, William E. G. Watson, and the only National Guard officer with loyalties to the governor and the Farmer-Labor Party, Lieutenant Kenneth C. Haycraft. Under Commander Walsh's direct orders, Watson and Haycraft synchronized their watches and stealthily crept into the Builders' Exchange Building. None of Haycraft's squad of National Guardsmen knew what the target of their raid was to be.

Despite the governor's precaution, however, word of the raid had leaked from Walsh's headquarters to Lieutenant Colonel Collins of the 151st Field Artillery in Minneapolis and to Jack Schroeder, secretary of the CA. When the National Guard arrived at the CA offices, four suitcases of sensitive records had already been removed. The CA's influence in the National Guard had allowed it to preserve the identity of its intelligence operatives in the labor movement.

William Millikan, note 20, at 282-83 (citing sources); see also, George H. Mayer, note 62, at 216-217.

¹⁴⁵ Murphy's claim that he was a "stranger" suggests another reason Olson selected him as his lawyer. He did not want a local lawyer to win this lawsuit as it would then appear to some voters around the state that it was fixed, an example of corrupt Minneapolis politics.

A. From a group at Albert Lea, Minnesota.
A. Whom did you get it from in Albert Lea?
A. I really don't know because I did not go down there and get it.
Q. Now Mr. Danielson, you are on the stand and you are under oath?
A. Yes, sir.
Q. And I want to know where you got it from because you might as well talk first as well as last.
Mr. Monaghan: I object to his insulting the witness. He has been perfectly frank in answering questions which Mr. Murphy has no right to ask, and he is not subject to insults by counsel.
Q. The receipt of this money is not a matter a young man like you should forget. Now, whom did you get the \$100 from in Albert Lea.
...
A. I dealt with an attorney.
Q. What is his name?
A. His name is Nichols.
Q. What initials?
A. F. V.
...
Q. That is, these people who put up the money and made the investigation and paid for it, have asked these people who were induced to sign that paper in front of them in the contest—they are the real persons behind the program, aren't they?
A. To a certain extent I suppose they are.
Q. That is right. Then the real petitioners here, if we have anybody who started this thing and kept it going, are these gentlemen who gave you this money; that is right, isn't it?
A. I don't understand the question.
Q. The ones that have kept this going, got it started and financed it, and put it through to this date, are not the signers but these names whom you have given us?
A. Yes.
Q. Answer.
A. Yes, sir.¹⁴⁶

¹⁴⁶ Appendix 9, at 263, 267-270, 318.

On direct examination Olson testified that he had no financial interest in the *Farmer Labor Leader* and did not arrange with a volunteer campaign committee to secure time on radio stations to speak.¹⁴⁷ Murphy concluded his examination with these questions:

Q. Now, in the making of your return of the expenses of your campaign did you act honestly and in good faith?

A. I did.

Q. Have you any desire to conceal anything that you received during the campaign for which you should make a return?

A. No, sir.

Q. Did you conceal anything?

A. I did not. ...

Q. So far as you were concerned you have acted in the utmost good faith?

A. I acted upon that premise, yes.¹⁴⁸

What started as high political drama had by the fourth day become farce. Murphy achieved both of his goals, revealing the gullibility of many contestants and the identities of the governor's enemies who financed the lawsuit. On June 20, 1935, Judge Dickinson dismissed the Ouster case. The *Minneapolis Journal* reported the story:

¹⁴⁷ Appendix 9, at 293, 295-297.

¹⁴⁸ *Id.*, at 299-300. Here Murphy was leading the Governor through a large loophole in the Corrupt Practices Act. Section 571 provided:

571. Trial—Court to determine merits—When upon the trial of any action or proceedings under this act it shall appear from the evidences that the offense complained of was not committed by the candidate, or with his knowledge or consent, or was committed without his sanction or connivance, and that all reasonable means were taken by such candidate at such election, or were taken by or on behalf of the candidate, or that the offenses complained of were trivial, unimportant or limited in character, and that in all respects his candidacy and election were free from all offensive or illegal acts, or that any act or omission of any candidate complained of arose from accidental miscalculation or from some other reasonable cause of like nature, and in any case did not arise from any want of good faith, and under the circumstances it seems to the court to be unjust that the candidate shall forfeit his nomination, position or office, then the nomination or election of such candidate shall not by reason of such offense complained of to be void, nor shall the candidate be removed from nor deprived of his nomination, position or office.

Suit to Oust Olson Tossed Out by Court

**Judge Dickinson Interrupts
Plaintiff's Argument and
Dismisses Case**

**CROWDED COURTROOM
BURSTS INTO CHEERS**

**Court Rules Placing of Value on
Friends' Services Has
No Merit**

District Judge Horace D. Dickinson made short shrift of the so-called ouster suit brought against governor Floyd B. Olson. He dismissed the petition late yesterday in an abrupt interruption of counsel arguing the case.

"Case dismissed on the merits," the judge said. "Is there any one of us who has run for office in the last 20 years *was* placed a value on the services of our friends in every ward in every precinct commensurate with the services he rendered? Must a candidate be required to report the reasonable value of those services? The argument has no merit."

Crowd Cheers Decision

The judge spoke to Mart M. Monaghan, who was attempting to argue the governor should have reported, in his affidavit of campaign expenditures, the value of the radio time donated by a volunteer committee. Mr. Monaghan also argued the governor was part owner of the Farmer Labor Leader, party newspaper, by reason of his membership in the Farmer Labor Association.

As Judge Dickinson stepped down from the bench, the packed courtroom broke into cheers and applause. Men and women crowded around the counsel table to shake the governor's hand and congratulate Frank W. Murphy, the governor's attorney.

Signers Sought Release

Trial of the allegations in the petition opened Monday [June 17]. For three days signers of the petition, placed on the stand to authenticate their signatures, were subjected to a grueling cross-fire of questions from Mr. Murphy. Some testified they didn't know what the paper meant, others said they wished they were out of it and three asked the judge to withdraw their names from the action.

It developed under Murphy's cross examination the petition had been passed around by Harold Birkeland, a bitter opponent of the governor, and Mr. Monaghan, aided by J. A. Daniels, who identified himself as a "ghost writer." Funds, Danielson declared, had been collected from Minneapolis and Albert Lea, Minnesota, businessmen. Four of the Minneapolis contributors were officers and directors of the Citizens Alliance.

Governor Denies Allegations

The case collapsed suddenly late yesterday after Monaghan made a last minute effort to show the governor had sanctioned the cashing of two checks given the Olson for Governor Volunteer committee in the last campaign.

When Monaghan rested his case Murphy placed the governor on the stand to present, he said, negative testimony. "The governor's testimony was by no means necessary because there is no direct testimony produced by the petitioner's attorney that he might refute," Murphy declared.

Gov. Olson denied he had an interest in any newspaper, denied he had spent money he failed to report in his affidavits of campaign expenses and said he had acted honestly and in good faith in making his expense returns.¹⁴⁹

¹⁴⁹ *Minneapolis Journal*, June 21, 1935, at 1. This is the account of the Associated Press:

Suit Seeking to Oust Gov. Olson
Ordered Dropped

Judge in Hennepin County Court Says Charges Not Proved.

"It's just another one of those things that a man in public office is subjected to," the governor remarked after the ruling.¹⁵⁰

Monaghan's motion for a new trial was denied and he then appealed to the Supreme Court. On March 20, 1936, the Court affirmed the order of dismissal.¹⁵¹ Olson surely was satisfied with the result as it removed an obstacle to his plan to run for the U. S. Senate. But it

Minneapolis.—(AP)—Holding that a cause of action had not been established, Hennepin County District Judge H. D. Dickinson late yesterday dismissed a suit to oust Gov. Floyd B. Olson from office.

Judge Dickinson sustained a motion for dismissal made by the governor's attorney after four days of testimony on the ouster petition, signed by 29 Hennepin county voters.

Gov. Olson was accused by the petitioners of having violated the state's corrupt practices act by accepting space in a Farmer-Labor newspaper and time on radio stations for talks without accounting for them in his campaign expense reports as required by law.

A crowded courtroom greeted the decision with cheers and applause.

"The court," Judge Dickinson ruled, "will have to find the governor had no financial interest in the Minnesota Leader and certainly the omission of donated radio time from his campaign expense accounting is not a violation of the corrupt practices act."

Judge Dickinson dismissed the suit after Frank W. Murphy of Wheaton, attorney for Olson, moved for dismissal while characterizing the trial "a fraud, travesty on the court, and an insult to the public." Previously the court advised M. M. Monaghan, attorney for the petitioners, to "lay your foundation or you are killing time." Gov. Olson, the court found, had no financial interest in the Leader and was not compelled to file a statement of ownership. The governor, as a witness, termed "preposterous" the plaintiffs' contention he failed to note publicity in the Leader as campaign expense.

Any candidate for office, Gov. Olson said, would have to keep a clipping file, under such circumstances, and to gauge the value from the publicity standpoint.

Witnesses' testimony revealed that officers of the Citizens Alliance, a particular foe of the governor since his employment of the national guard in the Minneapolis truck strike, had furnished about half the \$1,050 expenses of the suit.

Monaghan, after the dismissal, said an appeal may be taken to the state supreme court.

Winona Republican-Herald, June 21, 1935, at 1.

¹⁵⁰ *St. Paul Daily News*, June 21, 1935, at 1.

¹⁵¹ *Herman Trones and Others v. Floyd B. Olson*, 197 Minn. 21, 265 N.W. 806 (1936). The complete opinion is posted in Appendix 10, at 322-329.

was not to be. He died of cancer on August 22, 1936, in Rochester. He was 44 years old.

Chapter 10 (The 1936 Presidential Election)

In 1936 F.D.R. ran for re-election on economic and political terrain much different than 1932. He was not running against an unpopular incumbent but on his own record and, while there had been some recovery, the depression still gripped the country. It was also when his administration was moving from what historians would later call the First New Deal to the Second—that is from economic remedies based on central planning and industry-wide cooperation to those emphasizing price competition and regulation. Arthur Schlesinger, Jr., compares the two:

The early New Deal had accepted the concentration of economic power as the central and irreversible trend of the American economy and had proposed the concentration of political power as the answer. The effort of 1933 had been to reshape American institutions according to the philosophy of an organic economy and a co-ordinated society. The new effort was to restore a competitive society within a framework of strict social ground rules and on the foundation of basic economic standards accompanied, as time went on, by a readiness to use the fiscal pulmotor to keep the economy lively and expansive.¹⁵²

¹⁵² Arthur M. Schlesinger Jr., *The Politics of Upheaval* 385 (Houghton Mifflin Co., 1960)(citing sources). He went on:

Where the First New Deal sensed fundamental changes in the structure of the market and tried to adapt public policy to them, the Second New Deal too often supposed that the classical model of the market was somehow recoverable. It felt that government should confine itself to "general" policies, whether of ground rules or of fiscal stimulus, and that the pattern of resource use and the price-wage-profit relationship should be, within wide limits, "competitive" and unplanned. It was, as Corcoran correctly said, "ideologically more 'capitalistic' than the First New Deal."

Id., at 392 (citing sources).

It is not easy to place where Murphy stood on this change, if he was even aware of it.¹⁵³ While he had made pronouncements about the limited function of government, he was not an ideologue. Recall that his belittlement of the NPL's proposal for state intervention in the marketplace was followed by his advocacy of the McNary-Haugen scheme, and his criticism of the National Industrial Recovery Act, a hallmark of central planning during the First New Deal, was because it did not help farmers. Murphy seems to have supported any New Deal program that aided farmers and was skeptical of any that did not.¹⁵⁴

As Chairman of the Minnesota All-Party Agricultural Committee, he

¹⁵³ The evolution in policy away from central planning in 1935 was "at first hard to detect" because it was manifested in changes in personnel around F.D.R. *Id.*, at 386-387. The influence of central planners such as Rex Tugwell, Adolf Berle, Raymond Moley and others declined while that of Felix Frankfurter, Thomas Corcoran, Benjamin. Cohen and other "neo-Brandeisians" increased. A major influence on the Second New Deal was Justice Louis Brandeis, who admired competition and abhorred big business. *Id.*, at 387.

¹⁵⁴ In March 1936, he presented F.D.R. with a proposal to build a natural gas pipe line from Wyoming and Montana to the Twin Cities will. As described by the *Wheaton Gazette*.

Murphy Presents Pipe Line Plan to President.

President Roosevelt asked last Wednesday a proposal to construct a \$50,000,000 pipe line to run natural gas from the fields of Wyoming and Montana 1,500 miles across the Northwest to the Twin Cities be laid before the Natural Resources board for study and examination.

The pipe line plan was presented to President Roosevelt by F. W. Murphy of Wheaton and J. W. Schmidt of Anoka. Murphy emphasized that the President had not endorsed the plan but it expressed keen interest in it and the wish to have it laid before the technical experts of the resources board.

The plan calls for natural gas delivered to Minnesota users at a rate not to exceed 24 cents a thousand cubic feet. The line would originate in northern Wyoming and would later be extended into the fields in Montana and would run east through North Dakota and into Minnesota and Wisconsin. Specifications call for 24-inch line. Engineers have estimated that the line would yield a gross annual income of around \$9,000,000 million. It is desired to finance construction with a 25-year PWA loan for \$50,000,000 caring 3½ interest.

Wheaton Gazette, March 27, 1936, at 1.

was a visible campaigner for the president in the heartland.¹⁵⁵ In mid-September he gave a radio address on “Why Farmers Back Roosevelt.”¹⁵⁶ He reiterated the fiction that the economic policies of the 1920s were tilted against farmers and this precipitated the depression:

All during those years of the 1920s, when the cities rioted in easy money, the farmers in Minnesota were dragging through a prolonged disheartening depression. There was an inevitable end to this one-sided inequality. The economic structure could not continue to stand on one leg. It had no stable foundation resting on the farm to sustain the orgies of the crazed, inflated era. So it collapsed with a crash in 1929.

Government had given all its attention, all its aid, all its benefits to finance and industry. It gave no thought, no fostering care to the very foundation of our national economy. It sprinkled liberally the streets of the cities, but it failed to water the roots of the farm. And when after time those roots dried up and sent up no more sap to industry and finance, the fair forest of false prosperity withered and died.¹⁵⁷

But his speech was not entirely backward-looking. He pointed out that the prices of farm products in September 1936 were higher than on March 3, 1933, the day before F.D.R.’s inauguration; he contended that farmers had reaped the “blessings” of the Agricultural Adjustment Act, but did not mention that the Supreme Court declar-

¹⁵⁵ His Committee embraced all political parties—“yes even Socialists”— which shows how Murphy had set aside his deepest antipathies to re-elect the president. Appendix 8A, at 214.

He surely knew that his old ally Senator Charles L. McNary, a Progressive Republican, was sitting out the 1936 presidential election. Arthur M. Schlesinger, note 152, at 596 (“liberal Republicans like Hiram Johnson, Gerald Nye, even Charles McNary and William E. Borah, took no part in the campaign rather than oppose Roosevelt.”).

¹⁵⁶ It is obvious that he wrote it beforehand and read it over the air. It was reprinted in the *Wheaton Gazette*, September 18, 1936, at 1. It is posted in Appendix 8A, at 210-215.

¹⁵⁷ *Id.*, at 211-212.

ed the law unconstitutional in January.¹⁵⁸ He predicted that “the new Soil Conservation Program” would provide “generous benefits” to Minnesota farmers.¹⁵⁹ With a trial lawyer’s cunning, he warned the audience to “not follow that easy path of permitting the politician, the spellbinder, the political propagandist to do your thinking for you.”

Paid Advertisement
Hear Frank W. Murphy
Flay Frank Knox and
G O P Political Bunk
WCCO—9 P. M.

SATURDAY, SEPT. 19th

(Paid advertisement—Prepared and inserted by Independent Volunteer Committee, H. H. Barker, secretary, Radisson Hotel, Minneapolis, for which regular rates have been paid.)

On September 18 the *Wheaton Gazette* published an unusually boastful advertisement of his radio reply the next night to a speech on agriculture that Republican vice president candidate Frank Knox had given in Cokato, Minnesota.¹⁶⁰ As promised he “flayed” Knox:

He has no understanding of the farmer’s problems. All his adult years been devoted to publishing city newspapers. There is no record of his championing the cause of farmers during the depression

¹⁵⁸ *United States v. Butler*, 297 U.S. 1 (January 6, 1936) (Stone, Brandeis & Cardozo, JJ., dissenting). The AAA, enacted in May 1933, aimed to curtail farm overproduction that was thought to be the major cause of the depression in agriculture and to restore prices of farm goods to a level equal in purchasing power in the pre-war period, 1909–1914.

¹⁵⁹ Appendix 8A, at 213. The first Soil Conservation Act, passed on April 27, 1935, aimed to protect farm land by controlling the floods and dust storms common in the 1930s. On February 29, 1936, seven weeks after the *Butler* ruling, an amended Soil Conservation and Domestic Allotment Act passed. Under it the federal government paid farmers to take soil conservation practices and, indirectly, take land out of production. Despite Murphy’s optimism, it was deeply flawed. See generally, Paul L. Murphy, “The New Deal Agricultural Program and the Constitution,” 29 *Agricultural History* 160, 163 (October 1955)(citing sources) (“Although the attempt to conform with the *Butler* case’s constitutional concepts was fairly successful, the tailoring process, which this need dictated, left the program critically weak. This weakness lay in the lack of assurance that enough producers would cooperate to permit a limitation of production sufficient to raise prices. During the good crop years of 1937 and 1938, commodity surpluses and sharply declining prices appeared again. Not enough farmers accepted the voluntary system.”).

¹⁶⁰ *Wheaton Gazette*, September 18, 1936, at 5.

days of 40-cent wheat, 2-cent hogs, 3-cent steers and 6-cent eggs. Not being a farmer, not having gone through this slough of starvation prices for farm produce, not having struggled to meet taxes and interest on farm mortgages, he gives to farmers of Minnesota with glib tongue this formula for farm relief....

So my friends on Minnesota farms, under the Knox method you will have to raise yourself by your own bootstraps, left unassisted to work out your own salvation. This is precisely what Republicans leaders said before when we battled in Washington for relief. Now we have handed out again the meaningless platitudes, soap bubbles of bun-cum, soporific words to lull the innocent, phrases empty of meat and void of content. Colonel Knox forewarns us that all the farmers need expect from a Republican administration is neglect, indifference and an opportunity to tug at his own bootstraps.”¹⁶¹

For Minnesota Democrats and Farmer-Laborites, the highlight of the campaign was the President’s visit to St. Paul on Friday, October 9. He arrived by special train at Union Station about 4:50 P.M., gave a short address at the Capitol, visited the Dowling School for Crippled Children, met with political leaders and departed at 10:21 P.M. The crowds were immense. An estimated 400,000 people lined the streets as the fifty car motorcade passed.¹⁶²

¹⁶¹ *Wheaton Gazette*, September 25, 1936, at 1 (“Murphy Hits Knox Minnesota Speech”). The speech is posted in Appendix 8B, at 216-218.

Frank Knox (1874-1944) was an editor of newspapers in Grand Rapids, Michigan, and Manchester, New Hampshire, before becoming publisher of the *Chicago Daily News* in 1930. From July 1940 to his death in April 1944, he served as Secretary of the Navy in FDR’s war cabinet.

¹⁶² *St. Paul Pioneer Press*, October 10, 1936, at 5 (“Estimates placed the number of persons who saw the President on the line of march at 400,000, while the crowd massed in front of the Capitol steps was placed at between 50,000 and 75,000.”). In contrast, the *Wheaton Gazette* estimated the crowd at the Capitol at only 30,000. October 16, 1936, at 1. *Minneapolis Journal*, October 9, 1936, at 1 (referring to “procession of 50 cars.”).

Murphy, as chairman of the All-Party Agricultural Committee, was with or near the President throughout most of this visit. He was one of about a dozen political leaders who entered the President's private car to greet him after his train arrived at Union Station.¹⁶³



Governor Hjalmar Peterson with the President and Eleanor Roosevelt during campaign stop in St. Paul (October 1936)

In the parade to the Capitol, he shared a car with Senators Elmer A. Benson and Henrik Shipstead, both Farmer-Laborites, and Chief Justice John P. Devaney.¹⁶⁴ He was on the Capitol steps when F.D.R. addressed the crowd.¹⁶⁵ He also presided over the President's brief

¹⁶³ *St. Paul Pioneer Press*, October 10, 1936, at 5.

¹⁶⁴ *Id.*

¹⁶⁵ *Wheaton Gazette*, October 16, 1936 at 1 ("There was of course standing room only in front of the capitol and it was difficult to get close to the platform. The President's party on the capitol steps included, in addition to aids, Frank W. Murphy, chairman of the

visit to the Dowling School for Crippled Children in Minneapolis.¹⁶⁶ For about a half hour at the end of the visit, over thirty Minnesotans trooped into the President's private rail car, three or four at a time, to chat and according to the *Pioneer Press*, which kept a tally, "Mr. and Mrs. Frank Murphy were the last to see the President before [Senator] Benson."¹⁶⁷

Murphy was F.D.R.'s chief emissary to Minnesota farm families. Even on the day of the President's visit in October, a farm conference was scheduled at which Murphy was to play a leading role.¹⁶⁸ He continued delivering radio addresses, which had become a specialty. On four successive nights in late October, he spoke on agricultural issues over radio stations that covered parts of Minnesota and North Dakota.¹⁶⁹

Minnesota All-Party Agricultural Committee, Governor Hjalmar Peterson, Senators Benson and Shipstead, John Erickson, national democratic committeeman, John Meighan, Joseph Moonan and Chief Justice J. P. Devaney.").

The prominence of Chief Justice Devaney at this campaign event is surprising. After Minnesota adopted a non-partisan judiciary in 1912, Supreme Court justices avoided partisan functions, although political parties still occasionally endorsed a candidate. He resigned from the court on February 15, 1937, to return to private practice. For his bar memorial, see "John P. Devaney" in *Testimony: Remembering Minnesota's Supreme Court Justices* 285-289 (Minn. Sup. Ct. Hist. Soc., 2008).

¹⁶⁶ *St. Paul Pioneer Press*, October 10, 1935, at 3 ("Smiling Faces Cheer F.R. at Dowling School"). This visit was listed on the itinerary published on the front page of the evening *Minneapolis Journal*, October 9, 1936, at 1 ("At Dowling school Frank W. Murphy will preside and Senator Elmer Benson will introduce the President.").

¹⁶⁷ *St. Paul Pioneer Press*, October 10, 1936, at 5 (naming the visitors). These visits, though short, had a political purpose. Before F.D.R.'s visit, Democratic and Farmer-Labor Party leaders had formed an uneasy coalition to work for his re-election. As the *Minneapolis Journal* put it, "The deal between Farmer-Laborites and Democrats was the main theme everywhere as the President came here, and it was assumed that his visit is designed in part at least to iron out rough spots created by it." October 9, 1936, at 1.

¹⁶⁸ *Minneapolis Journal*, October 9, 1936, at 1 ("Also there will be a farm conference, to which have been invited Frank W Murphy, chairman of the all-party agricultural committee; Frank White, president of the Minnesota Farm Bureau; Herb Miller of Northfield, Ed C. Cameron of Clear Lake, Berry Akers, Harry S. Muir, H. G. Bolstad, Charles Stickney and T. M. O'Leary of St. Paul.").

¹⁶⁹ As reported on the front page of the *Wheaton Gazette*, October 23, 1936:

THREE STATIONS WILL
HANDLE MURPHY TALKS

Three stations, WDGY, Minneapolis, WDAY, Fargo, and KFYZ, Bismarck, will broadcast radio addresses of the Hon. Frank W Murphy, agricultural

In 1936 Murphy did not campaign for candidates for U. S. Senator and governor. As the "All-Party" Chairman, he was, in his own way, above party politics. He had not rejoined the Republican Party; he was not a Democrat; and, though he supported Floyd B. Olson, he was not a Farmer-Laborite.¹⁷⁰

Moreover, several earthquakes had upended state politics. Murphy's old friend Senator Thomas D. Schall died on December 22, 1935, after being hit by a car while crossing a street in a suburb of Washington, D.C. As a result Murphy did not have to choose between Schall and Governor Olson, who was running for the Schall's seat in the Senate.¹⁷¹ Schall had been re-elected in 1930 and, according to law, his replacement would be appointed by the governor and stand in a special election in November 1936 to complete the last two months of the term.¹⁷² To fill the vacancy the governor appointed Elmer A. Benson, a fellow Farmer-Laborite, political ally and Commissioner of Banks, but Benson wanted to be governor not senator. Lieutenant Governor Hjalmar Petersen, a stalwart member of the Farmer-Labor Party, assumed the governorship in August 1936 upon Olson's death, and he wanted to remain governor. In an intra-party contest that left the Petersen camp embittered, Benson received the party's endorsement for governor, and drubbed Republican Martin A. Nelson and an independent candidate in

leader, who is chairman of the Minnesota All-Party Agricultural Committee, from 6:00 to 6:15 p.m. on October 26, 27, 29 and 30.

Mr. Murphy's addresses are concerned chiefly with the agricultural situation. For more than a dozen years the Wheaton attorney has devoted a great deal of his time and ability to bring better prices to the American farmer and his talks on farm questions are considerable (sic) to be the most authoritative of any radio speaker by many farmers.

¹⁷⁰ Almost certainly he opposed radical elements in the Farmer-Labor Party. See John Earl Haynes, *Dubious Alliance: The Making of Minnesota's DFL Party* 12-18 (Univ. of Minn. Press, 1984)(describing the infiltration by Communists in the Farmer-Labor Association).

¹⁷¹ Charles B. Cheney, note 59, at 59 ("Olson was heading for Tom Schall's place in the senate. Both men had been looking forward to such a clash, and it was due in 1936. Each man had been getting ammunition for the fray, and they were both loaded for bear. ").

¹⁷² The term ran from November 3, 1936 to January 3, 1937. Under the Twentieth Amendment to the U. S. Constitution, ratified January 23, 1933, "the terms of Senators and Representatives [shall end] at noon on the 3d day of January..."

November.¹⁷³ For the short two-month Senate term, the Farmer-Labor and Democratic Parties did not field candidates, permitting Republican Guy V. Howard to be easily elected. For the full six-year term from January 3, 1937, to January 3, 1943, Farmer-Laborite Ernest Lundeen swamped former three term Republican governor and current Congressman Theodore Christianson. Where were the Democrats? The party did not run candidates for the U. S. Senate and governor in 1936, one casualty of this stratagem being Patrick J. Delaney who won the Democratic primary for governor on June 16, 1936, but because the party chose not to field a candidate, he was not listed on the ballot in the general election in November.¹⁷⁴

F.D.R. was re-elected in a landslide, taking 46 states, while Kansas Governor Alf Landon, won only Maine and Vermont. The Farmer-Labor Party also triumphed, taking the Governorship and the Senate seat.¹⁷⁵

¹⁷³ For an account of the in-fighting, see Steven J. Keillor, *Hjalmar Petersen of Minnesota: The Politics of Provincial Independence* 114-133 (Minn. Hist. Soc. Press, 1987).

¹⁷⁴ John Earl Haynes, note 170, at 18 ("The Farmer-Labor Party's alliance with President Roosevelt also continued despite Olson's death. Farmer-Laborites gave their full support to the President's reelection campaign, and Roosevelt engineered the withdrawal of Democratic candidates from the U.S. Senate and governor's contests so as to give Farmer-Labor nominees a clear track. In the election, Roosevelt won Minnesota with a massive majority, and the Farmer-Labor ticket achieved its greatest electoral triumph.").

¹⁷⁵ The results of the election on November 3, 1936, were:

Presidential candidate	Votes nationwide	Electoral votes
Franklin D. Roosevelt (Democratic).....	27,476,673	523
Alfred M. Landon (Republican).....	16,679,583	8
William Lemke (Union).....	882,479	
Norman Thomas (Socialist).....	187,720	
Earl Browder (Communist).....	80,159	
D. Leigh Colvin (Prohibition).....	37,677	
John W. Aiken (Industrial).....	12,829	

Vote totals for Traverse County were: Roosevelt 2,297; Landon 761; Aiken 3; Lemke 82; Browder 0; and Thomas 1. Source: 1937 *Blue Book*, at 381.

U. S. Senate for term ending January 3, 1937:	Votes	Percent
Guy V. Howard (Republican).....	317,457	42.89%
Nathanial J. Holmberg (Independent).....	210,364	28.42%
Andrew Olaf Devold (Independent).....	147,858	19.98%
John G. Alexander (Independent).....	64,493	8.71%

Chapter 11 (The Closing Years)

The 1936 presidential election was the last in which Murphy was an active campaigner for a candidate. In elections in 1938 and 1940, the *Gazette* no longer carried schedules of his radio addresses or texts of his speeches.

As the decade closed, he continued practicing law, taking on cases in Minneapolis.¹⁷⁶ Though he and his wife spent more time in Minneapolis, they did not leave Wheaton. In late 1938, he was one of the incorporators of the First State Bank of Wheaton.¹⁷⁷

A diligent member of the Board of Regents of the University, he was instrumental in the selection of Guy Stanton Ford to succeed President Lotus Coffman, who died on September 23, 1938. The selection process quickly became infused with politics which alarmed some regents.¹⁷⁸ He was appointed to a selection committee which made a recommendation to the Board on October 19, 1940. It is evident from the *Minneapolis Star's* blow-by-blow account of that contentious meeting that Murphy, Ray Quinlivan of St. Cloud and

U. S. Senate for term, 1937-1943	Votes	Percent
Ernest Lundeen (Farmer-Labor).....	663,363	62.4%
Theodore Christianson (Republican).....	402,404	37.76%
 Minnesota governor	 Votes	 Percent
Elmer A. Benson (Farmer-Labor).....	680,342	60.74%
Martin A. Nelson (Republican).....	431,841	38.55%
Earl Stewart (Industrial).....	7,996	0.71%

Vote totals for Traverse County: Benson 2,049; Nelson 1,026; and Stewart 31. Source: 1937 *Blue Book*, at 364.

¹⁷⁶ As noted earlier (see note 17, at 11-12), Murphy's investments in agriculture and commercial enterprises inevitably lead to litigation in which he was a party. During the November 1938 term of the district court in Wheaton, one such case was called for trial and dismissed: "Otto Minners, as trustee, vs. F. W. Murphy, John J. Minners, et. al., no appearance on part of plaintiff so judgment was granted defendants." *Wheaton Gazette*, November 25, 1938, at 1.

¹⁷⁷ *Wheaton Gazette*, September 30, 1938, at 12 (Articles of Incorporation).

¹⁷⁸ Charles B. Cheney, the *Minneapolis Tribune's* crack political reporter recalled, "There was talk that Gov. Benson would resign and be elected president of the university. This created some excitement, as it threatened a political control of the great school." Charles B. Cheney, note 59, at 65.

Fred B. Snyder, a Minneapolis lawyer and President of the Board, plotted beforehand to secure the election of their preferred candidate:

Regents Pick Dean Ford As New 'U' Head

Board Votes 8 to 4 on Appointment After Bitter Row

Dr. Guy Stanton Ford, dean of the University of Minnesota graduate school for the past 25 years, today is president-elect of the University.

He was named by the Board of Regents late Wednesday by a vote of eight to four....

Session Stormy

The vote followed one of the most stormy sessions in the board's history. Charges of steam-rolling and comments that procedure "stinks to high heaven" marked the meeting.

But regents voting against selection of Dr. Ford stated in the course of the debate that they have the highest regard for his qualifications. Objections were to Dr. Ford's age, and to the manner in which the resolution naming him had been prepared.

....

Dr. Ford is 65 and will retire from the presidency in three years if the board of regents does not change its requirement that a president must retire at 68.

The vote on a resolution designating Dr. Ford president was:

YES: Dr. William J. Mayo, Ray J. Quinlivan, George W. Lawson, Albert Pfaender, A. E. Olson, Fred B. Snyder, Frank W. Murphy, Lewis A. Lohmann.

NO: Benjamin DuBois, O. M. Peterson, George B. Leonard, Martin M. Olson.

....

The division found appointees of Gov. Elmer A. Benson, named when the legislature failed to act, voting against Dr. Ford's election and regents elected by the legislature, voting for Dr. Ford.

....

The report of the committee of three named to canvas the field for a successor to the late Dr. Lotus D. Coffman was called for by Fred B. Snyder, president of the regents, as the meeting started.

Mr. Snyder asked for a motion that the board go into executive session to hear the report. Mr. Leonard objected to an executive session. He was supported by Regent DuBois. A motion was put to keep the session open was passed.

Murphy Rises

President Snyder then called for "the committee's report." Regent Murphy rose to make the report, but Mr. Leonard objected that he, as chairman of the committee, should make the report.

Mr. Leonard said he had been asked by Mr. Murphy to attend a luncheon meeting of the committee Wednesday and that when he arrived Mr. Murphy and Mr. Quinlivan proceeded to elect Mr. Murphy chairman over his objection.

He said he had been designated chairman of the committee by Mr. Snyder and Mr. Snyder and turned over to him all communications to the committee as its chairman.

Murphy Cites Case

Mr. Murphy contended that the committee itself was privileged to elect its own chairman and that no chairman had ever been formally named by the regents for the committee.

Mr. Leonard declared that he would regard any attempt to elect Dr. Ford president at the Wednesday meeting as steam-rolling.

"If there is going to be any steam-rolling, you aren't going to steam-roller me," he said.

He said it been the sense of an earlier meeting that representatives of the American Association of University Professors and the Teachers Federation be heard before a new president was named.

DuBois Raps Method

Regent DuBois, after stating he believed Dr. Ford was qualified for the post, said that in his opinion the procedure of virtually ignoring the chairman of the committee named to canvas for a successor “STINKS TO HIGH HEAVEN.”

After Mr. Murphy had read the resolution recommending Dr. Ford and signed by himself and Mr. Quinlivan, Mr. Leonard detailed results of the canvass for a successor to the late Dr. Coffman. He stated he was not prepared to recommend a successor but that he believed the regents should study the matter carefully.

The vote was then taken on the resolution submitted by Regents Murphy and Quinlivan and Dr. Ford was declared elected.¹⁷⁹

The selection was applauded by the *Minneapolis Star*.

The University of Minnesota board of regents, despite the stormy character of its meeting Wednesday, chose an outstanding man for the presidency of the University.

No one, not even the regents who objected strenuously to the manner in which Dr. Ford was elected, expressed any doubt that Dr. Ford is entirely qualified for the post.¹⁸⁰

¹⁷⁹ *Minneapolis Star*, October 20, 1938, at 1

¹⁸⁰ *Id.*, at 18 (excerpt). The *St. Paul Pioneer Press* was equally complimentary:

The Board of Regents is entitled to hearty congratulations for the manner in which it has met the situation created the recent death of President Lotus D. Coffman. It has selected Guy Stanton Ford as Mr. Coffman's successor and a wiser action the board could not have taken.

It is wise because of Dean Ford's high qualification for the position, his previous experience as acting president, and by the esteem and affection in which he is held by the many thousands of former students of the University.

In an editorial the *Gazette* emphasized the pivotal role of Wheaton's favorite son:

A SERVICE TO THE STATE

F. W. Murphy rendered a distinct service to the state of Minnesota last week when he was responsible for the election of Dean Ford as president of the state university.

With the present interest in politics and the known desire of some agencies to put the university into politics, the selection of a president was fraught with dangerous possibilities.

The state also owes a debt to Judge John P. Devaney, who replied, when a suggestion was made that he be offered the presidency of the university: "I am not an educator. I think the post should go to the best qualified educator available in the United States." or words to that effect.

The judge voiced the opinion of all good citizens who believe the future welfare of the state is largely dependent on the form of education given the young men and women. Their welfare should not be jeopardized by making the university president a political appointee.

Because of his age Dean Ford will be able to serve but three years before retirement. During that time the regents will have ample opportunity to search the educational field for the "best qualified educator available."¹⁸¹

His six year term as regent ended on February 7, 1939.¹⁸²

Meanwhile in the general election on November 8, 1938, a resurgent Republican Party, led by Harold Stassen, administered an electoral shellacking to the Farmer-Labor Party from which it never recovered.¹⁸³ Murphy was not active in that campaign.

St. Paul Pioneer Press, October 20, 1928, at 4 (excerpt).

¹⁸¹ *Wheaton Gazette*, October 28, 1938, at 4.

¹⁸² Murphy was not nominated for another term when the legislature met in joint session to elect regents in February 1939. Nevertheless, he received 3 write-in votes. *Journal of the House of Representatives*, February 7, 1939, at 271-75.

¹⁸³ The results of the gubernatorial election on November 8, 1938, were:

At least on the surface, the presidential contest between F.D.R. and Wendell Willkie in 1940 put Murphy in a quandary. He had campaigned strenuously for F.D.R. in 1932 and 1936, but 1940 was different. Over fierce opposition within the Democratic Party, Roosevelt selected Henry A. Wallace, Secretary of Agriculture, as his Vice Presidential running mate. This was an attempt to neutralize the attraction in farm belt states of Willkie's Vice Presidential selection, Oregon Senator and Republican minority leader Charles McNary, co-sponsor of the McNary-Haugen bills.¹⁸⁴

Murphy knew both candidates for Vice President.¹⁸⁵ Wallace was the new Secretary of Agriculture in 1933 when he was being touted for a

Governor	Votes	Percent
Harold E., Stassen (Republican).....	678,839	59.92%
Elmer A. Benson (Farmer-Labor).....	387,263	34.18%
Thomas F. Gallagher (Democrat).....	65,875	5.81%
John William Castle (Industrial).....	899	0.89%

Source: 1939 *Blue Book*, at Abstract.

¹⁸⁴ Historian William Leuchtenburg describes the bitter infighting at the Democratic Convention in Chicago:

Roosevelt and Vice-President John Garner, had long since parted ways. For his new running mate, the President selected a committed New Dealer, his Secretary of Agriculture, Henry Wallace. Wallace, Roosevelt believed, would appeal to the Corn Belt and, as a trenchant antifascist, would clarify issues for the country. Party regulars were aghast at the choice of an ex-Republican with little political savvy and a reputation for mysticism. Even more to the point, a small army of men had been working to secure the vice-presidential nomination for themselves. For a time it appeared that the querulous delegates, testy over the displacement of old-time Democrats by New Dealers like Hopkins, would kick over the traces and nominate Speaker [of the House of Representatives William B.] Bankhead of Alabama instead. As Roosevelt listened to the proceedings from Chicago on the radio, he scribbled out his declination of the nomination. On the convention floor, [South Carolina Senator] Jimmie Byrnes moved from delegation to delegation, saying: "For God's sake, do you want a President or a Vice-President?" Bullied by the threat Roosevelt might not run, the convention designated Wallace with 628 votes to 329 for Bankhead, but Wallace did not dare make an acceptance speech to the irate delegates.

William E. Leuchtenburg, *Franklin D. Roosevelt and the New Deal, 1932-1940* 317 (Harper & Row, 1963) (citing sources).

¹⁸⁵ Murphy met Wallace when the American Council of Agriculture was formed in July 1924 in St. Paul. Gilbert C. Fite, note 30, at 90.

high post within the Department—an appointment he did not get. And, of course, he had supported McNary in battles they waged and lost over farm price parity legislation in the 1920s. Motivated—perhaps—by that friendship, Murphy in July announced he would vote for the Republican ticket. The *Minneapolis Times Tribune* broke the story:

Frank W. Murphy of Wheaton Returns To Republican Fold

Twelve years ago Frank W. Murphy of Wheaton bolted Republican Party. After serving as a delegate to the 1928 national convention he, along with other farm leaders, who had fought for the McNary–Haugen bill, swung to the Democrats.

In the years that followed Mr. Murphy moved right in with the Democrats. As chairman of the Roosevelt agricultural committee in Minnesota, he helped lead the drive which put Mr. Roosevelt in the White House, and which kept them there in 1936. In that period too he took a hand in Farmer–Labor politics, and was named a university regent by the late Governor Olson. He even held a federal position for a time.

BACK IN FOLD

But today the “honeymoon” is over. Mr. Murphy has gone lock, stock and barrel for the Republican ticket—Willkie and McNary. And the correspondence he has been getting indicates a lot of his old friends of the farm fight agree with him.

He admitted today he is completely sold on the combination. Though in active in Republican affairs in recent years, he said he was eager to see either Willkie or McNary nominated, and was almost floored when both men got on the ticket. McNary is an old associate in the farm fight.

“They did a great job at Philadelphia,” Murphy said. “It’s a marvelous ticket, and I’m all for it.”

That Willkie will get a wide variety of support seems evident. Many farm leaders declared themselves for him in messages to delegates before he was nominated.¹⁸⁶

F.D.R. was re-elected, winning Minnesota's 11 electoral votes, but the Republicans retained the governorship and took the U. S. Senate seat when incumbent Henrik Shipstead changed his party affiliation from Farmer-Labor to Republican.¹⁸⁷

¹⁸⁶ *Minneapolis Times Tribune*, July 4, 1940, at 17 (excerpt).

¹⁸⁷ Results of the election in Minnesota on November 5, 1940, were:

Presidential Candidate	Votes	Percent
Franklin D. Roosevelt (Democrat).....	644,196	51.49%
Wendell Willkie (Republican).....	596,274	47.66%
Norman Thomas (Socialist).....	5,454	0.44%
Earl Browder (Communist).....	2,711	0.22%
John W. Aiken (Socialist Labor).....	2,553	0.20%

F.D.R. won 38 states, receiving 449 electoral votes (including Minnesota's 11), and Willkie won 10 states and 82 electoral votes.

Governor	Votes	Percent
Harold E. Stassen (Republican).....	654,686	52.06%
Hjalmar Peterson (Farmer-Labor).....	459,609	36.55%
Edward Murphy (Democrat).....	140,021	11.13%
John William Castle (Industrial).....	3,176	0.25%

Traverse County: Stassen: 1,846; Peterson: 1,086; Murphy: 609; Castle: 10.

Source: 1941 *Blue Book*, at Abstract.

U. S. Senate	Votes	Percent
Henrik Shipstead (Republican).....	641,049	53.01%
Elmer A. Benson (Farmer-Labor).....	310,875	25.71%
John A. Regan (Democrat).....	248,658	20.56%

Shipstead was elected and served as a Farmer-Laborite from 1923 to 1941. He ran and was re-elected as a Republican in 1940.

Chapter 12

(The Death of Murphy)

Frank W. Murphy died on November 22, 1940, at age 71. The *Minneapolis Star Journal* carried the story on its front page, with a glaring mistake in the headline:

F. W. Murphy, Former 'U' Regent, Succumbs

**Leader in Farm Equality Movement
Was 68 (sic) at Death**

Frank W. Murphy, 68, for many years a national leader in the move for agricultural equality and a former University of Minnesota Regent, died early today at his rooms at Radisson hotel.

He died in his sleep and was found by Mrs. Murphy. Dr. Arthur N. Russeth, deputy county coroner, said death had resulted from coronary sclerosis.

He is survived by the wife and one son, Mac Murphy, a mining engineer in California.

In recent years he was active in many law cases in Minneapolis and St. Paul, and this week appeared in Shakopee as a defense attorney during the prosecution of George E. Wallace, former state tax commissioner, and attorney for the Minnesota State Law Enforcement league, on extortion charges.



Mr. Murphy, although a practicing lawyer in Wheaton and Minneapolis for nearly half a century—he graduated from the university law school in 1893—is remembered principally for his long fight for adjusted farm relief.

He was an early advocate of the McNary-Haugen agricultural bill, twice passed by congress and twice vetoed by the then presidents.

In 1928 Mr. Murphy made his most spectacular drive for this measure when he bolted the Republican national convention at Kansas City after making an impassioned speech advocating a platform plank indor-sing the McNary-Haugen principle.

When the convention turned him down, he quit the hall, came back to Minnesota and campaigned for Alfred E. Smith, Democratic nominee against Herbert Hoover.

In both 1932 and 1936, Mr. Murphy headed the all-party committee supporting Franklin D. Roosevelt for president.

After Roosevelt's first election he was strongly urged for secretary of agriculture in the Democratic cabinet, the legislature of Wisconsin adopting a resolution supporting him.

Mr. Murphy was named by the president as the first Public Works administrator for Region 4 in 1933, later giving up that post.

Always a strong backer of the late Gov. Floyd B. Olson, Mr. Murphy was appointed a member of the university board of regents by Olson in 1933 when the legislature failed to agree on a slate of regents. He held the post until 1939.

He was president of the Minnesota State Bar association in 1933. He was a member of the State Fair Board many years.

Mr. Murphy was born at Pleasant Valley, Wis., Aug. 24, 1869, was raised on a farm and graduated at River Falls, Wis., normal school.

Coming to Minnesota he studied law and settled in Wheaton. He owned as many as 20 farms in Traverse and surrounding counties. Mrs. Murphy was Estella Gray of Stillwater before their marriage. . . ¹⁸⁸

¹⁸⁸ *Minneapolis Star Journal*, November 22, 1940, at 1 (funeral arrangements omitted).

The obituary in the *Minneapolis Tribune* the next day was shorter:

**Frank W. Murphy, 71,
Dies After Heart Attack**

Death early yesterday early yesterday claimed Frank W. Murphy of Wheaton, long a dominant figure in Minnesota politics and nationally recognized as a leader in farm legislation.

Mr. Murphy died 71 died in his sleep at the Radisson Hotel. He retired Thursday night, apparently in good health, after a Thanksgiving dinner with Mrs. Murphy. Yesterday, when she called him, she received no answer. Examination disclosed he had suffered a heart attack during the night.

Aided McNary – Haugen Bill

Well-known on every farming community in the Northwest, Mr. Murphy conducted his battles without regard for political party. He was a Republican most of his life and sought to get the McNary – Haugen Bill enacted into law. When the bill failed in 1928, although he was a delegate to the Republican national convention, he quit the party and supported Al Smith. In 1932 in 1936 he backed President Roosevelt, in 1936, heading up the Roosevelt agricultural committee in the northwest. This year however, he went back into the Republican Party and supported Wendell Willkie.

Headed Bar in 1934

A lawyer by profession, Mr. Murphy was elected president of the Minnesota State Bar Association in 1934 and named the committee that studied the crime problem and made the recommendations are resulted in extensive changes in the criminal code.

Among his other activities was the presidency 20 years ago the Minnesota State fair board and a membership on the University of Minnesota Board of Regents from 1933 to

1939. For some time he was regional advisor for the public works administration

Opposed Radicalism

Mr. Murphy, although a supporter of liberal and progressive political thought, was a stern opponent of extreme radicalism. He was a law partner Victor E. Anderson, United States district attorney, and maintained offices in the Rand Tower.

He is survived by his wife and a son, Franklin, of Hollywood; three brothers, James of Lakota, N. D.; John of Junction City, Ore.; and Virgil of St. Paul, and two sisters, Mrs. Joseph Doyle of St. Paul and Mrs. Thomas Harvey of Elizabeth, N.J.¹⁸⁹

Regional newspapers carried the Associated Press's report of Murphy's death. The following is from the *Fergus Falls Daily Journal*:

Frank W. Murphy Is Found Dead In Hotel

**Prominent Wheaton Attorney,
Well Known Here, Dies
Suddenly**

**Defended Wallace at Shakopee Saturday —
Dies In Radisson Hotel**

Minneapolis. November 22—(AP)—Frank W. Murphy of Wheaton, veteran battler for agriculture and one of Minnesota's best-known citizens, died in his sleep today at Radisson Hotel where he and Mrs. Murphy had been living for several years. He was 71.

Two days ago he spent the day in Scott County courtroom as attorney for George W. Wallace in the

¹⁸⁹ *Minneapolis Tribune*, November 23, 1940, at 10

Shakopee case. Last night he and Mrs. Murphy went out for Thanksgiving dinner. This morning she found him dead in his bed, apparently the result of a heart attack. Seriously ill some years ago, he had guarded his health carefully.

Murphy was president of the Minnesota state bar association in 1934, and named the committee which launched a study of the crime problem and which resulted in extensive changes in state laws.

He had been president of the state fair board 20 years ago, working for agriculture.

He had been a regent of the University of Minnesota from 1933 to 1938, and led in the movement to elect Guy Stanton Ford president. For years he was chairman of the executive committee of the American Council of Agriculture and was a crusader for the McNary-Haugen farm bill. A delegate to the Republican national convention in 1928, he left the party on the farm issue, supporting Al Smith and President Roosevelt, but this year swung to the Republican Party once more.

He represented the Roosevelt administration at the World Wheat conference some years ago and was regional advisor for the Public Works Administration for a time

Always actively interested in politics, he declined to follow party lines, but was a strenuous opponent of extreme radicalism. He was a law partner of Victor E Anderson, United States District Attorney. . . .

Mr. Murphy has tried a great many cases in Fergus Falls and has also spoken here on political campaigns. He was very well known throughout this and neighboring counties.¹⁹⁰

¹⁹⁰ *Fergus Fall Daily Journal*, November 22, 1940, at 1 (photograph and list of survivors omitted). The last paragraph was added to the Associated Press story by the Fergus Falls editor. Excerpts from the AP story were reprinted in the *Bemidji Daily Pioneer*, November 22, 1940, at 2 ("Frank W. Murphy Dies in Sleep Early Today"); and *Willmar daily Tribune*, November 22, 1940, at 1 ("Frank Murphy Dies Suddenly").

The *Fergus Falls Daily Journal* editorialized:

Frank W Murphy

Frank W Murphy, prominent attorney of Wheaton, and well-known throughout Minnesota, was found dead in a hotel in Minneapolis this morning. Mr. Murphy's death will be a great shock to a host of friends. He was one of the state's ablest attorneys and was particularly well known here in Fergus Falls, where he had tried numerous cases. He was associated with Roger L. Dell in the trial of cases here and elsewhere. He was also prominent in political civic affairs in the state.

Few men were better known and better liked.¹⁹¹

In its Sunday edition, the *Minneapolis Tribune* listed the pallbearers at Murphy's funeral—all the local federal judges, leaders of the state bar and friends from Wheaton:

**F. W Murphy
Pallbearers
Are Named**

**Funeral Services Will Be
Tomorrow at 3 P.M. at
Wheaton**

Honorary pallbearers were named last night for the funeral today of Frank W. Murphy, veteran farm and political leader, who died in Minneapolis. Funeral services will be at Wheaton, Minnesota, at 3 P.M. tomorrow.

The honorary pallbearers will be federal judges John B. Sanborn, Gunnar H. Nordby, M. M. Joyce, Robert C. Bell and George Sullivan; Chief Justice Henry M. Gallagher, former Chief Justice John P. Devaney, and [District Court] Judge S. A. Flaherty.

John J. Farrell, Thomas Howard, Howard S. Abbott, Victor E. Anderson, Pres. Guy Stanton Ford of the

¹⁹¹ *Id.*, at 4.

University of Minnesota, Fred B. Snyder, Fred W. Root, John R. Coan, Dr. C. I. Oliver, Roger Dell, E. A. Purdy, L. N. Foster, John H. Hauschild, Harvey Brothers, Shreve Archer, John A. Burns, Donald Rogers, Herbert T. Park, James F. Lynch, Frank J. Williams.

Dean W. C. Coffee of the University of Minnesota, Paul E. Miller, William O. Johnson, Frank McCormick, Howard Babcock, Lewis E. Jones, Charles E. Houston, F. C. Anderson, Fred H. Klaywon, J. S. Jones, Einathan Gates, and Theodore Hayes.¹⁹²

The weekly *Wheaton Gazette* carried a lengthy obituary on its front page on November 29, 1940:

Funeral Services Are held For Franklin W. Murphy

**Attorney and Farm Leader
Is Buried At Wildwood**

Funeral services were held Monday afternoon at the high school auditorium for Franklin W. Murphy, a Wheaton citizen and attorney since 1893, and a national figure as an agricultural leader. The services were conducted by Pastor R. E. Zarse of the Wheaton Presbyterian church, of which the deceased was an elder.

Mr. Murphy is survived by widow, one son, Franklin Mac, Hollywood, Cal.; three brothers James of Lakota, N. D., John of Junction City, Ore., and Virgil of St. Paul; and two sisters Mrs. Joseph Doyle of St. Paul and Mrs. Thomas Harvey of Elizabeth, N.J.

Following the church services, the Masonic burial service was held by the Wheaton Masonic lodge of which the deceased was a past master. He was also a member of Consistory No. 1 at St. Paul and Osman temple.

¹⁹² *Minneapolis Tribune*, November 24, 1940 at 15.

Interment was made in Wildwood cemetery. The active pall bearers were Gordon Kristensen, Oliver Haugland, E. E. Howard, Carl Swedberg, Wm. Ringdahl and C. O. Saterbal,

Was Born On Farm

Franklin William Murphy was born on a farm in Pleasant Valley, Wis., August 24, 1869. He attended district schools in his neighborhood and then went to the River Falls Normal three and one half years. He also went to high school in Ann Arbor one year a year in the academic department of the University of Minnesota he entered the law school and was graduated in 1893.

The young lawyer came to Wheaton immediately after graduation and entered a law partnership with T. F. O'Hair, which continued until May, 1899, when Mr. O'Hair retired.

December 11, 1895, Mr. Murphy married Miss Estelle M. McGray of Prescott, Wis., and one son, Franklin Mac, came to bless this union.

Attorney Murphy practiced alone from 1899 to 1913 when the firm of Murphy and Anderson was formed, with Victor E. Anderson as junior partner. This partnership continued until 1923 when Anderson was appointed assistant attorney general of Minnesota. In 1924 his present partner, A. R. Johanson associated with the firm under the name of Murphy and Johanson. Later, Martin J. Ward was added to the firm but remained only a year. In 1930, Reuben Nelson, now of Breckenridge, joined the firm and remained until 1933. In 1931, A. H. Winter, of Browns Valley, joined the present law firm of Murphy, Johanson and Winter.

During the past ten years much of the firm's practice has been in the twin cities and Mr. Murphy maintained an office in the Rand Tower at Minneapolis and spent a great deal of his time in Minneapolis, although he always considered Wheaton as his home.

While in Minneapolis, Mr. and Mrs. Murphy lived at the Radisson Hotel, where Mr. Murphy died in his sleep early

Friday morning. Doctors state that death was due to a heart attack. He retired early Thursday night, apparently in good health. When Mrs. Murphy called him early Friday morning she discovered that he had, passed away during the night.

Received Many Honors

Mr. Murphy's ability and aggressiveness brought him many honors and placed him in many positions of trust. At the time of his death he was president of the First State Bank of Wheaton, a position he had held a number of years. Those on the inside credit Murphy with being the father of the McNary-Haugen bill, which twice passed Congress and was twice vetoed. Present national farm legislation contains many of Murphy's original ideas and principles. As early as 1913 Murphy organized and was president of the West Central Development association. He also aided in making Traverse the first county in the U. S. to have a county agent.

Mr. Murphy was president of the Minnesota Fair Board in 1920 and 1921 president of the Minnesota State Bar Association in 1933, and served as regent of the University of Minnesota from 1933 to 1939.

Worked For Conservation

For many years Murphy had worked for the construction of the Lake Traverse-Bois de Sioux flood control and conservation project and when appointed WPA Director for six states by president Roosevelt did much to put the project on the construction list of the Army Engineers. He also aided in having the Whetstone Diversion and the Lac Qui Parle projects completed. He was appointed as a member of the first Minnesota Planning Board which was affiliated with the National Resources Board.

Mr. Murphy also served as president of the Wheaton village council and for 21 years was a member of the Board of Education. He was instrumental in the movement started in 1913 to form a consolidated school district and

in the construction of the community auditorium which was started in 1915.

Was Farm Leader

Having banking interests both here and in Canada and extensive real estate holdings in Traverse county, Mr. Murphy was always a keen student of economics. Soon after the deflation of 1920 which toppled farm prices and broke hundreds of banks all over the country because farmers could not meet their obligations, Murphy became convinced that legislation was necessary to save the farmer. From the studies of Murphy and associates grew the McNary-Haugen bill.

Always active and energetic, Mr. Murphy never spared himself and he was impatient with all who were not doing their best all the time. He was seriously ill four years ago but as soon as able to function he was back at his office working again. He was greatly devoted to Wheaton and its interests.

The many friends and neighbors of Wheaton and the delegation from over the state who attended the last rites for Mr. Murphy attested to the high esteem in which he was held. In spite of icy roads and stormy weather the bar from nearly every town in this judicial district sent representatives and many friends came from as far as the twin cities.

On its editorial page that day the *Wheaton Gazette* published its own tribute and reprinted editorials from the *St. Cloud Times* and the *Graceville Enterprise*:

A FRIEND PASSES ON

FRANKLIN W., Murphy of Wheaton is dead but his memory will long be an inspiration to all who knew him. Born on a Wisconsin farm; the early life of this man destined to become a leader among men was similar to that of many another youngster of the period. District

school, high school, normal school, college and law school prepared Frank for his life work.

Wheaton became the scene of his adult life as Mr. Murphy came directly here upon completion of his law studies. Working daily from early morn until late at night, the young lawyer developed a knowledge of the law which made him a brilliant legal counsellor.

Endowed with an unusual mind capable of understanding and retaining facts in every field of endeavor, Murphy was able to take part in many activities as a leader. The scope of his endeavors was widespread.

Among the honors won were: president of the West Central Minnesota Development association, president of the Minnesota State Fair Board, mayor of Wheaton, president of the Wheaton school board, master, of the Wheaton Masonic lodge, regent of the University of Minnesota, WPA director in charge of six states, member of the Minnesota Planning Board and elder of the Wheaton Presbyterian Church.

In the field of politics Murphy was also prominent. His ability as an organizer and his eloquence on the platform and over the radio placed him in the forefront of many political contests. He believed in the liberal movement and fought for his principles, regardless of party lines. A Republican until 1928, he was a delegate to the national convention at Kansas City that nominated Herbert Hoover. In an impassioned address of nearly two hours before the convention, Murphy pleaded the cause of agriculture. Not since the famous "Cross of Gold" address by Wm. J. Bryan had such a masterful plea for a cause 'been made on a convention floor.

The delegates turned thumbs down on the agricultural plan proposed and Murphy left the party to support Al Smith. He continued support of the Democrats until this year. He was instrumental in the election of President Roosevelt the first time and in 1936 was head of the All-Party-Roosevelt committee in Minnesota. In 1940 he believed that the election of Willkie would be to the best interests of the nation and supported him enthusiastically.

As the spark plug for the farm forces which secured the passage of the McNary-Haugen bill twice in Congress only to meet a veto twice, Murphy became a national figure. Senator Charles McNary, the late Representative Gilbert Haugen and General George Peek considered Murphy the leader of their group. Truly Murphy "walked with kings but did not lose the common touch."

Not all the objectives for which Murphy labored were reached. As one close associate put it: "Frank will be remembered more for what he tried to do than for what really came to pass. He always kept his wagon hitched to a star."

To Wheaton people who knew him best, Frank Murphy will be remembered most as a true friend, a friend who could be relied on. A friend has passed on. Long may his memory be green.

—oOo—

FRANK W. MURPHY

FEW men were better known or better liked than Frank W. Murphy who died in his sleep at the Radisson hotel in Minneapolis. While still a young man he had established himself as a lawyer at Wheaton. As time went long he accumulated considerable farm land. Because of this he had first hand experience in the plight of agriculture and more than 20 years ago he sought remedial legislation through the Republican party. Failing in this he became an aggressive supporter of the New Deal.

Always a leader, Murphy was elected president of the Minnesota Bar association in 1934. As such he launched his study of the crime problem which resulted in extensive beneficial changes in state laws. Twenty years ago he was president of the State Fair board and his working for agriculture dated even before that time.

He was a regent of the University of Minnesota from 1933 to 1939. For years he was chairman of the executive

committee of the American Council of Agriculture and was a crusader for the McNary-Haugen farm bill.

— *St. Cloud Daily Times.*

—oOo—

A LEADER PASSES

IN the death of Frank W. Murphy, Wheaton has lost a warm friend, loyal citizen—Western Minnesota its most outstanding, figure—Minnesota and the Nation a man of great leadership and broad vision with strong convictions in what he believed to be just and right—a brilliant attorney, a colorful figure who came into national prominence because of his ardent fight for the McNary-Haugen farm relief bill, a product of his thoughtful reasoning, twice passed by congress and twice vetoed.

Frank Murphy was a man most highly respected by friend and foe alike. He was capable and well qualified to stand squarely upon his own feet in any battle, legal or political, never asking odds from anyone. He was honored for his outspokenness and for his strong convictions.

All honors which came to him throughout his life he won by the fruit of his own labors. He was a tireless worker who, when he undertook a task, put forth his most conscientious efforts.

That he gave much of his time, skill and money to the welfare and promotion of his county, state and nation has long been recognized.

An active, energetic, Christian life ended in the death of Frank Murphy. His loss will be keenly felt.

—*Graceville Enterprise.*

The *Gazette* later reported that on April 1, 1941, the Traverse County Board of Commissioners passed a resolution honoring Murphy and that memorial services for him would be held on the first day of the May term of the District Court during which a photograph of him would be unveiled and hung in the court room:

A resolution offered by County Commissioner William Ringdahl and adopted at the April meeting of the county board, reads in part as follows: "As a mark of respect and gratitude for his contribution to the civic welfare of this community and high esteem in which he was held by his fellow citizens, it is resolved by the Board of County Commissioners, now in regular meeting assembled, at the court house in the village of Wheaton, Traverse County, Minnesota, this 1st day of April, 1941, that permission be and is hereby granted that a properly framed photograph of said Frank W. Murphy be allowed to be placed upon the wall of the court room of the District Court of said Traverse County permanently, and that a copy of this resolution be affixed to the back thereof...."¹⁹³

Bar memorial services on May 5, were reported by the *Gazette*:

Tribute Paid To F.W. Murphy

Memorial Services Held By District Court Hon- oring Local Man

Memorial services honoring Frank W. Murphy by members of the Sixteenth Judicial Bar Association opened the May term of court Monday afternoon [May 5, 1941] when Louis E. Jones of Breckenridge, eldest attorney in this district, addressed the court presided over by the Hon. S. A. Flattery of Morris. Jones paid tribute to Mr. Murphy, whose picture was unveiled during the services, recalling the early days when he and Murphy were often opponents in a case.

Chief Justice Harry M. Gallagher of the state Supreme Court and Federal Judge Matthew M. Joyce voiced their praise of one of Wheaton's most prominent citizens. A. R. Johnson read a letter from circuit Judge Howard Bab-

¹⁹³ *Wheaton Gazette*, May 2, 1941, at 1 ("Bar Association to Hold Memorial for F. W. Murphy").

cock, Sisseton, S.D., in which Judge Babcock expressed his regret in not being here for the services and related some of his early associations with Murphy. A letter from Roger Dell, Fergus Falls, was also read.

U.S. District Attorney Victor E. Anderson, formerly a law partner of Murphy, reviewed the many accomplishments, politically and professionally, of Murphy during his active career, paying tribute to his departed friend and extolling the many characteristics of this prominent national figure.

Charles E. Houston, assistant attorney general, said he believed he had opposed Frank Murphy in the court room more often than any other attorney in this district. He told of an incident where Murphy finished the case for a lawyer without any preparation, handling the trial in as efficient a manner as one who has spent hours reviewing the circumstances connected with the case. Houston gave Murphy credit for assisting many fellow lawyers and of being able to hide his anxiety in any court room. He said: "Murphy never asked quarter from any adversary and therefore his adversary was never in a position to ask quarter of him."

Hon. S. A. Flattery responding for the court stated he was the only lawyer left in this district who had been admitted to the bar at the same time. He said he had presided over many trials in which Murphy maintained his power in convincing a jury of the circumstances involved in the case. His tribute was sincere and pointed out the integrity and power possessed by Murphy and called attention to the impressions and influence made by Murphy in the past and that which will be wielded in the future by his works.

The services were in charge of a memorial committee consisting of Louis E. Jones, chairman, F.C. Andersen, Thos. J. Mangan, E.R. Selnes, Carl J. Eastvold and A.R. Johnson.¹⁹⁴

¹⁹⁴ *Wheaton Gazette*, May 9, 1941, at 1. The portrait of Murphy hangs today in the jury room of the Traverse County Courthouse in Wheaton. Email to MLHP from Cindy Blasing, Deputy Court Administer, dated December 28, 2017. Ms. Blasing is the granddaughter of Alfred H. Winter, Murphy's law partner in the 1930s.

Chapter 13

(A Summing Up)

The law was a magnet that never loosened its hold on Frank W. Murphy. He was a lawyer with few equals in the state trial bar. He was comfortable in the courtroom.

He had strong leadership qualities but lacked political ambitions. He was president of three large organizations: the State Agricultural Society, the America First Association and the Minnesota State Bar Association. Except for a few posts in the village of Wheaton, he did not run for public office. Yet he had constituents whom he represented as if they had elected him—farmers. Using the skills that brought him success in the law, he zealously advocated passage of federal legislation to alleviate the severe depression in agriculture in the Twenties. He prized farm culture and worked to restore the dignity and prosperity farm families enjoyed in the pre-World War era. Convinced that agriculture was neglected by politicians and exploited by big city economic powers, he resented laws that aided business and labor because he thought they increased his constituents' cost of living. His views of agricultural economics were distorted by grievances and tinged with nostalgia.

From 1928 onward, he was a political independent and in elections campaigned for candidates who championed the cause of farmers, regardless of their party affiliation, and this explains his support for such diverse politicians as Thomas D. Schall, Floyd B. Olson, Franklin D. Roosevelt and, finally, Charles L. McNary. He was a powerful orator who relished abusing the Hoover administration. He opposed radical economic and political solutions to the depression. He was not a conformist but he was not a rebel either. He was a member of the Republican Party at the end of the War not the Nonpartisan League, the Farm Bureau not the Farmers Holiday Association, the Minnesota State Bar Association not the National Lawyers Guild. But during the hysteria of 1919-1920, he succumbed to the passions of the moment, and gave speeches inciting intolerance by the crowd—a lapse he likely came to regret.

Despite the many demands for his attention, he never left Wheaton. For decades he was the village's most famous, influential and honored citizen.

He led a full life in the law, in service to his community and as an advocate for agriculture.

He was a participant in his times, not a spectator.



(1934)

APPENDIX

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APPENDIX 1.

The following profile of Murphy was published in Henry A. Castle's *Minnesota: Its Story and Biography* (1915). As a subscriber, he was entitled to place a biographical sketch of himself in the book. In it he describes his family history, law business ("a large and profitable general practice both in the civil and criminal branches of the law") and civic activities. That year he also had his photograph placed in *Men of Minnesota*; it is inserted below by the MLHP:

While the professional position of Franklin W. Murphy has been in the ranks of attorneys, and he is now one of the oldest lawyers in active practice at Wheaton in Traverse County, his interests have had such a broad scope as to identify his name with almost every movement of importance in the development of this section of Minnesota during the last quarter of a century. He is a well equipped lawyer, and possesses those faculties of civic leadership which are of primary importance in any community.

Franklin William Murphy was born at Pleasant Valley, Wisconsin, August 24, 1869. His father, Edward Murphy, was born near Belfast, Ireland, in 1832 and died at Hammond, Wisconsin, in 1895. He was brought to America at the age of nine years, and finally settled in St. Croix County, Wisconsin, moved from there into Pleasant Valley, and later to Hammond, where he lived retired before his death. He was a pioneer farmer in Wisconsin, and reared and provided for a large family of children. Edward Murphy married Mary McCue, who was born in Michigan in 1841 and died at St. Paul, Minnesota, in 1914. Their seven children were: Nellie, wife of Henry Hanlon, living on a farm at Lawler, Iowa; John, a farmer in the State of Washington; J. W., a land owner and speculator of Lakota, North Dakota; Franklin W., who was the fourth child; Virgil, a grain buyer at Hammond, Wisconsin; Loretta, a teacher in Seattle, Washington; and Bernie, who married J. A. Doyle, a railway conductor living at St. Paul.

Franklin William Murphy during his youth managed to acquire a liberal education. Besides attending the district schools of Pleasant Valley, his birthplace, he was a student in the normal school at River Falls, Wisconsin, also in high school at Ann Arbor, Michigan, and in 1893 took his degree LL. B. from the law department of the University of Minnesota.



Mr. Murphy at once located for practice at Wheaton, which was then a comparatively new town and in a new and undeveloped section of the state. He has since developed a large and profitable general practice both in the civil and criminal branches of the law, and his services have been retained on one side or the other in most of the important litigation tried in the courts of Traverse and adjoining counties. He has his offices in The National Bank of Wheaton

Building on Broadway. He is a member of the County and State Bar Associations and in politics a republican.

Not all his time and ability have been devoted to his private practice, but much of it has gone into channels of benefit to the community. For many years and at the present time he is president of the school board of Wheaton, is one of the board of managers of the State Fair Association, was for three years president of the West Central Minnesota Development Association, and has served as mayor of Wheaton. Mr. Murphy was, one of the organizers and, for three years president of the Traverse County Fair Association. He is vice president of the Minnesota Commission to' the Panama-Pacific Exposition

at San Francisco. He has done much to promote agricultural and general rural development, and for two years was president of the Traverse County Farm Bureau. Among other interests he is connected with the Weyburn Security Bank of Weyburn, Saskatchewan, Canada.

In 1895 at Stillwater, Minnesota, Mr. Murphy married Miss Estelle M. McGray, daughter of W. F. McGray, who is, living retired at Stillwater. They have one son, F. Mac, who was born December 27, 1899, and is now a sophomore in the Wheaton High School.¹⁹⁵



Appendix 2.

The following profile was published in the fourth volume of Theodore Christianson's state history, *Minnesota: The Land of Sky-Tinted Waters* (1935). This is as close to an autobiographical sketch as we get from Frank Murphy. He spends little space on his law practice and court cases, far more on his work for agriculture:

HON. FRANK W. MURPHY, who for forty years has lived in western Minnesota, in the upper limits of the great Red River Valley, and who understands the interests and aspirations of the rural and industrial people of his home state and adjoining states, was in the summer of 1933 accorded a great distinction and responsibility, thoroughly deserved by his previous record, when appointed Federal Public Works administrator for the Fourth Regional District. Probably more than any other agricultural leader of the past decade Mr. Murphy has held the confidence of the main branches of farm production, and his long and effective work for farm relief has made him one of the most eminent figures in American agriculture.

¹⁹⁵ Henry A. Castle, ed., 3 *Minnesota: Its Story and Biography* 1300-1 (1915).

Mr. Murphy had a long career of activity in behalf of agriculture before the depression of 1920 occurred, but his chief work has been done in the ten years of the farm relief movement which culminated in an overturn of the traditional Republicanism of the farm states. Before that Mr. Murphy had been president of the Minnesota Agricultural Society; had been one of the original promoters of the farm bureau and county agent movement; had been among the leaders in the establishment of the livestock industry in the Northwest, and had been chairman of the resolutions committee of the National Farm Bureau Association at its organization meeting in Chicago in 1919.

Mr. Murphy was probably the first farm leader to appreciate the collapse of 1920 and 1921, portended something more serious for agriculture than merely another depression. He began to give warning that the trouble was derived from a fundamental fault in the national economic policy. While there was plenty of cheap fertile land available, the value of which was steadily rising, farmers were obliged to buy in a market protected by the tariff while selling their staple products abroad at world prices. He perceived that with the puncture of the wartime inflation, the day of reckoning was at hand. While others were still lifting their hands in horror at this heresy, Mr. Murphy was already on the stump trying to stimulate corrective action by telling the unpleasant truth. His diagnosis turned out to be the correct one and the depression of 1921 continued to become the sub-depression of 1932. The McNary-Haugen movement was the natural out-growth of his perception of the real farm problem. It produced two slogans: "Protection for all, or protection for none," and "Equality for agriculture." The method of action was to be legislation to segregate the surplus production and make the tariff effective on those crops. Frank Murphy was the energetic inspiring genius of that long and tragic campaign. He was the blazer of the trail for the economic thinking of American agriculture and was outstanding among a group of leaders that united

farm opinion for the program. As legislative representative of the farm organizations at Washington for four years, he saw the legislation twice passed and twice vetoed by the President. Now, after an interlude of nearly four years of the Farm Board experiment, the principle of surplus control legislation has been adopted by President Roosevelt, as the starting point of his farm program.

The declining prosperity of the past few years, a period marked as it has been by widespread tax delinquency and foreclosure, has stimulated Mr. Murphy to renewed activities. Among many addresses he has delivered on these matters the most notable was that at Chicago September 21, 1933, at the celebration of Minnesota Day at the Century of Progress Exposition, at which as chairman of the Minnesota Commission he presided. This address dealt principally with the National Recovery program, and included a ringing protest against the policy of price fixing in labor, industry and transportation, artificially increasing the prices of things the farmer must buy and increasing the cost of his production, while the price of his own products is left unprotected and suffering from the world's depreciation in agriculture.

In July, 1933, Franklin D. Roosevelt, President of the United States, honored Mr. Murphy by appointing him director of Public Works for the Fourth Regional District. This district embraces the six states of Minnesota, North and South Dakota, Iowa, Nebraska and Wyoming. While the greater publicity of the nation has been focused on the adoption of codes under the NRA, it is well known that the public works program has been one of the most essential and complementary features of the National Recovery Act. Under this act it is proposed to expend on public works throughout the nation a total of nearly four billion dollars, and it was for the purpose of supervising and initiating the quota of that sum assigned to the six northwestern states that Mr. Murphy was made regional director. Probably the most significant aspect of the

present national administration has been its willingness, assume responsibility and prove itself a positive and energetic governing factor. This quality of vigor is thoroughly characteristic of Mr. Murphy himself, and he showed it immediately after his appointment as director. In the early days of his administration, he called a conference to meet at St. Paul of the governors, public works administrators and other officials of the six states to map out a harmonious campaign that would allocate and make possible early action on important projects included in this region.

Mr. Murphy is a native of Wisconsin. He was, born at Pleasant Valley August 24, 1869. His father, Edward J. Murphy, who was born in Belfast, Ireland, in 1832, was nine years of age when the family came to America and settled in St. Croix, Wisconsin. He lived for many years at Pleasant Valley and later at Hammond, Wisconsin, where he died in 1895. His wife was Mary (McCue) Murphy, and they reared and provided for a large family of children.

It was largely through his own efforts that Frank W. Murphy acquired a thorough and liberal education. The quality of self-reliance has always been a big factor in his career. He attended district school at Pleasant Valley, the Normal School at River Falls, Wisconsin, high school at Ann Arbor, Michigan, and studied law at the University of Minnesota. He was graduated with the LL. B. degree in 1893, and in the same year was admitted to the Minnesota bar. He chose as his home and the scene of his local practice a region well out toward the western border of the state, in the Lake Traverse area in Traverse County. Wheaton has been this home for forty years. It was a comparatively new town in 1893, and in a new and undeveloped section of the state. Mr. Murphy has literally grown up with this fine community. He has shared in its life and affairs, and has been associated with and many instances the moving spirit behind its public and civic enterprises.

For many years Mr. Murphy was president of the school board of Wheaton. He is now a member of the board of regents of the University of Minnesota. He served for ten years as a member of the board of directors of the Minnesota State Fair, and for two years was its president. He was vice president of the Minnesota Commission to the Panama-Pacific Exposition at San Francisco. It was in a high degree appropriate that in 1933 he should be chosen to head the Minnesota Commission to the Century of Progress at Chicago. He served as president of the Traverse County Farm Bureau and has done much to promote agriculture and general and rural development in his county.

His standing in his profession was given distinctive recognition when in 1933 he became president of the Minnesota State Bar Association. Mr. Murphy still continues his professional work at Wheaton, though most of his time is now spent at the Federal Building in St. Paul, where quarters have been assigned him as public works administrator.¹⁹⁶



APPENDIX 3.

Presidential acceptance speech to the Minnesota State Agricultural Society, 1919

Murphy was elected president of the State Agricultural Society at its annual meeting in the State Fair Grounds on January 17, 1919. The proceedings were transcribed and later printed as a book. His acceptance address follows.¹⁹⁷

¹⁹⁶ Theodore Christianson, 4 *Minnesota: The Land of Sky-tinted Waters* 303-5 (1935).

¹⁹⁷ *Annual Report of the Minnesota State Agricultural Society for the Year 1918* 272-275 (1919).

Secretary: I hereby cast the unanimous ballot for Mr. F. W. Murphy for president.

Chairman: I declare Mr. Murphy elected president of this society. Will Mr. Atchison and Mr. Sivright please escort him to the platform.

Mr. Murphy: Mr. Chairman, and gentlemen of the State Agricultural Society: I am profoundly appreciative of the high honor you have conferred upon me this morning. I have been a member of the state fair board of Minnesota for nine years, and at this meeting am closing my third term.

The members of this association have done much in Minnesota in the nine years that I have been associated with you. In the work that I have done and tried to do in this state, I want to pay this compliment to you, by saying that you have been a great inspiration and a tower of strength. In times of state crises the members of this association have responded as one man, and when the nation became involved in the world war and sent out its call for help, the agricultural interests of Minnesota and those engaged in state and county fair work responded to the call for the government, "Here am I."

You will pardon just a little personal history. I want to offer it to you to 'point a lesson I will present. I first saw the light of day in a modest home upon a quarter section farm about sixty-five miles southeast from here, in St. Croix county, Wisconsin. I made my home on that farm for twenty-one years. Then I came over to the city of Minneapolis with my very limited belongings packed in a very small valise, and attended the state university. I carried newspapers on the streets of Minneapolis for the Minneapolis Tribune Company to earn the necessities of life. I do not recall that during those early years I dreamed (though boys on farms have dreams as well as boys in town) that I should one day be the president of the greatest agricultural association in the United States. (Applause).

My friends, nobody said me nay (sic) from the early days on the farm until the present time. I never found any other class of people opposing my progress as a boy. I have never seen the time when I believed that the constitution of the great government under which we live held me back or withheld from me any of the privileges and the rights that were accorded to other men. (Applause). I have never seen the time when any political party or any combination of financial or other interests placed an obstacle in my progress. Since I have lived here the people of Minnesota have accorded to me the same privilege that they have accorded to the son of a blacksmith or a laboring man or any other man's son. And what is true of the people of Minnesota, in my judgment, is true of the people of the United States, no matter what state you find them in. (Applause.) I have never in all my life, no matter how poor I have been, and to me it has been as serious and as difficult as comes to the average boy, that I felt I should swerve in my allegiance to the flag of the free, or felt that the red flag of anarchy and Bolshevism had any place in the sun of America. (Applause.) But as we have met here in the good fellowship of these hours of valuable conference, and as new ties of friendship have been made and the old ones strengthened, at other places in our land men have met and cheered criticism of the decisions of the United States courts, convicting men for violation of the espionage act. As a common boy from a humble home I have never felt that decisions of the courts of the United States upholding the constitution and laws of my country during times of war should be condemned by me. We have men meeting by the thousands in other cities applauding sentiments advocating that the laboring men of this country shall rise as one man in a strike, paralyzing the industries of the country, in order that by so doing they might voice a protest against the orderly administration of the laws of the land. That is a present menace, among other evils in opposition to which our boys have given their lives on the blood torn fields of Europe.

The agitators have come among us as did my father when a boy into New York harbor, empty handed and alone. America held out to my

father and to the fathers of many of you here, the welcoming arms of a great people. So it did to these men who came among us. The flag of the United States has floated over us so long that no man could come into America with any idea that that flag didn't typify our growth, our civilization, our belief in the rights of the common man and the ordinary boy in every part of our land, to develop and take his rightful place untrammelled by men. And yet coming here with that understanding, which every man coming to our shores must have, they hissed that flag in Chicago the other day and by their attitude gave the impression that the red flag should float over this free land of ours and Old Glory come down.

The men of this association do not represent agriculture alone. They represent the very sinew and heart throbs of all Minnesota is, or ever expects to be. You typify here, my friends, the best there is in American life. We stand by the flag, and by the eternal we are going out into the life and activities of the state and preach and talk Americanism until it will be impossible for the infamous agitators who are going about our country sowing the seeds of discontent, preaching anarchistic doctrines and advocating disrespect for the fundamental laws of the country to either get an audience or deceive our fellow citizens. This is as much our business as raising thoroughbred live stock or producing pure strains of grains and grasses.

That is the call I send out to you as your newly elected president. Stand firmly as Instructors, as educators, that the flag shall take on a new lustre; that it shall not be dragged in the mire, and that the young men and young women of America shall not be prostituted in their thought and purpose but be encouraged and stimulated in their principles of love for America and all that America stands for. (Applause).

Although our brothers have died on the glorious fields of Europe, they have not died in vain, for otherwise the men of the Civil War died in vain; for otherwise the men of the Spanish-American war died in vain. In the spring Nature will send the poppies to bloom upon the

graves of our boys who lie in Flanders field. They have thrown the torch to us; they have wiped from the face of the earth the principle of the rule of might. But a new struggle has just begun. The world is menaced by false doctrines. I am not speaking of Europe alone in its agitated state, but I am speaking of many states of the northwest, where many of our farmers of the highest and best class, the most intelligent, best intentioned and most deserving farmers that live on God's footstool today, are asked to become Internationalists; to become associated with the farmers of the old world—those of whom Father Jager spoke yesterday—the Serbs, the Bulgarians, the Russians and others similarly situated; and drag themselves down to their level, in order that they may become brothers in common thought and purpose to give to the world this new, false and vicious doctrine of class rule, prejudice and hate.

My friends, the American farmer at once the supporter of the nation materially, and he who holds the steady thought in all our elections and in all our private and public affairs, casts the honest ballot and upholds the government quite as well if not better than any other class; these false prophets ask these farmers of America to come down to the level of the farmer of Europe. The only thing, my farmer friends of Minnesota, that we have in common with the farmer of the old world, is the earnest hope that he shall come up to you, come up to your standard, get into your class. And instead of the laboring man of America, who is the most clever, best educated, happiest, best dressed, best paid and most efficient workman in the world, descending to the level of the laborer of the old world, our faith is that the laboring man of America shall unite as one man and raise his standard still higher and grow in his love, respect and appreciation of the American flag, and the ideals which it symbolizes. If I understand the heart and soul of America, it is that we shall bring the blessings of our great country to the peoples of the old world and that we shall not come down to their level.

As an American citizen who loves his country, I am here to advocate to you that In our schools, our churches, and In all our meetings, we advocate the sort of Americanism which says, "America is the best country in all the world. Its fundamental laws are at once the strength, admiration, inspiration and guarantee of a square deal to the happiest, best governed and most enlightened citizenship on this earth. We will aid the unhappy and distracted people of all parts of the world to set their homes in order and rise to our dignified position. And,—now mark my words—we will not allow any agitators, anarchists, Boishewiki or any of their ilk, to destroy the fabric of the government, to undermine the structure of our greatness, or threaten the happiness of our citizens. Out with them. The air of America must not be polluted by their foul breath; the peace of our land must not be disturbed by their discordant and destructive propaganda. (Great applause).

No man ever heard me say a word against the American farmer or laborer, and please God, no man ever will hear me say such a word.

We are told that the American casualty list in the war recently closed is upwards of 200,000 men; that in a four months' campaign our casualty list was approximately 200,000. In the great battle of Gettysburg, which left both armies, the North and the South, very much weakened, too weak really to engage again in combat within a short time, the total casualties on both sides were about 48,000.

The British casualties at Waterloo were 6,000. The American army therefore fought many Waterloos in the short time that they occupied that not too quiet sector of the western front. There were twice as many American soldiers engaged in the battle in the Argonne Forest and in the second battle of the Marne, as were engaged on both sides in the battle of Waterloo, for Pershing tells us there were some more than 300,000 men engaged in those great contests. When the German offensive sent that violent spearhead thrust toward Paris, directed at the sector occupied by the 8,000 American marines, of

that number 4,000 were either killed or wounded, and the boys never gave an inch.

The story of America's participation in the world war and the final show of its great strength and accomplishments will some day all filter out to us from Europe, and we shall then be so much prouder than we are today.

I talked with a young Englishman the other day who had just come back from the front. He told me of his English brother who had fought with the British and French armies for nearly three years, who said his wide experiences there enabled him to tell with considerable force this story: That before the great German offensive toward Paris, that was stopped by the American marines, many British and French soldiers were disheartened. They even took the stand that God was against them. He himself was at Chateau Thierry where the Americans held the front center lines. He was in the flanking army. He said when the battle was on he saw many British and French soldiers throw down their guns and retreat. He said the Americans, with hundreds rushing by them on either side, did not move. But before they had gone very far, those rushing to the rear, noting the courage and steadiness of the Americans, picked up their guns and stood side by side with the soldiers of America, there representing civilization and all that it stands for, the very soldiers of the Lord.

Our boys have come back to us from the old world not only adding new lustre and new significance to the flag, but they come back home giving us the knowledge, as Prof. Bull told me yesterday, that they added at once a high morale to Europe as they came with erect step and flashing eye down the line. They added not only new dignity to the battles, new strength and purpose to the armies of the world, but they added dignity and power to the world itself, and to all those therein. They are coming back to us with a determination to aid us in making America a safe democracy for men. We will keep faith with those who sleep in Flanders field, on the plains of Italy, in the Argonne Forest, and with the boys whose graves shall be unknown

until the resurrection morning. We are going to make it so in every way that we can.

In conclusion may I say, that together we are going to "Carry on." As citizens of a great state, interested in the maintenance of our proud position in this exalted nation of the western world, we, the members of the state and county fair associations of Minnesota, here renew our allegiance to the principles for the establishment and preservation of which thousands of gallant men gave their lives and now sleep in the bosom of America or on the continent of Europe. The star spangled banner is the flag of America and we will have no other flag before us. He who cannot love and respect it must not, cannot remain beneath its protecting folds. (Enthusiastic applause, followed by a motion which was carried unanimously providing for the printing and distribution of the address.).

. . . .

In the closing minutes of the annual meeting, Mr. Hazard told the gathering:

Mr. Hazzard: Last night a young man gave me a handbill. When I read it this morning it was an invitation to attend the Sunday afternoon meeting to protest against the conviction of certain young men in Chicago which the United States Supreme Court has acted upon. In view of the immense importance of the thing, I move that the incoming board sees that this speech of Mr. Murphy be printed and have a wide circulation. I think it is one of the most timely and appropriate addresses I have heard for years.

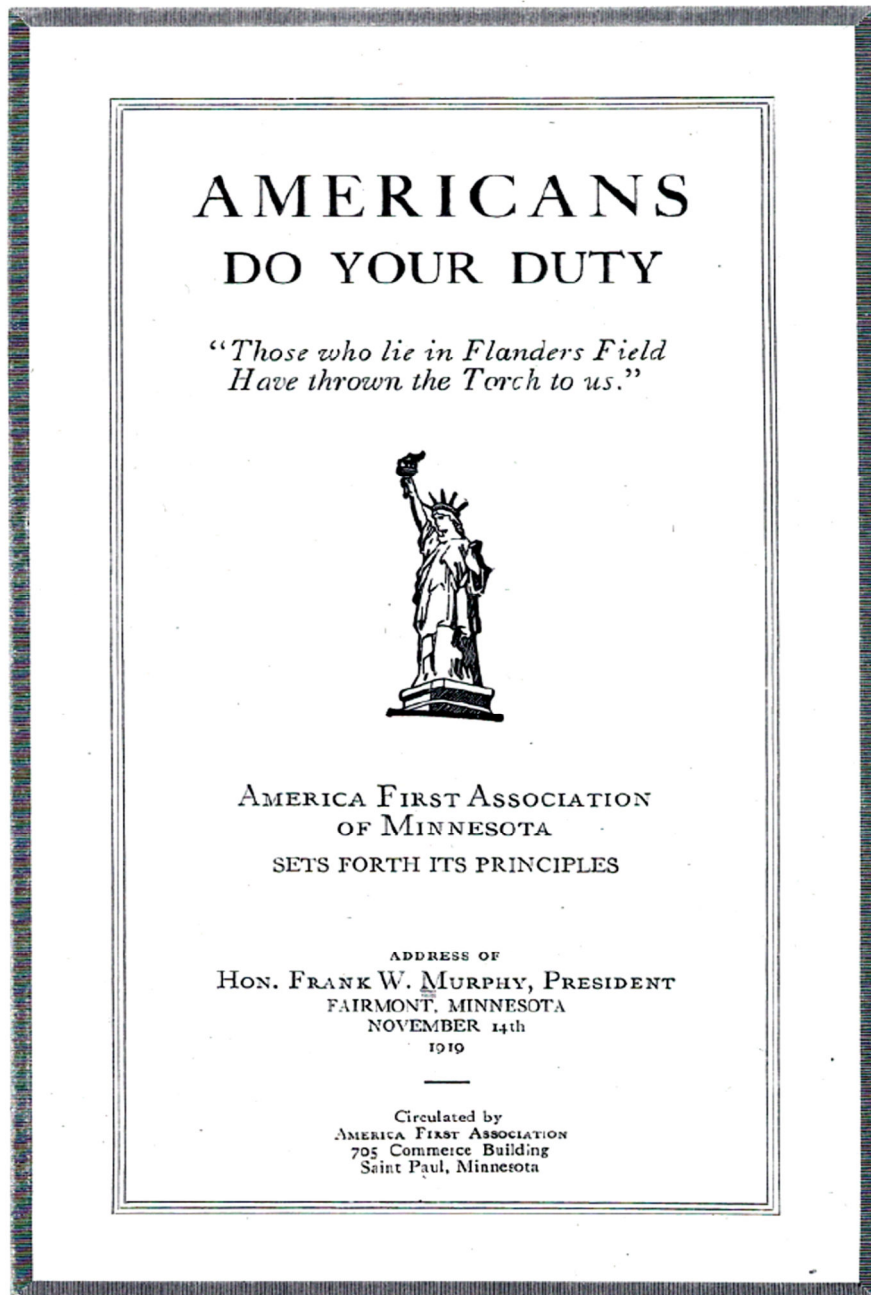
The motion was seconded by Mr. McVetty and prevailed.

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APPENDIX 4.

America First Association Address (1919)

Murphy set forth the principles of the America First Association in a lengthy address at Fairmont on November 14, 1919. "Americans Do Your Duty" was later published as a 24 page pamphlet. A copy is on file at the Minnesota Historical Society.



Fellow Citizens:—

Americanism is not a debatable question. You are either for America or you are against America. There is no intervening "No Man's Land," no midway trysting place. The present is no time for dillydallying. Neither is it a time for halting between two opinions. Those who were sulking in their tents during the war, secretly attempting to destroy governmental machinery are now coming out into the open. The situation is critical. This unrest so apparent everywhere, is not a happenstance. It is a propaganda which was recognized by Gov. Coolidge of Massachusetts, who, patriot that he is, pointed out the impending danger to constitutional government. Thank God the people of that commonwealth were quick to perceive the insidious poison with which it was sought to infect America,—became acquainted with the situation ere it was too late. When law and order, the foundation stones of good government, are being undermined Americans must forget party and sect and stand together.

On the 11th day of this month the civilized world celebrated Armistice Day with the pomp and ceremony befitting the occasion. That date in 1918 marked the cessation of military operations on the battle fields of the world's war. A treaty of peace between the belligerents was promulgated at Versailles and is now before the Senate of the United States for its consideration. Embodied in the treaty, or at least closely interwoven therewith, is the much discussed covenant of the League of Nations. Whether the league covenant shall be adopted as presented, or with those reservations which many of us feel are necessary for the preservation of the rights and sovereignty of America, the gigantic conflict brought upon the world by the vicious autocracy of the military party of Germany will have passed into history. Thus shall end ingloriously the most conspicuous effort of a ruling class to dominate the world.

It was no part of the divine plan that men and women should be enslaved by force, or that great Christian nations should be crushed by the enemies of those eternal principles which are the guiding forces of the civilized world.

The mighty conflict, which originally involved but a few countries, finally brought within its sphere a large portion of the world. Millions of lives were sacrificed; the financial strength of the contending nations was strained; billions of dollars worth of property was destroyed; vast areas laid waste; churches, schools, mines, homes, works of art, and the accumulations of ages swept away; hundreds of thousands of women and children were not only left homeless, but lost as well husbands, and fathers. The grievous effects of war will cast their shadows over the world for centuries.

It was inevitable that this peace loving and righteous nation, should take a stand on the side of justice and right. Our participation in the struggle, while comparatively brief, was so stupendous

and irresistible that once our glorious armies had pierced the vaunted Hindenburg line, the mighty tide of battle rolled back toward the Rhine, and the glory that had been Germany's was no more. And who made up the armies that fought for us? Side by side as comrades in battle, marched the sons of all the nationalities who came to our shores from foreign lands. With them marched the sons of men who were born here in America. All fought in the same cause. All loved and battled for the proudest emblem in all the world—the Stars and Stripes. All were actuated by the same spirit of devotion to great principles and glorious ideals as inspired the soldiers of 1861 and 1898.

They fought that men and women might be free the world over; that government for the people, by the people and of the people should not perish from the earth.

Before the armistice the world sighed for peace. The human family was war weary. The heart of the world was sad and its soul troubled. Then came the end. The uniforms were laid away; the rifles stacked; the voice of the mighty gun stilled. No longer were men engaged in the destruction of life and property. Once more the people lifted their heads, took courage and hoped. To heal the wounds and efface the scars of conflict were tasks which the world wished to perform. Our people, and especially the soldiers, desired to forget as soon as possible, the whole horrible business and enter upon a period of rebuilding, with love, confidence, and mutual respect for all as the guiding virtues.

"With malice toward none, with charity for all."

It was said that America fought to make the world safe for democracy, and we won the stake. But what of the democracy, for which Americans died of disease and in the shock of battle? Those who do not sleep in soldier's graves have come back to us, having fulfilled their high destiny. They kept the faith. They were true to the principles of the Constitution of the United States, and have shown their devotion to the fundamental laws and institutions which are American.

Those who lie in Flanders fields have thrown the torch to us. We are their debtors. So long as our glorious flag shall be unfurled in the breezes, the honor and homage of a grateful people will be given to those who were Americans in act and deed, as well as in name, at the time when the life and safety of the republic depended upon them.

To those men and women who were not privileged to join the fighting forces of the country, who met and carried the responsibilities of the army behind the lines, and who through the spoken word and by acts of service held the torch of Americanism high, and whose fidelity to country and respect for its institutions were sacred, the appreciation of good citizens everywhere will always be due.

The war to make the world safe for democracy having been won, why should there be so much discord in the only Simon pure democracy on the earth? Why so much agitation, having for its

purpose the establishment of a class dictatorship? Why do we find movements here and there participated in by large numbers of our people, the evident object of which is to overthrow the government of the United States and supplant it by a rule of the proletariat? Why is it that in public and private speech men are urging their fellows to combine their efforts to enforce unjust demands by coercion, lawlessness, strikes and intimidation, regardless of the rights or welfare of the general public? Upon what have these men fed that they should have grown so powerful? What has inspired them to conclude that under the law of the land they have advantages which others do not have? What has become of the principle of the motto of Theodore Roosevelt: "All men up—not some up and some down"? Has the spirit of the "Square deal" disappeared in the life of these malcontents?

These are trying times. Having won a great victory over the foreign enemies of our country, we find ourselves face to face with an organized foe within our gates. This new enemy would destroy the fruits of the struggles of all the men and women who have so valiantly contended throughout the history of the nation for the establishment of a free and democratic government for our country.

They insist that a dictatorship of a small portion of the people should be established, and through it a radical change be brought about in our system of government. They do not believe in the rule of the majority, which is assured by the Constitution. They wish to fasten upon us the iron hand of a minority rule. The strike of the Boston police; the Omaha mob which shocked the world by its vicious acts of violence and disregard for law and order; the action of the radical element—insidious enemies of organized labor—that inspired the steel and coal strikes; the Plumb plan for the ownership and operation of the railways; the radical sentiments which are expressed so freely in this state advocating the division of our citizens into contending classes, and seeking the establishment of class rule in our industries and throughout the rural districts—all these are un-American and direct attacks upon and threats to our institutions and must be treated as such.

We are not in favor of and should not tolerate an autocracy of the proletariat or of the bourgeoisie. Neither should we permit the capitalistic class, the laboring class, or any other class to set up a dictatorship.

There is no man in the United States who has, is entitled to have, or is going to secure, any advantage over any other man or acquire for himself any right which other men do not have.

We will have no making of laws or constitutions in the interest of class alone. The nation is being aroused. Public opinion is forming in such a way that those forces which are seeking to compel the recognition of purely selfish demands to the detriment of the public will find that this is a country of the people, for the people and by the people, and not a government by a small minority.

WHAT IS AMERICANISM?

As I have just stated, Americanism is not a debatable question.

**There is no such thing as being a fifty-fifty American.
Americanism is an ideal.**

It can be truthfully said that there is no other such ideal in all the world. Our constitution is the most perfect foundation for a government by the people that the human race has. It was given to the world by men who had thrown off kingly rule and had studied and understood the efforts of other countries to establish a free government. They knew how Greece had overlooked the necessity for union, which meant strength. They realized that Rome became an autocracy of might through union, and smothered liberty, by failing to recognize the right of the individual. Our constitution combined individual liberty with national unity and strength.

Our form of government represents the combined wisdom of all the ages. It was so framed as to avoid errors of all former attempts at self-government. It provided that "All men are created equal." This means that they are equal before the law. It also provided that all governments derived their full powers from the consent of the governed. All voters have a part in the selection of the men who shall represent them, and therefore have a voice in the making of the laws which will be placed upon the statute books.

The constitution provides for a representative form of government. Such form of government is as nearly perfect as human mind has been able to devise. The framers of the Constitution were firmly committed to the proposition that direct legislative action by the masses was impracticable and unsafe. And in these times of controversy and unrest, when it seems that worship of the constitution has ceased and distrust of it is voiced upon every hand; and classes are claiming the right to make laws for themselves, we are all coming to believe, that the principle of the recall, the initiative and the referendum, are not only unsafe and dangerous instrumentalities, but inconsistent with the spirit of the Constitution.

**If the heritage of our greatness is to be preserved, we
must rally to the support of our institutions. We should
meet the Socialist dreamer with solid facts.**

We should bring to bear upon our people the necessity for making a careful, dispassionate survey of the whole situation as presented in these hours of peril, and having regard for the rights of every citizen under the flag, speak out the honest convictions of the heart and stand firmly and humbly under the emblem of the free, fortified by the eternal principles of our great government, which have stood the test of time and strife.

**America is more than a country. It is a great soul.
The principles of its government are founded upon the in-
alienable rights of the individual citizen. If these prin-
ciples are destroyed by those who clamor for a chance to
rule by soveit, then the soul of the government disappears
and the country lapses into the realms of hate and violence.**

The light of the world would go out should the government of our great country be destroyed and the rule of class substituted. With the change in our principles of government would come a change in our flag. The stars in their field of blue, which have guided the destinies of a great people through one hundred and forty years of the most glorious history of any people in all the ages of the world would fade and disappear. The red and the white, emblems of our integrity and civilization, would likewise disappear, and in their place would rise the red flag, that emblem of lawlessness, of chaos, of tears, of sadness and dissension.

Are the rights of all citizens safeguarded under the Constitution? The bolshevik would bring about the division of all property among the people. He argues that no man should be possessed of property while his neighbor has none; that the product of the community should be the common property of all. Thus destroying initiative and stifling ambition. The bolsheviki doctrines, so strenuously urged in these days, deny the right of the individual of superior attainments to compensation for his labors.

The mediocre man is the standard in the Bolsheviki system. He who would bless the world by high achievement becomes an enemy to be suppressed, as the product of his brain and effort becomes the common property.

Who among you wish to make the change from the Constitution to this new system for which so many are contending in these days? What does the Constitution say about property rights? "Private property may not be taken without due process of law." A man's property is safe—his home is his castle—his liberties are inviolate. No one may take your property unless he goes into court and it is there decided upon a proper trial that he is entitled to it. Your liberty may not be taken from you without a trial before a jury of your countrymen. No man may interfere with your pursuit of happiness.

You are a free man to do as you please and to say what you please so long as you do the things you ought to do and say the things you ought to say, ever remembering that you are but one of one hundred and ten million of free citizens whose rights must be respected equally with your own.

While under the soviet system of Russia, the accumulations of a lifetime are taken by the strong hand: the lives of men and women are destroyed without trial and without justification; homes are invaded and the effects of the family destroyed or taken away. Law and order are unknown. Chaos reigns. Men rule for a day by virtue of force and terror. Neither the rights of property or person are respected or safe. The voice of the dominating class denounces the clamor of those whose rights are being trampled upon.

And it matters not what these present day agitators may say with respect to our understanding of the socialist system which they are urging upon the people of this country. They may claim that no one is advocating in America a disbelief in God and a de-

struction of the marriage system—that no one is advocating a division of the property of the country among the people. We appreciate full well all that lies back of the things they are trying to bring about.

We should not be deceived about the real purpose of all of this vicious agitation on the part of outsiders. Who is it that is agitating the overthrow of our sacred institutions in Minnesota? To whom do they owe allegiance? From whence do they come? What is their purpose? What has inspired them?

There has been vicious agitation in the county in which we are met today. False doctrines have been preached here. Did the false doctrines originate within the county or have they been presented by any of your citizens? Certainly not. Ponder well upon these matters. If one class of our citizens becomes arrayed in a bitter contest against another class, how can we "love our neighbor as ourselves"? How can we observe the commandment, which says: "Thou shalt not bear false witness against thy neighbor"? If we are to set up as the standard of America a man of the humblest qualifications, from whence shall come the leaders of the future? What shall be done with the great painter, the great singer, the most efficient farmer, the most brilliant professional man, the great leader in the financial world? Are we willing to concede that the human race has run its course and that we shall go backward thousands of years? To the stone age as it were. What is it that has led the race upward and forward toward the great light? Have we not been willing that men of high attainments—men like Washington, Lincoln, Roosevelt, Emerson, Fulton, Field, Bell, Edison and other great souls, should be given every opportunity of giving of themselves in the fullest measure to the common good?

If the property of America—the accumulations of our people through all the years, should become the common property of all; if woman shall become a chattel and the marriage system disappear, how can we accept as a guide that commandment which says: "Thou shalt not covet thy neighbor's house; thou shalt not covet thy neighbor's wife, nor his man servant, nor his maid servant, nor his ox, nor his ass, nor anything that is thy neighbor's."

And if the citizens of our beloved country shall become believers in this new system wherein the laboring men shall be arrayed against the tradesmen; wherein the man with small means shall be arrayed against the man of large means; wherein there shall be a total disrespect for the rights of all men not in a particular class; wherein hatred shall be the rule and love displaced; wherein laws and rules of authority which have been set up by all men for the comfort and happiness of all shall be opposed, set aside and repudiated; wherein the Lord of Hosts will be forgotten; wherein humility, mutual helpfulness, respect, truth, implicit belief, shall have no part;—how can we then "Love the Lord thy God with all thine heart, with all thine soul, and with all thine mind"?

State socialism is not, as people are generally led to believe, a new, promising and wonderful principle which people have not heretofore thought of and which has during all of the ages remained untried.

Sound business judgment should alone be sufficient to caution us of the dangers of a state or nation extending its activities into the field of industry. But former experiences in state socialism warn us of the dangers and failures in that direction. Some twenty or thirty years before the civil war, Michigan, Illinois, Indiana, Pennsylvania, North Carolina, Florida, Maryland, New York, Louisiana and other states, by legislative act entered the industrial field as a competitor of private enterprise and engaged in the railway, banking, canal and other business. And with what results? Anyone who may be interested, and all of the people of Minnesota are vitally interested in the matter at this time, should investigate. Then, as now, many people believed that the state and the national governments could do anything and everything. The scheme for the ownership by the people of the railroads, canals, and banking institutions seemed so rosy that people were swept off their feet in their enthusiasm for the establishment of industrial enterprises owned by all of the people. The results of these socialistic ventures on the part of the state were disastrous. The failure of the system everywhere was almost complete. While the mania for the socialization of the large industries held the people in its sway, no one stopped to estimate what the cost would be. Hundreds of millions of dollars worth of bonds were sold. With the failure of the scheme for state owned financial and other institutions came a repudiation of a large part of these bonds. For years the courts were busy hearing and disposing of cases arising out of the dismal failures. In disposing of one of these cases, a court said:

"This swapping of state obligations for railroad paper at the will of the legislature ad lib. is certainly a new idea begotten by those who believe that the legislature is the dispenser of all power, and it only needs a sufficient number of votes to do anything."

In 1841 the governor of one of these states furnished the legislature with an up-to-date report of the bank's condition, as follows:

"ASSETS.

Suspended debts in suit.....	\$2,689,869.20
Debts not in suit.....	1,777,337.78
Resources chiefly unavailable.....	8,034,154.28
Specie on hand.....	4,349.06

LIABILITIES.

Capital stock.....	\$5,008,000.00
Immediate liabilities.....	3,034,154.00

"Not more than one-third of the debts due the bank will ever be collected," added the governor, "and the whole of its capital is irretrievably lost."

In those days the wisdom of the members of the legislature was gauged by the completeness of the system of industrial enter-

prises which the state by law had become sponsor for. It was then believed, as in a sister state it is believed today, that a state owned bank could add somewhat to the credit of the state. That the state could just as well own railroads, banks, insurance companies, and exercise general business functions in connection with all industries and make a success of it, and that all that was necessary was for the legislature to provide the necessary laws authorizing the state to engage in the different industrial ventures.

But in the experiments of the various states during our earlier history,

The whole system went down in a crash and was followed by a long train of financial hardships, the results of which have not wholly passed away.

A quotation from the reports of the Senate and House of the 1842 and 1846 legislature of one of the states may be interesting.

"The control of such a complicated mass of business and superintending all the financial concerns of this vast system would indeed form a nucleus around which would gather a horde of greedy, half-starved, political hacks, whose sole aim would be self-aggrandizement; in whose midst corruption, intrigue and dissension would writhe with unlimited freedom".

"It is a well established fact that cannot be controverted that a state government cannot compete either with honor or profit with individual enterprise. The state must employ more—many more agents, with higher salaries, with more restricted powers, governed as it were by the square and rule—consequently unable to conform to ever varying circumstances with no personal interest in the object of the agency and utterly wanting in the strongest business motive, that of self-interest to curtail expenses to insure strict economy."

After this orgy of state socialism, provision was made in the new constitution of Michigan for 1850, that: "The state shall not subscribe to or become interested in the stock of any company, and shall not be a party to or interested in any work of internal improvement."

It is significant that New Jersey is practically the only state which stood out and refused to embark on the socialistic ventures which proved so disastrous to the other states.

Commodore Stockton, a prominent, public spirited citizen of New Jersey, said at the time:

"The public men and reflecting minds in New Jersey had perceived the demoralization and declination of virtue which already began to be flagrant in those states in which lavish expenditure for internal improvement and vast patronage incident to state management of public works had taken place, particularly they had marked the headlong and reckless precipitance with which corrupt demagogues had plunged the noble state of Pennsylvania into the vortex of enormous debt. This career of profligacy and crime was viewed in New Jersey with horror and disgust."

The Saturday Evening Post of July 26th, 1919, contains an interesting and exhaustive article on the subject.

BABCOCK AMENDMENT.

The problem of transportation is one which is seriously engaging the best thought of the people of this state. To own one's home is an American ideal. The great cities of the country have lured people from the rural districts to congested centers of population. The safety of Minnesota—the safety of the nation, is in its farm homes.

While to own a home should be the slogan, to own a farm home is a consummation devoutly to be wished. Home owners will never become followers of the red flag.

A home owner will look with reverence upon the flag of his country. The man who owns a farm home will never seek the overthrow of the Constitution of the United States, because sensible men will never intrigue against their homes. The happiness and contentment of the people is an ideal deeply rooted in the hearts and souls of the citizens of these United States. The guarantee provided by our fundamental laws makes it possible for our people to become the owners of homes and to insure contentment and happiness in and about those homes. There are two problems in the rural life of America which thorough-going, progressive American citizens recognize and are going to solve. One is the matter of better opportunities for education, and the other is improved transportation facilities. The wisdom of the 1919 legislature of this state has provided means whereby the highways of Minnesota may be greatly improved. We refer to the so-called Babcock amendment. This amendment is to be voted upon at the next general election. If carried into effect, it will provide for thousands of miles of hard-surfaced highways connecting the various county seats and other important points in the state. It will enable farmers to deliver their products at market with less expense, less inconvenience and hardship. It will enable the people of the rural districts to visit different parts of the state with ease, comfort and a minimum of expense. It will bring to the residents of the rural districts more cheer, more comfort, more companionship and increased opportunities for social intercourse, which will add to the sum total of their existence and make them happier, more prosperous, and more interested. It is hoped that all citizens will take active, serious interest in these vital problems.

We must unite in the defense of our homes, our laws, our ideals—in a word, we must rally to the support of the sacred institutions and traditions of our common country.

The socialist system has failed in all the experiments of the human family throughout the ages. Thus shall it always fail. It is un-American. Initiative and the spirit of achievement—the desire that is in the soul for great accomplishment, has made America and its people great. The Lord intended that man should be free from the domination of other men. Under our government, when a man transgresses the simple rules set for his guidance, he becomes an enemy of society and is dealt with as such. When in

the exercise of a man's faculties he increases the common fund of knowledge and achieves something which shall be of advantage to his fellows, he is considered and blessed as a friend of men—as a benefactor of the people. No two men are alike. No two men do the same thing in exactly the same way. The Creator intended that every man should make the best use of his faculties. Make the most of his opportunities. We cannot all farm, practice medicine, be blacksmiths, railroad men, carpenters and the like. If an industry is not of advantage to the people—if it is a detriment to the general public, the light of public opinion will so shine upon it that its unworthiness is demonstrated and the industry put at an end. If an industry forgets the public—if it infringes upon the rights of the people, experience teaches us that such industry is placed under suspicion, is investigated and made to respect the rights of the general public.

We are not contending that all things are perfect; that all men respect the rights of their fellows; that all industries consider and give full respect to the rights of the general public. Unfortunately, there are evils in our industrial situation which need correction, but the American people can always be trusted to do the right thing. Working together, we can remedy all evils, correct all abuses, and come as close as it is humanly possible to bringing contentment and happiness to our entire citizenship. But divided into cliques we cannot correct abuses, but we will bring upon ourselves ills and evils that shall seriously affect the integrity, the happiness, and morale of our people for decades.

The American people must wake up. Vicious leaders of un-American movements are seizing upon the proneness of our people to believe ill of others and to be fed up on prejudice, to break up that fine community of fellowship which made us invincible in war and has made us the wonder of the world in our development along all lines.

The Boston police—the guardian of the peace, did that which we contend no Americans under similar circumstances had the right to do—engaged in a strike and permitted the hoodlum, the thug, the house-breaker, and the whole lawless element to prey upon that great city of the Atlantic coast. Neither human life nor property was safe. The ordinances of the city and the laws of the state were disregarded and chaos reigned. This action of the police was straightway condemned by the press of America. The authorities of the city called upon good citizens to assist in restoring order and in protecting the lives and property of the people. What resulted? Order was restored, and once more law reigned.

Recently the duly constituted officials of a neighboring state, in the conscientious performance of their duties called attention to the condition of a certain financial institution as their duties, required them to do, in order to protect depositors. Their honest conformance to their official trust is now being characterized from the platform and through the press as the act of men who were influenced by the enemies of the common people. And within recent months the judge of the district court of this district has been libeled,

slandered and vilified because in the due performance of his duties, and in the doing of that which the law required him to do, he presided at the trial of the residents of this state, charged with the commission of a public offence. And many men of this state who have in public speech advocated strict adherence to the Constitution of the United States; have argued that one class of our citizens should not be arrayed against another; that if conditions are not right, that we should undertake to adjust them in the American way,—are maligned and vilified, and charged with being insincere, dishonest, and enemies of our people. My countrymen, such things ought not to be.

I am sure that if any citizen of this state will calmly reflect upon general conditions, he will agree that there is in Minnesota, a common desire for general betterment, and a very unanimous wish for the happiness and well being of our people. And if there is discord; if there is selfishness; if some there are who would prey upon their fellowmen; if some there are who are so unworthy that they would not wish their fellows well and would not aid them in the common endeavor to better conditions for every resident of the state, they are few in number. May we hope to bring about more harmonious conditions in this state?

May we consistently and logically expect that we are going to have a more steadfast, earnest, unselfish spirit among our people if we persist in public and private speech and through the press in criticising, maligning and vilifying one another?

If we continue to contend that one class of our people is entitled to certain rights and privileges that no other class is entitled to; if we set out upon a course which shall be marked by broken promises, violated faiths, destroyed friendships, blasted confidences. May we hope for satisfactory results? That great American, whose memory we hold dear, and whose life should be an inspiration just now, said at one time that, "A house divided against itself can not stand." The words were prophetic then. They are simple, and he who reads may understand. The people of Minnesota are members of one great family with a common purpose. Each should hope to contribute during his lifetime to the sum total of the experience of our people, the best that is in him.

He who advocates hatred and distrust has never been a public benefactor in all the ages. He has no bright page in history.

"A house divided against itself"—a state divided against itself, cannot stand now any more than it could at any time in the history of the world. We must "stop, look and listen."

The America First organization stands for America and American ideals. If there is a poor man in this audience, if there is a rich man here, if there is a laboring man here, if there is a farmer here, or blacksmith, or lawyer, or doctor; if there is a Norwegian, Swede, Irishman, Englishman here; if there is a man here who was born in Germany or Austria, or a man here who was born in Italy or

France; if there is a man here who belongs to the Socialist party, or I. W. W.s, or Republican party, or Democratic party; if there is a woman here who believes in suffrage,—we have come here to talk to all of you as American citizens.

The war is over, and it makes no difference who you are or where you came from, you are living in America, and America expects something of you. And if you are going to live here, America is going to get something from you. The time for pussy-footing has passed.

Let us fervently hope that the day of the demagogue and political trimmer, is gone forever. All good citizens should condemn that office seeker who in order to secure votes, truckles to the enemies of the republic. The time has come when instead of kicking any organization or person out of politics, as has been publicly suggested in this state, every organization and person in Minnesota should get into politics. And by that I mean that every citizen should make a study—careful, personal and interested study of the principles for which America stands. We should study mostly what its constitution and laws mean to you and to me. We should know who it is that is honest when he makes an appeal for votes and who it is that is truckling. This is the time for every American citizen to speak out that the world may hear him—that the community will know where he stands. I realize that in the next election we will have a show-down in Minnesota.

Who among you is willing to have the school and other state funds of Minnesota dissipated by and through radical legislation, enacted by a gang of socialistic rounders, who are masquerading as reformers?

This country—this government, can not be successfully run and do justice to all our people unless we have great political parties. No man is as big as the party to which he belongs. If we are to get results in America—if we are to solve our serious problems in a big way in the interest of all, it is absolutely essential that men shall band themselves together in great parties to the end that questions of vital public concern shall be seriously and earnestly considered and acted upon at the ballot box by the enlightened citizenship of this country. If we believe in a great principle, as today I stand here a believer in the maintenance of the fundamental laws of my country just as they are—if we all believe, as I believe that the government of our country is threatened—that it must be maintained in all its integrity; that the rights of my fellow citizens may continue through the years to be respected and safe-guarded, then we are going to stand for that party which believes in the maintenance of the integrity of the Constitution of the United States of America. But if these beliefs are not advocated from the pulpit and platform, in the conversation of the home, on the street and in the market place: if we are not supported by every straight-thinking, red-blooded, one hundred per cent American in this state, we shall not succeed. And hence it is that in this meeting and in this presentation

We are calling in a voice that cannot be misunderstood, upon every earnest, loyal, conscientious American citizen in Minnesota, to straightway stand up and be counted.

and take his position alongside every other citizen who agrees with this statement. And this call, as I said a short while ago, goes out to you no matter where you came from, no matter what your nationality may be, what party you belong to, whether rich or poor,—step forward and be counted on the side of America.

Our capacity for statesmanship will be put to the test in the years which lie ahead. The country needs wise, conservative leadership. The call is for men who are unafraid,—men with a vision which reaches beyond their own circle, and whose minds grasp the great issues which confront us.

“God give us men,
Men whom the lust of office
Does not kill;
Men who can face a demagogue
And damn his treacherous flatteries
Without winking;
Tall men, sun-crowned, who live above the fog,
In public duty and in private thinking.”

We do not believe in the Plumb plan for the socialization of the railroads of America. The plan is un-American. God forbid that the time should ever come in America when either the state or national governments shall have the right to manage, through political parties that happen to be in power, the great industries of this country. I believe in the individual citizen of America. I believe in his integrity, in his steadfastness of purpose and in his ability to do big things in a big, efficient, conscientious way. Rogues there are. Rogues there have always been. Rogues there always will be. Men there are in high office who betray the trust of the people, but under our institutions we have the absolute power, as well as the desire, to displace rogues either in political office or occupying high positions in the industrial world. But the rogues are not all in big business. If, in this movement for a class dictatorship you believe that there are no rogues, then all I ask you to do is to make a list of those who are advocating the soviet system in America today, and answer the question yourself.

You trust your banker; you trust your merchant; you trust your public officials. Who are they? What is big business? Who represents big business? Who are the managers of the great industries of this country? From whence did they come? Make a list of their names and study their lives and you will find that a large majority of them came, as Lincoln did, from among the common people. Minnesota is represented in the United States Senate by a man who came into this country from Norway. He lived for many years upon a farm near Alexandria in this state. John A. Johnson, at one time a much beloved governor of Minnesota, came from one of the most humble homes in the city of St. Peter, in this state. Dr.

Burton, that distinguished and able president of the University of Minnesota, carried papers on the streets of Minneapolis to earn a livelihood. In no other country in the world are the opportunities open to the young men and women from the families of the poor to achieve great things during their lifetime as in America. And it is our contention that America has grown great—is powerful, has the highest civilization in all the world, is made up of a Christian citizenship that is the wonder and example of all the world, has achieved wonderful things—sent the finest army to Europe that ever marched down a battle line—from the fact that here men and women are privileged to live their own lives untrammelled by autocracy—untrammelled by class laws and rules, and at the same time have learned to be humble and respect the rights of their fellowmen.

THE LOYAL PRESS.

A year ago the loyal press of Minnesota gave warning against the dangers which threatened American liberty and American institutions. They sounded the tocsin in declaring themselves arrayed against Bolshevism no matter in what form or guise it might present itself. Likewise one hundred and forty publishers who recently assembled in Chicago placed themselves squarely on record as opposed to the program of socialism that threatens constitutional government. These men are in a position to realize the dangerous character of those who would undermine America. Like sentries of the night they discovered the enemy within our gates and have revealed to the public view their program of anarchy, sabotage and treason.

Loyal Americans owe a debt of gratitude to these patriotic publishers who stood and are now standing unflinchingly on the firing line facing the Bolshevistic storm. They are upholding the banner of American ideals, giving warning to the revolutionary elements, that the loyal press is not to be dissuaded by any passing tangent of irresponsible agitators, whose greatest harvest is secured when the people are torn with dissension, divided and unrestful.

Efforts are being made to control every line of publicity, to deceive the people as to the seriousness of the situation. Fortunately the great majority of the newspapers are in the hands of men of character, men who love their country and who cannot be controlled or subjected. Were it otherwise we might shudder, for as has been said by a patriot of the past:

"The press is good or evil according to the character of those who direct it. It is a mill that grinds all that is put into its hopper. Fill the hopper with poisoned grain and it will grind it to meal, but there is death in the bread."

There are those who would feed the people on poisoned bread that they might weaken the social fabric of our national life. Let us not overlook the danger that confronts us in these insidious doctrines and let us not be unmindful of the loyal press which has pointed out the seriousness of the situation.

AMERICAN LEGION.

A new and important factor in American citizenship—the most important in a generation—has presented itself in the American Legion. Like the Grand Army of the Republic which followed the civil war, it has a most important part to play and we are more than glad to bid it welcome. Our service men have won the right to say what shall be the standard of loyalty of this country. Brave, loyal defenders of our nation's flag, they saved our country and our homes—yea the liberty of the world, from the domination of those who sought to inaugurate a policy of world tyranny and slavery. Having won this distinction—having preserved Old Glory unsullied, we shall look to them as the future leaders of our nation to deliver us from the irresponsible agitator—the unscrupulous demagogue who would destroy and despoil all that they fought for—all that they preserved. It is to the American Legion that the people of America will look for safe and sane leadership. Composed of the best manhood of the land the Legion will exert a mighty influence upon the destinies of the Republic. That its members will use their influence in the way best calculated to build up our industrial and material life,—to preserve the traditions of the nation, is evidenced by their patriotic stand on questions affecting the integrity of America.

Without respect to creed, nationality, political parties or favor of any man, these boys of ours, may be depended upon to hew to the line—to act with justice and wisdom for the general welfare.

Too much cannot be said in appreciation of the soldiers, sailors and marines who faced death, risked all, that human liberty might continue to abide with us—that individual initiative might not be crushed—that every man and woman might have equal opportunities, and that the aspirations of the humblest citizen might not be stifled. We hail the American Legion as the most important factor in America's future, appreciating full well that its membership will never counsel a program of bolshevism, sabotage and spoliation. The fierce fires of war have tried their souls, lengthened their vision, broadened their understanding, intensified their patriotism, and made love of country a part of themselves. Welcome, thrice welcome, American Legion.

THRIFT.

Believing thoroughly in the power of individual initiative and effort, the encouragement of the youth of our great commonwealth to become leaders in every vocation, every walk of life, I cannot place too much stress on the importance and necessity of home training, especially along the lines of industry and thrift. A willingness to do and to do well every task that presents itself—a desire to be saving, careful, efficient, thoughtful and respectful of the rights of others. Children must be made to appreciate the fact that they can enjoy themselves without spending money.

Success or failure in life depends upon character and character is moulded by daily acts from the cradle to adolescence. The stability of citizenship is largely based upon habits of youth.

The boy who is thoughtless, wasteful, destructive, careless, becomes the failure of tomorrow, the fault-finder, the pessimist who would tear down and destroy. The boy or the girl who would become a leader, a home-builder, a lover of country, is the one who in youth cultivates habits of industry, wise-spending and investments. Wastefulness breeds dissatisfaction, distrust and unrest. Thrift builds for integrity, confidence and affluence—for upright citizenship. Therefore too much emphasis cannot be placed upon the importance of parents encouraging their children to take an active interest in the thrift education being conducted by the Treasury Department of the government.

War savings stamps are in reality the "stickers" which contribute materially to the building of efficient, contented citizenship.

THE WOMEN.

A great statesman once said: "This world is to belong to those who are best equipped to do its work. We are to have no aristocracy but that of brains, education and co-operation."

Woman has been accorded the privilege of suffrage in a momentous period of our history.

These are days of anxiety and trial. The fierce fires of the war's spirit have destroyed the dross and made prominent those social and business conditions which demand correction. There has been born of the war period a demand on the part of the people that the relations between labor and capital shall become harmonious—that each shall recognize the just rights of the other, and that the welfare of the public shall not be disturbed by unseemly controversies between them. The health, happiness and general welfare of the children of the country are matters of human interest and demand the unselfish attention and active service of all. No human being should be in want in America. Advantages of health, education and equal opportunity should be made available to all. No class or nationality should be exploited. An opportunity to acquire a knowledge of the English language and of the fundamental laws and principles of government.

The sacredness of home, the integrity of our educational and religious institutions being threatened, public opinion must be aroused to an appreciation of these dangers.

And here are woman's new responsibilities.

The woman of today must be progressive. She no longer sits among the spectators, a rooter, to cheer or disapprove, for she has now been officially placed on an equality with her brothers; she has

been made an actor with them and is equally responsible for her country's weal or woe. As in her home she has been the queen, the worker, the manager, but most of all the mother; the one whom all members of the family look to as an example of purity, cleanliness and devotion; the one who exemplifies the highest ideals which are ever an inspiration, so must the true American woman now give of herself to her country. The broad field of endeavor in which she is to labor spreads out before her.

At the nation's gateway there stands an emblem of her sex—the statute of liberty—perfect in form, intelligent in face; bearing the torch of love of humanity, the light of intellectual freedom, wearing the crown of liberty, a noble woman, guiding the oppressed, the down-trodden, to higher and better things; the woman of America as she lives up to the character thus given her, must rouse herself, make a thorough study of the needs of her country, what it means to be an American, and in her own womanly way assist others. Let her learn and act. This is the hour of her great destiny. In the future the citizenship of America will call her thrice blessed.

PRICES.

Prices are high. There is a clamor to bring them down. They must be brought down or serious consequences may result. The exchange rate between the United States and foreign countries is so high that it constitutes an economic menace. We must extend credit to European countries in order that during the period which shall intervene until exchange rates adjust themselves, the business of the country may be kept functioning in its proper sphere. Nothing will be accomplished by sitting on the fence and arguing loud and long that some one is responsible for high prices and discontent. One man will claim that a certain class of people are at fault, and another man will claim that a different class is at fault. That sort of a program will never guarantee satisfactory results. The problem must be solved in a sane American way. Not by arraying one class against another. Not by charging all of the ills which afflict us now to this class or that class.

The sudden termination of money spending on a scale never equaled in the history of the world; the cessation of business incident to tremendous military preparation, came as a shock to the economic condition of the country. Conditions could not go on as they were. Peace came—the artificial stimulus which business had received was removed. From spending lavishly as was then necessary, we found ourselves compelled to save and save, if disaster was to be avoided. Our late enemies, the Germans and Austrians, went to work and are diligently setting their house in order, instead of demanding more money for less work, the people have demanded an optimum to produce to the maximum of their ability.

Let us meet the problems of readjustment squarely, and as man to man undertake to solve them in the same way that men interested in a common problem solve it by going to work in a spirit of harmony, determined to secure the highest results.

Charges and countercharges will do us no good.

It is claimed upon all sides that if conditions are to readjust themselves, we must have largely increased production. This we cannot have by shortening the hours of labor and increasing wages. I may be somewhat old-fashioned, but I do not believe that shortening the hours of labor is the panacea for all ills. I would like to put a question to this audience.

What would be the result if the farmers of America should go upon a strike?

and demand that if people wanted the things that a farmer raises that they would have to come to his farm to secure and pay him a certain price for it? If any citizen has the right to strike to enforce his demand, then every other citizen in our great Republic has the same right.

I do not believe in strikes or boycotts. I consider them un-American. As I read our fundamental law I do not find any justification for them.

If, as I said a moment ago, one citizen has the right under our laws and rules of society to strike, then every other citizen has that same right. A farmer produces wheat and live stock for sale. That is the result of his toil. That is his property. A laboring man gives his services. That is just as much property as the farmer's crop. He enforces his demand for increased wages and shorter hours by the strike. Would not the tillers of the soil have the same right?

The farmer is entitled to and will secure better marketing facilities. Minnesota now has a State Department of Agriculture of which Hon. N. J. Holmberg, a progressive Renville county farmer, is the executive head. Under his direction are very capable assistants. The work of this department will result in great benefit to the farmers of Minnesota.

And as we plead for a better understanding between the citizens of America, I cannot urge too vigorously this proposition, namely, that the home environments and business conditions of the rural districts are not fully understood nor appreciated by those who live in the cities and towns. The importance of the farmer as a public character, as the real backbone of the Republic, cannot be overestimated. He must be considered in connection with all great conferences affecting and dealing with the business life of the nation. Meetings and conferences called to consider and act upon problems of vital concern to the large business interests will benefit by his participation, presence and counsel. The farmer is one of the big business men and he should be thus treated. The things he produces and sells are worth billions. The business world has much to do with the product of his toil. His co-operation is essential throughout the year and should not be overlooked in the consideration of the great problems affecting the prosperity of America. No longer can we be content to have him withhold his suggestions and

advice. He must come out, assume new responsibilities and have a part in deciding these important issues in a patriotic way if our country is to have the benefit of the combined wisdom of its citizens. The farmer is invited to the comradeship. We believe in the absolute integrity and good intentions of the agriculturist. We have always insisted that they were the balance wheel in America; that they were not swept off their feet by emotional movements; that they could be counted upon in all times of crisis to remain steadfast to the principles of our country; that they would not play favorites; that they were removed from the violences in political life which arise in large centers of population, and being thus removed have been able to see and consider keenly in the perspective all of the important questions which affect the destinies of the country.

In every crisis in American life, the farmer has kept his feet on the ground and has candidly and dispassionately expressed himself through the ballot in the way that has meant good to the country.

But, I do not believe that the farmer should join forces with any socialist or other class with a view to enforcing unjust demands upon the people of the United States.

Labor, whether organized or not, should be fully recognized and not exploited by unfair grasping capital, nor prejudiced by irresponsible agitators whose sole aim seems to be to array class against class—labor against capital.

There are real labor problems to solve. There are injustices that must be remedied. Labor should have an equitable wage but the result most beneficial will not be obtained by combating each other. Organized labor should straightway rid itself of the socialistic and altogether dangerous enemies within its ranks, and seek the leadership of those loyal men who are steadfast in their allegiance to the country and fully mindful of the rights of their associates.

It is when men meet in calm, dispassionate consideration of the questions at issue that they secure most satisfactory solutions of the problems up for settlement. With both parties enraged and at bay they not only each suffer but the innocent party—the public—as well. Heretofore the third party has been ignored, but in future disputes the American public demands and must receive due consideration.

The Plumb plan for the socialization of the railroads would probably result in brief advantage to the railroad laborer, but as we are in a position to view dispassionately the problem of the laboring man, we contend that ultimately this system would operate not only to the great disadvantage of the railroad laboring man, but to his serious and lasting detriment. Wages, like the price of property, must have some more definite standard for measurement than the improper and altogether un-American stimulation of law. What the laboring man and farmers of America need is not more laws, but less laws. Ours is and forever must remain a self-reliant people.

Prices of products or wages stimulated by law are
unsound and cannot stand.

What we want is calm, business reflection, sober counsel, and less strife and inflammatory speech. There is no short cut to prosperity. There is no alchemy whereby people may be enriched without rendering compensating services.

"At the end of the rainbow a bag of gold,
The tale of a nurse, the dream of a child.
We must go to the rocks of the mountain wild;
We must dig, and carry and melt and mould,
If we really would have a bag of gold."

The vice in a class movement was very manifest in the recent coal strike in which the demands were for enormously increased wages and decreased hours of labor. Their demands were so unreasonable as to be generally recognized as such. No man should deceive himself into believing that he is not affected, either directly or indirectly by any strike in America. Had the government failed to act in the coal strike, great suffering and hardship would have resulted throughout this country and especially in the Northwest. My fellow citizens, there has been altogether too much arrogance of power on the part of a certain class of our people. During the war the necessities of the government forced a surrender to this element, who took advantage of the situation to enforce unjust and selfish demands. We must call a halt. And by we, I refer to every citizen of the Republic whether he belongs to the class in question or otherwise. The tail cannot wag the dog.

If a man goes out these days and stands on a soap box in the street and maligns the best citizens of this state and condemns our laws and our institutions, he will be heard and cheered, while too little consideration is given to those men who are calling attention to the danger signals that are flying everywhere. If the coal miner has the right to strike and have his compensation largely increased and his hours of labor shortened, and those demands are enforced, what would become of this country if the farmer should rise, as he would have the same right to, and demand that his day upon the farm should be six hours, and that if he labored longer that he should be compensated accordingly by an increase in the price of his products?

How would America be affected if the farmer should demand that the price of his products be multiplied, and if he could not get the inflated price, that the products would not be distributed?

And yet in the face of these conditions, which no one should have difficulty in understanding, a determined effort is being made to bring about a coalition between the radicals of the industrial world and the agriculturist, to the end that the industries of the country might be socialized. The price of farm products should be sufficient to bring to the farmer just compensation for his hours of toil with a fair return upon his investment. This he is

entitled to. What right-thinking man and woman in America does not believe in that proposition? The price of the things the farmer must buy is high—very high. An analysis of the situation clearly demonstrates the fact that the high price for the things the farmer has to buy—for the things the laboring man has to buy, is largely influenced by labor conditions.

The citizens of America should recognize the fact that our people must go to work and increase production enormously above the present conditions or prices are not going to come down.

Supposing a farmer would begin his morning work at eight o'clock and work until twelve, take one hour for his dinner, and then work from one until five, making an eight-hour day. Could he succeed at the present price of farm products? Certainly not. Is labor in the mines or in the trades or on the railroads more strenuous than the labor on the farm? What man is there who could go out as a youth in this or any other state and labor for eight hours in the day upon the farm and ever become the owner of a farm home?

If the short hour day is to be the vogue in the industries of the country it must eventually extend to the farm.

The expense of producing farm products would then be multiplied with a corresponding increase in price. Who would profit by it? The farmer would have to continue to pay a very high price for all the things he purchased; the laboring man and people generally would have to pay the increased price of farm products, and so we would have the "vicious circle" referred to by the President, but appreciated by him all too late. No citizen is independent of other citizens. Increases in wages or increases in prices of farm products reflect themselves throughout the whole economic life.

Labor must pay its own wage. Labor must justify itself. There is just one thing that will pay wages, and that is money. If vicious agitators succeed in having their own way and capital is destroyed what will become of the laboring class? We hope that every laborer in America will be willing to give an honest day's work, and in return he should have steady employment and a decent day's wage. Labor leaders are steering their followers wrong. They are alienating the sympathies—the spirit of interested good fellowship of the general public. Let us hope that this general demand for more money, for less work will not become chronic. Let us hope, nay insist that capital deal fairly and equitably with labor.

Artificial stimulation of production is unhealthy and cannot last. Why not appreciate patent, unalterable facts now, rather than waiting until we have paid the bitter price of experience? The slogan of all should be: "More hours—more production," and compensation will take care of itself in the future as sure as it has in the past. America has been prosperous. Its people have been well compensated and happy. Why try to destroy the system by which

we have grown and under which we have been content and prosperous?

Americanism is a persuasive word these days. It has a significant meaning. It is timeful and suggestive. In the past we have applied it in different ways, but just now it should be directed to an understanding and proper interpretation of our fundamental institutions. Americanization should not only be considered in connection with those who are foreign born, but it is of paramount importance to those born here in America. Americanism is a thing as big as the understanding of its principles held by him who feels Americanism in his soul. It is our duty to interpret America to the foreign born. We have been letting him get his conception of America from the enemies of the Republic.

There must be established in every school in this country a department devoted to the teaching of American citizenship and an understanding of American institutions. These departments must be handled by instructors who are one hundred per cent American, and not by parlor socialists.

these so-called intellectuals who are all too numerous in the educational institutions of this country today. Every instructor who advocates in word or otherwise, disrespect for the constitution and fundamental laws and institutions of this country, or disrespect for our flag, should be kicked out of the educational institutions of this country. We are not at all in favor of these semi-socialists who advocate in the class room or through their infamous books any changes in our form of government. And we are not at all in sympathy with the sentiment expressed by some charged with the responsibility of certain colleges and universities, that all sides of the question of government should be presented to the youth of this country by radicals. We belong to that class of old-fashioned Americans who believe in our form of government just as it is, and have no sympathy with anyone, teacher or otherwise, who advocates that it should be changed to a soviet system, even though they urge that the change be effected by peaceful means rather than by violence.

Americanism should find its expression by individual service; by being useful; by being an integral part of the scheme of government; by being of service in the particular field of activity for which each citizen is fitted; by attending to his own business, and by a willingness to aid his fellow citizens, in his line of business to achieve the highest result. We must get away from the socialistic insanity of the present day which tries to impress upon the people the idea that every man should have a hand in every other line of business than his own. Some one has said: "What is everyone's business is nobody's business"; that "Too many cooks spoil the broth." And this effort that is being made to engage the laborer and farmer and other elements of society in the general business of the country is becoming absurd. It doesn't matter what a man's business is, so long as he attends to his own business. A man is in every truth his brother's keeper, but that does not mean that he should undertake to meddle in and have a hand in the

handling of the other man's business. It means that he should be kind and fair as a citizen of the community and of the state; that he should be generous in his judgment, temperate in his expressions, and absolutely just in his consideration of his fellow men.

And Americanism means also in its highest sense, that public questions which affect the general welfare of the people should be studied, fairly weighed and determined by every citizen, ever keeping in mind the fact that he himself is not the whole of America, but that the rights of every citizen, high or low, must be considered in determining matters of great public concern.

And now that we are confronted with problems which must be solved by Americans, and which are quite as important to us as was the winning of the war, let us take up the solution of these questions with that same courage, with that same wisdom, and with that same community of fellowship and obligation which was exemplified by America during the period it was engaged in war with the central empires of Europe. In the mind and heart of the true American there was no doubt at any stage but that we should win in the world war; that the flag should be triumphant; that America, which had never been defeated, should win new victories and a great glory upon the field of honor. We were threatened from without—our flag was insulted—our citizens assaulted—the gage of battle being thrown in our faces we picked it up, and the forces of this mighty empire of the West never stopped their forward march until the hated Prussian system was crushed forever.

Our flag is insulted again; our form of government is declared to be an enemy of free peoples; our institutions are assaulted; all that we hold dear in American life is threatened; forces of evil are upon every hand and engaged in a vigorous, well organized propaganda of insult to the memory of every soldier of America who sleeps within its bosom or upon foreign shores.

Let us be aroused. While we shall not be inspired by martial music and the recital of the heroic deeds of those who have borne the battles in all our glorious history, yet we should be inspired by the recollections of the deeds of the great men of America, who in times of peace, as well as in war, have given their best to their beloved country, that its institutions might remain sacred and a guide to all who shall live in God's time upon this foot-stool. Shall we do less to win in this contest between the forces of evil everywhere about us, and forces which believe in the majesty of the law and the sacredness of all that is American? Shall we be less zealous in the fight?

Shall we sit supinely by while our people are separated into contending factions and those who would prostitute their souls for political office are aiding in the building up of institutions of discontent and of discord which threaten the very life of America itself?

Let us ask our people to engage themselves in useful occupations. Let us ask them to be fair with one another. Let us ask them to consider well before they act with others in the overthrow of the institutions so dear to us and in the substitution of the socialist ideas and doctrines which have been tried out in previous ages and always found wanting and disastrous.

And from out of this period of discontent there shall evolve a new understanding of America. We shall have an America with a national spirit. We shall have an America in which in all its schools and all its literature will be found that fine spirit and understanding of Americanism which has been so sadly neglected.

We shall have an America with a dauntless courage and unwavering faith. We shall have an America in which the welfare and happiness of the individual will be exalted over business. We shall have an America in which love and truth and mutual comradeship—vigorous initiative and clean ambition—happier homes and broader and finer conceptions of life will have a full part.

We shall have an America in which the Lord of Hosts shall be recognized as guiding the destinies of the Republic as we were guided in the days of Washington and of Lincoln. We shall have an America in which there will be a sublime righteousness; a spirit of live and let live; a clear understanding on the part of all citizens of the things that go to make up the life of every other citizen. We will have an America more charitable, more sympathetic, more united—an America which shall be all things to all men.

"Thou, too, sail on, O ship of state,
Sail on, O union, strong and great;
Fear not each sudden sound and shock,
'Tis of the wave and not the rock;
In spite of rock and tempest's roar,
In spite of false lights on the shore,
Sail on, nor fear to breast the sea.
Our hearts, our hopes, are all with thee,
Our hearts, our hopes, our prayers, our tears,
Our faith triumphant, o'er our fears,
Are all with thee,—are all with thee."



APPENDIX 5.

Republican National Convention (1928)

On June 14, 1928, Frank Murphy spoke to the Republican National Nominating Convention in Kansas City in support of a Minority Platform on Agriculture. The Minority Report is posted here followed by Murphy's address. Other planks of the Minority Platform on such subjects as "Water Power" and "World Peace and Foreign Affairs" are omitted.

OFFICIAL REPORT OF THE
PROCEEDINGS
OF THE
**Nineteenth Republican
National Convention**

HELD IN
KANSAS CITY, MISSOURI
JUNE 12, 13, 14 AND 15, 1928
RESULTING IN THE NOMINATION OF
HERBERT HOOVER, of California, for President
AND THE NOMINATION OF
CHARLES CURTIS, of Kansas, for Vice-President

REPORTED BY GEORGE L. HART, OFFICIAL REPORTER

Republican party. National convention. 19th, Kansas City, Mo., 1928.
Published Under the Supervision of the General Secretary of the Convention



THE TENNY PRESS
33-35 West 17th St.
NEW YORK

MINORITY PLATFORM

We, the representatives of the National Republican Party, in convention assembled, reaffirm our faith in the principles which brought our party into existence, and solemnly declare that those principles are permanent in their nature and entitled to our continued allegiance and steadfast support.

We believe with Abraham Lincoln that the Declaration of Independence is "the sheet-anchor of American Republicanism;" that our party's true creed is best expressed by the language of the Declaration "that all men are created equal;" and that parties as well as governments are instituted among men to insure "a full, free satisfying life to every child of man."

We know that the equality asserted as an inalienable right in the Declaration of Independence and in the first platform of the Republican Party cannot endure side by side with privilege.

We assert it as an historical truth that the Republican Party came into power in 1860 because it then boldly challenged the control of the Federal Government by a form of privilege which denied equality and sought to enrich one economic group and one section of the, country, without regard to the equal rights of other interests and sections and the inherent American love of human freedom.

We believe that not only is every man, woman, and child entitled to an equal chance in life, but also that the principle of equality applies to every class and creed of our people, to every section of our country, and to the sovereign nations of the earth.

Never was this principle challenged as it is today, and we here declare renewed allegiance to the original principles

of our party, and our purpose to raise again the standard of equality and to defend it against its enemies by opposing privilege in all its forms, whether it be the privilege of individuals, of class, of interest, or of section.

AGRICULTURE.

From 1776 to our own day agriculture has been the basic industry of this nation.

To those engaged in it, we owe the conquest of a wilderness for homes, schools, farms and thriving cities; the nation its present wealth and hope of a balanced prosperity; the Union its defense from enemies foreign and domestic; and the Republican Party its formation, and its most loyal and unselfish support.

For eight year's this great industry has languished. Through the fertile lands of the West and South, bankruptcy has stalked, counting its victims by the hundreds of thousands, until today the specter of peasantry haunts those who till the soil to give the nation bread.

The plight of agriculture today is not solely the concern of the farmer and his family. It is fraught with peril to every class of our people, in the cities as on the farms. It menaces the stability of our economic, social, and political life. Its causes, therefore, must be faced with candor and dealt with by means suited to a great national emergency.

In 1920, under a Democratic administration, the Federal Reserve System sent forth the edict of "deflation" which impoverished agriculture while leaving industry in the great centers of the East comparatively unscathed. In the same year, a Republican Congress passed, and a Democratic President signed, the Esch-Cummins railroad act which increased transportation charges an average of one-third.

Meanwhile, great combinations of corporate wealth, from whom the farmer must buy and to whom he must sell, were permitted in violation of law to extend their dominion over the supply and the price of the necessities of life.

These new burdens, all produced by acts of government, coupled with the fact that the farmer, in the very nature of his industry, cannot unaided, control the surplus or the price of his products, and at present must buy in a protected market and sell in an unprotected market, have in large part produced the existing crisis.

Through the opposition of favored interests and sections all efforts during the past eight years to gain substantial reductions in railroad rates and to afford the farmer and his cooperatives equal credit facilities with other industries have, failed.

At the last session of Congress, a House and Senate under a Republican majority for the second time passed a bill extending the aid of the federal government to the farmer in his necessity to control his surplus and thus to protect the domestic prices of his products.

The ten states of New England and the industrial East (Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Delaware, New Jersey, New York and Pennsylvania) cast eight votes for the house bill and sixty-seven votes against the bill, forty-seven not voting.

The thirty-eight states outside this section cast one hundred ninety-six votes for the House bill and fifty-four votes against the bill, fifty-eight not voting.

The ten states of New England and the industrial East cast two votes for the Senate bill and twelve votes against the bill, five not voting. The thirty-eight states outside this section cast fifty-one votes for the Senate bill and eleven votes against the bill, twelve not voting.

The House bill passed by a vote of two hundred and four to one hundred and twenty-one. The Senate bill passed by a vote of fifty-three, but the President of the United States vetoed and prevented it from becoming a law.

The stabilization of farm prices above the cost of production rather than upon the peasant levels of foreign lands, is essential to the continued existence of free farms, free homes and free men; if the tariff is necessary to industry, control of the surplus is necessary to agriculture; and when this equality is denied the farmer he becomes the victim of a form of privilege he will no longer endure.

We, therefore, favor the prompt enactment of legislation embodying the principles of the McNary-Haugen bill and its administration by those in sympathy with its objects

As a further means of equalizing the condition of all classes and all sections of our common country, the Republican Party favors the immediate undertaking of a great national, constructive program to improve and develop the 9,000 miles of our incomparable waterways provide flood control, and irrigation, cheapen the costs of transportation, and thus place all interests and sections on an equal footing in gaining entry to the markets of the world.

• • •

Mr. Chairman, I move the adoption of the minority report, and on that motion I would request a roll call.

The Permanent Chairman.—The question is on agreeing to the report of the Committee on Resolutions as proposed by the delegate from Illinois. The Chair recognizes the delegate from Minnesota, Mr. Frank W. Murphy.



CONVENTION HALL (interior view)
FIRST DAY'S SESSION

MR. MURPHY FAVORING MINORITY FARM PLANK

MR. FRANK W. MURPHY. — Mr. Chairman and ladies and gentlemen of the Convention: All I ask of you in the beginning is that you give us a courteous hearing. I hope that you will be as orderly as possible. It is difficult for people to hear when others are speaking. I may say some things with which you will disagree and undoubtedly I will, because I propose to talk very plainly. I hope that you will not register your resentment. I am going to ask you to think.

We are about to nominate a candidate for the Presidency of the United States. To nominate a candidate is one thing, but to elect him in 1928 you are going to find will be a very different undertaking. (Applause.)

I want to call your attention to some of the incidents of the meetings of the Committee on Resolutions. I want to say to [Utah] Senator [Reed] Smoot and to the other men actively in charge of the Committee's work that we are profoundly grateful for the courtesy and very fine hearings we had there. We were in the minority there. We have brought the matter to this floor, and we are hopeful that the action of the majority of the Committee will be reversed.

I call your attention, ladies and gentlemen, to the fact that there are a great many visitors from the farms of the great agricultural States here in Kansas City. I hope that you will feel that I am speaking temperately and without bitterness. I told you I would speak plainly. I represent the farmers, and have represented them for five years campaigning in Congress for the McNary-Haugen bill, and these farmers are in Kansas City now backing me up in what I am going to say to you. They believe in me.

Friends, I have represented as the Chairman of the Legislative Committee of the Corn Belt Federation of Farm Organizations more than a million organized, farmers in this country, all in the great Republican States, and while I am delegate to this Convention I still occupy that important position of leadership to these men and women of the farm.

They are seriously in earnest, and just now they are tremendously resentful. They are very bitter. Do not make any mistake about that. And I am sorry. We come to you within these four walls pleading with the delegates to the Republican Convention not to drive the farmers of the Republican States out of their party. (Applause.)

I hope you will not interpret that as a threat, because it is not. The farmers of the great agricultural States have been Republicans from choice for many years. The party of Abraham Lincoln was the party of the farmer, the party of a square deal, the party of the common man. And no

more consistent voter for the Republican party is under the Stars and Stripes than the man on the farms of these great agricultural States. (Applause.)

Folks, the McNary-Haugen bill is the issue within the party, and you had better think seriously about it now when it is prominently before you for consideration today. (Applause.) That is an issue that you must meet head on and in a robust way.

You cannot fool these farmers any more with platform pledges. (Applause.) The pledge presented here by the majority of the Committee is a weak repetition of the pledge made to us in Cleveland in 1924, following our personal, persistent presentation of the question to the Resolutions Committee and the action of the Committee upon our suggestion. That pledge has not been redeemed. (Applause.) That pledge has been definitely repudiated by your President. (Applause.)

I think the farmers who have come here to Kansas City, (I believe for the first time in the history of Republican conventions), feel very much, today, at this hour, as the negro soldier did who enlisted from Peoria, Illinois, and entered the service of his county in the late war. He was sent to London, and there his company was brigaded with British troops and sent to Palestine. Arriving there he wrote home to his mother in Peoria and said: "Dear Mammy: Think of it, I am here in the Holy Land, the place where Christ was born, but I wish to Christ I was back in Peoria where I was born." (Laughter and applause.)

I come in support of, the minority plank. We had 15 votes in the Committee. We had there the spectacle of the member of the Resolutions Committee of this Convention from Kansas voting against the minority report, which is in agreement with the McNary-Haugen bill, in the face of the fact that the Members of Congress from that State, both in

the House and Senate, have supported that bill consistently for years. (Applause.)

I come to plead for the Members of the United States Congress who agree with and have adopted that minority report (Applause.) I come pleading for the support of the majority of the Republican Members of the House and Senate in the United States Congress who have done everything they could to redeem their party pledge made at Cleveland in 1924. (Applause.)

I yield to no man in my respect for the office of President of the United States. But, my friends, as I see it, the issue here today is: Will you stand by the Congress that passed this bill by a majority of nearly two to one in the House, and more than two to one in the Senate—more than fifty-six per cent of the Republicans in both Houses—or will you stand by the President alone who vetoed, the bill? Take your choice, and on that decision momentous issues and results rest. (Applause.)

I plead with you for calm and deliberate judgment. The people of the United States can speak legislatively in but one way, and that is in Congress. And you have no right to speak legislatively in this Convention as a matter of finality. Your representatives in the Congress will do as they see fit in relation to legislation.

I have brought here a map that I want you to look at and consider with great care.

[At this point a large map of the United States, marked in red and blue, with designations, was placed on the platform.]

The farmer of the United States wants to stay with his party. He has come here a suppliant. Ladies and gentlemen, I am begging you to be careful in this vote, and long after you have heard the last of my voice I want you to

remember that I was here begging you to be careful in this vote. The rock, if there is one on which this party will split in 1928, is the McNary-Haugen bill. (Applause.) The only minority report here, outside of the entire report submitted by that fine young Senator from Wisconsin, Senator [Robert M.] LaFollette [Jr.] (Applause.) is this minority report on your agricultural plant.

Look at the map, ladies and gentlemen. The blue on the map shows the vote for the McNary-Haugen bill. I will come back to that. Keep the map there and let the delegates look it over. The only controversy that resulted in a split in the Resolutions Committee, ladies and gentlemen, was the one relating to agriculture. And that is a tremendously serious one. These millions of organized farmers in these great agricultural States who made this fight do not believe in Santa Claus, and you act as though they did. (Applause.) They will take nobody's promise again unless it is definite and specific. And I want you to think, my friends, that the McNary-Haugen bill, five years or more before the bar of public opinion, before Congress, has never been challenged legislatively by any man in or out of Congress by a plan that would solve the problem of the surplus and make the tariff on farm commodities effective. (Applause.)

We do not want to borrow any of the Government's money. (Applause.) And we will not take and have not asked for a subsidy. (Applause.) We ask the right as conservative men and women of America's farms to pay our own way. And, ladies and gentlemen of the Convention, we reserve the right to do our own thinking, and you cannot and will not think for us. (Applause.)

And I want to say with all respect to the men of the Committee who drafted the majority report, which was drafted by leaders in other groups, that agriculture proposes to write and urge its own bill. (Applause.) Agriculture understands its own problem. And what

agriculture wants is a better price. Agriculture wants and will stay in the fight until it gets the benefit of existing tariff schedules, (Applause.)

I call your attention to that map, ladies and gentlemen, and on that map you are about to take a vote. Look at the great area marked in blue. That is the vote in the House by which this bill passed in the last session of Congress. With but few minor exceptions all of the agricultural west and the great Mississippi and Ohio Valleys voted for the McNary-Haugen bill. (Applause.) And they did it, my friends, after every objection that could be urged against the bill was met, answered and completely destroyed time and time again on the floor of the House and on the floor of the Senate of the United States.

Who is this Republican party for? Are you for the minority of the party? Are you for the 23 Senators in the Senate who voted against the bill, or are you with the 53 Senators who supported the bill? Are you for the 204 Members of the House, 100 of them Republicans, who supported the bill as against 121 against it, or are you with minority of the Republican party?

Ladies and gentlemen, are you going to have a breach between the East and West in this great Republican party? If that breach comes it will not be because of the insistence of the farmers on getting a square deal—that is all they want—but upon the insistence of the minority of the party that agriculture shall continue to be submerged. And the farmer will not continue to be submerged. He is not that kind of a man. He fired a famous shot at Concord Bridge, and God bless your souls, ladies and gentlemen of the Republican Convention, he is built of the same kind of stuff today as he was then. (Applause.) He is the wealth producer of the country, he is the fairest and most conservative man under the flag, he is the safest man to whose care and hands to commit the flag of the United States, and you know it. (Applause.)

He does not ask anything that is not due him, and I am not betraying any confidences when I tell you that no one can tell you and no one told us in the Committee how under, this plank you have written the farmers can get any satisfaction as to how you are to make the tariff effective.

I call your attention to the fact that every Congressman in Illinois, outside of the City of Chicago, voted for the McNary-Haugen bill. (Applause.) I leave it to you ladies and gentlemen: Are you smarter than those Congressmen? That famous Senator, Senator [Charles] Deneen, of the State of Illinois, voted for the bill. (Great applause.) He is a man of rare intelligence whose heart beats in sympathy for the farmers and the common people of the United States. Is he wrong? Are you going to repudiate him here?

Every Congressman in Iowa and in Nebraska and in Kansas voted for the bill. Every Congressman, possibly with one exception, in Michigan, and both of the Michigan Senators voted for the bill.

Now the Senators of the United States and the members of Congress who are here, who do not agree with us,—boys, I am not trying to offend you; I like you, I like you; I am not trying to rub you the wrong way, nor any of your friends, but I ask you, looking at that map, whether in your judgment the opinion of one man who vetoed that bill is better than the judgment of your hired men who went to Congress charged with the responsibility and bound by a sacred oath to legislate in the interest of all the people? (Applause.)

I want to call your attention to the votes south of the Mason and Dixon line, and if you ever thought seriously about politics think it over now. The farmers of the United States went to their party, the northern farmer went to the Republican party to get the McNary-Haugen bill. You see the vote in red. That is the industrial East that tries to

write the agricultural plank. And, folks, we would be deserving of the contempt of every decent citizen if we accepted an industrially prepared plank for agriculture, and we are not going to do it unless they will write a better bill than the McNary-Haugen bill. (Applause.) And we have held out that challenge for years.

My brother, [Congressman] Franklin Fort of New Jersey,—and I love the old boy, though he has been my most bitter opponent in this fight—will tell you that to loan these farmers money and to set up farmers' cooperative associations will solve these questions.

Ladies and gentlemen, who is the best judge of that? A man who owns, as I do, 25 farms and practice law to get money enough to pay the losses I sustain every year in farming them? (Laughter and applause.) And the only way I can keep those farms is because many people have been good enough to give me plenty to do in the practice of law. And I want to say, my friends that while I have been criticized a good deal about the conduct of this fight I have never made any assault on America's protective system.

To you from the East we have said, "Keep your tariff." To the labor people we have said, "Keep your Adamson law. We believe in the restriction of immigration. Keep your transportation act. Keep your Federal Reserve Act. Keep all of this paternalistic legislation enacted to give groups a higher than the world price for their services and commodities, keep it all, but bring us in on the deal and give us a seat at the banquet table." (Applause.)

The farmer furnishes the banquet, but like Lazarus sits at the feet of industry and finance and commerce and picks up the crumbs. We have lost forty billion dollars out of the agricultural States as the result of the fact that we buy dear and sell cheap, and national legislation compels us to do it, and nobody will appear here to dispute the proposition. (Applause.) My friend Franklin Fort acknowledged

that in one of his great speeches on the floor of the House when he said that it was the development of America's protective system that compelled farmers to pay prices sharply higher than world price levels and largely above prices prevailing in the domestic market in 1914.

Ladies and gentlemen, it is not the price that we get. It is the fact that we cannot buy anything with it. The buying power of the average commodities of America's farms today is not over 70 per cent. We buy dear and sell cheap. We buy in a high, protected domestic market and pay prices exacted of us and sell on the basis of a low world market on the level of prices offered to us. And as one American citizen, proud of his party, I do not propose to occupy that situation of submergence any longer than I have to. And if it becomes necessary for the farmers of the United States, through your insistence on keeping him submerged here today, to invoke the first law, that of self-preservation, putting that above party label, then I want to tell you that he has all of the instincts of all the men of all the ages to make it effective!—do not make any mistake about that. (Applause.) And the farmer would be deserving of the contempt of every one of you if he did not make a fight for what he thought was right in this great contest.

This is the most critical hour the Republican party has seen in many a year, and if the Republican party cannot in this convention compose its differences, then I must say that we have fallen upon evil and bad days.

Again I call your attention to that map. Again I call your attention to the fact that 100 Democrats voted for that bill in the House, and a bigger percentage of Democrats supported, that bill on its final passage in the Senate.

Let me put this question to you: Would you expect the farmers of the United States now to lie down on the job? Would you? Would you expect them to give up the fight to

be brought into the protective system and get the benefit of the tariff? If you do, my friends, then indeed you must think that he is the brother to the ox. But he is not. You can laugh about him—and there has been a lot of laughing at the farmers here in town. You may sneer at the way in which in his humble way he tries to express himself. Please be charitable with him, my friends. He is a great man. He is a great man. Be charitable to his wife. She is a noble woman. (Applause.) Be charitable to his children. They are wonderful children. When you want to recruit new blood into the leadership of America's business, where do you go? Unerringly your path leads back to the farm, to some boy out at the crossroads, some boy out in a small country town. Why, bless your souls, they think straight, they talk straight; they are clean in mind and body, they adore the flag and reverence the Constitution. (Applause.)

I am telling you as a delegate to this Convention; as an interested in the welfare of my party—it is a great party, it is the party of protection, it has built up a great American standard of living here, and we are proud of it—but the farmer is not in it. He is down. His situation is appalling. You have become calloused about it. Do not leave him down. Extend the right hand of fellowship to him. And listen—if the Republican party is to live as a party of protection it must extend protection to all groups or do away with the principle. (Applause.)

The Republican party has had five years to solve the agricultural problem, and it solved it so far as Congress could go. And if the Republican party either cannot or will not solve the agricultural problem and bring the farmer into a situation of equality with other groups, it ought not to live. (Great applause and demonstration continuing for several minutes.)

At the close of Mr. Murphy's speech, there was a demonstration, begun at 1:02 p. m., by delegates from Iowa,

Nebraska, Minnesota, the Dakotas and other western States, and at 1:05 p. m. a counter-demonstration was started by some of the eastern and central States, and the Permanent Chairman, after much effort, brought the Convention to order at 1:08 p. m.



Press Reaction to Murphy's Address

The Wheaton Gazette, a weekly, reported the reaction to Murphy's address under the headline, "Murphy's Kansas City Speech Receives Praise."¹⁹⁸ It quoted two letters of congratulations which Murphy shared with it, and quoted an account of the speech in the *Kansas City Times*:

Raps Farm Bill Attitude

Yet the Convention applauds
Murphy's Eloquence in Debate.

The national Republican convention yesterday heard two notable and outstanding speeches in the debate over the farm relief plank—one by Frank W. Murphy of Minnesota, the other by Sen. William E. Borah of Idaho.

Not since the national convention of 1912 has there been a debate of such great importance before a Republican national convention. Murphy spoke for the farmer relief plank submitted in a minority report, involving the principle of the McNary–Haugen Bill. Borah spoke against it.

Except for the realization of the importance of the subject, and the position held by Murphy as spokesman for the

¹⁹⁸ *Wheaton Gazette*, June 22, 1928, front page.

farmers of the country, the convention would have been in no mood to hear him through. It was a dangerous thing to attempt in any political convention, for Murphy talked of “bolting”, serving notice the farmers were weary of voting the Republican party and being turned away from the party’s door when it asked for a square deal. He denounced the party for its attitude toward agriculture, and pointed out that the East and the West had reached the parting of the ways.

Murphy was accorded a hearing seldom accorded any speaker and a national convention. The delegates, although not in accord with anything he was saying, not only listen attentively, but so forcibly did Murphy get his message “across” that Rhode Island gave him as friendly a “hand” when he concluded as did Illinois and his home state, Minnesota, which is was in full sympathy with him.

Such speeches are not heard in national party conventions more than one once in a decade, because a convention of partisans are seldom in the mood be told they are hurrying their party to an early grave.

Murphy spoke with deep sincerity and earnestness. He did not attempt eloquence. Standing there before the thousands he realized he had a solemn message and a responsible one. He frankly told his audience in the beginning of his remarks he would say harsh things, but not in a spirit of harshness, and begged for their tolerance. Before he had taken ten minutes of the half hour accorded him, Murphy had captured the crowd. Not once did he spare the party, not even hesitating to carry the blame for the condition of agriculture to the very door of the White House and lay it down at the feet of the President himself.

Without a protest the Republican convention heard Murphy, though he was treading with a ruthless feet up on holy political ground.

And in closing, this spokesman for the farmers, the farmers' wife, the farmers' children and the farmers' home gave a dramatic picture of the climax that had come, the parting of the way between the farmer and the Republican Party unless the Kansas City convention heard the plea. He spoke with the authority of a shepherd over a flock, and he spoke as a prophet of warning:

"If the Republican party that I have loved, that the farmers of the middle West have loved, turns a deaf ear now to the cry of these people than that party deserves to die."

Those were the closing words of the Murphy speech.

Strange words to be heard in the Republican national convention. And yet sitting quietly for a moment fairly stunned with what it heard, that convention, out of sheer respect for the man was spoken so frankly gave a mighty response.

Closing the debate came Borah, of Idaho. The significance of the debate between the two men was that both spoke in full sympathy with the farmer. Borah gave as strong utterance to the importance of the problem and declared with as great earnestness as Murphy, the need for relief of agriculture. Yet Borah spoke against the very thing Murphy advised as a remedy.

Borah's speech was not a studied one, as was Murphy's. It was a speech however, of great eloquence; spoken not eloquently, but with an earnestness that held the crowd an intense interest.



APPENDIX 6.

Presidential Address to the Minnesota State Bar Association (1934)

Murphy served as President of the Minnesota State Bar Association in 1933-1934. On July 12, 1934, the first day of its annual convention at the Hotel Duluth in Duluth, he delivered his presidential address:¹⁹⁹

PRESIDENT MURPHY: Ladies and gentlemen: The address I was scheduled to make this morning I will now deliver with your indulgence. I am going to break a rule which has been my guide all my life, and that is, reading a speech.

ADDRESS

***By* FRANK W. MURPHY
President Minnesota State Bar Association.**

To me it seems but a very short time since I was selected as the President of your Association. The performance of my duties has been so pleasant and my relations with the Bar so agreeable and so worthwhile, that I confess a feeling of sadness that these pleasant relationships are ending at this meeting.

You have in your hands the reports of our several committees. More committees have worked in your behalf during the past twelve months, than in any previous year. Without any intention of minimizing the most excellent work that has been done in previous years by many committees of this Association, I am convinced that the results of the efforts of our various committees during the past year as evidenced by the reports before you, will

¹⁹⁹ Proceedings of the Minnesota State Bar Association, 25-32 (1934). Original spelling unchanged.

bear me out in the statement, that we have never had so much earnest, intelligent and effective work done in the history of the Association as has been done by the committees whose reports you will hear and act upon at this meeting.

I take this occasion of saying to the chairmen of the several committees, that you have done a fine piece of work, and I shall cherish the feeling that at least to some degree, the excellence of your work, the fine cooperation which you have exhibited in handling the various subjects committed to your committees, is a personal tribute to me. I thank each committeeman who has served, for the contribution he has made to our common welfare. So far as it is possible for me to do so, I took a part in the work of a number of the committees charged with the greater responsibilities. I attended a number of meetings of the district associations. I have one regret and that is I was not able to do more work and to attend more meetings of the district associations.

Fundamentally our Association is powerful and influential because of the high character of the work done by the district associations and the cooperative spirit shown by the members of the several district Bar associations.

I doubt that we will be able to give to the reports of the several committees that thorough consideration which many of such reports require. I say that, because we are probably not going to have the time to do it. It is likely that we shall have to make provision for a meeting in December, at which time some of these reports may receive the consideration which they merit. We want to do our work well. I ask your cooperation throughout our meetings to the end that we may expedite the business that we have in hand. I shall expect you to be present when the meetings are opened and trust that it will not be necessary for me to do anything more than to here express the hope that you will remain throughout our

several sessions and give us all of the assistance you possibly can.

I take this occasion of saying to you that your Secretary, Donald Rogers, has done a tremendous amount of work throughout the year and he has done it well. Mr. Rogers is an earnest, loyal, dependable, hard-working, intelligent servant of this Association. Scores of times throughout the past year it had become necessary for me and for others interested in the work of the Association, to lay upon the shoulders of Mr. Rogers many important burdens. He has never complained. He could always be depended upon. He has done his work in time. I hope you will agree with me when I say that this Association owes a great debt of gratitude to your Secretary. I want to pay him my personal respects and say that I regret my association with him in the past as your president, is ending.

There is much that this Association can do. We have inaugurated some programs that it will take a long time to work out. We have found ourselves greatly interested in the job we have had to do. The young lawyers have played an important part in the work of the year just closing. We have appealed to many of them for cooperation and they have responded with enthusiasm. Naturally I find myself greatly interested in young lawyers. I have a feeling of affection for these young members of ours, and I would like to be of assistance whenever and wherever it is possible. I ask of you older members that you entertain the same feeling toward them. It has been our aim to eliminate prejudice wherever we have found them among the lawyers of the state. We have played no favorites. In the selection of our committees we have endeavored to give every group of lawyers in the state an opportunity for service. We have made a special attempt to bring the lawyers of the state closer together. I think we have succeeded beyond our greatest expectations in this behalf. I have a feeling that the lawyers of the state are

closer together today than they have ever been. I have a definite conviction that more lawyers in this state feel a deep and personal interest in the welfare of the Minnesota State Bar Association, than they have ever felt before. I think we are going in the right direction. I don't know of any hard feelings anywhere. In the past there has been too much dissension among the lawyers of this state. That came about through lack of understanding and appreciation of each other.

When I became your President, I made one promise to myself. That was, that during the year that I served I would exert every possible effort that I could to create a friendly cooperative feeling among the members of the Bar of Minnesota. I am retiring from this office with a definite feeling that a great deal has been accomplished in that direction. And, lawyers, I hope that nothing will ever arise to bring about any serious dissension in our ranks. If we are careful in the handling of our business—if we are thoughtful and considerate of one another as we ought to be—if we will remember that regardless of the kind of practice any of our brethren may be engaged in, that they are entitled to every consideration so long as they are gentlemen and are handling their business legitimately—we can become strong and stronger by lending a helping hand to those who are weak and who need our assistance.

I am naturally interested in the unification of the Bar of this state. I want the Bar to be able to speak with one voice, not only in the affairs of the lawyers of the state, but in the affairs of the nation.

May I talk to you a few minutes about the state of the Union—about the welfare of the people—about America's common problems? I want to talk about these things with you, primarily because, as, you have heard me say before, lawyers should be America's leaders. I think you have a right to leadership! I know the public has a right to expect leadership from you, and by leadership I mean that states-

manship leadership that is always necessary, and is so essentially necessary in these hours of America's great crisis! That we are in a great crisis, no one should deny. That lawyers have not been taking their place of leadership none of you should argue, because you must know leadership has been passing into other hands. I think we are the sole cause of this situation. Lawyers should be students of public affairs. Lawyers should know what is going on in this country. Lawyers should know what Congress does and is doing, and proposes to do. This country has become, to an extent that it is positively alarming, a bureaucratic government. Bureaucracy breeds bureaucracy!

I think America's protective system has always been and certainly is today a fallacy. I think that the philosophy of government, which assures legislative advantages for aggressive groups is vicious and bad and nothing good can come of it. Paternalism is bad wherever you find it. Paternalism in our national government has become so powerful and dominant that it threatens the very foundation of the government itself. And do not misunderstand me. I am not talking politics. I have definite ideas about the government of the United States. All lawyers should know about their government. I think but few lawyers do actually know what they ought to know about our government. Many lawyers know some things about our government and when they speak they do so from the standpoint of prejudice. That ought not to be. In dealing, with our government and public questions generally, lawyers ought to know all about the subject. Then when they speak they can do so, not as partisans, but as statesmen and leaders. So I plead for that leadership which is statesmanship as distinguished from partisanship. And, gentlemen of the Bar, if you do not look to this matter seriously, and now, you are going to find yourselves shunted over on the side lines while others will take the place of leadership which belongs to you, and in the doing of that, will take away from you a large amount of

your business. You should be able to understand that a great deal of law business has been taken away from lawyers. Too many governmental agencies are practising law. Too many governmental agencies are assuming to advise people about their affairs. These agencies are not in the position to advise sanely or properly.

To what extent are we responsible for our loss of caste? I think we are responsible in a greater degree than we may be willing to admit. When a lawyer gives his best thought and purpose to the affairs of his country, the country will be well served. I distinguish the public service that the people of America are entitled to have from you, from the service which you render to your clients. You know that I have been rather busy in the practice of my profession. You also know that I have found plenty of time to devote to the study of public questions. I have not hesitated to speak out when I thought the occasion demanded it. And, gentlemen, no one will ever criticize a lawyer for speaking out what he has in his mind if he does it as a statesman and knows what he is talking about!

I may be old-fashioned, but I think that we must not turn our backs upon the past. We have builded a great nation on these shores! We have had a really glorious history. There is a great deal of confusion just now, about where we are going from here. There should be no confusion on that point. The ideals of this government are fundamental, wholesome and eternal. We have the right kind of government! The question is whether we are worthy of the kind of government we have! The question is whether we understand the American form of government! The question is whether we know what has been going on! I have little patience with those who think that our Constitution has been pushed to one side and that we are embarking upon an uncharted sea in governmental affairs. Let us frankly admit that we have had plenty of bad government in the last fifteen years. Let us frankly admit that it was not the purpose of the framers of the constitution, that under it

and in this country, four percent of the people should acquire eighty percent of the wealth! In that connection I say to you that it required bad and fundamentally fallacious legislation, which made it possible for such an unequal distribution of wealth to arise on these shores. Equality of opportunity and equality in the affairs of our economic life are guaranteed to us by the Constitution!

But what has come to us in America by legislating in the interest of groups? Legislating to the advantage of one group always results in corresponding disadvantage to either some other group, or all other groups; and having embarked in the enterprise of law-making in America and having entered the field of paternalism, we have found it necessary when we legislate advantages to one group, to undertake to legislate advantages to other groups to correct the situation which arose in the original act of legislation which imposed disadvantages on certain groups. So, when we have undertaken to meet and correct all disadvantages which arise from paternalistic legislation, we have engulfed ourselves in a maze of asinine protective legislation which has resulted in the building up of a great bureaucracy in America and this bureaucracy is inimical to the welfare of all the people.

How we are going to correct the situation is not the subject of this discourse. I am merely pointing out to you the fallacy of so much law-making in the interest of groups. And we embarked in the business of legislating for groups when the time came that groups had power enough to be aggressive in Washington.

I say to you, my friends, that when we made a code which resulted in the increase of the price of coal, which is a commodity that the poor and everybody must use, and in the making of that code the man who pays for the coal was

not present in any way, we get ourselves into trouble.²⁰⁰ Fundamentally I think the people who should be consulted are those folks who pay the bills. We have forgotten them. A paternalistic system of legislation forgets that class of people!

We have been talking in this country for many years about the American standard of living. I want to talk about that subject with you for a few minutes. What is the American standard of living? Who specifies the standard? The thing they call the American standard of living is not the same as it was last year. It was not the same last year as it was the year before. And for fifteen years it has been entirely different from what it was prior to the beginning of the World War in Europe. Legislation increases the cost of living in our system of paternalism. So, as legislation increases the cost to the consumer of any article he has to use, then we undertake to put a jack screw under the consumer's so-called American standard of living. We go from one absurdity to another! And of course we are going wrong all of the time. There are certain things that the traffic will bear, and beyond that it will not bear. We have been loading the traffic with things that it will not bear—and while those groups, with the assistance of legislative enactments, have been able to get their prices, the great body of people have been required to do the best they could without the aid of legislative props.

Economists draw certain lines to denote the trend of prices and of things in our economic life. If I should draw for you today some lines indicating the price the farmer received in 1914 and back to 1900, and a line indicating the price he paid in that period, the two lines would run substantially parallel. And surely I do not have to tell you

²⁰⁰ The “code” refers to standards for certain industries that set terms of competition, regulated working conditions and established prices for certain petroleum products. Codes were authorized by the National Industrial Recovery Act of 1933, which was declared unconstitutional by the Supreme Court in 1935.

folks that prior to the World War, this country was prosperous!

From 1900 to 1914 we had in America a period in which nearly every man was at work; people were buying and paying for homes; farmers owned their lands; farmers were happy and contented—labor had a fair wage—laboring people were able to have homes! There was a reasonable equality of interchange of goods and prices within America. And during that period we had a tariff system. But, beginning in 1914 and continuing to this day, we have engaged in an orgy of law-making. These laws were passed with the idea of raising prices of commodities and service. The great body of people were adversely affected by these laws. The protected industrial groups were enabled to earn unconscionable dividends. The exchange power of goods and services of millions of people were entirely out of line with the prices they had to pay for what they needed. The result was that through this economic maladjustment, wealth was drained out of the hands of the great masses of people and into the hands of the few. This situation brought on the collapse of business which in a measure still engulfs us.

If I should draw for you today two lines indicating the price farmers are receiving for what they sell, and paying for what they use—if I should draw for you today, two lines showing prices received by farmers for what they sell and prices which they have been compelled to pay for what they used, there would be a wide divergence during the period from the close of the World War until this time; paternalistic legislation brought about and maintains this disparity.

I cannot agree that our experiences prior to 1914 are not worthy of close study. Should we not profit by past experiences? We should take stock of conditions as they were prior to the World War, and then determine what has been done legislatively which brought about the collapse

of business in 1931 and 1932. The bureaucracy Mr. Borah is so vigorously denouncing was established in this country many years ago. He himself served in the Senate while most of our paternalistic system was founded. This same bureaucracy he denounces brought about the crisis we are finding our way out of.

It would be fine, indeed, if people could have most of the things they desired to have. All of you would like to have certain things which you can't afford to buy. Maybe that is the best thing that possibly could have happened to you. People have been inspired to think that they could have almost anything they wanted. There are certain things that people cannot afford to have. We must get used to that idea. We must have a standard of living that is sane and is maintainable. We must content ourselves with the things we can afford to have. I think that the more things people can buy and use, the happier they will be—but industrial prices are too high. People should be able to do more than merely look into show windows—the price of goods should be lowered so that they could buy what they look at and actually need.

Again I repeat we are in our trouble because we have made our principal business in this country, when it comes to governmental affairs, the making of laws. Several hundreds of laws should never have been passed. We have reached a point now where, because of our protective system, it becomes necessary for us to pass so many laws regulating human conduct that the inevitable result has been a disrespect of law. I don't like to have to repeat an old statement, but it is well to keep it in mind today:

"People are best governed that are least governed." We are going to find a way out of our difficulties, whether economic or social. I think we are on our way now toward happier days. Naturally there is much in the present recovery program that many of us could not agree to. That

is the inevitable result of the presentation of a great recovery program to a people who are accustomed to doing at least some of their own thinking. Out of this welter of laws and of rules and regulations will come a sane and acceptable program in which America will find itself again!

The American people are not interested in Communism. They are not interested in Socialism as we understand that term. The American people are not interested in Nazism. I do not say that there are not a few people in America who have their minds set on some of these "isms." But our people have had too much experience with the finest type of government the world has ever known to think of changing it in any degree. But in this connection, my friends, do not overlook the fact that there has been this unequal distribution of wealth under the American Constitution—that we have been building for the last fifteen years and more a false philosophy of government, known in this country as our protective system. We have sinned against the Constitution years ago in the development of a bureaucracy. This is no time for us to say that we are getting away from the Constitution for the first time when it seems necessary to have other protective legislation to assist in lifting the curse of the old protective system from the people of America. We are not now getting away from the Constitution. If we have been getting away from it, we have been at that for a long time. This is no time to lose our heads about that.

I have faith in Franklin Roosevelt. I think his heart is right. He wants to correct these abuses in America. I think he is doing his best in that direction. Whether you agree with what he has done or is doing or not, you should at least be charitable enough to believe in your hearts that he is trying to do the right thing. When you understand how many millions of people are on the government's payroll—when you understand, as understand you must, how entrenched financial and organized power has been in

America—when in that same connection you realize how wealth has accumulated to such an alarming degree in a few hands, you will realize the magnitude of the undertaking laid upon the shoulders of our devoted president. And when I have said this to you, I think you will agree that I am not talking politics because in an hour like this, lawyers, as leaders and as statesmen, should rise above partisanship. We will find a way out and in the doing of that we are not going to embrace any "ism" which does not square with the Constitution of the United States!

The president's address was concluded and prolonged applause ensued.

PRESIDENT MURPHY: My friends, you know that I am just human enough to appreciate that. Thanks so much.

MR. FREEMAN: Mr. President, I want to address myself to the secretary, perhaps. I move that this convention at this time, by a rising vote, express its appreciation to our president for the very splendid paper he has just read.

SECRETARY ROGERS: Under section V of the By-Laws, I will have to rule it as out of order.

MR. FREEMAN: Let's get up anyhow.

◇◇◇

At this convention Chief Justice Devaney gave an impromptu preliminary report of the work of the Committee on Crime that Murphy had appointed. Here it is:

Report of Chief Justice Devaney on work of Crime Committee.

[President Murphy] We selected a committee, not entirely of lawyers, perhaps, largely of lawyers, though,—I am not

just sure which membership predominates,—we selected leading men and women in the state who occupy positions of responsibility, positions in which the public has a right to get from them the benefit of their best judgment, unprejudiced judgment. As the Chairman of that Committee, I appointed our beloved Chief Justice, John P. Devaney. His report is not ready, I understand, though I do not speak advisedly on the subject; it will be ready probably in November. I want to ask Mr. Devaney if he will please come to the platform and say a few words to you with reference to his work. If he desires to submit any appeal to you, this will be his opportunity. (Applause.)

CHIEF JUSTICE DEVANEY: What I will say, I will touch on very briefly. I had no notion that I was to be called to say anything on this occasion.

Some four or five months ago, because of the criticism which had been directed at the bar, and its failure to interest itself in a solution of the crime problem, or its failure to have any part in a solution of that problem, because of the criticism, because of the fact that it was felt that the people had a right to criticize the bar in whose hands had been placed the administration of criminal law, since the beginning of our government, your President thought it wise to appoint a committee sponsored by the Bar Association, to study the question of crime so far as it concerned the state of Minnesota. He appointed that committee some five months ago, and then went away and forgot about them. We have had every active, earnest and intelligent cooperation from the men of that committee. Many men have given days and weeks of their time to a study of these problems. We were proceeding without money; we were proceeding without a staff; we did patch together some sort of a staff; we did secure from the C.W.A. some assistance in carrying forward this work. We are not engaged in a factual study; we are not a fact finding group; we haven't the time or money, to make any factual study of the question of crime in Minnesota but we

can, we believe, by being sensible about this matter, by directing our efforts to one or two things, accomplish something worth while. I want to thank the members of the bar, and we have some forty or fifty, I think, men who have given days and weeks of their time, men who are busily engaged in their own practice, to this work. We are getting somewhere, I believe. I had an opportunity to talk to Attorney General Cummings, and outline to him what we were undertaking to do, and he thought we were going about it in the best possible way, and that what we were doing in Minnesota, taking studies that had been made by the various crime commissions of the country, breaking them down and applying them to our problem, could be done without expense in other states of the union, and that we might be able to show the way to other states on the question of studying these problems of crime, and making some sensible progress, and having some real interest in a possible solution of, these very pressing problems, which concern, first of all, the members of the bar, of every state in the union. I want to tell you men who have had a part in this work, and I want to ask the cooperation of those who have not had a part in it, "Won't you help us; won't you be interested in what we are undertaking to do?" We will not try to do too much. We will have some recommendations to submit to the next legislature which convenes January 1st. We need your intelligent help and cooperation. Thank you. *



* Proceedings of the Minnesota State Bar Association, 1934, at 97-98.

APPENDIX 7.

ELECTION TO THE BOARD OF REGENTS (1935)

The Minnesota Senate and House of Representatives met in a "joint convention" on February 7, 1935, and elected eight persons to the Board of Regents of the University of Minnesota. The following is the transcript of those proceedings:

JOINT CONVENTION.

The Senate and House met in joint convention in the House Chamber on Thursday, at 2:40 o'clock P. M., for the purpose of electing eight members of the Board of Regents of the University of Minnesota.

The convention was called to order by the Speaker of the House, officiating as President, and the Chief Clerk acting as Secretary of the convention.

The roll being called, the following Senators answered to their names:

Adams	Farnand	Loftsgaarden	Pederson	Starks
Almen	Foslien	Lommen	Ribenack	Stiening
Anderson	Galvin	MacKenzie	Rice	Sullivan, G. H.
Berg	Gardner	McLeod	Richardson	Sullivan, H. H.
Berglund	Hausler	Mellon	Rockne	Tungseth
Bonniwell	Imm	Miller, A. H.	Roepke	Weber
Bridgeman	Johnson, C. E.	Miller, F. J.	Romberg	Wing
Carley	Johnson, T. H.	Morrison	Ruotsinoja	Wolfe
Carr	Kingsley	Mullin	Schmechel	Woolsey
Cashman	Larson	Murphy	Sell	Wright
Cravens	Lawson	Novak	Siegel	
Crowley	Lightner	Oliver	Sletvold	
Dietz	Lodin	Orr	Sprung	

And the following Representatives answered to their names:

Amundson	Coduti	Erickson, G.	Gryte	Helgeson
Andersen, H. C.	Collins	Eriksson, L.	Hagen	Herfindahl
Barker	Covert	Ettel	Hagland	Hilton
Belman	Cox	Fast	Hall, L. M.	Hogan
Bennett	Crissey	Finnegan	Hall, W. H.	Horwitz
Biever	Dahle, C. A.	Finstuen	Halverson	Hove
Boberg	Dahle, O. K.	Forsythe	Hart	Iverson
Brophey	Dalen	Frederickson	Hartkopf	Jebb
Campbell, L. A.	Dammann	Friberg	Hartle	Jesten
Campbell, W. H.	Dixon	Friederichs	Hastings	Johnson, R. G.
Champlin	Dunn	Gibbons	Havemeier	Julkowski
Chilgren	Eastvold	Green	Hayford	Kempfer

Kettner	McNulty	Nystrom	Severtson	Wangensteen
Kieffer	Madden	O'Rourke	Slen	Wanvick
Kinzer	Mann	Ost	Stockwell	Weeks
Kueffner	Martz	Paige	Sweitzer	White, F. W.
Lager	Masek	Paulsen, O. A.	Syreen	White, J. J.
Lee	Melby	Paulson, J. A.	Terwilliger	Wier
Lieske	Merrill	Powers	Thielen	Witt
Lockhart	Miller	Prestegard	Thompson	Youngquist
Lockwood	Moore	Radde	Thorkelson	Zwach
Long	Nelson	Roebke	Tighe	Mr. Speaker
Lowe	Nissen	Rohne	Trisch	
Lux	Nolan	Samiec	Wahlstrand	
MacKinnon	Nonnemacher	Schwartz	Waldal	
McIntosh	Nordin	Severson	Wambach	

Quorum present.

REPORT OF NOMINATING COMMITTEE.

Mr. Kingsley submitted the following report of the Joint Nominating Committee:

Honorable George W. Johnson, Speaker of the House of Representatives, and Honorable Hjalmar Petersen, President of the Senate.

The Joint Nominating Committee of the Senate and House, under the concurrent resolution adopted February 5th, 1935, having met in joint session, respectively submit the following report as the action of said committee:

The following named persons are hereby submitted as the nominees to be members of the Board of Regents for the terms set opposite their respective names, to-wit:

Name	Time of Expiration
George W. Lawson	First Monday in February, 1939
Ray Quinlivan	First Monday in February, 1939
A. R. English	First Monday in February, 1939
A. E. Olson	First Monday in February, 1939
William J. Mayo	First Monday in February, 1941
Albert Pfaender	First Monday in February, 1941
Fred B. Snyder	First Monday in February, 1941
John G. Williams	First Monday in February, 1941

Respectfully submitted,

BURT L. KINGSLEY, Chairman Joint Committee
and of Senate Committee;

MABETH HURD PAIGE,
Chairman House Committee.

William B. Richardson	Herman Dammann
Roy F. Crowley	O. K. Dahle
George Siegel	J. R. Sweitzer
Gerald T. Mullin	Robert F. Lee
F. J. Miller	Frank W. White
Victor E. Lawson	Galen L. Finnegan
Charles E. Adams	Leonard Eriksson
Herman F. Sprung	George MacKinnon
Members of Joint Committee from the Senate.	Members of Joint Committee from the House of Represen- tatives.

Senator Kingsley moved adoption of the foregoing report of the Nominating Committee.

Which motion prevailed.

Senator Ruotsinoja placed in nomination Frank Marshall in opposition to Ray Quinlivan.

Senator Cashman placed in nomination Frank W. Murphy in opposition to A. R. English.

Mr. Havemeier placed in nomination Dr. Albert Fritchie.

Senator Tungseth placed in nomination Dr. Edward Bratrud in opposition to John G. Williams.

Senator Lommen placed in nomination Carl H. Salminen in opposition to John G. Williams.

Mr. White, J. J., placed in nomination Anna O. Detterman in opposition to Ray Quinlivan.

Mr. Stockwell placed in nomination Mrs. Arthur Brin in opposition to Fred B. Snyder.

Mr. Hayford placed in nomination Gratia L. Countryman in opposition to A. R. English.

The nomination of Dr. William J. Mayo was seconded by Senator Richardson.

The nomination of Albert Pfaender was seconded by Mr. Dammann.

The nomination of Fred B. Snyder was seconded by Mr. Weeks and Mr. MacKinnon.

The nomination of John G. Williams was seconded by Senator Adams and Mr. Dahle, C. A.

The nomination of George W. Lawson was seconded by Senator Siegel.

The nomination of Ray Quinlivan was seconded by Mr. Lee and Mr. Long.

The nomination of A. R. English was seconded by Mr. White, F. W., and Senator Almen.

The nomination of Dr. A. E. Olson was seconded by Senator Carr and Mr. Johnson, George W.

The nomination of Frank W. Murphy was seconded by Mr. Moore, Senator Oliver, Mr. Tighe, Mr. Barker and Senator Morrison.

The nomination of Anna O. Detterman was seconded by Mr. Jebb.

The nomination of Dr. Edward Bratrud was seconded by Mr. Melby.

Mr. Campbell, W. H., moved that the nominations be closed and the Convention proceed to the ballot.

Which motion prevailed.

The Convention then proceeded to ballot for election of eight members of the Board of Regents of the University of Minnesota.

At 5:32 o'clock P. M., the Speaker declared the Convention at recess until about 8:00 o'clock P. M., to allow time for counting the ballots.

RECESS.

RECONVENED.

The Convention reconvened at 8:28 o'clock P. M., and was again called to order by the Speaker of the House, President of the Convention.

Senator Hausler asked permission to change his vote, which was ruled by the President of the Convention as not in order.

The roll being called on the election of members of the Board of Regents of the University of Minnesota, resulted as follows:

George W. Lawson:

Senate:

Adams	Farnand	Lightner	Oliver	Sletvold
Almen	Finstad	Lodin	Orr	Sprung
Anderson	Foslien	Loftsgaarden	Pederson	Starks
Berg	Galvin	Lommen	Ribenack	Stiening
Berglund	Gardner	MacKenzie	Rice	Sullivan, G. H.
Bonniwell	Hausler	McLeod	Richardson	Sullivan, H. H.
Bridgeman	Imm	Mellon	Rockne	Tungseth
Carley	Johnson, C. E.	Miller, A. H.	Roepeke	Weber
Carr	Johnson, T. H.	Miller, F. J.	Romberg	Wing
Cashman	Kingsley	Morrison	Ruotsinoja	Wolfe
Cravens	Kozlak	Mullin	Schmechel	Woolsey
Crowley	Larson	Murphy	Sell	Wright
Dietz	Lawson	Novak	Siegel	

House:

Amundson	Erickson, G.	Hilton	Mann	Severtson
Andersen, H. C.	Eriksson, L.	Hogan	Martz	Slen
Anderson, Ray	Ettel	Horwitz	Masek	Stockwell
Barker	Fast	Hove	Melby	Sweitzer
Bellman	Finnegan	Iverson	Merrill	Syreen
Bennett	Finstuen	Jebb	Miller	Terwilliger
Biever	Forsythe	Jesten	Moore	Thielen
Boberg	Frederickson	Johnson, R. G.	Nelson	Thompson
Brophey	Friberg	Julkowski	Nissen	Thorkelson
Campbell, L. A.	Friederichs	Kempfer	Nolan	Tighe
Campbell, W. H.	Gibbons	Kettner	Nonnemacher	Trisch
Champlin	Green	Kieffer	Nordin	Wahlstrand
Chilgren	Gryte	Kinzer	Nystrom	Waldal
Coduti	Hagen	Kueffner	O'Rourke	Wambach
Covert	Hagland	Lager	Ost	Wangensteen
Cox	Hall, L. M.	Lee	Paige	Wanvick
Crissey	Hall, W. H.	Lieske	Paulsen, O. A.	Weeks
Dahle, C. A.	Halverson	Lockhart	Paulson, J. A.	White, F. W.
Dahle, O. K.	Hart	Lockwood	Powers	White, J. J.
Dalen	Hartkopf	Long	Prestegard	Wier
Daly	Hartle	Lowe	Radde	Witt
Dammann	Hastings	Lux	Roebke	Youngquist
Dawson	Havemeier	MacKinnon	Rohne	Zwach
Dixon	Hayford	McIntosh	Samec	Mr. Speaker
Dunn	Helgeson	McNulty	Schwartz	
Eastvold	Herfindahl	Madden	Severson	

192 votes.

Ray Quinlivan:

Senate:

Adams	Farnand	MacKenzie	Richardson	Sullivan, H. H.
Almen	Finstad	Miller, A. H.	Rockne	Weber
Anderson	Galvin	Miller, F. J.	Roepke	Wing
Berg	Gardner	Morrison	Sell	Wolfe
Berglund	Imm	Mullin	Siegel	Woolsey
Bonniwell	Kingsley	Murphy	Sletvold	Wright
Carley	Larson	Oliver	Starks	
Cashman	Lightner	Orr	Stiening	
Crowley	Loftsgaarden	Ribenack	Sullivan, G. H.	

House:

Amundson	Ettel	Hilton	Mann	Severson
Andersen, H. C.	Fast	Horwitz	Martz	Severtson
Anderson, Ray	Finnegan	Jebb	Masek	Slen
Biever	Finstuen	Jesten	Merrill	Sweitzer
Brophey	Forsythe	Johnson, R. G.	Miller	Syreen
Campbell, W. H.	Frederickson	Julkowski	Moore	Terwilliger
Champlin	Friederichs	Kempfer	Nelson	Tighe
Covert	Gibbons	Kettner	Nissen	Wahlstrand
Crissey	Green	Kueffner	Nonnemacher	Waldal
Dahle, C. A.	Gryte	Lee	O'Rourke	Wambach
Dahle, O. K.	Hall, L. M.	Lockhart	Paige	Wanvick
Dalen	Hall, W. H.	Long	Paulsen, O. A.	Weeks
Dammann	Hart	Lowe	Paulson, J. A.	White, F. W.
Dawson	Hartkopf	Lux	Powers	Witt
Dixon	Hartle	MacKinnon	Radde	Youngquist
Dunn	Hastings	McIntosh	Roebke	Zwach
Eastvold	Hayford	McNulty	Rohne	Mr. Speaker
Eriksson, L.	Helgeson	Madden	Schwartz	

131 votes.

A. R. English:

Senate:

Adams	Imm	Murphy	Ruotsinoja	Wing
Almen	Kingsley	Orr	Sletvold	Wright
Bonniwell	Larson	Ribenack	Starks	
Carley	Lightner	Richardson	Stiening	
Crowley	MacKenzie	Rockne	Sullivan, G. H.	
Finstad	Miller, F. J.	Roepke	Sullivan, H. H.	

House:

Anderson, Ray	Frederickson	Kettner	Nelson	Severson
Campbell, W. H.	Green	Lee	O'Rourke	Sweitzer
Dahle, O. K.	Hall, W. H.	Long	Paige	Wambach
Dalen	Hart	Lowe	Paulsen, O. A.	White, F. W.
Dammann	Hastings	MacKinnon	Powers	
Dawson	Jesten	McIntosh	Radde	
Fast	Johnson, R. G.	Merrill	Roebke	
Forsythe	Kempfer	Miller	Schwartz	

62 votes.

A. E. Olson:

Senate:

Adams	Bridgeman	Dietz	Hausler	Larson
Almen	Carley	Farnand	Imm	Lawson
Anderson	Carr	Finstad	Johnson, C. E.	Lightner
Berg	Cashman	Foslien	Johnson, T. H.	Lodin
Berglund	Cravens	Galvin	Kingsley	Loftsgaarden
Bonniwell	Crowley	Gardner	Kozlak	Lommen

MacKenzie	Murphy	Richardson	Siegel	Tungseth
McLeod	Novak	Rockne	Sletvold	Weber
Mellon	Oliver	Roepke	Sprung	Wing
Miller, A. H.	Orr	Romberg	Starks	Wolfe
Miller, F. J.	Pederson	Ruotsinoja	Stiening	Woolsey
Morrison	Ribenack	Schmechel	Sullivan, G. H.	Wright
Mullin	Rice	Sell	Sullivan, H. H.	

House:

Amundson	Erickson, G.	Hilton	Mann	Severtson
Andersen, H. C.	Eriksson, L.	Hogan	Martz	Slen
Anderson, Ray	Ettel	Horwitz	Masek	Stockwell
Barker	Fast	Hove	Melby	Sweitzer
Bellman	Finnegan	Iverson	Merrill	Syreen
Bennett	Finstuen	Jebb	Miller	Terwilliger
Biever	Forsythe	Jesten	Moore	Thielen
Boberg	Frederickson	Johnson, R. G.	Nelson	Thompson
Brophey	Friberg	Julkowski	Nissen	Thorkelson
Campbell, L. A.	Friederichs	Kempfer	Nolan	Tighe
Campbell, W. H.	Gibbons	Kettner	Nonnemacher	Trisch
Champlin	Green	Kieffer	Nordin	Wahlstrand
Chilgren	Gryte	Kinzer	Nystrom	Waldal
Coduti	Hagen	Kueffner	O'Rourke	Wambach
Covert	Hagland	Lager	Ost	Wangensteen
Cox	Hall, L. M.	Lee	Paige	Wanvick
Crissey	Hall, W. H.	Lieske	Paulsen, O. A.	Weeks
Dahle, C. A.	Halverson	Lockhart	Paulson, J. A.	White, F. W.
Dahle, O. K.	Hart	Lockwood	Powers	White, J. J.
Dalen	Hartkopf	Long	Prestegard	Wier
Daly	Hartle	Lowe	Radde	Witt
Dammann	Hastings	Lux	Roebke	Youngquist
Dawson	Havemeier	MacKinnon	Rohne	Zwach
Dixon	Hayford	McIntosh	Samec	Mr. Speaker
Dunn	Helgeson	McNulty	Schwartz	
Eastvold	Herfindahl	Madden	Severson	

192 votes.

William J. Mayo:

Senate:

Adams	Farnand	Lightner	Oliver	Sletvold
Almen	Finstad	Lodin	Orr	Sprung
Anderson	Foslien	Loftsgaarden	Pederson	Starks
Berg	Galvin	Lommen	Ribenack	Stiening
Berglund	Gardner	MacKenzie	Rice	Sullivan, G. H.
Bonniwell	Hausler	McLeod	Richardson	Sullivan, H. H.
Bridgeman	Imm	Mellon	Rockne	Tungseth
Carley	Johnson, C. E.	Miller, A. H.	Roepke	Weber
Carr	Johnson, T. H.	Miller, F. J.	Romberg	Wing
Cashman	Kingsley	Morrison	Ruotsinoja	Wolfe
Cravens	Kozlak	Mullin	Schmechel	Woolsey
Crowley	Larson	Murphy	Sell	Wright
Dietz	Lawson	Novak	Siegel	

House:

Amundson	Champlin	Dawson	Frederickson	Hart
Andersen, H. C.	Chilgren	Dixon	Friberg	Hartkopf
Anderson, Ray	Coduti	Dunn	Friederichs	Hartle
Barker	Covert	Eastvold	Gibbons	Hastings
Bellman	Cox	Erickson, G.	Green	Havemeier
Bennett	Crissey	Eriksson, L.	Gryte	Hayford
Biever	Dahle, C. A.	Ettel	Hagen	Helgeson
Boberg	Dahle, O. K.	Fast	Hagland	Herfindahl
Brophey	Dalen	Finnegan	Hall, L. M.	Hilton
Campbell, L. A.	Daly	Finstuen	Hall, W. H.	Hogan
Campbell, W. H.	Dammann	Forsythe	Halverson	Horwitz

Hove	Lockwood	Nelson	Rohne	Wahlstrand
Iverson	Long	Nissen	Samec	Waldal
Jebb	Lowe	Nolan	Schwartz	Wambach
Jesten	Lux	Nonnemacher	Severson	Wangensteen
Johnson, R. G.	MacKinnon	Nordin	Severtson	Wanvick
Julkowski	McIntosh	Nystrom	Slen	Weeks
Kempfer	McNulty	O'Rourke	Stockwell	White, F. W.
Kettner	Madden	Ost	Sweitzer	White, J. J.
Kieffer	Mann	Paige	Syreen	Wier
Kinzer	Martz	Paulsen, O. A.	Terwilliger	Witt
Kueffner	Masek	Paulson, J. A.	Thielen	Youngquist
Lager	Melby	Powers	Thompson	Zwach
Lee	Merrill	Prestegard	Thorkelson	Mr. Speaker
Lieske	Miller	Radde	Tighe	
Lockhart	Moore	Roebke	Trisch	

192 votes.

Albert Pfaender:

Senate:

Adams	Dietz	Miller, A. H.	Rockne	Sullivan, G. H.
Almen	Finstad	Miller, F. J.	Roepke	Sullivan, H. H.
Anderson	Gardner	Morrison	Romberg	Tungseth
Berg	Imm	Mullin	Ruotsinoja	Weber
Berglund	Kingsley	Murphy	Sell	Wing
Bonniwell	Larson	Oliver	Siegel	Wolfe
Carley	Lightner	Orr	Sletvold	Woolsey
Cashman	Loftsgaarden	Ribenack	Starks	Wright
Crowley	MacKenzie	Richardson	Stiening	

House:

Amundson	Fast	Hilton	McIntosh	Rohne
Andersen, H. C.	Finnegan	Horwitz	Mann	Schwartz
Anderson, Ray	Finstuen	Jebb	Martz	Severson
Biever	Forsythe	Jesten	Masek	Severtson
Brophey	Frederickson	Johnson, R. G.	Merrill	Slen
Campbell, W. H.	Friederichs	Julkowski	Miller	Sweitzer
Champlin	Gibbons	Kempfer	Moore	Syreen
Covert	Green	Kettner	Nelson	Terwilliger
Crissey	Gryte	Kueffner	Nissen	Tighe
Dahle, C. A.	Hall, L. M.	Lager	Nonnemacher	Wahlstrand
Dahle, O. K.	Hall, W. H.	Lee	O'Rourke	Waldal
Dalen	Hart	Lieske	Paige	Wambach
Dammann	Hartkopf	Lockhart	Paulsen, O. A.	Wanvick
Dawson	Hartle	Long	Paulson, J. A.	White, F. W.
Dixon	Hastings	Lowe	Powers	Witt
Dunn	Hayford	Lux	Radde	Zwach
Ettel	Helgeson	MacKinnon	Roebke	Mr. Speaker

129 votes.

Fred B. Snyder:

Senate:

Adams	Dietz	Loftsgaarden	Ribenack	Stiening
Almen	Farnand	MacKenzie	Richardson	Sullivan, G. H.
Anderson	Finstad	Miller, A. H.	Rockne	Sullivan, H. H.
Berg	Galvin	Miller, F. J.	Roepke	Tungseth
Berglund	Gardner	Morrison	Ruotsinoja	Weber
Bonniwell	Imm	Mullin	Sell	Wing
Carley	Kingsley	Murphy	Siegel	Wolfe
Cashman	Larson	Oliver	Sletvold	Woolsey
Crowley	Lightner	Orr	Starks	Wright

House:

Amundson	Anderson, Ray	Brophey	Champlin	Crissey
Andersen, H. C.	Biever	Campbell, W. H.	Covert	Dahle, C. A.

Dahle, O. K.	Gryte	Kettner	Nissen	Syreen
Dalen	Hall, L. M.	Kueffner	Nonnemacher	Tighe
Dammann	Hall, W. H.	Lee	O'Rourke	Wahlstrand
Dawson	Hart	Long	Paige	Waldal
Dixon	Hartkopf	Lowe	Paulsen, O. A.	Wambach
Dunn	Hartle	MacKinnon	Paulson, J. A.	Wangensteen
Fast	Hastings	McIntosh	Powers	Weeks
Finnegan	Hayford	Mann	Radde	White, F. W.
Finstuen	Helgeson	Martz	Roepke	Witt
Forsythe	Hilton	Masek	Rohne	Youngquist
Frederickson	Jesten	Merrill	Schwartz	Zwach
Friederichs	Johnson, R. G.	Miller	Severson	
Gibbons	Julkowski	Moore	Severtson	
Green	Kempfer	Nelson	Sweitzer	

122 votes.

John G. Williams:

Senate:

Adams	Finstad	MacKenzie	Richardson	Sullivan, G. H.
Almen	Galvin	Miller, A. H.	Rockne	Sullivan, H. H.
Anderson	Gardner	Miller, F. J.	Roepke	Weber
Berglund	Imm	Morrison	Sell	Wolfe
Bonniwell	Kingsley	Mullin	Siegel	Woolsey
Carley	Larson	Murphy	Sletvold	Wright
Cashman	Lightner	Orr	Starks	
Crowley	Loftsgaarden	Ribenack	Stiening	

House:

Amundson	Ettel	Hastings	McIntosh	Rohne
Andersen, H. C.	Fast	Hayford	Mann	Schwartz
Biever	Finnegan	Helgeson	Martz	Severson
Brophey	Finstuen	Hilton	Masek	Slen
Campbell, W. H.	Forsythe	Horwitz	Merrill	Sweitzer
Champlin	Frederickson	Jesten	Moore	Syreen
Covert	Friederichs	Johnson, R. G.	Nelson	Tighe
Crissey	Gibbons	Julkowski	Nissen	Wahlstrand
Dahle, C. A.	Green	Kempfer	Nonnemacher	Wambach
Dahle, O. K.	Gryte	Kettner	O'Rourke	Wangensteen
Dalen	Hall, L. M.	Kueffner	Paige	Weeks
Dammann	Hall, W. H.	Lee	Paulsen, O. A.	White, F. W.
Dawson	Hart	Long	Paulson, J. A.	Youngquist
Dixon	Hartkopf	Lowe	Radde	Zwach
Dunn	Hartle	MacKinnon	Roebke	Mr. Speaker

113 votes.

Frank Marshall:

Senate:

Dietz	Mellon	Ruotsinoja	Tungseth
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House:

Jebb	Wahlstrand	Witt
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7 votes.

Frank W. Murphy:

Senate:

Anderson	Cashman	Galvin	Kozlak	McLeod
Berg	Cravens	Gardner	Lawson	Miller, A. H.
Berglund	Dietz	Hausler	Lodin	Morrison
Bridgeman	Farnand	Johnson, C. E.	Loftsgaarden	Mullin
Carr	Foslien	Johnson, T. H.	Lommen	Novak

22nd Day]

THURSDAY, FEBRUARY 7, 1935.

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Oliver
Pederson
RiceRomberg
Schmechel
SellSiegel
SprungTungseth
WeberWolfe
Woolsey

House:

Amundson	Dunn	Helgeson	Madden	Stockwell
Andersen, H. C.	Eastvold	Herfindahl	Mann	Syreen
Barker	Erickson, G.	Hilton	Martz	Terwilliger
Bellman	Eriksson, L.	Hogan	Masek	Thielen
Bennett	Ettel	Horwitz	Melby	Thompson
Biever	Finnegan	Hove	Moore	Thorkelson
Boberg	Finstuen	Iverson	Nissen	Tighe
Brophey	Friberg	Jebb	Nolan	Trisch
Campbell, L. A.	Friederichs	Julkowski	Nonnemacher	Waldal
Champlin	Gibbons	Kieffer	Nordin	Wangensteen
Chilgren	Gryte	Kinzer	Nystrom	Wanvick
Coduti	Hagen	Kueffner	Ost	Weeks
Covert	Hagland	Lager	Paulson, J. A.	White, J. J.
Cox	Hall, L. M.	Lieske	Prestegard	Wier
Crissey	Halverson	Lockhart	Rohne	Witt
Dahle, C. A.	Hartkopf	Lockwood	Samec	Youngquist
Daly	Hartle	Lux	Severtson	Zwach
Dixon	Havemeier	McNulty	Slen	Mr. Speaker

127 votes.

Albert Fritchie:

Senate:

Bridgeman	Foslien	Kozlak	McLeod	Rice
Carr	Hausler	Lawson	Mellon	Romberg
Cravens	Johnson, C. E.	Lodin	Novak	Schmechel
Farnand	Johnson, T. H.	Lommen	Pederson	Sprung

House:

Barker	Daly	Havemeier	McNulty	Samec
Bellman	Eastvold	Herfindahl	Madden	Stockwell
Bennett	Erickson, G.	Hogan	Melby	Thielen
Boberg	Eriksson, L.	Hove	Nolan	Thompson
Campbell, L. A.	Friberg	Iverson	Nordin	Thorkelson
Chilgren	Hagen	Kieffer	Nystrom	Trisch
Coduti	Hagland	Kinzer	Ost	White, J. J.
Cox	Halverson	Lockwood	Prestegard	Wier

60 votes.

Edward Bratrud:

Senate:

Hausler	Tungseth
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House:

Lager	Melby	Powers	Waldal
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6 votes.

Carl Salminen:

Senate:

Berg	Farnand	Lawson	Novak	Ruotsinoja
Bridgeman	Foslien	Lodin	Oliver	Schmechel
Carr	Johnson, C. E.	Lommen	Pederson	Sprung
Cravens	Johnson, T. H.	McLeod	Rice	Wing
Dietz	Kozlak	Mellon	Romberg	

House:

Anderson, Ray	Eastvold	Hove	Miller	Thielen
Barker	Erickson, G.	Iverson	Nolan	Thompson
Bellman	Eriksson, L.	Kieffer	Nordin	Thorkelson
Bennett	Friberg	Kinzer	Nystrom	Trisch
Boberg	Hagen	Lieske	Ost	Wangenstein
Campbell, L.A.	Hagland	Lockhart	Prestegard	Wanvick
Chilgren	Halverson	Lockwood	Samec	White, J. J.
Coduti	Havemeier	Lux	Severtson	Wier
Cox	Herfindahl	McNulty	Stockwell	Mr. Speaker
Daly	Hogan	Madden	Terwilliger	

73 votes.

Anna O. Detterman:

Senate:

Bridgeman	Hausler	Lawson	Mellon	Romberg
Carr	Johnson, C. E.	Lodin	Novak	Schmechel
Cravens	Johnson, T. H.	Lommen	Pederson	Sprung
Foslien	Kozlak	McLeod	Rice	

House:

Barker	Daly	Hogan	Lockwood	Stockwell
Bellman	Erickson, G.	Hove	Melby	Thielen
Bennett	Friberg	Iverson	Nolan	Thompson
Boberg	Hagen	Jebb	Nordin	Thorkelson
Campbell, L.A.	Hagland	Kieffer	Nystrom	Trisch
Chilgren	Halverson	Kinzer	Ost	Wangenstein
Coduti	Havemeier	Lager	Prestegard	White, J. J.
Cox	Herfindahl	Lieske	Samec	Wier

59 votes.

Mrs. Arthur Brin:

Senate:

Bridgeman	Hausler	Lawson	Mellon	Schmechel
Carr	Johnson, C. E.	Lodin	Novak	Sprung
Cravens	Johnson, T. H.	Lommen	Pederson	
Foslien	Kozlak	McLeod	Rice	

House:

Barker	Erickson, G.	Horwitz	McNulty	Stockwell
Bellman	Eriksson, L.	Hove	Madden	Terwilliger
Bennett	Ettel	Iverson	Melby	Thielen
Boberg	Friberg	Kieffer	Nolan	Thompson
Campbell, L.A.	Hagen	Kinzer	Nordin	Thorkelson
Chilgren	Hagland	Lager	Nystrom	Trisch
Coduti	Halverson	Lieske	Ost	Wanvick
Cox	Havemeier	Lockhart	Prestegard	White, J. J.
Daly	Herfindahl	Lockwood	Samec	Wier
Eastvold	Hogan	Lux	Slen	

66 votes.

Gratia L. Countryman:

Senate:

House:

Hayford	Weeks	Youngquist
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3 votes.

Thereupon the President of the Convention declared the following nominees elected as Regents of the University of Minnesota for the terms set opposite their names:

NAME	TIME OF EXPIRATION
George W. Lawson.....	First Monday in February, 1939
Ray Quinlivan	First Monday in February, 1939
Frank W. Murphy.....	First Monday in February, 1939
E. Olson.....	First Monday in February, 1939
William J. Mayo.....	First Monday in February, 1941
Bert Pfaender	First Monday in February, 1941
Ed B. Snyder.....	First Monday in February, 1941
Sam G. Williams.....	First Monday in February, 1941

At 8:47 o'clock P. M., Senator Orr moved that the Convention do now arise.

Which motion prevailed.

And the President declared the Convention dissolved.

◇◇◇

APPENDIX 8.

Two Political Speeches in Favor of F.D.R.'s Re-election in 1936

A. "Why Farmers Back Roosevelt" September 14, 1936 ²⁰¹

◇◇

Murphy Tell Why Farmers Back F.D.R.

**Says President Has Done
More For Farming Than
Predecessors**

Following is the WCCO Radio Speech of Frank W. Murphy, Chairman of the Minnesota All-Party Agricultural Committee, Sept. 14, 1936, 9:15 P.M.:

I want to have little friendly conference about the political situation this evening with my friends in the cities, the country towns and on the farms. I've often talk to you both in person and over the radio, so we are not strangers to each other. You now know pretty well what I think about the partisan politics and professional politicians who are seeking their own advantage at your expense. Only those who place their interests, your welfare, your prosperity, above their own, are deserving of your listening ears.

Most men and women naturally give allegiance to some political party or to some group or faction of a party. They accept the doctrines and the dictates of that party, without much thought or analysis, and they vote for its candidate as a matter of habit. It can hardly be expected of the average citizen to have personal knowledge of the many candidates contained on our huge election-

²⁰¹ *Wheaton Gazette*, September 18, 1936, at 1.

day ballots, so for some of them we follow the party label and for others on the no-party list we accept the advice of campaign orders or the insistent demands of party propaganda. This is easiest way, and the usual way with the majority of people.

But there comes times now and then when we should arouse ourselves from docile acceptance of dictum from partisans and do some serious thinking on our own account—times to demonstrate that the spirit of independence and thought in action which is an outstanding characteristic of the sturdy people of all races who form this great democracy. The nation was founded on a declaration of independence and its future existence depends upon the rekindling of that same spirit when we find ourselves confronted with critical conditions.

This is a time of crisis in American political and economic life. We have had wars in the past and won them. We have contended for business advantages and won a dominant place in the world's trade and industry. Now we are in the midst of a domestic conflict of quite a new kind, a conflict of equality of economic rights, for better consideration of human needs, for the curtailing of special privileges and for insuring a state of security to all our people against losses and sufferings in times of depression and disaster. Someone has well defined the present battle as a philosophy of human rights versus property rights.

Many parties will promise you many things. Political candidates will proclaim their undying devotion to your interests. But what you and I as practical men and women want to hear and to see is demonstration of things done, of deeds accomplished. We want profession converted into practice; we want proof. The Bible says of men, "By their works ye shall know them."

Minnesota is a state dependent upon agriculture. The farm is its cornerstone, its foundation and almost its entire structure. When the farmer is prosperous, the cities are prosperous. When the farmer suffers, the whole people of the state eventually suffer with him. But, as you all know from the bitter experience of the days following the war, the farmer does not necessarily prosper because Big Business

has a boom, or the Stock Market goes wild with speculation. In fact the pictures completely reversed. All during those years of the 1920s, when the cities rioted in easy money, the farmers in Minnesota were dragging through a prolonged disheartening depression. There was an inevitable end to this one-sided inequality. The economic structure could not continue to stand on one leg. It had no stable foundation resting on the farm to sustain the orgies of the crazed, inflated era. So it collapsed with a crash in 1929.

Government had given all its attention, all its aid, all its benefits to finance and industry. It gave no thought, no fostering care to the very foundation of our national economy. It sprinkled liberally the streets of the cities, but it failed to water the roots of the farm. And when after time those roots dried up and sent up no more sap to industry and finance, the fair forest of false prosperity withered and died.

Some statesmen recognized where lies the true source of America's welfare, but there still survive another group of statesmen who fatuously hold to the old theory that they can pluck luscious fruit from the tree aplenty without watering and nourishing its roots in the soil.

Now let us get down to some concrete facts about conditions right here at home in Minnesota. We will start was March 3, 1933, the last day of the old regime, the last day of indifference and inequality for agriculture. What were the farmers of this state receiving for their products at this low point of their bondage? I quote from the St. Paul Pioneer Press prices paid to farmers on that date:

Butter 18 cents per pound; Eggs 16 cents per dozen; Hogs 3 cents per pound; Prime steers 5 cents per pound; Wheat 45 cents per bushel; Oates 13 cents per bushel; Barley 19 cents per bushel and Corn 8 cents per bushel.

Compare these ruinous prices with what you are receiving today. I need not quote the figures, for each one of you knows how great is been the rise and what you receiving for your products.

The five daily newspapers of the Twin Cities together with that well-known agricultural weekly, The Farmer, and three radio stations have united in compiling the Annual Minnesota Business Status based upon agriculture production. Listen to what they announced to the world:

“The 1936 income of Minnesota farmers will show an increase of at least forty million dollars over 1935, a gain of fifteen per cent. It will reach 300 million dollars, almost a million dollars a day pouring into the pockets of Minnesota farmers.

“The total Minnesota income from crops, livestock, dairy products and poultry increased in 1935, 22 per cent over 1934.”

And all this is in spite of severe drought that affected adversely many parts of the state.

The Newspaper survey is careful to point out that Benefit payments by Government are not included in any of the dollar figures given.

Every farmer will recall with gratitude the blessings which came to his family, from the benefits received under the AAA.

Under the AAA, the federal government paid Minnesota farmers 23 million dollars on their corn—hog wheat and sugar. In addition there were large sums paid and loaned under various other helpful agencies of government.

The new Soil Conservation Program, which takes the place of the AAA, is now being launched with the indication that 120,000 Minnesota farmers will be enrolled to participate in its generous benefits.

What is the reason for this brighter outlook for agricultural agriculture in Minnesota, despite drought, despite depression that has filled the cities with unemployed, despite the calamity cries of Big Business, Wall Street speculators, of greedy industrialists who filled the air with what wails that the country is being ruined by the policies of government in Washington?

I want you, each of you, to do some serious thinking for yourselves on this very point. Do not follow that easy way of permitting the politician, the spellbinder, the political propagandist, to do your thinking for you. Just take a survey of facts and conditions applying to yourself and your neighbors and then come to a common sense conclusion.

What administration of government in Washington has done the most for you? What administration has had most sympathetic understanding of farm problems and sought to remedy to them, not with temporary policies, but with deep underlying cure for the future? What administration has put agriculture on a parity with labor and industry? What administration has given you practical demonstrations instead of campaign promises?

Which would you prefer to have in the White House for the next four years—a president who has done real, practical things for agriculture—things that you know of your own experience—or another of the kind of Presidents you had during the days of agricultural depression in the gloomy years of the Coolidge and Hoover administrations?

I've done a good deal of thinking for myself about these questions, because I'm a farmer and have during the last the past fifteen years, devoted much of my efforts and time to promoting the welfare farmers in Minnesota and adjoining states. After taking careful stock of the political and economic situation my conclusion at the farmer has in Franklin Roosevelt a better friend to keep in the White House and any other brand presidential candidate on the list.

Because of this believe some of us finally interest in agriculture and organized in Minnesota the All-Party Agricultural Committee for the Re-election of Pres. Roosevelt.

We are of all parties — Republican, Democratic, Farmer-Labor, yes even Socialist, but we have a single faith, and that is in President Roosevelt. In state and local politics we cling to our preferred party organizations and champion our respective candidates. But when we join in the All-Party Roosevelt campaign we know no factual differences.

The All-Party Committee is now engaged in spreading its organization throughout the State, with committees in every county. It recognizes all parties, all factions, all groups so long as they give allegiance to the President. We should not interfere with their respective campaigns nor favor one above another.

In fifteen of the agricultural states of the country similar All-Party organizations are being set up. Those states need a farmer farm – minded president in the White House during the next four years; they need a continuance of his policies that have carried agriculture through the depression and has at last, recognized its place of parity with industry, labor and finance.

So I say to you, think over the situation for yourself and let your common sense guide you into supporting and voting for the reelection of Pres. Roosevelt.

At 9:30 o'clock in the evening of September 19th, 1936, I will speak to you again at this station. At that time I'll give you my reaction to the speeches of Colonel Knox last week at Cokato and St. Paul.

Paid Advertisement

Hear Frank W. Murphy

Flay Frank Knox and

G O P Political Bunk

WCCO—9 P. M.

SATURDAY, SEPT. 19th

(Paid advertisement—Prepared and inserted by Independent Volunteer Committee, H. H. Barker, secretary, Radisson Hotel, Minneapolis, for which regular rates have been paid.)

B. “Murphy ‘Flays’ Knox”

Murphy Hits Knox Minnesota Speech ²⁰²

All Party Head Makes Radio Talk on Farmers’ Problems

In a speech bristling with caustic comment, Frank W. Murphy of Wheaton, chairman of the Roosevelt All Party committee, broadcast reply Saturday night to statements made by the Republican Vice Presidential Candidate Frank Knox who recently toured Minnesota.

Quoting from Colonel Knox’s Cokato address, “I am not much of a farmer; I never inherited a farm, but I’m interested in farm problems,” Mr. Murphy said: “Quite true. He has no understanding of the farmer’s problems. All his adult years have been devoted to publishing city newspapers. There is no record of his championing the cause of farmers during the depression days of 40-cent wheat, 2-cent hogs, 3-cent steers and 6-cent eggs. Not being a farmer, not having gone through the slough of starvation prices for farm produce, not having struggled to meet taxes and interest on farm mortgages, he gives to farmers in Minnesota with glib tongue this formula for farm relief. Listen to his words:

“The solution of the farmer’s problems does not lie in tricks performed by magicians down in Washington. Give the farmer a chance and he will work out his own problems.”

“So my friends on Minnesota farms, under the Knox method you will have to raise yourself by your own bootstraps, left unassisted to work out your own salvation. This is precisely what the Republican leaders said before when we battled in Washington for relief. Now

²⁰² *Wheaton Gazette*, September 25, 1936, at 1.

we have handed out again the meaningless platitudes, soap bubbles of buncum, soporific words to lull the innocent, phrases empty of meat and void of content. Colonel Knox forewarns us that all the farmers need expect from a Republican administration is neglect, indifference and an opportunity to tug at his own bootstraps.”

Mr. Murphy called attention of the furors raised in financial circles by Mr. Knox’s statement that “Under the present policies of this administration no life insurance policies secure, no savings account is safe.” Life insurance presidents met President Roosevelt in the White House a few days ago and issued this announcement: “Holders of American life insurance policies possess the safest of all possible securities. We have three billion dollars increase in assets and two million more policies.”

Bankers through Chairman Cummings of the Continental Illinois Bank and Trust Company expressed this comment: “Knox’s remark is absolutely a misstatement. He certainly must be aware that all savings accounts under \$5,000 are insured by the Federal Deposit Insurance Company.”

The U. S. Comptroller of Currency announced that not one national bank had failed during the past twelve months.

Speakers for the Republican National Committee and Colonel Knox himself explained that while the companies and banks were sound, the dollar was not, because inflation would cheapen it unless it is purchasing power.

“For that,” said Mr. Murphy, “is on the another attempt to throw scare and to the public – the bogeyman of inflation. The alibi is even more ridiculous, more foolish than the original Knox statement. The American dollar is the best money and all the world. For everyone in circulation quote as for what the dollar will buy,” continued Mr. Murphy, “Everybody is thankful that prices have risen from the ruinous pit of depression under the Hoover administration. Does any farmer want a repetition of the starvation returns he received four years ago? Does any merchant want again the bankrupt prices of goods it ruined thousands of enterprises? Does any manufacturer

desire to operate on the prices that closed his plant and forced his employees into idleness?

“Of course, there has been a rise in prices; of course the dollar will not buy as much as it did it share of sales, and mortgage foreclosures, and forced dumping of goods in the days of depression. America is thankful for that—everybody apparently excepting Candidate Knox and the Republican party managers. If this be inflation, let’s have more of. If the American dollar is depreciated in value, if its purchasing power is less, if prices have risen, then what America needs is more of that kind of dollar and the re-election of President Roosevelt.” ²⁰³



APPENDIX 9

The “Ouster” Case

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²⁰³ *Wheaton Gazette*, September 25, 1936, at 1.

1

State of Minnesota.
In Supreme Court.
1935.

STATE OF MINNESOTA, DISTRICT COURT.
County of Hennepin. 4th Judicial District.

HERMAN TRONES, SAM SHAPIRO, PAULINE
L. Larson, J. A. Danielson, Eleanor McCoy, H. 2
O. Carlson, Donald C. Carlson, A. P. Anderson,
Ida L. Carlson, Gertrude Anderson, Pauline
Chrysler, M. R. McLaren, Kathryn M. Anderson,
Alfred Ludwig, A. N. Noran, J. G. Lovetang,
J. P. Kelly, T. Defore, Dewey S. Kottke, James
Laughlin, Marion W. Berg, E. Fullerton Brown,
E. W. Cameron, L. C. White, R. A. Lathrop, J.
O. Humbert, F. A. Henckel, H. W. Butts and
Chas. P. Taylor, Contestants,

vs.

3

FLOYD B. OLSON,
Contestee.

AMENDED PETITION IN ELECTION
CONTEST.

The contestants in the above entitled matter
respectfully represent and show to the court:

I.

That at all times herein mentioned, the contest-

4 ants above named and each of them were and are residents, citizens and legal voters of the state of Minnesota, and had the right to vote for and against the candidates for the office of governor of Minnesota at the 1934 general election held in said state.

II.

That heretofore and between on or about June 18th, 1934, and November 6th, 1934, Floyd B. Olson, the above named contestee, was a duly elected and constituted candidate for the office of governor 5 of the state of Minnesota to be voted for or against at the general election to be held and which was held in and throughout the state of Minnesota, on November 6th, 1934; that he was 1934 gubernatorial candidate of the Farmer Labor Association; that said Farmer Labor Association was during all times mentioned herein an unincorporated group of persons and a political association organized for the purpose of participating in political campaigns and was a political party in said state.

6 That during said period a political campaign was carried on by and on behalf of and in furtherance of the candidacy of said contestee for said office; that he was voted for and against at said general election, and received the plurality of votes cast thereat for the office of governor of said state, and was certified by the state canvassing board as elected to said office.

That during said period said contestee resided and has his domicile in the county of Hennepin, state of Minnesota.

That Arthur C. Townley, Martin A. Nelson, and John E. Regan were also candidates at said election for said office. 7

That during said period and while he was a candidate for said office of governor, said contestee committed many deliberate, serious and material violations of the provisions of the Corrupt Practices Act relating to the conduct of campaigns for election to public office, as hereinafter specified.

III.

That the Farmer Labor Leader was during said period the official paper of said Farmer Labor Association and was published for the purpose of participation in political campaigns and was a newspaper or periodical printed, published and circulated in and throughout the state of Minnesota, semi-monthly, and on or about the fifteenth and thirtieth day of each month and was distributed in enormous numbers of copies of said paper. That for the months of July, August, September and October, 1934, as the contestants herein are informed and believe, over 600,000 copies per issue of said Farmer Labor Leader were printed, published and circulated in and about said state, and, that of one certain issue thereof heralded as "the Bombshell Edition" well over a million copies of said paper were so printed, published and circulated. That in all of the issues of said Farmer Labor Leader published during said period, much of the printed matter was political campaign matter devoted to the furtherance of the candidacy of 8 9

10 said contestee, and, gauged by the usual rate charged for "Paid Advertisements" was of enormous value, to-wit, in excess of \$20,000.00 and that the reasonable worth and value of said printed political matter furthering the candidacy of said contestee so published and distributed was and is, to-wit, \$20,000.00.

IV.

11 That, as the contestants herein are informed and believe, said contestee was during all times mentioned herein a member of the Farmer Labor Association aforesaid, and a continuous contributor of money and payer of dues and fees to said Farmer Labor Association. And that said contestee was during all said times the owner of a financial interest in that certain newspaper or periodical circulating in Minnesota named Farmer Labor Leader, and that he controlled the policies of said newspaper or periodical and the publications and printed matter appearing therein.

12 That as said contestants are informed and believe said Farmer Labor Leader was during all of said times a newspaper or periodical printed, published and circulated in and throughout the state of Minnesota and was during all of said times owned and published by said unincorporated group of persons constituting said Farmer Labor Association, and that said contestee was during all of said times one of said group of owners and publishers of said Farmer Labor Leader.

V.

That said contestee, while he was such candidate
for election as governor of Minnesota residing in
said county of Hennepin and owning a financial
interest in said newspaper or periodical, deliberately,
knowingly and unlawfully failed, neglected and
refused to file in the office of the county auditor
in and for said county of Hennepin, or at all, a
verified declaration, or any declaration stating defi-
nitely or otherwise the name of said newspaper or
periodical in which and over which he had such
a financial interest or control or stating the exact
nature and extent of such interest or control be-
fore such newspaper or periodical printed as here-
inafter specified any matter, otherwise than is pro-
vided in Section Two of said Corrupt Practices
Act, which matter was intended to, or which tended
to influence, directly or indirectly, any voting for
or against any candidate for the office of governor
of Minnesota, in said Minnesota general election to
be held and which was held in said state on Novem-
ber 6th, 1934.

Nor did such contestee file at any time or place
any declaration specifying that he owned such
financial interest in said Farmer Labor Leader or
the character or extent of such interest or control
either before or after said Farmer Labor Leader
printed and published, otherwise than as a "Paid
Advertisement," the political matter hereinafter
specified, which was intended to and which did
tend to influence the voting for and against can-
didates for the office of governor at said election.

VI.

- 16 That said Farmer Labor Leader, during said period from June 18th, 1934, to November 6th, 1934, and on or about the 15th and 30th day of each month and on or about November 3rd, 1934, did print, publish and circulate in its editorial columns and in its paper generally, political campaign matter, and matter which was intended to and which did tend to influence directly and indirectly the voting for and against said candidates for the office of governor of Minnesota at November,
- 17 ber, 1934, general election, and which printed matter was intended to and did tend so to influence such voting in favor of said contestee as a candidate for said office at said election, to-wit, among many things not here specified printed matter which urged the election of said Floyd B. Olson as governor; and endorsed his candidacy, and presented said Floyd B. Olson's biography, and set forth his picture, and presented his name repeatedly, and presenting laudatory remarks about him,
- 18 and quoting prominent persons praising said contestee and praising his, contestee's, policies and his stand on various matters including the teamsters' strike, the Banco officials prosecution, the relief projects and the free text book matter; answering criticisms of said contestee and his policies, ridiculing said candidates for said office running in opposition to said contestee both in printed columns and in cartoons; advertising campaign literature favoring said contestee's candidacy, criticising said opposing candidates; quoting from

said contestee's speeches; announcing said contestee's speaking dates and radio broadcasts; criticising and denouncing the opposing political parties, their platforms and candidates, etc., etc. 19

That all of said political printed matter was of such a nature, was printed with the intent to and was done in such a way as to influence and tend to influence the voting for the office of governor in said election.

That all of said political printed matter was of such a nature, was printed, published and circulated otherwise than is provided in Section Two, Minnesota Session Laws of 1912, as amended, and, otherwise than as a "Paid Advertisement" and was published without printing at the head of such matter or anywhere in said paper the words "Paid Advertisement" and without printing any statement of the amount paid or to be paid therefore, or the name and address of the candidate in whose behalf such matter was inserted, or the name of the author thereof, and the political matter aforesaid was printed in said paper before said contestee filed the declaration of ownership of financial interest or control in said paper vested in said contestee, as required by Mason's Minnesota Statutes of 1927, Section 540. 20 21

That all of said printed political matter, so printed, published and circulated in said Farmer Labor Leader, was printed, published and circulated therein and was caused to be printed, published and circulated therein by said contestee and by and under his direction and supervision, and

- 22 with his knowledge, consent and connivance, and was intended by him to, and did tend to influence the voting for the office of governor at said election in favor of said contestee and against the other candidates for said office thereat, and that said printed political matter so printed and published, and the printing and publishing thereof, and the violations of said Corrupt Practices Act, herein set out in connection with the printing and publishing thereof, and the actual printing and publishing thereof before the filing of said statutory declaration by said contestee of the extent and nature of his ownership in said Farmer Labor Leader, and the failure of said contestee to file such declaration of ownership in said newspaper, and the failure of said contestee, as hereinafter specified, to declare or include in his statutory filed statement of receipts of money, property and things of value the aforesaid political advertising and political printed matter furthering his candidacy for said office, and the radio accommodations hereinafter specified, both of which things of value were contributed and furnished to and accepted and used by said contestee, did, and all of said acts and omissions of said contestee did tend to defeat the other candidates for the office of governor at said election, and changed the result of said election, and caused and procured the election of said contestee to the said office at said election.

VII.

That during the period from June 18th to No-

vember 3rd, 1934, and while said contestee was
 such candidate for said office of governor said 25
 Farmer Labor Leader, its owners and publishers,
 contributed and furnished to said contestee for
 political purposes, and said contestee received of
 and from said Farmer Labor Leader, its owners
 and publishers, certain property and things of
 great money value, to-wit, political advertising and
 advertising space, and printing space, in said
 Farmer Labor Leader, and printed matter in said
 Farmer Labor Leader intended to and which did
 tend to influence the voting for and against said 26
 candidates for governor at said election, and to
 influence such voting in favor of said contestee and
 his candidacy for the office of governor of Minne-
 sota, at said election and such printed matter as is
 specified in paragraph VI hereof, and the con-
 testants herein reallege the allegations of said para-
 graph VI regarding the printing done and pub-
 lished by said Farmer Labor Leader in furtherance
 of the candidacy of said contestee for said office.

That said contestee received, accepted, and was 27
 at liberty to use, and did use for political purposes
 during said period from June 18th to November
 3rd, 1934, the aforesaid property and thing of
 value, to-wit, said political advertising, and adver-
 tising space, and printing space, and printed mat-
 ter aforesaid.

VIII.

- That the amount of said advertising and print-
 ing space and said printed matter so furnished and
 used was, to-wit, in excess of 2,000 column inches,

28 and was and is of the reasonable worth and value of \$20,000.00.

That nevertheless said contestee knowingly, deliberately and unlawfully failed, neglected and refused to set forth or include the same in his statement of receipts covering said period from June 18th to November 3rd, 1934, which statement was filed November 5, 1934, with the filing officer of said contestee, to-wit, with the secretary of state of Minnesota. And that said contestee knowingly, deliberately and unlawfully failed, neglected and
 29 refused to file with his said filing officer, said secretary of state, during said period, or on or about November 3rd, 1934, any statement of receipts specifying or mentioning the aforesaid property and thing of value received by him from said Farmer Labor Leader, its owners and publishers, and that there was no mention thereof in any statement of disbursements and receipts filed with said secretary of state, by Emil L. Regnier, the manager of the Farmer Labor State Campaign Committee, nor in any such statement filed with said
 30 secretary of state by or on behalf of said contestee, or by or on behalf of said Farmer Labor Association.

IX.

That all of the acts and omissions hereinbefore set out were committed in pursuance of the conspiracy hereinafter set forth to evade the provisions of the Corrupt Practices Act.

That said contestee conspired and collaborated with the other members of said Farmer Labor Asso-

ciation to evade the provisions of said Corrupt 31
 Practices Act by providing in and through said
 Farmer Labor Leader an enormous vehicle for
 political advertisement, political propaganda, cam-
 paign literature, libels and canards and vilification
 and abuse of opposing candidates and policies
 utterly untrammelled and free from any restriction
 or control and that said contestee and said mem-
 bers of said Association conspired and collaborated
 together to conceal the ownership of said news-
 paper and to conceal the authorship and respon-
 sibility for the printed matter published therein 32
 during the aforesaid periods, and to conceal the
 amount of money expended by and on behalf of any
 candidate belonging to said Association for what
 is essentially paid political advertisement and to
 conceal the source of the money so expended and
 to conceal the amount of property and things of
 value received by any candidate of said Farmer
 Labor Association in the shape of printing and
 advertising space and printed political matter, and
 in this manner to defeat the whole end and pur- 33
 poses of the Corrupt Practices Act.

X.

That during said period from June 18th to No-
 vember 3rd, 1934, there was contributed and fur-
 nished to said contestee for political campaign pur-
 poses in furtherance of his said candidacy for the
 office of governor of Minnesota, by some person
 or persons unknown to these contestants, a large
 number of radio broadcasting dates, or periods of

34 time for broadcasting from various radio stations,
and the accommodations of said radio stations for
such broadcasting.

That contestee received, accepted, and was at
liberty to use and did use personally, during said
time from June 18th to November 3rd, 1934, the
aforesaid property and thing of value, to-wit, said
radio broadcasting dates or periods of time for
broadcasting from various radio stations and the
accommodations of such radio stations for such
35 broadcasting, for political purposes and in further-
ance of his said candidacy for governor. That
said radio dates, time and accommodations were
of great value, to-wit, of the value of several thou-
sands of dollars. That nevertheless said contestee
knowingly, deliberately and unlawfully failed, ne-
glected and refused to include or set forth the
same in his statement of receipts and contributions
filed by said contestee with the secretary of state
of Minnesota on November 5, 1934, or to file any
statement of his having been furnished and having
36 accepted and used as aforesaid, the said radio
broadcast accommodations.

That all of the acts and omissions hereinbefore
set up were committed by said contestee knowingly,
deliberately, wilfully, wrongfully, in bad faith, and
in violation of law, and that said contestee is dis-
qualified by reason thereof to hold said office of
governor of the state of Minnesota.

Wherefore, these contestants pray the court for
judgment of ouster against said contestee, and that

said contestee be declared to have forfeited his said
office and that said office of governor of the state
of Minnesota be declared vacant, and for such other
and further relief as the court may deem proper. 37

Dated April 13, 1935.

MART M. MONAGHAN,
Attorney for Contestants,
526 Hodgson Building,
Minneapolis, Minn.

(Title of Cause.)

ANSWER TO AMENDED PETITION. 38

Comes now the contestee, and hereby challenges
the jurisdiction of the court to proceed herein—
and alleging that said court is without jurisdiction
in the premises—and reserving unto himself all
manner and form of objection to the jurisdiction of
the court and otherwise herein—and as his answer
to the amended petitions of the contestants, con-
testee admits, alleges and denies as follows:

1.

Contestee admits that at the November, 1934,
general election in Minnesota he was duly elected
to the office of governor, and has been governor of
said state for more than four years. He admits
that he is a resident of Hennepin County, Minne-
sota. He admits that Arthur C. Townley, Martin
J. Nelson and John Regan were candidates for
the office of governor in the November election.
He admits that there was at one time such a
publication in Minnesota as the "Farmer Labor 39

40 Leader," and that in the last election said newspaper supported said contestee.

2.

That as to whether the contestants actually signed the petitions herein, and as to whether they are voters of the state of Minnesota, your contestee has no knowledge or information sufficient to form a belief and therefore puts the contestants to their proof in that behalf.

3.

41 Defendant admits and alleges that he filed such statements and all such things as the laws of the state of Minnesota require, concerning the expenses that accrued in the conduct of his campaign for governor.

Except as above admitted, contestee denies each and every allegation of the contestants' petition.

Wherefore, contestee prays that these proceedings be dismissed; that contestants have no relief herein and that he recover his costs and disbursements.

42

F. W. MURPHY,
Attorney for Contestee,
Wheaton, Minnesota.

State of Minnesota,

ss.

County of Hennepin.

F. W. Murphy, being sworn says that he is the attorney for the contestee herein; that he has read the within answer of the contestee and that the

same is true to the best of his knowledge, information and belief and the reason this verification is not made by the contestee is that the latter is absent from Hennepin County, Minnesota, at the time of making this answer. 43

F. W. MURPHY.

Subscribed and sworn to before me this 22nd day of April, 1935.

(Seal)

M. J. WARD.

Service admitted April 23rd, 1934.

MART M. MONAGHAN.

44

(Title of Cause.)

REPLY TO ANSWER TO AMENDED
PETITION.

Contestants herein for their reply to the answer of the contestee to the amended petition herein:

1.

Deny each and every allegation in said answer contained, except in so far as it admits the allegations of the amended petition herein, and except that they admit that contestee was governor of this state from the end of 1930 to the end of 1934. 45

Wherefore, contestants ask for the relief requested in the amended petition herein.

MART M. MONAGHAN,

Attorney for Contestants,

526 Hodgson Building,

Minneapolis, Minnesota.

LYNN C. WHITE,

329 sworn in behalf of contestants, testified as follows:

Examined by Mr. Monaghan:

Q. What is your full name, please?

A. Lynn C. White.

Q. You spell that L-y-n-n?

A. Yes, I do.

Q. Calling your attention, Mr. White, to the signature "L. C. White" on the last page of Contestants' Exhibit A, and also to the signature "L. C. White" on the page next to it, I will ask you whether those are your signatures, signed by you?

330

A. Yes, they are.

Q. And this address written opposite your signature on the first one of those pages—that is, the second one from the last—is that written by you?

A. No, it is not.

Q. What was your address at that time?

A. 3418 Emerson Avenue south.

Q. That is the correct address?

A. Yes.

Q. 3418 Emerson Avenue south. And how long

have you lived there, Mr. White?

331

A. Since September 1st, 1934.

Q. Since September 1st, 1934?

A. Yes, sir.

Q. You are a citizen of the United States?

A. Yes, sir.

Q. Where were you born, if I may ask?

A. Wisconsin.

Q. How long have you lived in Minnesota?

A. Since 1930.

Q. Since 1930?

A. Yes, sir.

332

Q. And how long have you lived in Minneapolis?

A. Since 1930?

Mr. Monaghan: I think that is all, Mr. White.

CROSS EXAMINATION.

Examined by Mr. Murphy:

Q. What is your business, Mr. White?

A. Insurance.

Q. I didn't hear you.

A. Insurance.

333

Q. What company are you connected with?

A. The Standard Surety and Casualty Company.

Q. Do you have an office in Minneapolis?

A. Yes, sir.

Q. Where is it?

A. In the Plymouth Building.

Q. What building?

A. Plymouth Building.

334 Q. Where did you sign this petition, if you remember?

A. In the hall on the fifth floor of the Plymouth Building.

Q. You signed it out in the hall?

A. Yes, sir.

Q. On the sixth floor of the Plymouth Building?

A. The fifth floor.

Q. Anybody ever talk to you about that petition before you signed it?

335 A. Just immediately before signing it.

Q. Who was it?

A. Mr. Lathrop.

Q. Now, Mr. White, do you have a lawyer here in this case?

A. No, I haven't.

Q. Did you have anything to do with initiating the contest against the governor?

A. I did not.

Q. You did not have that in mind, did you?

336 A. No, sir.

Q. How did you come to sign your name to this thing—just to make a good fellow of yourself?

A. Well, you might put it that way, yes. I came down on the elevator with Mr. Lathrop, and he got off on the fifth floor, and he asked me if I would sign it, and I glanced it over.

Q. Did you know anything about any of the things alleged in that petition?

A. Not personally.

Q. As to whether they were true, or anything

true about it? Of course, you didn't know?

337

A. No, sir.

Q. You never had any thought in your mind of initiating a contest here, did you?

A. No, sir.

Q. Either then, or at any time since then?

A. No, sir.

Q. You work for Mr. Lathrop?

A. I do not.

Q. Are you under any sort of an obligation to him?

A. None whatever.

338

Q. Then you are perfectly free to tell the court here your entire connection with this thing, aren't you?

A. Yes, sir.

Q. And you are going to tell the truth?

A. Yes, sir.

Q. You have no lawyer, and never did have one?

A. No.

Q. You are not employing Mr. Monaghan, and he was never authorized to appear for you?

339

A. No, sir.

Q. And you didn't know there was another petition out?

A. No.

Q. Or that they were going to be joined?

A. I did not.

Q. Did they explain to you what this thing meant?

A. Not in great detail.

Q. You didn't know just what would be the

340 purport of the petition and what might follow from it, did you?

A. No, I did not.

Mr. Monaghan: Wait a minute. I hope it is understood that this line of examination is under the same objections and exceptions?

The Court: Well, it may be so understood, but you said you preferred, originally, to go ahead with your objections. I supposed you did. I have indicated that you might do that.

Mr. Monaghan: The record shows that it is
341 expressly understood—

The Court: Well, then, it is my error. I thought you said you preferred to make the record your way; but it is all right.

Mr. Monaghan: Well, then, I would like to have it distinctly understood, because I have not been objecting to this line of examination as I would certainly have done except for what the record said.

The Court: All right.

342 Mr. Monaghan: Then it is understood that all this testimony in cross examination of these witnesses is under the objection, and the objection overruled, and the contestants have an exception.

The Court: All right.

Q. You never have talked with me, have you, Mr. White?

A. No, I have not.

Q. We are perfect strangers?

A. Yes, sir.

Q. Do you want the court to strike your name

off this record and get out of this thing?

Mr. Monaghan: Just wait a moment. That is objected to as irrelevant and immaterial. An utter impossibility at this stage of the game.

Mr. Murphy: I am cross examining.

Mr. Monaghan: I don't care if you are cross examining or not.

Mr. Murphy: Your Honor, this is my view of it: Not only this witness, but the others who have been on the stand, who had nothing to do with initiating these proceedings, but merely out of friendship or through some other sort of persuasion, have signed their names to something they didn't know anything about, and did not understand the purport of the petition, that it is just no petition at all—that it cannot be a petition. He said he did not initiate this contest and did not have anything to do with it. Now, is it not fair for me to ask if he wants his name stricken from the record?

The Court: Well, without conceding that it makes any difference to the validity of the petition, I will let any signer of the petition who wants to get out of it to get out of it.

Q. How do you feel about it?

A. I have asked Mr. Monaghan to release me twice before and he would not.

Q. You have been to Mr. Monaghan and asked to get out of it?

A. I have called him on the telephone.

Q. Now, one more question: First, I will ask you when did you go to see him about that?

A. Oh, just after he subpoenaed me I called

346 him on the telephone. I didn't go to see him.

Q. That is, you called him twice shortly after you signed it?

Mr. Monaghan: No, shortly after I subpoenaed him.

Mr. Murphy: Wait a minute. I will find out, Mart.

Mr. Monaghan: The only trouble is you misquote so frequently, Mr. Murphy, that I can hardly resist calling you. I would be glad to have the reporter read the question.

347 Q. When did you telephone Mr. Monaghan that you wanted to get off the petition?

A. Subsequent to the issue of a subpoena for me.

Q. You were subpoenaed to come in here?

A. Yes, sir.

Q. Well, was it upon the service of the subpoena upon you that you realized that you had got into something that you shouldn't do, is that right?

A. No, I have not been a party to it in spirit at all.

348 Q. You have not been a party to it in spirit. All right. Now, did you know a man by the name of J. T. Richardson?

A. I do not.

Q. This gentleman has been on the stand here and solemnly under oath told us that you signed this petition in his presence, and swore to it before him. Did you?

A. I did not.

Q. Ever see him, or hear of him?

A. Not before today.

Q. Or did you ever talk to him?

349

A. No.

Q. And were you over to the office of Mr. Cameron, where he said this was signed, and signed over there?

A. I was not.

Q. Were you ever over there?

A. I was not.

Mr. Murphy: Well, that is enough of that. That is all.

350

RE-DIRECT EXAMINATION.

Examined by Mr. Monaghan:

Q. Well, just a moment. You did call me up and asked me to release you from this petition, didn't you?

A. Yes.

Q. You refused to give me your address when I asked you what it was, didn't you?

A. Yes.

Q. And I asked you if your name was Lynn C. White, and you said, "You will find out what it is"? 351

A. Yes, sir.

Q. And you told me that if you came down here you would "just blow the works up," didn't you?

A. I did not.

Q. Or words to that effect?

A. I told you that I couldn't do you any good.

Q. And that you would blow the whole thing up?

A. No, I didn't.

352 Q. What did you say—"blow the top off of it"?

A. I said I couldn't do you any good.

Q. You did tell me you would say something that would harm me, or harm this case?

A. No.

Q. If you were brought in. And you did have a lawyer in connection with this matter?

A. I asked an attorney to call you up, yes.

Q. And your own attorney told you that you could not withdraw at this time just as I told you, didn't he?

353 A. He said not without the consent of the court, or your consent.

Mr. Monaghan: That is all.

Mr. Murphy: Well, boy, you have been telling us the truth, haven't you?

Witness: Yes.

Mr. Murphy: Which, of course, is the only thing really worth while. If that blows this case up, why, it is blown.

354 The Court: Let me see the petition. Show the signature.

(Counsel hands Exhibit A to the court.)

RE-CROSS EXAMINATION.

Examined by Mr. Murphy:

Q. Mr. White, is that the signature you admit, the third one on this page here?

A. Yes, sir.

Q. "L. C. White"?

A. Yes.

Q. And you did not appear before Richardson?

A. I did not.

Q. And he never did talk to you about it at all?

355

A. No, sir.

The Court: Read the typewriting following your signature, with six others there—read it.

Mr. Murphy: Shall I read it, your Honor?

The Court: Yes.

Mr. Murphy: Following the names, this appears—that is, first, "State of Minnesota, county of Hennepin," and then there appears seven names, you will notice—"each being duly sworn deposes and says that he is one of the petitioners above named, that he has read the foregoing petition and knows the contents thereof, and that the same is true of his own knowledge save as to matters therein stated on information and belief, and as to those he believes the same to be true." "Subscribed and sworn to before me this 6th day of December, 1934, J. T. Richardson, notary public, Hennepin County, Minnesota. My commission expires Feb. 12, 1936."

356

Q. Now, you did not swear to this before anybody, did you?

357

A. No, I did not.

Q. Nobody asked you to?

A. No.

By the Court:

Q. Were you here today and saw Richardson?

A. Yes, sir.

Q. And heard what he testified to?

A. Yes.

Q. Is that false?

358 A. That is the first time I ever saw Mr. Richardson in my life.

Q. Were you in Cameron's office?

A. I was not.

Q. Never have been?

A. Not that I know of.

The Court: Adjourn until 9:30 in the morning.

Morning session, Tuesday, June 18, 1935.

• • •

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690

DONALD C. CARLSON,

sworn in behalf of contestants, testified as follows:

Examined by Mr. Monaghan:

Q. Showing you Contestants' Exhibit A, and calling your attention to the signature "Donald C. Carlson" on the page about in the middle of that exhibit, bearing the notarial certificate signed "Monaghan," and calling your attention also to the signature "Donald C. Carlson" on the next preceding page of that exhibit, I will ask whether those

signatures are your signatures, written personally by you? 691

A. They are.

Q. You are a citizen of the United States of America?

A. I am.

Q. Where do you live, Mr. Carlson?

A. 4112 Bryant south.

Q. And how long have you lived there?

A. Over 20 years.

Q. Did you vote in the general election last fall? 692

A. I did.

Q. And vote for one or the other of the candidates for governor at that election?

A. I did.

Mr. Monaghan: I think that is all, Mr. Carlson.

CROSS EXAMINATION.

Q. Mr. Carlson, you will answer a few questions for me frankly, will you?

A. You bet I will.

Q. Do you know any of the other signers on this petition? 693

A. I do.

Q. Who do you know?

A. If you show me the list I could point out a number of them.

Q. Any of them present when you signed?

A. Yes, there is my mother's signature and my brother's signature in here.

Q. Your mother and your brother?

694 A. That is right, and then there is Gertrude Anderson and Mr. Noran, and that is really all I know.

Q. The list you have given me now are those mentioned by Mr. Birkeland this morning. Mr. Birkeland came to you with the petition, did he?

A. He 'phoned me in the morning and outlined the petition to me, and I told him that if the petition was as he stated that he could bring it out to me and that I would sign it.

695 Q. Where were you? Were you quite a distance from out of town?

A. I was at home. I had not left for work yet.

Q. Did you have anything to do with the preparation of that petition?

A. I did not.

Q. You know who prepared it?

A. No, I don't.

Q. Did you ever find out who was really interested in getting that petition going?

696 A. Well, nobody other than the petitioners. I don't know who started it, no.

Q. You don't know who started it?

A. No.

Q. Well, you, yourself, disclaim any responsibility for starting it?

A. No, I didn't start it.

Q. You didn't know anything about what was stated in the petition, except reading it?

A. That is right.

Q. The only reason you came to sign it was because Mr. Birkeland asked you to sign it?

A. No, it was not.

697

Q. Did you have some personal reason?

A. No, I believed everything to be true in there, and I still do.

Q. Well, then, of course, I want to find out from you just exactly whether this is your petition or not. If it is yours that is one thing; if it is not, that is another.

A. I didn't originate it, no.

Q. You didn't originate it?

A. No.

Q. And you didn't know anything about the 698 facts, did you?

A. No, until I read it over.

Q. And did you get any proof of the facts by merely reading the statements?

A. Well, not any definite proofs other than what I read, and saw, and heard.

Q. You have never heard any proof of any of those statements yet, have you?

A. No, I cannot say that I have now.

Q. You cannot say that you have now. Now, 699 you are under oath. Have you heard of any proof anywhere of any statement made in that?

A. I cannot answer that question either yes or no.

Q. That is you don't want to answer the question. Now, are you paying the expense of this contest?

A. I am not.

Q. Have you got anything to do with it?

A. No, I have not, other than—

700 Q. Are you responsible for this contest going ahead?

A. No, I am not. I am just a petitioner.

Q. You merely signed your name on it?

A. That is right.

Q. Now, for whom did you sign the petition?

A. For myself.

Q. For yourself. Then you are interested in going ahead with the contest, are you?

A. I am interested as a petitioner, yes.

Q. What is that?

701 A. I am interested as a petitioner.

Q. What is your interest as a petitioner—to go ahead with the contest?

A. To see that the truth prevails.

Q. The truth prevails?

A. That is right.

Q. The righteous attitude?

A. Yes, sir.

Q. The truth might prevail?

A. Yes, sir.

702 Q. Is that how you came to sign it?

A. Yes, sir, because I thought it was the truth.

Q. But you did not know whether it was the truth or not when you signed it?

A. Well, it looked to be the truth.

Q. Answer that question yes or no. You didn't know anything about whether the truth was stated there or not when you signed it?

A. I cannot answer that question yes or no.

Q. But you did not go anywhere to get any of the facts, did you?

A. No, I didn't go anywhere to get the facts.

703

Q. And you haven't heard any facts produced in this court yet to sustain any of those charges, have you?

A. I couldn't answer that question very well, either.

Q. But in spite of the fact that you didn't know anything about the truth of the matter, you wanted the truth to prevail?

A. I want the truth to prevail, yes, sir.

Q. Your idea of the truth, or what the truth actually is?

704

A. What the truth actually is.

Q. What the truth actually is?

A. That is right.

Q. And you don't know what the truth actually is, do you?

A. Well, that is up to the lawyer.

Q. No, I am talking about you because you have got—

A. What is that? I don't understand your question.

705

Q. You have got a responsibility. You don't know what the truth actually is here?

A. Yes.

Q. And, as a matter of fact, it is not the lawyer's job; that is you folks who come up here to try others.

A. All I know is I signed the petition.

Q. You don't know what the truth exactly is, but you want it to prevail?

706 A. Well, I am assuming that is the truth in the petition.

Q. You are assuming it?

A. Yes.

Q. Is that what you do as you go through life, assume as the truth what other people say about certain people?

A. You have to assume certain things.

Q. Do you assume as certain what other people say about other people?

A. If I know something about it, yes.

707 Q. You will get your nose bumped some day.

Mr. Monaghan: Is that a threat?

Mr. Murphy: Take it any way you want; he will understand it.

Q. Did you hire Mr. Monaghan as your lawyer?

A. I didn't hire him, but I told him he could represent me in this case as a petitioner.

Q. As a lawyer? Now, is he your lawyer?

A. He is not my lawyer other than he represented me in this petition.

708 Q. That makes him your lawyer, doesn't it?

A. He is my lawyer in the group, yes.

Q. Leave the group out. Is he your lawyer in this case?

A. He is representing me, yes.

Q. Are you going to pay him anything?

A. No, sir.

Q. Who is going to pay him?

A. I don't know.

Q. Did you ever try to find out who was going to pay him?

- A. That wasn't any of my business. 709
- Q. Who did you think was going to pay him?
- A. I haven't the slightest idea.
- Q. Did you think somebody else is going to pay him?
- A. I don't know.
- Q. You knew you were not going to do it?
- A. No.
- Q. Nor the other petitioners, your relatives, who signed it?
- A. No.
- Q. Who did you think was going to pay? 710
- A. No, I didn't know.
- Q. What were you trying to pull off when you signed it, Carlson?
- A. I wasn't trying to pull off anything.
- Q. That is all.
- A. As I told you before—
- Mr. Murphy: You are all through. You have made yourself clear. That is all.

• • • •

815 Mr. Monaghan: If the court please, may I with-
draw Mr. Callinan for just a moment? There is a
lady here who is one of these signers who has been
put to considerable inconvenience, and I told her
if she came I would put her on right away.

The Court: Very well.

PAULINE CHRYSLER,
sworn in behalf of the contestants, testified as fol-
lows:

Examined by Mr. Monaghan:

816 Q. Showing you Contestants' Exhibit A, and
calling your attention to the signature "Pauline
Chrysler" on the sheet about in the middle of that
bunch of papers on which the notarial certificate
signed "Monaghan" appears, and calling your at-
tention also to the signature "Pauline Chrysler"
on the next page to the first one, I will ask whether
those are your signatures and signed by you per-
sonally?

A. Yes, sir.

Q. And signed in my presence?

- A. Yes, sir. 817
- Q. Where were you born, Mrs. Chrysler?
- A. In Little Falls, Minnesota.
- Q. And you have lived in Minnesota all your life?
- A. Yes, sir.
- Q. What is your present address?
- A. It is 2621 Pleasant.
- Q. That is Pleasant Avenue, Minneapolis, Minnesota?
- A. Yes, sir.
- Q. And how long have you lived at that address? 818
- A. Oh, two years and a half.
- Q. Two years and a half. Did you vote at the last general election?
- A. No, I did not.
- Q. And do you recall definitely the date when you did last vote?
- A. No, I couldn't tell you. It is about 7 years ago.
- Q. About 7 years ago? 819
- A. Yes, sir.
- Mr. Monaghan: I think that is all, Mrs. Chrysler.

CROSS EXAMINATION.

Examined by Mr. Murphy:

- Q. You did not register as a voter in Minneapolis ever?
- A. Yes, I registered a long, long time ago—an awful long time ago, and I have voted, and it is probably 7 or 8 years ago, I don't just recall.

820 Q. You think you must have registered 7 or 8 years ago, but you have not voted since?

A. Never, but I voted at that time I registered. It was southeast, I remember.

Q. There has been no registration and no voting by you at least for the last 7 years?

A. No, there has not.

Q. Speak a little louder.

A. I have not voted for a long time, I know that.

Q. And you have not registered either?

821 A. No.

Q. Except that one time several years ago?

A. Yes, sir.

Q. How did you come to sign this petition?

A. I really don't know. I didn't understand it thoroughly. I didn't understand what it meant when I did sign it.

Q. Do you know who came to see you to get you to sign the petition?

A. Mr. Monaghan and another gentleman; I don't know what his name is.

822 Q. Both strangers to you?

A. No, I have known Mr. Monaghan for years.

Q. But you didn't know what this thing was that you signed?

A. No, I didn't. Mr. Monaghan did read it to me, but I didn't understand it.

Q. You didn't understand it; and, of course, you didn't know what was in it?

A. I thought it was something in regard to voting. I didn't really understand what it meant.

Q. And you don't understand anything about it yet? 823

A. Well, I do now, reading it in the papers, but I didn't otherwise.

Q. Did you hire Mr. Monaghan as your lawyer in this matter?

A. No.

Q. Did you ever talk to anybody else about this?

A. No, sir.

Q. You never discussed this petition with anybody?

A. No. 824

Q. You don't want to have anything to do with it, do you?

A. Not exactly.

Q. You are brought in here on a subpoena, and that is how you happened to come, is that it?

A. Yes.

Mr. Murphy: That is all.

...

CROSS EXAMINATION OF JOHN A. DANIELSON

There is an old saying among trial lawyers—never ask a question on cross-examination of a witness you do not know the answer to. I do not know the origins of this rule but it likely came after the rules of procedure permitted extensive pre-trial discovery. Through depositions, interrogatories and, especially, document requests, lawyers

can get a pretty good understanding of what the opposition's story is long before trial.

The lawyers in the Ouster case, however, did not have the benefits of pre-trial discovery. As a consequence, Murphy did know what John Danielson would reply to his questions before he asked them. He knew exactly what information he wanted from this witness: the names of the businessmen who financed the lawsuit and how much they had paid. But he did not have this information before trial. This explains the length and form of his inquiries. It took him time to get the information he wanted—and make it available to the newspaper reporters in the courtroom. Danielson was a coy witness but, when pressed, blurted names and dollar amounts.

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CROSS EXAMINATION.

Examined by Mr. Murphy:

Where do you live, Mr. Danielson?

Detroit Lakes, Minnesota.

Well, that is where you claim to live. But
do you actually stay and sleep and work?

I sleep at Rogers Hotel.

Here in Minneapolis?

A. Yes, sir.

Q. How long have you been staying here in Minneapolis? 865

A. I have been here most of the time since July, 1933.

Q. July, 1933?

A. Yes, sir.

Q. And where did you sleep before that?

A. I had a room on First Avenue south, 1338 First Avenue south.

Q. That is, prior to July, 1933?

A. Yes, sir. 866

Q. Did you sleep in a room at any other place in Minneapolis?

A. Not prior to July, 1933—since 1933.

Q. How long have you slept in Minneapolis from this time back? How far will we go then?

The Court: July, 1933?

Witness: Yes, July of 1933.

Q. All right now. Where did you sleep before you started sleeping in Minneapolis in 1933?

A. Detroit Lakes.

Q. And how long were you in Detroit Lakes? 867

A. A little more than a year.

Q. What were you doing up there?

A. I was doing writing, and I also wrote for one of the local papers.

Q. You were writing?

A. Yes, sir.

Q. Writing for what?

A. For various organizations—for individuals.

Q. For instance, what organization were you

868 writing for while you were at Detroit Lakes?

A. Well, I did what is called "ghost writing."

Q. What kind of writing?

A. Ghost writing.

Q. Visible or invisible ghost writing?

A. I used the typewriter, which was visible.

Q. What did you do with the writing—your ghost writing?

A. I sold it.

Q. To whom did you sell it?

A. To individuals who asked me to do the writing for them.

Q. Are you married?

A. No, sir.

Q. And before you spent that time in Detroit Lakes, where did you live? Where were you?

A. Immediately before coming to Detroit Lakes I was out in Spokane, Washington.

Q. How long were you in Spokane?

A. Well, I was in Spokane for only about seven months.

870 Q. Yes. And before that where were you?

A. At Minot, North Dakota.

Q. And how long were you at Minot?

A. I was out at Minot for most of—about three years.

Q. And make your headquarters at Minot?

A. Yes.

Q. And voted in the state of North Dakota?

A. I voted in the state of North Dakota, I think, in 1930, but I wouldn't say positively.

Q. Did you ever, anywhere, excepting in Min-

nesota and North Dakota, in 1930, and this city
election up at Detroit Lakes which you testified 871
about, ever vote anywhere else?

A. I might have, but I don't recall distinctly.

Q. Those are the only two votes that you recall
ever having cast?

A. No, sir.

Q. Those are the only two votes that you recall
that you ever cast?

A. No, sir.

Q. At those two elections?

A. No, sir. 872

Q. Well, when else did you vote, and where?

A. I voted for many years at Lake Park, Minne-
sota.

Q. Whom did you live with at Lake Park?

A. With my parents a part of the time.

Q. Well, whenever you voted in Lake Park you
lived and made your home with your parents?

A. Not all of the years, because my parents
moved away from there in 1913.

Q. When they moved away from there you con- 873
tinued to live in Lake Park and voted there?

A. Yes.

Q. When did you last vote in Lake Park?

A. The last time that I voted in Becker County,
or in Lake Park, with the exception of 1933, was
at the general election in 1920.

Q. And from 1920, when you voted at Lake
Park, until this vote you say you cast in the city
election up at Detroit Lakes in 1933, you voted any
other states in the Union?

874 A. I was at Spokane, Washington, during the years of—the latter part of 1923, all of 1924, and all of 1925, and I voted there during that time once or twice.

Q. Voted there and in North Dakota?

A. Yes.

Q. Did you vote in any other states?

A. I was in New York City during the years 1926, '27, and the forepart of 1928, and I voted there in either general election or city election while I was there.

875 Q. Where did you live in 1932?

A. Detroit Lakes.

Q. Were you actually there in 1932?

A. Yes, sir.

Q. What were you doing there in 1932?

A. I was there from July, 1932, until July, 1933.

Q. Were you there in Detroit Lakes prior to July, 1932?

876 A. I was there I think a day or two during June, 1932.

Q. But you didn't go there to stay until July, 1933?

A. Shortly after my return from Spokane I went to Detroit Lakes, and I think it was in June, I went back to Lake Park and visited with some of my relatives there, and then went from there back to Detroit Lakes.

Q. You came from Spokane, Washington?

A. Yes.

Q. Finally about July 1st, 1932, you went to Detroit Lakes? 877

A. Yes.

Q. Did you have any home in Detroit Lakes?

A. I made my home there at the McCarthy Hotel.

Q. That is, your entire stay in Detroit Lakes was in a hotel?

A. Yes, sir.

Q. And you left there in 1933, in July?

A. Yes, sir.

Q. And came to Minneapolis, and you have been here ever since? 878

A. Yes, sir.

Q. Continuously?

A. Just with the exception of occasional trips out of the city.

Q. What are you doing here in Minneapolis? What have you been doing?

A. Oh, I have been doing considerable writing.

Q. Ghost writing?

A. Yes, some of that. 879

Q. Been writing for any particular organization?

A. Yes, I have written for organizations, too.

Q. Have you any regular employment with anybody?

A. I am not officially connected with any concern.

Q. Are you employed at all by anybody?

A. No, sir.

880 Q. Have you had any employer here in the city of Minneapolis?

A. No, sir.

Q. Did you have any employer while in Detroit Lakes?

A. Yes.

Q. Who employed you?

A. The publishers of the Detroit Lakes Tribune.

Q. Did you write some for the Detroit Lakes Tribune?

881 A. Yes, I did.

Q. Regularly?

A. Yes.

Q. Every week?

A. Yes.

Q. For how long a time?

A. For a period of about a year all the while I was there.

The Court: No recess this morning. I will adjourn now. Begin at 2 o'clock.

882 Afternoon session, Wednesday, June 19, 1935.

John A. Danielson resumes stand for further cross examination.

Examined by Mr. Murphy:

Q. Mr. Danielson, I would like to find out from you what—what did you have to do with this petition, Mr. Danielson?

A. I signed it.

Q. Is this your work, this petition—starting this contest?

A. No, sir.

Q. When did you first see this petition?

883

A. The day I signed it, December 6th, 1934.

Q. Who brought it to you?

A. Mr. Monaghan.

Mr. Monaghan: Just for the purposes of the record, if the court please, may I have this examination subject to the general objection, irrelevant, immaterial, and not proper cross examination, and an exception?

The Court: Yes.

Q. That is the first you heard about this petition when Mr. Monaghan brought it to you?

884

A. I did know a short time before December 6th that such a document was to be drawn up.

Q. That is, you heard about it before December 6th?

A. Before December 6th.

Q. Where did you hear about it?

A. I think in Mr. Monaghan's office.

Q. Is he your lawyer?

A. He is the attorney in the case, representing the contestants.

885

Q. I know, but you will have to answer.

A. Of which I am one.

Q. You might as well answer, first as last.

A. Yes, he is.

Q. Mr. Monaghan is your lawyer?

A. He represents me in this action.

Q. Is Mr. Monaghan your lawyer in this case?

A. Yes, sir, he is.

Q. When did you employ him?

A. I did not employ him.

886 Q. How can you have a man represent you as a lawyer without employing him, do you know?

A. I qualified the statement that he was my lawyer by saying that he represents me in this action.

Q. Did you hire him to represent you in this action?

A. Not exactly.

Q. What do you mean by "not exactly"? Do you mean by that that somebody else hired him for you?

887 A. No, sir.

Q. Did you personally employ him?

A. No, I did not, because—

Q. Never mind about your reasons. You did not. Did you ever agree to pay him any money—

A. Yes.

Q. —for working in this contest?

A. Yes, I did.

Q. When did you agree to pay him, and how much?

888 A. I agreed with Mr. Monaghan that I would aid in the promotion of this action, and that I would try to raise some funds with which to remunerate him for his work.

Q. When did you tell him that?

A. That was after December 6th.

Q. Was that before you signed the petition?

A. No, sir.

Q. After you signed the petition?

A. Yes, sir.

Q. Before you signed the petition did you ever

talk with Mr. Monaghan about having him do any 889
work in this case for you?

A. No, sir.

Q. Did you have a talk with any of the other
signers of this petition about hiring a lawyer?

A. No, sir.

Q. Did you ever try to raise any money from
any of these other signers on this petition to pay
Mr. Monaghan a fee?

A. Yes, I did.

Q. Whom did you try to get money from?

A. Mr. Roy Lathrop. 890

Q. Anybody else?

A. Mr. Cameron.

Q. All right. Who else?

A. I think that is all.

Q. Did you get any money from Mr. Lathrop
to pay Mr. Monaghan his attorney's fees?

A. Yes.

Q. How much did you get?

A. About \$170.

Q. And how much did you get from—whom did 891
you get that from—Lathrop?

A. Mr. Lathrop.

Q. And how much did you get from Mr. Cam-
eron?

A. Nothing.

Q. Did he agree to pay you anything?

A. No, he never agreed.

Q. He never agreed to pay. Now, out of all
these signers on this petition you only solicited two

892 of them to put up their money to pay Mr. Monaghan?

A. Yes, sir.

Q. Of those two, Cameron absolutely refused to pay anything towards this contest?

A. Yes, sir.

Q. Mr. Lathrop paid \$175. What did you do with the \$175?

A. It was used for paying Monaghan for his work.

Q. How much of it?

893 A. And for defraying my own expenses in connection with the work.

Q. How much of it did Mr. Monaghan get, and how much of it did you keep?

A. Well, I did not get all of the \$175 at one time, and I am not in a position to state with certainty just what percentage of that money Mr. Monaghan got.

Q. How much did you keep? That is something you can remember.

894 A. I am not able to recall what percentage of that—those contributions I kept.

Q. You are speaking about "those contributions." Up to this time you have only told me of one. How much of that did you get?

A. I did not personally get it because I used it to pay expenses.

Q. What expenses were you paying out of that money? If you would answer just a little faster we would make time.

A. Traveling expenses, and living expenses, and

such expenses as are naturally connected with any 895
kind of investigation work.

Q. Now, what living expenses and traveling expenses did anybody connected with this contest owe you for? What? •

A. Nothing, if I understand your question correctly.

Q. Who owed you any traveling expenses?

A. My own expenses.

Q. What business did you have taking Lathrop's money to pay your expenses?

A. Because he offered it to me. 896

Q. Then you are the man who has been working on this petition, have you? You are the man, finally?

A. To some extent, yes.

Q. That got this thing going and been keeping it a-going, are you?

A. Yes.

Q. Now, how much money did you collect from anybody else?

A. You mean all told?

Q. Yes. How much money in all did you collect in connection with this contest? 897

A. About \$1,050.

Q. Yes. Can you give us the list now of the gentlemen from whom you got the money?

A. No, sir.

Q. Well, tell us those that you can remember.

A. The money came from sources that—from individuals who collected from their friends and then turned it over to me.

898 Q. All right. Give me the names of the individuals who turned the money over to you.

A. Mr. H. A. Greiner turned over some money.

Q. Now, who is he—H. S. Greiner?

A. He was secretary for the Minnesota Truck Owners' Association.

Q. Minnesota Truck Owners' Association?

A. Yes, sir.

Q. He lives here in Minneapolis?

A. He lives here in Minneapolis, yes, sir.

Q. How much did he turn over to you?

899 A. Oh, I think about \$75.

Q. All right. From whom did you get the rest of the \$1,050?

A. I got about \$300 that were brought to me at the hotel room.

Q. That does not answer my question. Whom did you get it from?

A. That money, so far as I know, came from Mr. Schroeder.

Q. What Schroeder?

900 A. Citizens' Alliance.

Q. Citizens' Alliance. (Laughter in court room.) What is Schroeder's first name?

A. I forget his first name.

Q. Anybody here know his first name? He lives here in Minneapolis, does he?

A. I think so.

Q. All right. You have accounted for \$375 out of \$1,050. Where did the rest of it come from?

A. That is more than \$375 that I have accounted for.

Q. Well, you said you got \$75 from Mr. Greiner, 901
and \$300 from Schroeder of the Citizens' Alliance.

Where did you get the rest from?

A. Well, \$175 from Lathrop.

Q. All right. I am going to add this up so that
we can account for the whole \$1,050—it makes
\$550. You still have got \$500 that I want to know
where that came from.

A. I got about \$180 from Mr. Clapper.

Q. Mr. Clapper. What is his first name?

A. Sam, I believe.

Q. What? 902

A. Sam, I believe.

Q. Mr. Clapper. Now, who is Mr. Clapper?
I am a stranger here in town, you see. I want to
get a little information.

A. I met Mr. Clapper at the Toro Manufactur-
ing Company.

Q. Is he connected with the Toro Manufactur-
ing Company?

A. I think he is.

Q. Well, we are still short here \$320. Where 903
did you get that?

A. Well, there were small contributions that it
is pretty hard to recall the names, and the places,
because in most instances they did not take a re-
ceipt, or say much about it. I got \$100 from out-
side of Minneapolis.

Q. You got \$100 from where?

A. Outside of Minneapolis.

Q. And whom did you get it from?

A. From a group at Albert Lea, Minnesota.

904 Q. Whom did you get it from in Albert Lea?

A. I really don't know because I did not go down and get it.

Q. Now, Mr. Danielson, you are on the stand and you are under oath?

A. Yes, sir.

Q. And I want to know where you got it from, because you might as well talk first as well as last.

Mr. Monaghan: I object to his insulting the witness. He has been perfectly frank in answering questions which Mr. Murphy has no right to
905 ask, and he is not subject to insults by counsel.

Q. The receipt of this money is not a matter a young man like you should forget. Now, whom did you get the \$100 from in Albert Lea?

A. I will have to state the circumstances.

Q. I am asking for the names.

A. I don't know.

Q. It must be somebody; you dealt with somebody.

A. I dealt with an attorney.

906 Q. What is his name?

A. His name is Nichols.

Q. What initials?

A. F. V.

Q. F. V. Nichols?

A. Yes.

Q. F. V. Nichols of Albert Lea, Minnesota. Now, we finally got one. Now, we have got \$220 more. Mr. Danielson, will you please tell us where that came from?

A. I got \$25 from a Mr. Strong.

- Q. What's the name? 907
- A. Strong.
- Q. Spell it.
- A. S-t-r-o-n-g. I think his initials are "A. W."
- Q. Now, who is A. W. Strong from whom you got \$25?
- A. I don't know much about Mr. Strong.
- Q. What is his business? Whom is he connected with?
- A. He seems to have some executive position at some manufacturing concern here in town.
- Q. What manufacturing concern? 908
- A. I don't know the name of it.
- Q. Well, where is it?
- A. It is in the northern part of the city.
- Q. What is the name of it?
- A. I believe it is "Strong-Scott."
- Q. Strong-Scott?
- A. Now, I may be mistaken about that name.
- Q. Does Mr. Strong have any connection with Mr. Schroeder and Mr. Clapper, that you know?
- A. Not to my knowledge. 909
- Q. All right. You have considerable more money here; there's \$195 more. Now, where did that come from?
- A. I got \$20 from a Mr. Christian.
- Q. Spell it.
- A. C-h-r-i-s-t-i-a-n.
- Q. What is his first name?
- A. I am not certain.
- Q. Where does he live?
- A. I don't know where he lives.

- 910 Q. What is his business?
A. I think it is a paper company that he represents.
Q. What is the name of the paper company?
A. I saw him at the Chase Bag Company.
Q. Chase Bag Company?
A. Yes, in that building.
Q. All right. We still have some more money here—\$175. Where did that come from?
A. I will tell you as far as I remember. I got \$15 from a lady who runs a knitting plant.
- 911 Q. Where?
A. I don't recall the exact location.
Q. Where did you get the rest of it from?
A. I got \$10 from Mr. Hitchcock.
Q. Who is he?
A. He is on Snelling Avenue, near Lake Street.
Q. What is his full name?
A. I don't recall his first name, or his full name, except that the name is Hitchcock.
Q. I don't hear you.
- 912 A. His name is Hitchcock.
Q. You don't know his first name?
A. No, sir.
Q. Lives out at Snelling and Lake, is that right?
A. Near Lake, yes.
Q. Anybody else?
A. I got \$30 that I have absolutely no knowledge of where it came from except that it was delivered—
Q. Did you put up any money yourself?

A. No, sir, not except paying my private ex- 913
penses.

Q. What was that?

A. Paying my personal expenses, perhaps, out
of my personal funds, personally.

Q. How much of this \$1,050 did you keep for
yourself?

A. Not any of it because I haven't any of it now.

Q. Well, it is quite awhile ago since you got it.
You might have used it. How much of it did you
get, Mr. Danielson, to keep for yourself?

A. Not any of it. 914

Q. What became of it?

A. I spent it for expenses as I went along.

Q. And will you please tell us what items of
expense you had—what you paid it out for?

A. Mr. Monaghan has received \$350, approxi-
mately, of it.

Q. \$350?

A. Yes, sir.

Q. And did you spend the rest of it?

A. The cost of the subpoenas, the serving of the 915
subpoenas, and the witness fees probably amount
to about \$250.

Q. Whom did you pay that to?

A. The process servers.

Q. Who?

A. Mr. Badrick—Bob Badrick.

Q. We have finally found out where Badrick
got the money. He got it from you?

A. Yes, sir.

Q. What other items of expense did you have?

916 A. No other single large item of expense. The other items of expense have been small, such as stationery and street car fares.

Q. What has been the nature of them?

Mr. Monaghan: He told you "stationery and street car fares."

Q. Well, stationery would not account for several hundred dollars?

A. My own living expenses.

Q. Your living expenses. How long have you been living off of this fund, Mr. Danielson?

917 A. A part of it has come out of this money.

Q. How long did you live off of this money yourself?

A. I have probably used \$100 of it for my own personal expenses.

Q. And what has become of the rest of it?

A. It has been spent in the investigation work that has been necessary.

Q. All right. What investigation work has been going on and has been paid for?

918 A. I have visited lots of places and made inquiries and talked to people.

Q. You, personally?

A. Yes, sir.

Q. When did you do the visiting and the talking—before or after the petition was signed?

A. Some of it before, and most of it after.

Q. How much investigation did you do before the petition was signed?

A. I did enough to arouse my interest in the case.

Q. How much did that take—an hour? Was your interest aroused in an hour's investigation? 919

A. No, it took more than that.

Q. Well, how much—a day, a week, or a month?

A. Well, one conversation, what I saw and heard in one place really aroused my interest sufficiently.

Q. How long did that continue?

A. Probably 20 minutes.

Q. Twenty minutes. So your interest was aroused in 20 minutes?

A. Yes, just about. 920

Q. Was that the extent of your investigation before the petition was prepared?

A. No, that was the beginning of it.

Q. Did you furnish any of the information on which the petition was prepared?

A. Yes, I did.

Q. You furnished the information to Mr. Monaghan on which he drew this petition?

A. I checked on the information with him, and I did furnish him some information. 921

Q. Anybody else besides you and Mr. Monaghan check on and have anything to do with securing the information on which this petition is based?

A. I don't know.

Q. Well, have you had anything to do with the gathering of the information which went into the petition? You probably should know about it, shouldn't you?

A. I know something about it.

Q. Did anybody else have anything to do with

922 the investigation that you know about before that petition was drawn?

A. Well, with me that would be more or less hearsay.

Q. Well, I want you to testify to what you know. Do you know of any one else who was engaged in this business of looking up information?

A. No, sir.

Q. Then have we got the responsibility for the gathering of the information finally in this case fixed on you and Mr. Monaghan?

923 A. Perhaps.

Q. Have we?

A. Perhaps.

Q. And then we have finally found who is financing the affair through you, haven't we?

A. Yes, sir.

Q. Now, Mr. Danielson, did you ever sit down with any of the signers of the petition and discuss this matter with them?

A. Not at one time.

924 Q. A good many of them who have been here said they talked with nobody except the person who presented the petition. Did you present this petition to anybody to sign?

A. No, sir.

Q. You have been in court all the time and listened to these people come and go?

A. Yes.

Q. Upon the stand?

A. Yes.

Q. And they said they knew nothing about it until they signed it? 925

A. Yes.

Q. You heard that?

A. Yes, sir.

Q. Then you never communicated anything to them, of course, before they signed?

A. No, sir.

Q. Mr. Birkeland contribute anything to this fund here?

A. No, sir.

Q. Did he have anything to do with the preparation of the petition and gathering of the information? 926

A. I couldn't say as to that.

Q. He says that he did not, and so far as you know, he did not; is that right?

A. I have no knowledge of Birkeland's having anything to do with the preparation of these petitions.

Q. Then are you the man that conceived the idea of the contest? 927

A. No, sir.

Q. Is Mr. Monaghan the man who conceived it?

A. I couldn't say that.

Q. Together did you conceive it?

A. No, sir.

Q. Is there somebody else farther back yet that we have not found out about?

A. I think so.

Q. You see, you have been living off this thing?

A. No, sir.

928 Q. You have been investigating and been handling the money, and you have been living off it, to use your own language?

A. No, sir.

Q. Now, if anybody should know if any one was farther back, you should know. Please tell us, will you?

A. I don't know of any one particularly.

Q. Well, you intimated that there probably was somebody outside of you and Mr. Monaghan?

A. I did hear some rumors, but I cannot recall
929 any names.

Q. You heard some rumors. Now, you can answer this question: Who got you going?

A. That was Mr. Birkeland.

Q. Mr. Birkeland got you going. Oh! Now, nobody else got you going except Mr. Birkeland; is that right?

A. He called my attention to certain matters.

Q. Well, he started you going?

A. Yes.

930 Q. And you have been at it ever since, haven't you?

A. A good deal of the time, yes.

Q. Has there been any arrangement between you and these others that may be interested here that you should come up here and take the responsibility?

A. No, sir.

Q. Of engineering this contest?

A. No, sir.

Q. Who told you, Mr. Danielson, to go on with

this investigation and do the work? Who hired you? 931

A. Nobody.

Q. What did you do it for—on your own account? I will put it a little plainer. Did anybody employ you or direct you to go ahead and do this investigating and have these papers served?

A. No, sir.

Q. No one employed you?

A. No, sir.

Q. Then you went about it yourself, did you? A part of the money—well, strike that out. When you went to these people and solicited the money that you have told about, what did you tell them that you wanted that money for? 932

A. For this action.

Q. For this action. Do you know whether any of these whose names you have given us, who put up the money, knew about this before you spoke to them about it?

A. Most of them seemed to have known something about it before.

Q. That is, when you went to these gentlemen who—well, wait. Let me ask another question. Who sent you to these men from whom you got that money? 933

A. No one in particular.

Q. Where did you get their names?

A. Well, that depends on which person you have reference to. I talked to so many people, I don't know whom you have reference to.

Q. Well, I think I can give you the names. You

934 mentioned Mr. Clapper. Who sent you to him?

A. I really don't recall, Mr. Murphy, who mentioned Mr. Clapper.

Q. Or did he send for you?

A. I don't recall, Mr. Murphy, how I happened to talk to Mr. Clapper.

Q. How did you get the money from him—by check or cash?

A. By cash.

Q. By cash?

A. Yes.

935 Q. And where did you get it from him?

A. At the Toro Manufacturing Company.

Q. All right. Tell us how you came to go down there to get this money from Mr. Clapper.

A. Well, I got a telephone call from someone advising me that the money would be there.

Q. Who called you?

A. I don't know.

Q. That is a name that you do not want to give us.

936 A. It is a name that I cannot give because I do not know.

Q. Have you any idea who it was?

A. It would only be a suspicion, and that would not be worth anything.

Q. Well, suppose we have the benefit of your suspicion as to that name. It may be a real suspicion.

A. I do not like to involve anyone who is not—

Q. Who is not guilty?

A. Guilty, yes, if you wish to put it that way.

Q. Now, who sent you to Mr. Schroeder to get this \$300? 937

A. I think it was Mr. Lathrop who first called my attention to it.

Q. You went out and got that in cash, did you?

A. It was brought to me in cash, yes, sir.

Q. Who brought it to you?

A. I don't know who he was. He just came and handed it to me, and I knew where it came from.

Q. You don't know who brought it in?

A. No. 938

Q. Where did you get the idea you would get any money from Lathrop himself?

A. Somebody suggested his name to me.

Q. Who is that?

A. And I was trying to think who that was before you asked the question, Mr. Murphy, but I don't recall exactly who it was.

Q. Did you yourself have any ingenuous thoughts about where you would get any money?

A. Well, I had certain acquaintances. 939

Q. Or did you go where you were sent?

A. I have certain acquaintances.

Q. Did you get any money from your personal acquaintances?

A. Well, I mean by that business men that I know of, and really do not have such intimate personal acquaintance, but I felt that they might be interested.

Q. How did you get this \$175 from Lathrop—in cash?

940 A. Yes.

Q. Where did you keep it—in the bank, or in your pocket?

A. I kept it in my pocket, Mr. Murphy.

Q. Took no chances. Now, this \$100 that you got from Nichols, of Albert Lea, how did you get in touch with him?

A. His name was suggested to me by a friend, and I went down to see him.

Q. What is the name of your friend?

A. His name is Pearson.

941 Q. Is he interested in this prosecution?

A. Not particularly, so far as I know.

Q. Where does he live?

A. He lives here in Minneapolis.

Q. His first name and address—his full name and his address?

A. His initials are F. A.

Q. "F. A." And where does he live?

A. I think he lives at the Kenesaw Hotel.

Q. The Kenesaw Hotel?

942 A. Yes. It is on Nicollet and Fourteenth; along in there somewhere.

Q. Now, did you contact Mr. Nichols by telephone or by letter?

A. I went to see him personally.

Q. You went down to Albert Lea?

A. Yes.

Q. Did you get the money in cash?

A. I didn't get the money that day; I got it later.

Q. How did you get it, by check or cash?

A. By messenger.

Q. By messenger. Who was the messenger that brought it in?

943

A. Mr. Pearson.

Q. Now, again I ask you, Mr. Danielson: It seems that you and Mr. Monaghan gathered and compiled the information that was put in this petition, and you secured the money to finance it, whatever you want to call this thing we are engaged in here. Now, I want you to tell me who started this thing. Who originated the idea of this contest?

944

A. I don't know.

Q. Have you an idea?

A. No, sir.

Q. It now appears that not one signer on that petition ever put a dime into it.

A. Mr. Lathrop did.

Q. Mr. Lathrop. You have an idea that Mr. Lathrop might have started this thing?

A. I don't know, but I don't think so.

Q. What impression did you get, Mr. Danielson, as you went around and conferred with the people who were interested in making this fight, and in gathering this money, what impression did you get as to who was back of this—responsible for it? What organization or individual?

945

A. No organization.

Q. No organization. What individuals?

A. And I could not even say as to individuals.

Q. When you eliminate organizations it seems

946 to me that you might be able to tell us the names of the individuals.

A. I cannot, Mr. Murphy.

Q. Why do you eliminate organizations?

A. Because you said organizations, Mr. Murphy.

Q. Now, if they did not have anything to do with it, how did you know that and still not know who is responsible for this thing?

A. Well, I stated it as my opinion that no organization is back of it because if so then it would
947 have become known.

Q. It would have become known?

A. Yes.

Q. Was there an attempt to keep it from becoming known?

A. Not to my knowledge.

Q. What?

A. Not to my knowledge.

Q. Then why do you say it would have become known?

948 A. Well, it has been somewhat of a mystery to me how it started.

Q. Is the whole thing a mystery to you?

A. How it started.

Q. What?

A. Just who originated the idea.

Q. Is still a mystery to you?

A. Yes.

Q. Are you interested in solving the mystery?

A. Oh, yes.

Q. What?

A. Yes, I have been at times.

Q. You have been. Have you ever tried to solve it? 949

A. Solve which?

Q. Have you ever tried to solve the mystery?

A. What mystery?

Q. This one that you have mentioned as a mystery to you.

A. Well, yes, I have, but it was a matter that really did not concern me especially who started it.

Q. Yes. But you said it was a mystery to you, and you tried to solve it; that is your answer. 950

A. I did not make any great effort to solve it.

Q. You did not make much effort to solve it?

A. Because I didn't think it was material who started it.

Q. You didn't think it was very important?

A. No, sir.

Q. Is that your position now?

A. Yes, sir.

Q. Then are we to understand that you and Lathrop out of the signers of this petition are the ones that take the responsibility for Mr. Monaghan? 951

A. No, I wouldn't say "Yes" to that question.

Q. Do you claim him as your lawyer now? Or do you want to get from under that?

A. I do not claim him as my lawyer, but I do not want to get from under anything.

Q. You do not want to get from under anything?

A. No, sir.

952 Q. Are you going to pay Mr. Monaghan's fees here?

A. He has received his fees.

Q. He has been paid. Then, Mr. Danielson, we are right up to this point, that this so-called contest has been all financed and the bills have been paid by those other than the signers of the petition, with the exception of Lathrop?

A. As far as I know. Some of the signers of the petition may have paid.

953 Q. That is, these people who put up the money and made the investigation and paid for it have asked these people who were induced to sign that paper to front for them in the contest—they are the real persons behind the program, aren't they?

A. To a certain extent I suppose they are.

Q. That is right. Then the real petitioners here, if we have anybody who started this thing and kept it going, are these gentlemen who gave you this money; that is right, isn't it?

A. I don't understand that question.

954 Q. The ones that have kept this going, got it started and financed it, and put it through to this date, are not the signers but these names whom you have given us?

A. Yes.

Q. Answer.

A. Yes, sir.

Q. Yes, sir. Are you still being proud of being numbered among the petitioners?

A. Yes, I am.

Q. Wouldn't you like to duck the way the rest

of them have? If you want to duck it, why, it is
all right with me; I don't care. What do you 955
want to do about it? Do you want to go through
with it?

A. Yes, sir.

Q. What?

A. Yes, sir.

Q. You are going to go ahead with it. Now,
Mr. Danielson, I want you to look at this paper.
(Handing same to witness.) You signed that,
didn't you?

A. Yes, that is my signature. 956

Q. That is your signature. I will have this
marked as an exhibit so we will know what we are
talking about. (Document marked for identifica-
tion Contestee's Exhibit 2.) Now, Mr. Danielson,
you said you signed this Exhibit 2. Do you know
what it is? Do you know what this thing is that
you signed?

A. Yes.

Q. What do you figure it is? What did you sign
there, if you know?

A. Well, I signed this at the time that the origi- 957
nal petition was amended.

Q. I see.

A. Pardon me. May I take a look at it to see
if that is the one?

Q. That is the one, is it?

A. Yes.

Q. Now, before you signed this, Mr. Danielson,
had you consulted any of these several people who
signed the petition about that?

958 A. No, sir.

Q. Out of the 28 other people who put their names on that paper you consulted with nobody when you signed this application to amend the contest petition?

A. No, sir.

Q. Then you alone induced Mr. Monaghan to present that to the court, didn't you?

Mr. Monaghan: That is absolutely ridiculous.

Mr. Murphy: What is the idea of the laughter, Mart?

959 Mr. Monaghan: It is so absolutely ridiculous, Mr. Murphy.

A. I don't know how to answer that question.

Mr. Murphy: What was done was ridiculous, not what we are attempting to establish.

Mr. Monaghan: It is you that is ridiculous.

Mr. Murphy: These people that were on the stand said they didn't talk to you.

Q. Now, you and Mr. Monaghan prepared this and submitted it to the court without consultation with the other signers of this petition?

960 A. I couldn't say as to that because—

Q. You didn't consult them?

A. No, sir.

Q. And nobody who signed that petition ever authorized you to appear for them or to speak for them at any time, did they?

A. I didn't think that that was necessary.

Q. That is not for you to say.

A. Pardon me.

Q. Did you ever have any authority from any

of these people to appear or speak for them so far
as this application to amend is concerned? Answer 961
that yes or no.

A. I think I did; otherwise Mr. Monaghan
would not have asked me to sign that.

Q. All right. When you make one answer that
immediately suggests another question. Whom did
you consult of these other 28 signers before you
signed this application to amend?

A. I consulted all of them through their rep-
resentative, Mr. Monaghan.

Mr. Murphy: I move to strike it out, your 962
Honor, as incompetent. It don't mean anything.

The Court: Strike it out.

Q. What one of these people who signed this
petition, all of whom have repudiated Mr. Mona-
ghan here, did you consult? Name one of these
28 signers.

A. I did not consult any of them.

Q. Then so far as you know this matter of the
application was never brought to the attention of
any of the 28 who signed?

963

A. I couldn't say as to that.

Q. I show you a letter here, "Citizens' Alliance,
Minneapolis, 700 Builders Exchange Building,"
and listed here as the vice-president, "J. S. Clap-
per." Is that the man from whom you got the
\$180?

A. Yes, I think it is.

Q. And then down farther you find as director
"W. P. Christian." Is he the man you got that
other money from? You gave a man's name as

964 "Christian." Is that the man?

A. I think that is the man.

Q. Now, over on the right-hand side: "J. W. Schroeder, Executive Vice-President." Is he the man from whom you received the \$300?

A. I think that is the same person.

Q. And did you go to that office, 700 Builders Exchange, when you got the money?

A. No, sir.

Q. Were you ever there?

A. Yes, sir.

965 Q. And on the back of this sheet I find another name, "A. W. Strong," who is a member of the board of directors of the Citizens' Alliance of Minneapolis. That is the gentleman, Strong, from whom you received the money—president of the Strong-Scott Manufacturing Company?

A. Yes, sir, I think it is.

Q. Did you solicit some other people in town for money who wouldn't pay it to you?

A. Yes, I think I did.

966 Q. Did you get any money from Merrill Hutchinson, Mr. Danielson?

A. No, sir.

Q. Did you ever solicit him?

A. Yes, I did.

Q. He would not give you any?

A. No, sir.

Q. Did he send you anywhere where you might get it?

A. I don't recall that he did.

Mr. Murphy: That is all.

MURPHY'S DIRECT EXAMINATION OF GOVERNOR OLSON

396

1186 Mr. Murphy: Does the record show the contestants have rested?

Mr. Monaghan: It may show it now.

FLOYD B. OLSON,

the contestee, called to the stand in his own behalf, testified as follows:

Examined by Mr. Murphy:

Q. During this trial, Governor, at least one witness made reference to certain lawyers in this town.

1187 Do you wish to make a statement about that?

A. If I may. The witness Birkeland testified that Mr. Hempstead and Mr. Mackall, attorneys of this city, were interested in the prosecution of this action. Since the statement was made both of those gentlemen have informed me that they do not—

1188 Mr. Monaghan: Just a minute. If the court please, this would be objected to as hearsay. The gentlemen, I presume, are within the power of the court to be brought in here, and I would like the privilege of cross examining them on this point.

Witness: I wanted to do this as a matter of courtesy, of one member of the bar to another, your Honor.

Mr. Murphy: My suggestion is that an injustice has been done here before the public, and that the governor should be privileged to make a statement that might result in these gentlemen whose names are mentioned being given proper consideration. My own personal view is this: that these gentle-

men named by the witness did not have anything
to do with this contest, and I indicated that the
governor be given the privilege of making a state-
ment. 1189

Mr. Monaghan: If the court please, that is ob-
jected to as calling for hearsay. It absolutely can-
not be anything else but hearsay, and I would be
delighted to have those gentlemen take the stand.

Mr. Murphy: You named them. You ought to
bring them in.

Mr. Monaghan: I am not bringing them in.
Bring them in if you want them. But I do object 1190
strenuously to the statement by Mr. Olson that
some person told him this, that or the other thing.
These persons are here in town, so far as I know,
and they ought to be brought in if they wish to
deny that they had anything to do with this, or
know anything about this.

The Court: Well, the witness Birkeland did not
testify that they had anything to do with this.

Mr. Monaghan: He was forced to over my ob-
jection. 1191

The Court: No, he didn't. I was observing that.
You did not make any objection. It was purely,
as I understand it, an opinion statement, and if
these gentlemen have authorized the governor in
any way to refute that indefinite bit of testimony,
I think we ought, in justice to them, to let the
statement be made.

Mr. Monaghan: The rule with reference to hear-
say testimony should be adhered to. If those gentle-
men wish to deny it, what Mr. Birkeland said, and

1192 Mr. Murphy wants that denial in the record, then I would suggest that orderly procedure would require that Mr. Murphy telephone the gentlemen, and have them here and have them answer on this stand under oath whether they know anything about this or not.

The Court: Well, it seems to me a rather unjust situation to let it stand that way. But with your statement that you have already made, Mr. Murphy, I think we had better let it go at that.

1193 Mr. Murphy: I make the statement that I made to your Honor. It is not only my own personal belief that these lawyers did not have anything to do with this contest, but I express the opinion of the governor as well, and we will let it go at that.

Q. Governor, did you have any financial interest in the—what is the name? The Farmer Labor Leader? Is that the name, the Farmer Labor Leader? Or did you have in 1934?

A. I never had any financial interest in the Farmer Labor Leader.

1194 Q. Do you know who owns the Farmer Labor Leader?

A. I do not exactly know, but I have a very definite impression.

Q. Who do you think owns it?

Mr. Monaghan: Now, just a minute, if the court please. The contestants, as I understand it, were prevented from producing testimony, and just that sort of testimony. If counsel is willing to let us introduce opinion evidence as to the ownership of that paper, then I would be glad to withdraw my

objection; but we ought to have the same opportunity that the contestee has. 1195

Mr. Murphy: - Your Honor, the contestants have not established the ownership of this paper.

The Court: As long as they have not—

Mr. Murphy: Will your Honor permit me to make a further statement? Realizing the serious public importance of a contest of this kind against the governor, I think the least that should be done here should be to afford him an opportunity to leave no question in the case on the subject—on any question that has been brought in here, whether there 1196 is any proof of it or not. I will ask your indulgence for the governor to answer just that one question.

Mr. Monaghan: If the court please, if the same opportunity is accorded to the contestants I would be glad to have the governor go ahead.

The Court: Well, of course, if the door is opened once to opinion and belief by one side the other side will be accorded the same privilege. The objection was sustained this morning because it would be 1197 wholly improper over objection to receive it. But we have on the stand now the contestee himself, and his freedom from any participation in the management of the paper, or financial interest in it may be very thoroughly aired to the court. I think we ought to allow that to be done, but, of course, if opinion and belief is allowed on one side it cannot be foreclosed on the other.

Witness: I would like to supplement my answer.

1198 Mr. Murphy: Wait a minute, Floyd. The contestants are through and cannot from any time on establish any allegation of this petition—they are through. I withdraw that particular question.

Witness: I would like to supplement my answer, Mr. Murphy, by saying that I know the original owner of the Farmer Labor Leader, and I believe I know the present owner, and when I answered that I did not know I answered as a lawyer would answer.

1199 Q. Did you in 1934 have anything to do with the management of the Farmer Labor Leader?

A. I did not.

Q. Or with its publication?

A. I did not.

Q. Or with its policies or program?

A. I did not.

Q. Were you connected with it as a member of any committee, or board, or official, or have any other connection with it?

1200 A. I had no connection with the Farmer Labor Leader of any kind since its inception.

Q. The evidence shows here that in the campaign of 1934, from June until November, certain articles were printed with reference to your candidacy. Did you know about that?

A. I undoubtedly read some of them.

Q. Did you request any of them to be published?

A. Not directly, no.

Q. Did you pay anything for them?

A. No, sir.

Q. Was any charge made against you for them?

A. No, sir.

Q. Was the publication of those statements
made purely voluntarily by some organization that
you were not connected with? 1201

Mr. Monaghan: Just a minute. That is objected
to as leading. It is not necessary for Mr. Murphy
to lead Mr. Olson.

The Court: That is a good objection, and should
be sustained.

Mr. Murphy: I will withdraw that question.

The Court: He can only state matters within
his own personal knowledge. 1202

Q. Did you have any connection with the publi-
cation of any article in that paper in 1934?

A. No connection with the publication of it.

Q. Did you have any financial interest whatever
in the paper during the time those publications
appeared?

A. No, sir.

Q. So far as you were concerned were those
publications voluntary on the part of the paper?

A. They were. 1203

Q. All of them?

Mr. Monaghan: Just a moment. That is ob-
jected to as calling for a conclusion of this wit-
ness.

The Court: He has answered.

Mr. Monaghan: I move that the answer be
stricken out.

The Court: Denied.

Q. Did that apply to all of them?

A. Yes, sir.

- 1204 Mr. Monaghan: Just a moment—
The Court: The same ruling.
Mr. Monaghan: An exception.
Q. You did, according to the evidence in the case, speak over the radio, the radio here in Minneapolis known as WCCO?
A. I did.
Q. At different dates in the campaign between June and November 6th?
A. Yes, sir.
Q. Did you pay anything for that time that was
1205 furnished on that radio for you to speak?
A. No.
Q. Did you contract with the radio people, or anybody else, for the time?
A. No, sir.
Q. Did you have anything to do with securing the time?
A. No, sir.
Q. Did you make any arrangement whatsoever with the radio organization, or anybody connected
1206 with it, or with anyone else, for that time?
A. No, sir, except to accept it.
Q. Well, I mean about arranging for it?
A. No, sir.
Q. Were you advised by a committee that the time was available for you to use if you wished to use it?
A. Yes, sir.
Q. Did you have anything to do with that committee?
A. No, sir.

Q. Were you financially or otherwise connected with it? 1207

A. I was not.

Q. Was it your personal committee?

A. It was not.

Q. Were you a member of it, or in any way connected with the committee?

A. I was not.

Q. That arranged this radio time?

A. No, sir.

Q. Or with any radio time which you used, either WCCO or any other radio? 1208

A. I was not.

Q. Have you ever been called upon to make any payment to WCCO, or anybody else, for the radio time?

A. No, sir.

Q. Or did you ever make any payment?

A. I did not.

Q. Or do you owe for that time?

A. I do not.

Q. It appears from the evidence that you filed a return as required by law after the election, and in that return you did not include anything in respect of advertisements or articles appearing in the Farmer Labor Leader, or in relation to the speeches which you made over the radio. You made no such return? 1209

A. No, sir.

Q. Why not?

A. For several reasons: One, in my opinion the law does not require such a return, and, secondly,

1210 no return of that kind has been made by any candidate for many years last past.

Q. Do you know anything about the value of any of the time that you used over the radio?

A. Not except what I heard Mr. Gammons testify to.

Q. Did you know anything about it before his testimony?

A. No, sir.

Q. Did you know anything about the value of any of the statements that were published in the
1211 Farmer Labor Leader in respect to your candidacy?

A. I did not.

Q. Anybody ever asked you to look into that, or make any payment for it?

A. No, sir.

Q. Was there any obligation upon you in any way to pay it?

A. No, sir.

Q. Have you had the remotest connection with either of these matters, Governor, excepting to use
1212 the time?

A. That is all.

Q. Now, in the making of your return of the expenses of your campaign did you act honestly and in good faith?

A. I did.

Q. Have any desire to conceal anything that you received during the campaign for which you should make a return?

A. No, sir.

Q. And you did not conceal anything?

A. I did not.

Q. And as you read this law do you find any requirement in it that any such items as the use of the radio here, or what was published in the Farmer Labor Leader about you, or about your candidacy, should be reported? 1213

A. I place the matter of the radio on a different status than the matter of the newspaper comment. Certainly there is no requirement of law, or could there be, with reference to newspaper matter. If there was every candidate would be obliged to maintain a press clipping bureau to ascertain what newspaper carried favorable comment during his campaign in order to ascertain the value of such newspaper comment so as to make such a return, and if he did that I assume it would exceed the amount of the expense allowed him by the law for him to expend, so, if I may say so, I would think that would be a rather strained construction of the law. As to the radio, it has been the practice and custom of candidates for various offices, including the governor, to not make any return of any radio time, or anything else which they were given by a voluntary committee, and I have assumed that the custom and practice was an interpretation of the law in itself. 1214 1215

Q. So far as you were concerned you have acted in the utmost good faith?

A. I acted upon that premise, yes.

Q. And on the assumption that where a voluntary committee, with which you have had no connection, procured radio time and donated it to you,

1216 the law does not require you, in your opinion, to make any report concerning it?

A. It does not, in my opinion.

Q. Or to go about an independent investigation to ascertain how much the time was worth, or cost, or anything in relation to it?

A. It is my opinion if that was the purpose of the law it would be an absolute absurdity; for instance, if someone gave me the right to use a place where I made a speech, I would have to ascertain from him the value of the right in order to
1217 list that as a campaign contribution.

Mr. Murphy: That is all.

CROSS EXAMINATION

Examined by Mr. Monaghan:

Q. In your opinion does the Farmer Labor Association own the Farmer Labor Leader?

Mr. Murphy: I did not go into the matter, your Honor, on your suggestion that it might open up a long line of investigation on both sides, so I dropped it right there. It is objected to as im-
1218 material, and calling for a conclusion of the witness.

Mr. Monaghan: If the court please, I asked that question at the suggestion of the governor.

Witness: Well, I suggested I would answer it. We want to finish this case.

The Court: You concluded not to go into the matter of opinion and belief; but he asked counsel to go into it.

Witness: Subject to Mr. Murphy's approval. Of

course, I wouldn't dare to enter into a stipulation without his consent. 1219

Mr. Murphy: Any client who went against my judgment usually got into trouble. So I think we will let it stand as it was. The court has ruled we are not going into it.

Mr. Monaghan: I want to make this statement in view of the governor's frank suggestion, that if he answers that question as he suggested he would I won't go into the question any further.

Mr. Murphy: All right; you can go ahead as far as you want, Governor. 1220

Witness: I can be trusted, then?

Mr. Murphy: On that one point.

(The question was read.)

A. In my opinion it does. But, I think, as a matter of straightening the record, Mr. Monaghan, you might ask me how it comes to own it.

Q. Showing you Contestants' Exhibit M, I will ask you whether you are familiar with the constitution of the Farmer Labor Association?

A. More or less. 1221

Q. Will you glance through that and see if that is a substantial copy of the constitution of that association?

A. This Exhibit M purports to be the constitution of the Farmer Labor Association of Minnesota as of March 7, 1925—oh, the amendment. Pardon me. I think it is.

Mr. Monaghan: I would like to introduce Exhibit M.

Mr. Murphy: I don't want to read it. I ob-

1222 ject to it as immaterial—it is secondary evidence,
and without foundation.

Q. You have testified that you had not the remotest connection—pardon me, I do not want to misquote you—you have testified that you did not have anything to do with the voluntary committee?

A. That is correct.

Q. That notified you that the radio time was available for your use in the political campaign?

A. That is right.

1223 Q. Did you do anything in reference to the collection or the contribution to that committee of any money?

A. I did not.

Q. At any time?

A. No, sir.

Q. Did you give any authorization to any person to collect contributions for that committee?

A. No, sir.

Q. Did you have anything to do with the expenditure of any money by that committee?

1224 A. I did not.

Q. Did you give any authorization or direction to anybody to disburse any of the money of that committee?

A. No, sir.

Q. Did you give any authorization to anybody at any time to cash any checks made payable to that committee?

A. No, sir.

Q. By the way, what was the name of that committee?

A. I think it was the "Olson for Governor Volunteer Committee." 1225

Q. I guess the words "All Party" were included, weren't they?

A. I don't think so in 1934. There was an "All Party" committee in a previous campaign, but I think this one was called as I have indicated. It is my best recollection.

Q. Well, mine was that it was "The Olson for Governor All Party Volunteer Committee."

A. It may have been, Mr. Monaghan.

Q. It does not make any particular difference about the particular name. Did you authorize a man named Quigley to collect some \$300 from a liquor dealer down in South St. Paul? 1226

A. No, sir.

Q. In connection with that committee. And do you know whether Mr. Quigley got a check from that liquor dealer payable to the "Olson for Governor All Party Committee"?

A. I don't know that he did.

Q. You never took any action in connection with any such check? 1227

A. No, sir.

Q. Did you give any authorization to Mr. Quigley to cash that \$300 check made payable to the "Olson for Governor All Party Committee"?

A. No, sir.

Q. And you gave no authorization to Mr. Quigley to cash any other check?

A. No, sir.

1228 Q. Made payable to that "All Party" committee?

A. No, sir.

Q. You don't know anything about Mr. Quigley receiving another check for \$200 made payable to the "Olson for Governor All Party Committee"?

A. I do not. I might say that I heard some conversation about this first check you mentioned, but I don't know the circumstances of it.

Q. Ah! The first check mentioned was for \$300?

1229 A. I don't recall the amount.

Q. And in connection with the cashing of the \$300 check did you hear anything about a \$200 check, and a certain amount of cash and credit being exchanged for that \$300 check?

A. I did not.

Q. And you do not know anything about the \$200 check?

A. The first I heard of it is today.

1230 Q. And you did not give any authorization to Quigley to cash the \$200 check made payable to the "Olson for Governor All Party Committee"?

A. No, sir.

Q. Of course, if you had contributed or directed the contribution of any money to the committee, or if you had directed the disposition of any of the funds made payable to the committee, you would not have exactly the same attitude as to the law requiring reports?

A. No, because I made them then a personal committee.

Mr. Murphy: That, your Honor, is a matter of law, and about it I think you are wrong. 1231

Witness: Well, I always yielded to my counsel, difficult as it may be.

Mr. Monaghan: Hard to agree with everything that Murphy says.

Witness: You don't have to get along with him, but I do.

Q. Do you know anything, Governor, about the sustaining fund in connection with the Farmer Labor Association?

Mr. Murphy: Objected to as improper cross examination and immaterial. 1232

The Court: Overruled.

A. A sustaining fund of the Farmer Labor Association?

Q. Yes.

A. No.

Q. Well, do you know anything about the so-called sustaining fund that was handled by Fred Miller?

A. I know of a sustaining fund of the Farmer Labor Educational Association, if that is what you mean. 1233

Q. And that is the fund that is handled by Mr. Miller?

A. I don't know who handles it, except a Mr. Moller. There is a Miller that was on the stand, and there is also a Mr. Moller.

Q. M-u-e-l-l-e-r?

A. I think it is M-o-l-l-e-r.

Q. Calling your attention to an article appear-

1234 ing in the issue of October 15, 1934, of the Farmer Labor Leader, purporting to quote Fred Miller as the treasurer of the sustaining fund, are you positive that Fred Miller had nothing to do with it, and that it was a man named Moller?

A. I said I didn't know whether he did or not; that the man I knew was a man named Moller. Mr. Fred Miller may be the treasurer; I don't know.

Mr. Monaghan: I think that is all.

RE-DIRECT EXAMINATION:

1235

Examined by Mr. Murphy:

Q. Do you want to make another statement about that paper that you have in your hand?

Mr. Monaghan: Now, just wait a minute. I think this examination should proceed by question and answer. I don't know what is—

The Court: He may qualify any answer that he has made.

Mr. Murphy: He started to answer this question before, but counsel interrupted him with another question.

1236

The Court: Oh, yes; that is all right.

Mr. Monaghan: I want to know what question he started to answer and I did not let him finish.

Mr. Murphy: I will find it for you, Mart. Go back to where he asked that question about the ownership of the paper.

The Court: I understood that. He may explain or amplify any answer that he has given.

A. Well, I desire to amplify the answer as to

the question as to whether or not in my opinion
the Farmer Labor Association is the owner of the 122
Farmer Labor Leader. In 1924 there was organized and incorporated an organization known as the Farmer Labor Federation. I believe Mr. Brown of the secretary of state's office so testified. The purpose of the organization as stated in its articles was: "Its general purpose shall be educational more than reformatory—the dissemination of true conceptions of good government and of the political and economic needs of the people and teaching the principles of liberty, justice and equality as enun- 123
ciated by the Constitutions of the United States of America and of the state of Minnesota. The plan of operation of this corporation shall be to publish books, pamphlets and periodicals designed to effect the general purpose thereof. No contribution shall ever be required of it, and the corporation shall never pay dividends to its members, and all its income shall be devoted to its general purposes. The members of the state committee of the Farmer Labor Federation of Minnesota shall 1239
be members of this corporation, and when their respective memberships of such state committee shall cease they shall automatically cease to be members of this corporation, and they shall respectively be succeeded as such by their respective successors on such state committee." There are more articles. Some time thereafter, at a meeting of the Federation, a motion was passed amending the name of the Farmer Labor Federation of Minnesota to the Farmer Labor Association of Minneso-

- 1240 ta. That amendment was never fully carried out from a legal standpoint in so far as the filing of any statement in the office of the secretary of state; but in so far as the corporation itself was concerned it was carried out by the action of its directors. The Farmer Labor Federation organized and published this newspaper, we know that. It is my opinion that through the action of the committee in changing the name to "Association" that the Farmer Labor Association is now the owner of the paper. But I am calling particular attention to
- 1241 the fact that under its articles it collects no contributions, nor can it pay any dividends. It is entirely non-profit making, and, therefore, there could be no financial interest in the paper—financial interest being something which you can dispose of for a consideration.

RE-CROSS EXAMINATION.

Examined by Mr. Monaghan:

- Q. In that connection may I call your attention, for the purpose of asking you to explain it to
- 1242 us—

A. Yes, sir.

Q. —to Article 8 of the Constitution of the Farmer Labor Association of Minnesota, adopted March 20, 1925, amended in March of 1926, 1928, 1930, 1932 and 1934—quoting Section 1: "There shall be maintained by the state committee of this association an official paper for the purpose of education and reform, the dissemination of true conceptions of good government and the political and economical needs of the people, and teaching the

principles of liberty, justice and equality as enun- 1243
 ciated by the Constitution of the United States
 and the Constitution of Minnesota." Section 2:
 "The state committee of the Association shall in-
 corporate and maintain a Farmer Labor Educa-
 tional Association for the purpose of publishing
 this paper and such other educational literature as
 it may from time to time determine in conformity
 with Section 1 of this article and suitably safe-
 guarded with proper by-laws for its management."
 Was the Farmer Labor Educational Association
 ever incorporated? 1244

A. Apparently, without in any sense making an
 argumentative statement, Mr. Monaghan, it may
 be by that act the Farmer Labor Federation, which
 became the Farmer Labor Association, may have
 transferred the title to the paper to the Farmer
 Labor Association. I don't know.

Q. You have no knowledge of such transfer?

A. No, unless that itself is a transfer. But my
 legal opinion is that the paper belongs to this cor-
 poration by the original or amended articles if the 1245
 actions of the directors were such as to bring about
 such without filing the paper with the secretary of
 state.

Q. The law requires, of course, that in order to
 change the name of the corporation it must be filed?

A. I assume so.

Q. I think it is Section 7472—that is the stat-
 ute as to amendments generally, which require the
 filing and publication, and, then, with reference
 to non-profit organizations and non-profit corpora-

1246 tions it is Section 7893, and that is, in order to amend the name it is necessary—or, rather, it is not necessary to publish, but it is, of course, necessary to pass the proper resolution and file it.

A. If that be true, then, of course, legally there is no Farmer Labor Association.

Q. Except as a non-corporate group of people.

A. Yes, but, of course, as such it has no title to this paper.

Mr. Monaghan: I think that is all.

1247 RE-DIRECT EXAMINATION.

Examined by Mr. Murphy:

Q. You have there the articles of corporation of the Farmer Labor Federation?

A. I have a copy.

Q. According to those by-laws and according to those articles it looks as though that paper belongs to that Federation, doesn't it?

A. That is my legal opinion.

Mr. Murphy: That is all.

1248 RE-CROSS EXAMINATION.

Examined by Mr. Monaghan:

Q. Calling your attention to Mr. Creel's affidavit, and Section 2 of that published declaration of ownership under oath made to the United States government, does that have any effect upon your opinion as to ownership?

Mr. Murphy: Objected to as incompetent, immaterial and not proper cross examination. He cannot ask the witness to pass his opinion upon

newspaper articles, or upon what anybody else does or says. 1249

The Court: Objection sustained.

Witness: Just as a statement, and not answering the question, I suppose that the gentleman who made that assumed that there had been a legal change in the name. I am not, you understand, disobeying Mr. Murphy's mandate, Mr. Monaghan. That is just a statement. I should apologize to my counsel, but it is very difficult for a lawyer to sit in a court room for four days and keep still.

The Court: You know what a man says about being his own lawyer, don't you? 1250

Witness: I know, that is why I heeded the admonitions here.

Mr. Murphy: As a part of the governor's examination I want to offer Exhibit 4, a part of the articles of incorporation.

Mr. Monaghan: I object to it, as being no proper foundation laid for it.

Mr. Murphy: It is a copy of the articles brought here by the secretary of state's office. That is one of the articles he testified about. He had them here, and we had a copy. 1251

The Court: Marked Contestants' Exhibit 4?

Mr. Murphy: Yes, he carried the originals away with him.

Mr. Monaghan: On counsel's statement that that is a copy of the record that the clerk had here, I will withdraw the objection.

The Court: Very well. It will be received.

Mr. Murphy: That is all. We rest, Judge.

1252 The Court: I suppose that closes the testimony, and now we must get ourselves straightened out. I suppose you will follow the suggestion made at the adjournment at 12 o'clock and argue your motion to dismiss in connection with the admissibility of those exhibits.

Mr. Monaghan: Now, if the court please, the contestants would like to have the opportunity of submitting some rebuttal testimony.

The Court: Oh, you have rebuttal?

Mr. Monaghan: Yes.

1253 The Court: Very well; if you have rebuttal, it is all right. You are not foreclosed on that. I thought the way you were proceeding at the table that the testimony was closed.

Mr. Monaghan: I would like—I was taken rather by surprise by the abrupt ending, and I would like opportunity to bring in here the people who know about a check transaction.

The Court: Isn't it a part of your main case?

Mr. Monaghan: It is a part of the rebuttal in connection with—

1254 The Court: Only developed by yourself—only developed by you on cross examination. It is a part of your own case.

Mr. Monaghan: Well, it wouldn't be possible—it couldn't be admissible—

The Court: It was understood this morning that this case was to close this afternoon, and it was understood yesterday, and only prolong it into next week. We cannot go on tomorrow, as you know.

Mr. Monaghan: I suppose I could get those peo-

ple here in a hurry.

Mr. Murphy: Let us dispose of that question now. We offered evidence here to make a record and make it understood by the public that the governor had not committed any act of commission in relation to this Corrupt Practices Act. There was no proof in the case of the allegations of the petition, and we did not go on with the assumption that there was. 1255

The Court: You cannot supplement your case now by guise of rebuttal.

Mr. Murphy: Nothing to rebut. He is through. You were through before you started. 1256

Mr. Monaghan: Here is the proposition: Our evidence did show that some person supplied to the governor and the governor used something in excess of a thousand dollars' worth of radio time. To offset that they put the governor on the stand, and he said, "Yes, I accepted that, but that was paid for by a volunteer committee." They brought that in as their defense, because if they didn't bring in any such defense as that then the governor was proven to have accepted a thousand dollars' worth of radio time from some person or persons unknown. Suppose it was WCCO that gave that to him. He would be, of course, required to report it in his statement of expense—in his statement of receipts and disbursements. That is a part of the defense to the proposition that we have shown. 1257

The Court: Well, go ahead with your rebuttal. Put it in. The question is now whether we go over the week or not. I cannot permit that.

• • • •

Appellate Brief Page 445

(Title of Cause.)

1335

EXHIBIT A.

ORDER DENYING MOTION.

The above entitled cause came on for hearing August 7, 1935, and was then heard before the undersigned on contestants' motion for a new trial.

Mr. Mart M. Monaghan appeared as attorney for the contestants, and Mr. Frank W. Murphy appeared for the contestee in opposition to said motion.

1336 The motion was made upon the court's minutes and upon the grounds set forth in the moving papers on file, and was submitted without argument.

Now, therefore, it is ordered that the said motion be and the same is hereby in all respects denied.

Dated August 10, 1935.

By the Court:
(signed) H. D. DICKINSON,
Judge.

1337

MEMO.

This is the so-called ouster proceeding against Governor Floyd B. Olson.

As above indicated the motion was submitted without argument and without any settled case or stenographic record.

1338 Little can be said in any attempt to clarify the situation except perhaps the court might indicate briefly if not more fully the findings of the court upon which the motion for dismissal of the proceedings at the close of the trial was granted on the merits.

In substance the court found and now finds that the allegations of the contestants' petition herein in respect of any material violation of the Corrupt Practices Act are not sustained by the evidence and are therefore found not true, and as a conclusion of law that the contestee is entitled to a judg-

ment of dismissal on the merits.

The court finds that the evidence fails to establish that the contestee had any such "financial interest" in the publication known as the Farmer-Labor Leader as to require the filing with the county auditor of Hennepin County, or elsewhere, any statement with regard thereto, and that at best any such financial interest was so remote and negligible a character as to be trivial and unimportant. The contestee testified that he had no such financial interest and the court accepts such statement to be true.

1339

1340

The court further finds the contestee's testimony to be true to the effect that he had nothing whatever to do with the so-called item of "radio time" other than to accept an invitation to broadcast, and that the item was of no expense to him and imposed no contract or obligation, direct or indirect, upon him to pay therefor.

In any event the court finds that the contestee acted in entire good faith in regard to both of these alleged offenses and that under all the circumstances disclosed by the testimony it would be unjust that the contestee should be required to forfeit the office of chief executive of this state to which he has been duly elected.

1341

It follows as above stated, that the contestee is entitled to the judgment of dismissal on the merits, and that entry of such judgment may be had accordingly.

This memorandum is hereby made a part of the

1342 original order of dismissal and is the written decision of the court in these proceedings.

Dated August 10, 1935.

By the Court:
(signed) H. D. DICKINSON,
Judge.

(Title of Cause.)

JUDGMENT.

The above entitled matter duly came on for trial
1343 and was tried before the Honorable H. D. Dickinson, one of the judges of said court without a jury on the 17th, 18th, 19th and 20th days of June, 1935. At the conclusion of the trial the case was dismissed upon the merits. Thereafter, a motion was made by the contestants for a new trial. On the 10th day of August, 1935, Judge Dickinson made an order herein denying said motion for new trial and as a part of said order and of the aforesaid order of dismissal, found, stated and determined as follows:
1344

"Memo.

This is the so-called ouster proceedings against Governor Floyd B. Olson.

As above indicated the motion was submitted without argument and without any settled case or stenographic record.

Little can be said in any attempt to clarify the situation except perhaps the court might indicate briefly if not more fully the findings of the court upon which the motion for dis-

missal of the proceedings at the close of the trial was granted on the merits. 1345

In substance the court found and now finds that the allegations of the contestants' petition herein in respect of any material violation of the Corrupt Practices Act are not sustained by the evidence and are therefore found not true, and as a conclusion of law that the contestee is entitled to a judgment of dismissal on the merits.

The court finds that the evidence fails to establish that the contestee had any such "financial interest" in the publication known as the Farmer-Labor Leader as to require the filing with the county auditor of Hennepin County, or elsewhere, any statement with regard thereto, and that at best any such financial interest was so remote and negligible a character as to be trivial and unimportant. The contestee testified that he had no such financial interest and the court accepts such statement to be true. 1346

The court further finds the contestee's testimony to be true to the effect that he had nothing whatever to do with the so-called item of "radio time" other than to accept an invitation to broadcast, and that the item was of no expense to him and imposed no contract or obligation, direct or indirect, upon him to pay therefor. 1347

In any event the court finds that the contestee acted in entire good faith in regard to

1348 both of these alleged offenses and that under all the circumstances disclosed by the testimony it would be unjust that the contestee should be required to forfeit the office of chief executive of this state to which he has been duly elected.

It follows as above stated, that the contestee is entitled to the judgment of dismissal on the merits, and that entry of such judgment may be had accordingly.

1349 This memorandum is hereby made a part of the original order of dismissal and is the written decision of the court in these proceedings.

Dated August 10, 1935.

By the court:

(signed) H. D. Dickinson,
Judge."

Reference is hereby had to the proceedings in the said cause and of the order before referred to.

1350 Now, therefore, in pursuance of said order of the court and the proceedings herein and upon consent of the attorneys representing both parties, to the entry of judgment at this time, it is ordered, adjudged and determined:

1. That the contestants failed to establish the allegations of their petition herein and said proceedings are hereby dismissed and determined upon the merits and that the contestants have no relief herein and that the contestee recover a statutory fee of \$10.00 agreed to between the parties together

with the fees of the clerk of the court which have
not heretofore been paid, amounting to \$5.00. 1351

GEO. H. HEMPERLEY,
Clerk of District Court.

Entered Sept. 21, 1935.

(Title of Cause.)

NOTICE OF APPEAL TO SUPREME COURT.

To Frank W. Murphy, attorney for the above
named contestee, and to George H. Hemperley,
clerk of said District Court: 1352

Please take notice: That the above named con-
testants appeal to the Supreme Court of the state
of Minnesota, from the final judgment of said Dis-
trict Court, entered herein on the 21st day of Sep-
tember, 1935, and from the whole thereof; and,
that said contestants appeal from that certain or-
der of said District Court entered herein on the
10th day of August, 1935, and, of which written
notice was served by said contestee upon said con-
testants on the 23rd day of August, 1935, denying 1353
contestants' alternative motion for amended find-
ings and vacation of the order of dismissal there-
tofore entered herein, or, if that were denied, then
for a new trial, and from the whole of said order
denying said alternative motion.

Dated September 21st, 1935.

MART M. MONAGHAN,

Attorney for Contestants,

At. 5662

526 Hodgson Building,
Minneapolis, Minnesota.

Minnesota Supreme Court
HERMAN TRONES AND OTHERS

v.

FLOYD B. OLSON

197 Minn. 21, 265 N.W. 806
(March 20, 1936)

Trial -- necessity of stating findings of fact and conclusions of law separately.

1. The failure of the court to comply with 2 Mason Minn. St. 1927, §9311, was cured by the filing of a memorandum which states the facts found and the conclusions of law separately.

Election -- corrupt practices and expenditures.

2. 1 Mason Minn. St. 1927, § 540 (corrupt practices act), does not require a mere dues-paying member of a political party, which publishes a newspaper for political propaganda and not for profit, to file an affidavit of financial interest in such newspaper upon becoming a candidate for office.

Election -- corrupt practices and expenditures.

3. The evidence failed to show that respondent violated §556 in omitting from his verified election statements the value of the space in the Leader, the newspaper published by the Farmer-Labor Association, a political party, devoted to respondent's election as governor in the November, 1934, general election -- there being no evidence that respondent, directly or indirectly, controlled what was published in the Leader during respondent's candidacy.

Election -- corrupt practices and expenditures.

4. Respondent did not violate said §556 in failing to report in the verified election statements, filed thereunder, the value of the time consumed in broadcasting over the WCCO radio station during his campaign. The evidence shows that a volunteer committee, with whom respondent had no connections, had purchased time for

broadcasting and had notified respondent that it had allocated a certain amount thereof for respondent's use.

Proceeding in the district court for Hennepin county, based on alleged violation of the corrupt practices act, to contest the election of Floyd B. Olson as governor at the 1934 general election. The matter was tried before Horace D. Dickinson, Judge. At the close of the evidence the court dismissed the proceeding on the merits. Contestants appealed from the judgment and from an order denying their motion for a new trial. *Affirmed.*

Mart M. Monaghan, for appellants.

F. W. Murphy, for respondent.

HOLT, JUSTICE.

Appeal from an order denying a new trial and from the judgment dismissing on their merits an election contest.

In the November, 1934, general election Floyd B. Olson was declared elected governor of this state. Thereafter and on December 6, 1934, 29 legal voters filed a petition in the district court of Hennepin county charging that respondent, Floyd B. Olson, had violated the corrupt practices act and asking that he be adjudged to have forfeited his office. Over the objection of respondent the petition was amended after it was filed. It is lengthy and verbose; but, as amended, the violations charged are these: (1) That respondent did not file the affidavit of his ownership or interest in the *Farmer-Labor Leader*, a newspaper which supported his candidacy in the election campaign, contrary to 1 Mason Minn. St. 1927, §540; (2) that respondent failed to report the value of the space furnished by said newspaper in advocacy of his election as required by §556 of the Code; and (3) that respondent failed to report the value of the radio service he had availed himself of to further his election as said §556 also demands.

Where an action is tried to the court, 2 Mason Minn. St. 1927, §9311, provides that "the decision shall be in writing, the facts found and the conclusions of law shall be separately stated, and judgment shall be entered accordingly." *Pioneer L. & L. Co. v. Bernard*, 156 Minn. 422, 195 N.W. 140; *Palmer v. First Minneapolis Trust Co.* 179 Minn.

381, 230 N.W. 257, 258. In the instant case, after both sides had submitted their evidence, the court, on respondent's motion, dismissed the proceeding on the respondent's motion, dismissed the proceeding on the merits. Appellants moved for a new trial and for certain findings. To the order denying the motion the court appended this memorandum:

"This is the so-called ouster proceeding against Governor Floyd B. Olson.

"As above indicated, the motion was submitted without argument and without any settled case or stenographic record.

"Little can be said in any attempt to clarify the situation except perhaps the court might indicate briefly if not more fully the findings of the court upon which the motion for dismissal of the proceedings at the close of the trial was granted on the merits.

"In substance the court found and now finds that the allegations of the contestants' petition herein in respect of any material violation of the Corrupt Practices Act are not sustained by the evidence and are therefore found not true, and as a conclusion of law that the contestee is entitled to a judgment of dismissal on the merits.

"The court finds that the evidence fails to establish that the contestee had any such 'financial interest' in the publication known as the *Farmer-Labor Leader* as to require the filing with the county auditor of Hennepin County, or elsewhere, any statement with regard thereto, and that at best any such financial interest was so remote and negligible a character as to be trivial and unimportant. The contestee testified that he had no such financial interest and the court accepts such statement to be true.

"The court further finds the contestee's testimony to be true to the effect that he had nothing whatever to do with the so-called item of 'radio time' other, than to accept an

invitation to broadcast, and that the item was of no expense to him and imposed no contract or obligation, direct or indirect, upon him to pay therefor.

"In any event the court finds that the contestee acted in entire good faith in regard to both of these alleged offenses and that under all the circumstances disclosed by the testimony it would be unjust that the contestee should be required to forfeit the office of chief executive of this state to which he has been duly elected.

"It follows as above stated, that the contestee is entitled to the judgment of dismissal on the merits, and that entry of such judgment may be had accordingly.

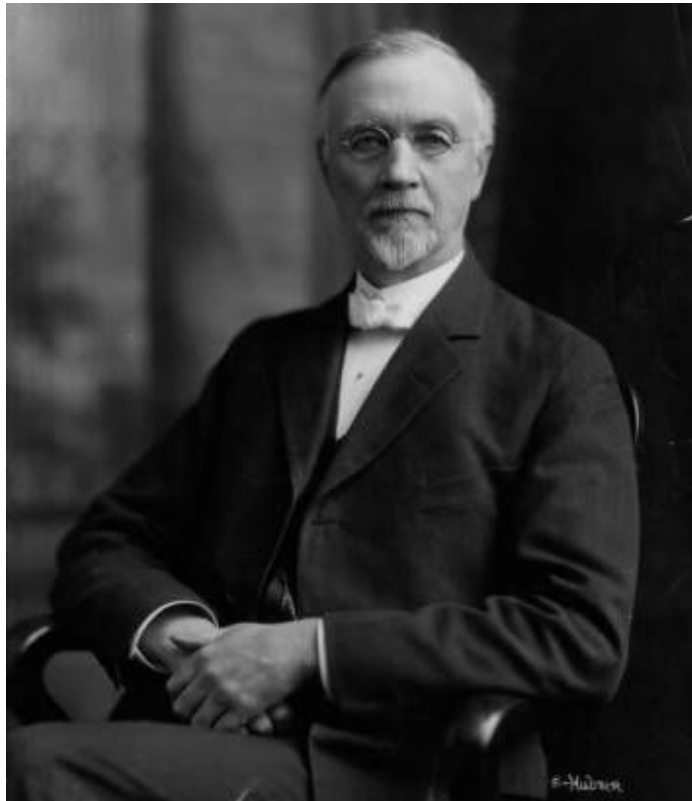
"This memorandum is hereby made a part of the original order of dismissal and is the written decision of the court in these proceedings."

The judgment appealed from was rendered upon the memorandum incorporated in the judgment. The dismissal at the close of the trial was irregular, and the learned trial court so realized when he denied the motion for new trial and made a part of the order the memorandum above quoted, which, disregarding its label, constituted a decision in writing in conformity with 2 Mason Minn. St. 1927, §9311. The motion for a new trial was made upon the minutes of the court and the stenographic report. After the entry of judgment there was a case settled.

The only interest, financial or otherwise, of respondent in the publication or newspaper known as the *Farmer-Labor Leader*, hereinafter called the *Leader*, was this: Respondent had been for several years past a member of a political party known as the Farmer-Labor Association, paying \$1.50 a year as dues. It does not appear that this is other than an unincorporated aggregation of persons. How many members there were in 1934 was not shown. The *Leader* appears to be published by the Farmer-Labor Association. It is not published for profit, but evidently in the interest of the Farmer-Labor political party. Respondent testified positively that he had no financial interest in the *Leader*, had no part in directing its policies or in deter-

mining what should or should not be published therein; that he had not paid for nor incurred any obligation for the payment of anything in its columns during his campaign. There was no evidence to the contrary. It is idle to contend that the payment of membership dues of \$1.50 a year in an association publishing a newspaper for propaganda and not for profit conferred on respondent such a financial interest in the paper that he, as a candidate for election, was required to file an affidavit of ownership or financial interest under §540.

As to the second charge, that respondent violated §556 in failing to include in his filed statements of election expenditures the value of



Justice Andrew W. Holt (ca. 1930)

the publications or advertisements in the *Leader* in his behalf during the election campaign of 1934, the only evidence introduced was copies of the issues of the *Leader* published before the election. Here again there was an utter lack of proof of any published matter which it was the duty of respondent to report in his verified reports of election statements either under §556 or any other provision of the corrupt practices act. Respondent testified that he had not requested the publication of any matter in the *Leader*; that he had nothing to do with its management or with its policies or program; that he had undoubtedly read some of its articles advocating his election, but had requested the insertion of none and that he had paid for nothing therein published and had not been asked to do so. There was no evidence in any respect contradicting that of respondent. There was no effort to prove that respondent had any personal connection with any committee or group of the Farmer-Labor Association which ran or

controlled the *Leader* or was responsible for what was published therein to promote the election of respondent as governor. Section 556 cannot be so construed as to require every candidate for a public office, at the risk of forfeiting the office if elected, to ascertain and itemize, in his verified expense accounts filed, the value of the space devoted to his election in every newspaper and publication circulated within the territory wherein reside the electors whose duty calls on them to vote for or against him at such election. Such construction would be absurd. Appellants claim that inasmuch as the *Leader* printed political campaign matter otherwise than as paid advertisements in advocating the election of respondent, being published by his servants and agents as such, with his knowledge and consent, he must be held to have accepted this service of great value and is required to report its receipt and the value thereof. There was no evidence offered tending to show that respondent or any agent or servant of his inserted or requested the publication in the *Leader* of any matter outside of paid advertisement in behalf of respondent. As stated, copies of the issues of the *Leader* during the time in question were received in evidence, but we are not inclined to go through its pages and determine which are not paid advertisements but are in advocacy of his election. No items or spaces in its columns are referred to in appellants' brief as having been printed at his suggestion or request or at the suggestion or request of any committee or agency of respondent, and no witness was called to identify any such article. It is surmised that counsel refers to every member of the Farmer-Labor Association as an agent of respondent on the strength of *Martin v. Northern Pacific Beneficial Assn.* 68 Minn. 521, 71 N. W. 701, cited by counsel. There a demurrer to a complaint in an action for the wrongful death of plaintiff's intestate, a member of defendant, an unincorporated association, caused by defendant's negligence, was sustained. This decision does not help appellants. The charge in the instant case is not that the Farmer-Labor Association violated §556 or any other law, but that respondent as an individual and candidate for election violated that section. If he did, it was a penal offense, for which he alone is responsible. Because respondent is a dues-paying member of the Farmer-Labor Association he does not thereby become responsible for every other dues-paying member of that unincorporated association on the theory that they are his servants or agents and he

theirs in any tort or in any criminal offense. It is to be noted that respondent was not charged with any offense against any other candidate for governor, nor with securing votes by fraud or bribes or promises of position or money. It was only for violation of the provisions of §§540 and 556. There was no charge in the petition that respondent had violated any provision in §§580 to 600, inclusive. In *Mariette v. Murray*, 185 Minn. 620, 242 N. W. 331, the evidence was held insufficient to establish that the political committee there involved was in fact the personal campaign committee of the contestee appellant therein. Language used in that decision may well be applied in this case, where there is a total absence of any evidence that any particular space in the columns of the *Leader* was published at the request of respondent, either directly or indirectly. Hence he cannot be charged with violation of § 556 in that he did not include the value of matter published without his request or authority, and, so far as this record goes, without his knowledge prior to the publication.

In regard to the violation of said §556 in omitting from the verified expense statements filed thereunder the value of time respondent received to broadcast over the WCCO radio station, the facts are these: The OLSON FOR GOVERNOR VOLUNTEER COMMITTEE had procured time for radio broadcast of the WCCO station and notified the respondent that a certain amount thereof had been allotted to him. He did make use thereof. The man in charge of the WCCO station testified that the time made use of by respondent during his campaign for governor in 1934 was worth slightly over \$1,000. He testified that "the party" had bought the time, without designating what party. But it may be inferred from respondent's testimony that it was the OLSON FOR GOVERNOR VOLUNTEER COMMITTEE that incurred the expense. There was no attempt by appellants to prove who constituted that committee or whether the committee was an organization functioning properly under the corrupt practices act. Nor was it shown that it violated any provision of that act. Nor was any attempt made to prove that it was either the personal or political committee of respondent. On the other hand, respondent testified that he had made no request of the radio station to broadcast and had not agreed to pay therefor; and, as to the OLSON FOR GOVERNOR VOLUNTEER COMMITTEE, that he had nothing whatever to do

with it, that it simply notified him that the radio time was available for his use in the political campaign; that he had made no contribution to the committee nor done anything toward collecting money for it; nor had he authorized any persons to collect contributions for it; nor had he anything to do with disbursing any money of that committee either directly or indirectly.

When the corrupt practices act was first enacted the use of broadcasting over, the radio was unknown. In the amendments to the law since radio broadcasting came into vogue, there is nothing as to reporting in the verified expense accounts of a candidate for office the value of the radio time he has had the free use of. Apparently it has been regarded as no different from a candidate speaking in his own behalf in a church, public school, or public hall at the invitation of those in control of the building. But, however that may be, under the undisputed evidence of respondent and the manager of the radio station, there is no foundation whatever for a claim that respondent violated §556 in omitting from his verified expense statements the value of the broadcasting over the WCCO radio station of which he availed himself.

In view of the conclusion reached upon the three grounds of contest, it is not necessary to consider the rulings in respect to the amendment of the petition by adding the charge of violating §556 in respect of omitting the value of the broadcasting long after the expiration of the time for instituting the contest, and likewise the claim that the contest should have been dismissed on the ground that so many of the appellants had signed the petition to contest respondent's election under a misapprehension of its purpose.

The matter was rightly disposed of, and the order and judgment are affirmed. •

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Credits

Four photographs have been taken from *Men of Minnesota* (1915): Senator Thomas D. Schall on page 33; Judge John A. Roeser on page 55; Judge Horace D. Dickinson on page 81; and Frank Murphy on page 129.

Three photographs are from the collection of the Minnesota Historical Society: the portrait of Frank Murphy on page 2; the Murphy residence in Wheaton on page 8; and F.D.R. riding in an open automobile in his visit to St. Paul in October 1936 on page 97.

The photographs of the lawyers and their clients preparing for the “Ouster” trial (1935) on page 82, the photograph of Floyd B. Olson smoking a cigar (1933) on page 39 and of Associate Justice Andrew Holt (1930) on page 326 are from the Minneapolis Newspaper Collection, Hennepin County Library.

The photographs of Frank Murphy on pages 19 and 126, and the newspaper advertisement of Murphy’s radio address for Floyd B. Olson (1930) on page 37 are from the Minneapolis History Collection and Special Collections, Minneapolis Central Library, Hennepin County Library.

The photograph of the Board of Regents (ca. 1935) on page 52 is from the University of Minnesota Archives, University of Minnesota-Twin Cities. It also has the photograph of Murphy (1934) on page 126 available.

Acknowledgments

One of my regrets while working on this article is that Frank Murphy’s family and law partners did not donate his papers to the Minnesota Historical Society after his death. This is not an isolated failure. For some reason, lawyers and judges in this state have not recognized the historical importance of their papers. In any event, this article—and most others on the MLHP website—could not have

been researched without frequent use of the newspaper collection of the Historical Society. This website could not exist without it.

The trial transcript of the “Ouster” case was copied from the appellate briefs filed in the Minnesota Supreme Court and available at the State Law Library. I have used this Library to great advantage well over a hundred times since “launching” the MLHP ten years ago.

I am particularly thankful to Lori Lundstrom, Intermittent Librarian at the Minneapolis History Collection and Special Collections, Minneapolis Central Library, Hennepin County Library, for providing me with photographs of Murphy and giving me access to a file of newspaper clippings about him.

And to Erin George, Research Services Archivist at the University of Minnesota Archives, for searching for Murphy’s appointment to the Board of Regents and for photographs of Murphy and the Board in 1935.

Finally I am indebted to historians whose works I have relied upon and quoted extensively: Gilbert C. Fite, Richard M. Valelly, Michael J. Lancing, Millard L. Gieske, George H. Mayer, John D. Hicks, Arthur M. Schlesinger, Jr., Robert J. Morlan, Robert K. Murray, Steven J. Keillor, John Earl Haynes and William Millikan. Anyone who comes to writing history late in life as I have very quickly comes to recognize and admire the abilities, interpretative skills and breadth of knowledge of professional historians. One of the pleasures of writing this article is being able to cite these superb scholars.

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Posted MLHP: January 4, 2018.