

THE POLITICAL CAREER OF CHESTER I. LONG

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by

Raymond L. Flory
B. S., McPherson College, 1940
A. M., University of Kansas, 1942

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Advisory Committee:

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Chapter I

LONG'S EARLY LIFE AND PUBLIC CAREER PRIOR TO 1903

" . . . he doesn't smoke, nor does he drink. I have never heard him swear." He doesn't have any fads " . . . except, possibly, politics. He likes to fish, but doesn't take the time." Such was the observation secured by a newspaper reporter concerning Chester I. Long, soon after the latter had received the nomination for United States Senator from Kansas in 1902. The reporter observed that his purpose was to find the human side of the man, but it looked discouraging. "There was little promise of anything else than a colorless man, who by luck or perseverance without limit had advanced in politics."¹

Long was not a native of Kansas. He was born in Perry County, Pennsylvania, in 1860. Five years later the family moved west and located on a farm in Daviess County, Missouri, where young Chester received his early schooling. At sixteen he began teaching and in 1879 he entered the normal school at Paola, Kansas, where he was graduated the following year. After several seasons of teaching he moved to Topeka and entered the law office of Peck, Johnson, and MacFarland, and was admitted to the bar in 1885. In the meantime he had officially changed his name from "Isaiah C." to "Chester I." because "his sense of harmony, gained in the years he spent as a teacher of elocution . . . induced him to transpose his Christian name . . ."²

Long soon selected Medicine Lodge, a typical frontier town of approximately 1000 inhabitants, in Barber County, Kansas, as a suitable place to "hang out his shingle." There were already eighteen practicing lawyers in the town, but Long informed them they would need to make room for another for he was coming.

In 1888 he found himself involved, almost accidentally, in the contest for the state legislature. In that year Jerry Simpson, also of Medicine Lodge, was a candidate for the legislature on a Union Labor-Democratic ticket. The later familiar picture of the Farmers Alliance as the forerunner of the People's Party was as yet quite unknown, and Simpson's ticket was among the first of the fusionists.

On the Saturday before election day in 1888 Long made a speech in Medicine Lodge before a large afternoon crowd in which he attacked the fusion. Presently Simpson appeared in the audience and challenged the speaker, and shortly a debate developed between the two. Long later observed that there was nothing for him to do but to "fight it out," which he evidently did with some enthusiasm. Simpson was defeated for the legislature.³

During the next year Mr. Francis Price of Ashland resigned from his post as state senator to accept the position of district judge under appointment by Governor Humphrey. Long offered himself for the position and was finally nominated in one of the most exciting conventions in Kansas politics. The thirty-seventh state senatorial district at that time comprised the counties of Barber, Clark, Comanche, Harper, and Meade. The three candidates were George W. Finch of Harper, Long of Barber, and George Emerson of Meade. The thirty-four delegates to the convention met at Coldwater in Comanche County, June 3, 1889.

While the first ballot was being reported, Clark County, which had first cast its ballot for Emerson, threw its five votes to Finch, which made a total on that ballot of 21 for Finch and 13 for Long. Before the result could be announced, however, and before Finch could get to the platform, there was a dramatic incident in which Harper County also changed its vote. The Harper delegation had been directed by its county convention

to vote for Finch, but the delegates were divided, and they were not ready to permit the surprise shift of votes by Clark County to determine the election for Finch. Consequently, Charles S. Jobes, a banker from Attica, jumped to his feet and declared that Harper County was changing its vote to six for Finch and five for Long, which would have given the nomination to the latter. In the resulting pandemonium a roll call was taken and it resulted in a seventeen to seventeen tie. In the ensuing ballots both sides remained firm until the twenty-eighth ballot at three in the morning when the Meade delegates went over to Long and he was nominated.⁴ In the election on November 5, Long defeated his Democratic opponent, A. M. Van Laningham.

It was generally conceded on all sides that Long did a creditable job as state senator. Indeed, for the next dozen years there was scarcely any adverse criticism of his work either in Topeka or in Washington, except from his home town neighbor and perennial congressional opponent, Jerry Simpson, the "Sockless Socrates" of Medicine Lodge.

As the election of 1892 approached it became apparent that Long would be a strong contender for the office of representative of the seventh district of Kansas in the national legislature. In January of that year friendly newspapers ran a series of editorials which sought to place Long favorably in the public eye. The Anthony Journal observed that the people of Long's senatorial district were proud of their senator. He was a brainy and scholarly man and enjoyed the confidence and esteem of all who knew him. Furthermore, the office of state senator was the only office he had ever sought or held. He had been a prominent member of the committee on judiciary and his thorough knowledge of law had placed him in a position of leadership in the higher branch of the legislature.⁵

A month later the Cherry Vale Republican suggested that Long was being spoken of very favorably as a successor to Simpson as the representative from the "Big Seventh." It was claimed that Long was one of the ablest young men in Kansas and was an eloquent speaker and a powerful debater. "His election would not only redeem the Seventh district, from the terrible blow received two years ago, but would be a credit to the entire state."⁶

The Republican convention met in Kingman June 15, and the various hopefuls as usual attempted to guide the nomination in their own way, though it appeared from the outset that Long had the stronger position of the candidates for the national House of Representatives. The Kingman Leader Courier, Morton Albaugh's paper, observed that Long had active, earnest supporters all over the district who were very enthusiastic and did wonders among the doubtful and uninstructed delegates. Ed Sample of Barber County placed Long's name in nomination, and the name of J. W. Jones was offered by Dr. L. F. Cain. After the customary seconding speeches the roll was called and Long received 105 votes to 57 for Jones. A motion by Col. Hollowell to make the vote unanimous was approved by the convention. A congressional committee for the district was named and organized, with Morgan Caraway of Great Bend as chairman and L. M. Axline of Medicine Lodge as secretary.⁷

Long's nomination by the Republicans met with favorable comment in the press. The Topeka Daily Capital, which later developed an antagonistic policy toward Long, observed that it was a foregone conclusion that the seventh district would select a top quality man to beat Jerry Simpson, and it was a question whether it would be Jones or Long. Long had won the fight by a flattering majority. The paper continued:

Long is as well equipped mentally, morally, and physically to make a great career in Congress as any man in Kansas. He is a hard headed young man, ambitious but holding his own honor above honors that may be bestowed upon him, studious yet sociable, aggressive without self-assertion, capable, and in the habit of weighing and determining questions for himself. He is alert as well as solid and will meet Jerry Simpson on any ground and beat him. . . . In this campaign for the first time in his life Jerry is on the defensive and Long will see to it that he remains in that attitude during the campaign. Long's record gives Simpson little opportunity to play the characteristic role of demagogue to the disadvantage of his opponent. He started in life poor and paid for his own schooling. His character is above reproach. Innuendo will not reach him. In his district he is known as a self-made man, an example of what brains and industry will do. He is familiar with all the issues and is ready to meet the alliance platform with sound argument. If the majority in the Seventh district admire brains, integrity and manhood Chester I. Long will beat McFlimsey for Congress.⁸

After having served one rather spectacular term in Washington, Jerry Simpson was easily the candidate for the fusion elements of the "Big Seventh," and undertook the responsibilities of the campaign with his customary enthusiasm.

The nomination of Simpson was not a cause for rejoicing among all the members of the anti-Republican camp, and the Hutchinson Times, the only Democratic newspaper in Reno County, bolted from the action of the Dodge City convention. The Times had preferred that the Democrats not nominate a candidate but simply permit those who chose to cast their vote for Simpson.

The paper was not "willing to be a party" to the killing of the Democratic party. The editor commented sharply: "The Times therefore refuses to follow such leadership and declines to give its aid to sustaining the fortunes of the men and measures represented by the political accident of Medicine Lodge. We are unwilling to give Democratic respectability to a man who is capable of stating on the floor of Congress that 'there is not a man with any sense in this country who would take a farm as a gift today either in New England or anywhere else while this iniquitous tariff is in existence, because he could not make a living upon it.' We are unwilling to give place and power to one who goes about the country teaching the doctrine of hate and discord."⁹

As the campaign progressed the prospect of a debate between the two candidates was a subject of considerable discussion. The Barber County Index, a pro-Simpson paper, had made an occasion to suggest that in the event of Long's nomination that paper would "demand" a joint debate in every county in the district. "Can sockless feet or silk stockings make the better race?"¹⁰ With Long as a candidate the Republicans were willing to receive such a challenge and in September the chairman of the Republican Congressional Committee, Mr. Morgan Caraway, wrote to F. J. Bailey of the People's Party Congressional Committee suggesting a series of from two to ten joint discussions "of the issues of the campaign in this district."¹¹ Bailey replied that he hadn't even bothered to consult Simpson but would refuse to concur for two reasons:

(1) Long had been trying for six weeks to command an audience of respectable size but had failed dismally, whereas, "Mr. Simpson's Campaign [sic] in this district has been one continuous ovation, and therefor [sic] I do not wish to be a party to or in any way assist in forceing [sic] the

people to hear Mr. Long" when they have shown so clearly that they did not wish to hear him.

(2) Since constant misrepresentation and abuse of opponents "and not argument upon the burning and vital issues of the hour, is the sole [sic] 'stock in trade' of Mr. Long and his fellow Republicans who pretend to 'stand up for Kansas'" the debates could not in any way enlighten the people of the district or benefit the "cause which Mr. Simpson so honorably represents."¹²

The Hutchinson Times observed that no one who knew Jerry Simpson and the record of his party would be at all surprised at his declining to meet Long in joint debate, for "The fallacies and falsehoods of the People's party could not stand the searching light that would be thrown upon it by Chester I. Long."¹³

An example of the "burning and vital issues of the hour" was perhaps expressed by Simpson in an article he had written for the National Watchman, an Alliance paper in May of 1892, in which he said, in part, concerning the poor:

The poor privilege of producing wealth is graciously granted with the understanding that they surrender the products of their toil to those lords of the nation and thousands denied this poor privilege go clothed in rags wanting the necessaries of life. Under these conditions life becomes a fierce and terrible struggle. Men sell their honor, women their virtue, children become criminals and outcasts in a land where the forces for producing wealth are so enormous that if the people could obtain access to this vast store house they could feed the world and have abundance left.

. . . Tell the people that this fee is entrenched behind the law, that precedent and custom and the mossgrown evils that have

come to be looked upon as right and just beside wealth, avarice [sic] and greed arrayed against them and that to overcome this enemy there must arise in the people a spirit of self-sacrifice and a devotion to principles.

. . . All must give what they can to swell the fund, to bear the expenses for this grandest conflict that ever human beings have been engaged in.¹⁴

At a political meeting in Wichita on August 18, Judge Botkin of Stevens County publicly read excerpts from the Simpson article and then later disclosed its author. Simpson was in the audience and accused Botkin of trying to do him an injustice. He later asserted that he was referring to the poor in Boston and New York rather than Kansas, but Botkin reminded him that the article had been prepared in response to a request for a discussion of the condition of his constituents.¹⁵

As the campaign progressed it became evident that Simpson had not lost his winning ways with the voter. It may have been true, as charged in the Hutchinson News, that Simpson had "about as clear a conception of the work of the agricultural bureau in the interests of the farmers of the seventh congressional district of Kansas, as a ring tailed monkey has of Homer's Iliad," but while he had some fundamental deficiencies in his knowledge of basic issues, he did have a very good working knowledge of frontier psychology and was a politician of no mean order. With the returns of the election of November 8, it was clear that Simpson had carried Barber County and the seventh district.¹⁶

The campaign of 1892 was in a real sense only the first round for the men from Medicine Lodge, for they consistently ran against each other and exchanged elections throughout the decade of the 1890s. Long later summarized their activity as follows: "In the four campaigns Simpson and I

made the issue changed every two years, rather an interesting point in politics. In '92 it was discussion of the old Populistic theories--sub treasuries and unlimited paper money. In '94 came the tariff, the patched up Wilson bill had just become a law and I made that an issue in the district. In '96 it was free silver. In '98 it was expansion. In 1900 it was what the opposition called imperialism, but Simpson didn't run that year."¹⁷

In spite of sharp differences of political opinion, Long held a high appreciation of Simpson as a campaigner. He later observed:

Simpson is quick, bright, sharp. He may not argue soundly, but he tried to say what he thought the people wanted to hear, and he said it well. We were both from the same town--Medicine Lodge with 800 inhabitants--and we had to live close together. We were always friendly, despite the fact that we constantly opposed each other, and personalities did not enter into the speeches. Simpson made the audience laugh with his stories and ridicule, while I had only arguments to offer.

The Simpson currency arguments made good reading these days. He told them he would give them all the circulating medium "per capita" they wanted. They were all a little short on circulating medium and he would make it at least \$150 for each man, woman and child. If his constituents wanted it "raised" to \$4,000 per capita they need only to send him a card to Washington and, he said, "you shall have it."

His favorite scheme was to have the boys appoint a committee to "figer an estimate" on the gold and silver in the mountains "not found."

"Take this estimate as a basis and grind out your paper money to cover it," he frequently exclaimed.

If this would not make the amount of circulating medium the boys wanted, and if the boys should say, "Turn her some more," Simpson would say, "We will give that press down there another whirl and you shall have more on a raised estimate of that precious metal in the mountains."¹⁸

No account of the Long-Simpson political relationship could be complete without some mention of the campaign of 1896 when both men were at their best, and when the silver issue, as mentioned above, gave Simpson favorable ground from which to operate. In that campaign the much discussed debate between the two was finally arranged through O. W. Handee, the People's Party chairman, and Frank Harlow, who served in a similar capacity for the Republicans. It was agreed that there should be six debates on the political issues of the day, as follows: Hutchinson, September 22; Newton, September 24; Wellington, September 26; Harper, September 29; Great Bend, October 1; and Wichita, October 3. The debates were to begin at 2:00 p. m. with the first speaker giving a constructive speech of one hour, followed by a one and one-half hour speech by the second speaker and a final thirty minute rebuttal by the first speaker. The order between the speakers would be alternated in successive debates.¹⁹

The attendance at the first meeting in Hutchinson was typical. Three thousand people crowded into the auditorium and one thousand to fifteen hundred had to be turned away.²⁰ In Newton some four thousand were in their seats in Wright's rink before the time for the speaking to begin, and many were unable to get inside.²¹

Long forced Simpson to take the defensive in the first debate by asking six questions which he attempted to get his opponent to answer,²² and in the debate at Harper he added four more to the list.²³ The ten questions were as follows:

1. Would the opening of the mints of the United States alone to the free and unlimited coinage of silver and gold, at the ratio of 16 to 1, raise the price of silver bullion to \$1.29 per ounce, measured by gold, and maintain it at that price?

2. Has the free coinage of gold and silver in the United States or any other country, at a fixed ratio, ever maintained the equality of the coinage and commercial ratios of these two metals? If so, when and where?

3. Is there a country in the world today that has free and unlimited coinage of gold and silver that has gold in circulation, and is there a gold standard country that does not use silver as money along with gold?

4. Are you still in favor of the demonetization of both gold and silver and the issue of legal tender money instead?

5. How did it happen that free and unlimited coinage of gold and silver in this country never gave us as much coin money, both gold and silver, per capita, as we now have of silver coin per capita?

6. Do you still believe in absolute free trade?

7. Why do you demand the ratio of 16 to 1?

8. Has the repeal of the reciprocity provisions of the McKinley tariff law benefitted the people of this district?

9. Has the Wilson-Gorman tariff lowered the price of farm products?

10. Do you still believe that property in land is an indefensible as property in man?

When the second set of questions was proposed at Harper, Simpson declared that he did not intend to waste his time answering questions. Rather, he was there to talk finance, and he proposed to down the corporations and the money power. He had a very effective way of cracking little jokes and winning applause throughout his speeches. Concerning Long's questions, one observer remarked, "He handled them with the skill of a juggler and the ease of an actor. He touched upon them one by one and dropped them with a cutely turned phrase or a witticism in such a way that he won the applause of his partisans and did not answer a single question."²⁴

The debate at Newton degenerated into a mud slinging contest between personalities. Simpson began his reply to Long's first speech by taking off his coat, vest, necktie, and collar, one of his tricks whereby he posed as the poor uneducated representative of the common man. He spent part of his time on answers to and evasions of Long's questions, and then turned to harangue and spent some thirty minutes on Long. He said the latter had spoken for free silver two years earlier and had pledged to vote for it but failed to do so. He declared that Long had voted to raise his own salary through the device of hiring clerks, and that he would double it if he had a chance. He further charged that Long had deserted free silver so that in case of defeat he could get a federal office, and that he always voted to rob the taxpayer.

Long replied with heat. He took up Simpson's record, and said that he had drawn \$100 per month clerk hire, employed no clerk, and turned the correspondence of his soldier constituents over to a pension agent. He continued a personal lashing of Simpson for ten minutes with the latter

trying to interrupt. The audience seemed to like Long for his reply.²⁵

Effective debating was not enough to carry the vote for Long in 1896, and the November election returns showed that Bryan had carried Kansas for president, Leedy was to be governor, and Jerry Simpson was chosen representative for the seventh Kansas district. Andy Richards' paper, the Wellington Mail, continued to carry a picture of Long at the head of its editorial page, and underneath was the legend: "For Congressman 1898, Hon. Chester I. Long."²⁶

Long always felt that his vote in Congress on the free silver issue cost him the election of 1896. Probably he was right. The following chapter seeks to portray some of the major areas in which Long took a leading part during his several terms in the House of Representatives.

Footnotes

1. Kansas City Star, September 14, 1902.
2. Ibid., January 31, 1903.
3. Ibid., September 14, 1902.
4. Ibid., September 28, 1902.
5. Medicine Lodge Cresset, January 8, 1892.
6. Ibid., February 12, 1892.
7. Kingman, Kansas, Leader Courier, June 16, 1892.
8. Topeka Daily Capital, June 17, 1892.
9. Hutchinson Times, August 20, 1892.
10. Medicine Lodge Cresset, May 27, 1892.
11. Letter of Caraway to Bailey, September 20, 1892, Long Papers.
12. Letter of Bailey to Caraway, September 26, 1892, Long Papers.
13. Hutchinson Times, October 1, 1892.
14. Kansas City Journal, August 21, 1892.
15. Ibid.
16. Barber County Index, November 16, 1892.
17. Kansas City Star, September 14, 1902.
18. Ibid.

19. Medicine Lodge Cresset, September 18, 1896.
20. Ibid., September 25, 1896.
21. Newton Republican, September 24, 1896.
22. Medicine Lodge Cresset, October 9, 1896.
23. Ibid., October 2, 1896.
24. Ibid.
25. Newton Republican, September 25, 1896.
26. Medicine Lodge Cresset, November 13, 1896.

Chapter II

LONG'S ACTIVITY IN THE NATIONAL HOUSE OF REPRESENTATIVES

With the opening of the Fifty-fourth Congress in December, 1895, Chester Long moved to Washington to assume his new responsibilities as representative of the seventh district of Kansas. He rented a house in Mt. Vernon, a suburb of the city, because the rents were cheaper than down town, and because he preferred the suburban atmosphere to that of the congested city. The location was served by a cable line which ran direct to the Capital.¹

Mr. Long was elected to Congress as a bachelor, but on February 12, 1895, he was married to the former Miss Anna Bache, a woman of unusual charm and dignified bearing. She and Long had met at the normal institute at Paola as students together, and Miss Bache had been a teacher of music in that institution while Long was teaching elocution. The elder Bache, father of the bride, had been an Englishman and his wife was from Kentucky. Both parents died while Anna was still a small child, and while she never attended school outside of Paola she did have excellent musical training and was the type of an individual who was to be a real asset to her husband in Washington.²

Tom Reed seemed to have a good bit of difficulty in making decisions concerning committee assignments in the Fifty-fourth Congress,³ but in due time the choices were announced and Long was assigned to two committees of minor importance. His first assignment was to the Committee on Accounts, and his second, which he considered more important, was to the Committee on Elections No. 2.⁴

The first contested case referred to Elections No. 2 was that of Van Horn vs. Tarsney, from Kansas City. With his typical efficiency Long mastered the details of the case and was given the responsibility of carrying most of the debate for the majority point of view when the committee reported to the House. The majority report of the committee was accepted and Van Horn was seated from the fifth district of Missouri.⁵

The second case referred to Long's committee was that of Mitchell vs. Walsh, a Tammany case, in which Long was assigned the responsibility of writing the report for the committee. Something of his parliamentary technique will appear in a few excerpts from the Congressional Record. In presenting the case to the House for the committee, he made the following observation: "This organization that existed in these five districts was known as Tammany Hall. In its inception it appears to have been a charitable institution, but for some years it has neglected its original purpose and design [laughter], has devoted itself exclusively to the management and control of politics in the city of New York, and has interested itself in the success of the Democratic party and its candidates. However, it still appears to be a nonpolitical organization [laughter]."⁶

After several hours of discussion and testimony the following exchange of words took place between Long on the one side and Maguire and Sulzer, who thought the majority report to be wrong, on the other:

Mr. SULZER. But what is your opinion about a man who seeks admittance on this floor who concedes that he has purchased, or that his agents have purchased, testimony?

Mr. LONG. There is no such admission.

Mr. MAGUIRE. Read page 141 of the record.

Mr. SULZER. Read the record.

Mr. LONG. I have read the record, and you have not. You have not denied the bribery. You have not put a witness on the stand to disprove the evidence that was taken by the contestant.

I believe that this House should adopt the report of the committee, and seat the contestant, who received a majority of the legal votes cast at the election. Mr. Speaker, I move the previous question.⁷

A few minutes later the vote was taken and the committee report was adopted by a vote of 162 to 39, and Mitchell was administered the oath of office.⁸

Aside from these two cases Long did not play a very prominent part in the course of the Fifty-fourth Congress. As has already been indicated, he voted against the free silver bill in February, 1896, even though such an action was at that time not popular with his constituents in the seventh district.

In the Fifty-sixth Congress, to which he returned after defeating Jerry Simpson in 1898, Long fared better with committee appointments. He was the second Kansan in the history of the state to be appointed to the Ways and Means Committee of the House. Some of the other members of that committee in the Fifty-sixth Congress whose names were destined to appear frequently in American history were S. E. Payne of New York, Chairman; Albert J. Hopkins of Illinois; Jonathan P. Dolliver of Iowa; and Francis G. Newlands of Nevada.⁹ In seeking a position on the Ways and Means Committee Long had the warm support of William Allen White, brilliant editor of the Emporia Gazette, who was later to completely reverse his estimate of Long's fitness to serve the people of Kansas as a law maker

in Washington. In a letter of November 15, 1899, to David B. Henderson, Speaker of the House, he declared: "My best friend on this Kansas delegation is Chester I. Long, who has been in congress off and on,—as you know—since 1894. He is a very capable man, and being a young man with ambition will probably be in the congress of the United States a great deal before he dies. He has the confidence of the people, and although they have defeated him once or twice, it has been a year when the state has gone overwhelmingly democratic. Chester wants a place on the ways and means committee, as you probably know, and I want him to have it. If you can help him you will greatly oblige him and place me in your debt, so that I cannot easily repay you . . ."10

It is not clear what effect, if any, White's letter had in securing the appointment for Long, but it is more than probable that Long's demonstrated thoroughness in preparation for any debate was a real factor in his favor. The Wichita Eagle observed that Speaker Henderson had worked with Long in a former Congress and "knows his penchant for painstaking and conscientious work" and had consequently placed him on the committee.¹¹ Some weeks later, after Long had performed brilliantly on the Puerto Rican tariff issue, Henderson remarked with pride that he hadn't made a mistake in his choice.¹²

With the turn of the century the American people were faced with the necessity of defining their constitutional relationship to the crop of new territories to which they had fallen heir as a result of the war with Spain. The war with the Spanish had been concluded in the summer of 1898, and the much longer war with the Philippine insurgents was being brought under control by the early months of 1900. President McKinley had entertained some grave misgivings as to the course his

government should pursue with reference to the new territories. The acquisition of new territory and the definition of its status under the law had, since Confederation days, constituted a significant part of the experience of this country, but strangely enough the question of whether the Constitution always followed the flag was still open to debate in 1900. Some aspects of that problem were particularly important in the case of Puerto Rico, and in its acquisition there were some departures from earlier practices.

The treaty of 1899 whereby the island was ceded stipulated that "the civil rights and political status of the native inhabitants of the territory hereby ceded to the United States shall be determined by Congress."¹³ It was evident, however, that Congress did not intend to incorporate the island fully into the territory of the United States with all the rights to its inhabitants that were enjoyed in the continental area of the country. It is true that the Foraker Act of April 12, 1900, which provided for an organic civil government, did state that the residents of the island were entitled to protection of the laws in Puerto Rico which would have the same force and effect as in the United States,¹⁴ but it was not easy to reach a decision upon the question of including the newly acquired territory within the customs boundary of the country.

The dispute which developed in and out of Congress was finally resolved by a series of Supreme Court Cases known as the "Insular Cases" which were decided in May of 1901. Two of these cases have bearing upon the issue of the collection of duties from Puerto Rico after it was ceded. The first, *De Lima vs. Bidwell*, sought to recover duties paid on sugars imported from the island to the United States after the ratification of the treaty but before the passage of the Foraker Act.

The court held that the duties were wrongfully exacted inasmuch as the island was no longer a "foreign country" in the meaning of the Dingley tariff law calling for duties upon articles imported from foreign countries.¹⁵

The second case, *Downes vs. Bidwell*, dealt with the question of whether or not the Congress had a constitutional right to levy duties upon importations from Puerto Rico. The judges held that by the treaty of cession the island became a part of the territory belonging to the United States, but not a part of the United States so far as the revenue clauses of the Constitution were concerned or in the sense of requiring uniform duties throughout the country. Furthermore, it was stated that the assessment of duties on imports by the Congressional act known as the Foraker Act was constitutional.

However, the Insular Cases anticipate the answer to what was a very knotty problem in 1899. In December of that year President McKinley, in his message to Congress, made a direct call for free trade, as follows: "Our plain duty is to abolish all tariff customs between the United States and Puerto Rico and give her products free access to our markets."¹⁶ That remark was to provide a storm center for much of the debate in the ensuing session of Congress.

Debate on the issue was opened on February 19, 1900, when the House took up consideration of H. R. 8245 concerning the trade of Puerto Rico as reported by the Ways and Means Committee. There were three principal parts to the measure:

1. All articles imported into Puerto Rico from ports other than those of the United States should carry the same customs and duties as articles imported into the United States from foreign countries.

2. All merchandise coming into the United States from Puerto Rico and that coming into Puerto Rico from the United States should be entered upon payment of 25% of the duties which would be required upon like articles of merchandise imported from foreign countries.

3. All duties thus collected should be placed in a separate fund to be used for the government and benefit of Puerto Rico.¹⁷

One of the first considerations raised was that of allowing free sugar or cheap sugar to come into the United States. There had, indeed, been some speculation, even in Kansas, about the advisability of enlarging home production of sugar. The Wichita Eagle carried several articles on the growth of the world production of beet sugar as against cane sugar, and said that some had been grown profitably even in the temperate zone. The editor also observed that some people in Kansas, including Governor Stanley, were trying to make of Kansas a sorghum producing area, but that the proposition wasn't practical as a source of sugar.¹⁸ The sugar issue never materialized as a significant consideration in the Puerto Rican tariff bill, however, and Payne effectively disposed of it by pointing out that importations from that island were only a drop in the bucket when compared to our total consumption.¹⁹

The debate developed to interesting proportions on February 21. Representative Bromwell, a Republican from Ohio, had broken with his party in opposing the bill, but his opposition was on the ground of policy and not of constitutionality. Most of the Democrats, however, were opposing the constitutional principle involved. Against that background Long took the floor and delivered what was generally regarded as one of the best speeches in that session of Congress. It seems well to quote from that speech at some length, not only for what it reveals

concerning Chester Long, but also for what it discloses concerning the issues involved.

This is a practical question. We might as well meet it now as at a future time. Puerto Rico is in a deplorable condition. General Davis, the military governor, in his testimony before a committee of Congress, said that two-thirds of the current wealth of the island had been destroyed by the recent hurricane. The people are in need of immediate relief. Revenues must be obtained from some source to pay the expenses of government and provide schools for a people nine-tenths of whom can not read or write.

Three courses are open: Bonds must be issued, an appropriation must be made out of the Treasury of the United States, or tariff duties must be imposed that will produce revenue sufficient to pay the expenses of government and establish the much needed schools

The minority and the majority of the committee differ on several propositions. The minority contends that we can not acquire territory except for the purpose of forming it into States. The majority insists that the power to acquire territory is unlimited and unrestricted. We believe that this is a sovereign nation, with the power to acquire territory either by treaty, conquest, or discovery. We believe that in legislating for acquired territory we are acting under that provision of the Constitution which grants to Congress the power to make all needful rules and regulations respecting the territory belonging to the United States.

The minority insists that Puerto Rico and the Philippines are part of the United States. The majority believes that these

islands are not a part of, but belong to, the United States. The minority holds that if we continue to retain Puerto Rico and the Philippines it is with an implied pledge or promise that they are finally to be admitted as States. We claim that there need be no such understanding, but that in all honor we must give them good governments. . . .

. . . I want to call attention to some of the things that have been done in this country in relation to the territory belonging to the United States.

This is not a new question. We may think it is because it has not been up for consideration in a generation, but it is as old as the Government itself, . . .

The question as to whether the Constitution extends to the Territories of its own force was the occasion of a great debate between Calhoun and Webster in the Senate in 1849. Calhoun contended that it did, Webster that it did not.

At the close of the debate, after these great statesmen had concluded, there arose another statesman, . . . Stephen A. Douglas. He stated his views on this extension of the constitution:

"Mr. President, I have not many words to say on the question which has been occupying the attention of the Senate. Whether Congress has or has not the power to extend the Constitution over California, I shall vote for the proposition to extend the Constitution over that country. I believe, furthermore, that we have the same power to extend the Constitution over a country that we have to bring a country inside of it."

Whatever contention there may have been as to the necessity for extending the Constitution to newly acquired territory, the history of the United States shows that territory acquired by conquest or treaty remains foreign territory so far as customs duties are concerned until Congress extends the revenue laws of the United States over it. . . .

The opposition says that this is the first time in the history of the country that we have ever had duties that were not uniform. . . .

I challenge the correctness of the statement. . . The treaty with France in 1803 provided that for twelve years the produce and manufactures of France and her colonies and of Spain and her colonies . . . should be admitted into all the local ports of the ceded territory without paying a greater duty on the merchandise than that paid by the citizens of the United States. . .

The Hawaiian Islands were annexed by joint resolution July 7, 1898. Although this resolution provides that these islands are "annexed as part of the territory of the United States and are subject to the sovereign dominion thereof;" yet our customs and revenue laws have never been extended to these islands. . . .

Is Puerto Rico any more a "part of the United States" than the Hawaiian Islands? . . .

Now, if the contention of the minority be correct, we can not do anything with the Philippine Islands but give them free trade. We can not have any tariffs between this country and the Philippines. . . . Then, under this article, Spanish ships and merchandise must be admitted there free for a period of ten years. Then, if we can not have any tariff against the Philippine Islands,

after Spain gets her goods into those islands, she can bring them into this country free, and have free trade with the United States by way of the Philippine Islands. . . .

On the fate of this bill depends the future policy of the Administration in relation to our trade with the Philippines and the far East. The importance of the question can not be over-estimated. . . .²⁰

Debate on this bill consumed a major part of the time of the House for the next week. Objections were raised by the Democrats concerning the constitutional right of the government to levy any duties at all, and charges were submitted that the sugar and tobacco and rum interests had brought pressure to bear to increase tariff rates. One Mr. Oxnard, president of the American Beet Sugar Association, admitted before the Committee on Insular Affairs that importations at that time from Puerto Rico would have little significance, but he feared a vast increase in the production of sugar by large investment interests if they learned what a great profit could be made in the absence of any tariff.²¹ Payne later pointed out on the floor of the House that the Democrats have stooped to "trot out" Oxnard, head of sugar beet factories with a capacity of 15,000 tons against 2,000,000 tons consumed by the U. S. assert that he is at the head of the U. S. sugar trust, and say he wanted a tariff on sugar. Oxnard wanted a tariff on refined sugars, Payne agreed, but the sugar Trust "always and forever more, have demanded free sugar when it came here in the raw under 16 Dutch standard."²² Some people doubted, however, that the island possessed a very great capacity for a greatly enlarged production of sugar products. A delegation of Puerto Ricans presented a statement in which they declared that the idea of a tariff was repugnant

to them.²³ As the debate progressed an amendment was introduced by Payne after consultation with the Republican majority which reduced the tariff to 15% instead of the 25% of the amount collected from foreign countries upon like articles.²⁴ The bill passed the House in that form by a vote of 172 to 160.²⁵

When the bill was brought before the Senate for consideration a substitute for the House bill was offered which retained the 15% provision on the tariff and did not materially affect the bill in other respects except to add a provision on civil government. This combined tariff and civil government bill passed the Senate April 3 by a majority of nine.²⁶ On April 10 the bill was reported back to the House from the Ways and Means Committee with the recommendation that the House concur in the Senate amendments. The next day the Republicans of the House were able to insure its passage by mustering a majority of eight votes, and the bill was sent to McKinley for his signature.²⁷

It becomes evident that the major concern of the Republicans, and particularly of Long, on this bill, was the issue of the precedent that was being established with reference to all newly acquired possessions.²⁸ As Long's secretary observed privately, it would be suicidal for a party to face election time retaining possession of Puerto Rico and the Philippines but without power to govern them.²⁹ The charge by the Democrats that the Republicans were violating a request of the president is not impressive. Eventual free trade for the island was conceded on all sides, and the Republicans denied that they had "changed their minds" or departed from earlier positions.³⁰ Representative Dolliver of Iowa, in the closing hours of the debate after the bill had been returned from the Senate, shed some light on the nature of the opposition charges in the following statement:

. . . This measure, belied and misrepresented for weeks, is no longer on the defensive. It is a Republican measure, indorsed by the approved leaders of the party in both Houses and in every department of the Government.

I am sorry that we are not altogether united upon it in this Chamber, and I treat with good will and consideration every man whose opinions differ from mine upon it; but I exhort my Republican brethren and colleagues to stand side by side before a common and united enemy in this field skirmish preceding the Presidential campaign of 1900.³¹

The speech which Long delivered on the Puerto Rican bill was not the only activity he followed in helping to secure its passage. The next evening he was asked by Payne, who could not be present at the evening session, to take charge of the bill, and thus became practically House leader for the night. Faxon jubilantly wrote to Billy Morgan, ". . . Think of it--our representative taken up over the list of all the leaders who precede him on the committee and placed in charge of the debate, even though for a single night. The fact is, Billy, and it's the plain simple truth: Long knows more about this question than any other man on the committee."³²

When the House was considering the bill in its final form Long achieved something of a national reputation as a shrewd politician, in the better sense of the term, as the Republican "whip" who outgeneraled the Democrats. The Republicans had a normal majority of nineteen, but nine of their number were outspoken in opposition to the bill and joined the Democrats. Long was assigned the task of securing a sure majority for the measure. His most effective work was in his masterful handling of the arrangements on pairing. Some pairs were arranged between absent

Republicans and Democrats who were in Washington who would have otherwise voted against the bill. When one considers that 45 Republicans were away from the capital city a week before the vote was taken, and in the week's time Long was able to secure a pair for every one of them, the effectiveness of his work is better appreciated. The Washington Post, The New York Tribune, The Washington Evening Star, and other newspapers suggested that the Democrats might have defeated the measure, but that they were out-manipulated by Long.³³

One of the knottiest problems to emerge out of the war with Spain was the question of how to deal with the island of Cuba, which, ostensibly at least, had been at the foundation of American intervention into Spanish affairs in 1898. Following the war the responsibility rested with the Republicans to finish the job which they had started. It is true that many prominent members of the party, from the president on down, were extremely reluctant to see the outbreak of hostilities in the first place, but they were pressed into action by the yellow press and an enthusiastic electorate that had expressed a strong desire to "free Cuba."³⁴

At the time when the United States was demanding the withdrawal of Spain from the island this country issued the now famous self-denying pledge known as the Teller Resolution which declared: "That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination when that is accomplished to leave the government and control of the island to its people."³⁵

As the war progressed the American forces took control of the island, and the military occupation was under the able leadership of General Leonard Wood. After order was established, determined efforts were made

to organize the schools, set up hospitals and charitable organizations, and to relieve the unsanitary conditions of Havana and other cities. It was in a hospital near Havana that Major Walter Reed was able to demonstrate the relationship between yellow fever and mosquito bites.³⁶

The noble sentiment of the Teller Resolution appeared to be in some jeopardy as the presidential message to Congress in December, 1899, abundantly revealed: "This nation has assumed before the world a grave responsibility for the future good government of Cuba. . . . The new Cuba yet to arise from the ashes of the past must needs be bound to us by ties of singular intimacy and strength if its enduring welfare is to be assured. Whether those ties shall be organic or conventional, the destinies of Cuba are in some rightful form and manner irrevocably linked with our own."³⁷

The "rightful form" of that relationship was not well defined, however, and its nature was the subject of much discussion in and out of legislative chambers for many months. General Wood carried out the preliminary steps in taking a census and determining a proper basis of suffrage for the purpose of organizing local government. Wood thereupon summoned a constitutional convention to convene in Havana, November 5, 1900, and the convention set up a constitution modeled after that of the United States. Public debts of the insurgents were recognized, but no mention was made of future relations with the United States. Wood had, indeed, submitted to the Cubans certain provisions which had been drafted in Washington for incorporation in their constitution, but this invitation had been declined because the Cubans wanted to be independent of every nation, even including the "great and noble American nation."³⁸

The United States, however, was not disposed to withdraw from the island, and brought pressure to bear in the famous Platt Amendment which was included as a part of the army appropriation bill of March 2, 1901. This amendment included eight provisions, of which four had a great deal of significance in terms of the general pattern of relationship between the island and the American government. Those provisions were as follows:

(1) Cuba was not to enter into any treaty or compact with a foreign power which would permit of partial or complete control by that power of the island. (2) Cuba was to pledge that she would not incur so large an indebtedness that the ordinary revenues of the island would not be sufficient to retire it. (3) The United States reserved the right to intervene in Cuba for the purpose of protecting life, liberty, and property. (4) Cuba was to sell or lease to the United States lands necessary for coaling stations or naval stations. The eighth provision specified that the content of the other seven should be embodied into a permanent treaty with the United States.³⁹

Conservative elements in Cuba were willing to accept the amendment, but the Cuban Constitutional Convention, composed largely of radicals, rejected it by a vote of twenty-four to two, and sent a delegation to Washington for a conference on the matter. Secretary Root endeavored to placate Cuban resentment by trying to show that there was no intention to limit the new republic's independence. In a letter to General Wood on April 3, 1901, he gave the assurance that it was the official view of the president that the intervention described in the third clause of the Platt Amendment was not synonymous with interference with the affairs of the Cuban government, but was intended to be reserved for formal action on the part of the United States which would be based on "just and

substantial" grounds which might be necessary to preserve Cuban independence.⁴⁰ Cuba eventually bowed to the inevitable and adopted the Platt Amendment as an appendix to the constitution. The permanent treaty which was called for in the eighth provision was concluded May 22, 1903, and was proclaimed by the president July 2, 1904.⁴¹ The treaty remained in force until 1934.

While the Platt Amendment defined the nature of the political relationship between the governments, there was as yet no clear cut decision on the subject of commercial relations. The sugar industry had been largely destroyed by the insurrection, and depended upon the willingness of the United States to arrange for a reduction in tariff in favor of the Cuban growers. As a matter of fact McKinley had virtually promised reciprocity to the island as an added inducement to accept the Platt Amendment, and in the summer of 1901 he informed a number of Congressional leaders that he intended to pursue the policy which had been outlined.⁴² The understanding that there should be a treaty of commerce based on the idea of reciprocity was in the nature of an "appendix," called by the Cubans an "explanation," which General Wood submitted to the Secretary of War. On May 28, 1901, General Wood cabled to the Secretary that the amendment with the "appendix" had been passed by the Cuban constitutional convention.⁴³

Some idea of the understanding of the Cubans on the matter is shown by the hearings in the Committee on Ways and Means:

Mr. LONG. You state that you were given certain assurances by the President?

Mr. MENDOZA. By President McKinley.

Mr. LONG. By President McKinley, when you accepted the Platt amendment?

Mr. MENDOZA. Yes sir.

Mr. LONG. Will you state how and in what manner those assurances were given?

Mr. MENDOZA. Well, when the Platt amendment was made they did not want to accept it in Cuba, and commissioners were sent here to say that they would be willing to accept it if some economic concessions were made to Cuba. Then, as Congress was not in session, they were assured that that could not be done at once, but that they should accept the amendment as it had been framed; and the President said that while, of course, he could not promise anything (because that does not depend upon the President) he would use his influence, as I have said, in the direction of our receiving fair treatment and getting some concessions.

Mr. LONG. That was President McKinley?

Mr. MENDOZA. President McKinley; yes sir; and President Roosevelt has followed President McKinley's policy in that respect, because he supports us in his message.⁴⁴

Republican members in Congress, however, were by no means uniform in any desires for Cuban reciprocity, and during the course of the summer some of the leaders of the House gave out interviews in which they declared there would be no legislation for that purpose in the coming session of Congress. Roosevelt inherited the issue at the time of McKinley's death, and like his predecessor, sought to see Cuban reciprocity legislation placed on the statute books.

The Committee on Ways and Means began hearings on the subject January 15, 1902, and amassed some 766 pages of testimony from witnesses who appeared to testify on the issue.⁴⁵ Even the Republicans of the House

were not as yet convinced as to the advisability of the legislation, however, and when the matter was brought before a conference of the Republican members of the House the first poll showed 143 in opposition to reciprocity and only 57 favoring it. The opposition tried to force an early vote and kill the measure in its infancy, but with the aid of Roosevelt and some five weeks of time, many opponents of the proposition were brought into line,⁴⁶ and it was endorsed by a Republican conference by a vote of 85 to 31. On March 31 the Ways and Means Committee, by a vote of 12 to 5, reported the bill to the House.⁴⁷

The essence of the bill for Cuban reciprocity as introduced into the House was that it would reduce tariffs on imports from Cuba by 20% in consideration of an equal concession made by Cuba, and upon the condition that Cuba would enact laws similar to the immigration and contract labor laws of the United States.⁴⁸ Chairman Payne of the Ways and Means Committee made the opening presentation of the case. The burden of his contention was that the legislation was designed to benefit the Cubans. He pointed out that the war which had lately been concluded had been defended while it was in progress and since as an attempt to give a stable and independent and free government to Cuba. He felt that what had been accomplished already was good. He believed that the United States had already done its full duty, and more, and it was not his purpose to "present here any sentimental claims on the part of Cuba for the action of the Congress of the United States."⁴⁹

That, however, was not the whole issue. Cuba had had an election, and was about to have her officers installed on the twentieth of the following month. Yet, when they were about ready to try their new experiment, a calamity had befallen them, in that the price of sugar had

fallen to the lowest point in years. That was particularly serious because the planters had had to borrow heavily to get started in business again after the ravages of war and civil strife. He cited evidence which had come before the committee to show that on an average it cost about two cents per pound to produce sugar in Cuba, yet the price in Havana was one and five tenths cent per pound.

There were 196 "centrals" on the island, great grinding establishments where cane was brought from plantations and from the 16,000 "colonos," who were little planters having five to twenty acres. Both great and small planters had been forced to borrow money, and at the very time of the Congressional deliberations on the reciprocity issue were anxiously looking to see where they could get money for the next crop. He then cited a statement by a writer who had recently been through Cuba: "While the masses of Cuba are not actually suffering from lack of food, the planters and business men are on the verge of collapse and bankruptcy, and are anxiously hoping for concessions in the United States tariff in order that they may receive new life and hope. The merchants have large sums of money trusted out and are not paying each other. They are simply holding each other up in the hope of obtaining relief, and if failures once begin they will run like wildfire."⁵⁰

Payne added that he had always been a protectionist, and that he still was one, but that the issue before the House would not destroy the protective features of the tariff arrangements with Cuba. He contended that the duty could be reduced 20 or 25 or 30 per cent and it wouldn't make any difference in the price of sugar in the United States until such time as Cuba might expand her production to cover all the sugar that this nation imported--some 2,000,000 tons annually--and then the importa-

tion would reduce the price of sugar in the United States. But he said the Cubans weren't likely to produce that much, for it took all their labor to produce the present crop of 900,000 tons. He said some were charging that only the sugar trust would benefit from this legislation, but that issue was doubtful. The sugar market of the world was Hamburg, and the price of sugar was fixed in Hamburg for the port of New York.⁵¹

Payne then gave an interesting and common observation as to the future of Cuba:

I want to do all I can, and I have labored to do what I could to bring relief to the situation in Cuba and relief to these Cubans in this hour of their greatest trial in setting up a government, in this hour of their greatest emergency; and it is a broader question than the question of reciprocity and the question of trade.

We have become so linked to the Cuban people that our destiny can not well be separated from theirs. . . . The Cubans are looking upon our experiment in Puerto Rico . The most intelligent of them are looking toward annexation with the United States. They may come in a year; they may come in five years. . . .

Cuba is not a part of us. I am not anxious that she should become a part of us, but I think without question that she will be; and, preparing for that day, I want to do the best I can for Cuba, with due regard for our own people.⁵²

Mr. Newlands led the opposition to the bill for the Democrats. His principal objections might be summarized under the following headings:

(1) The bill did not make any reduction in the price of sugar to the American consumer. (2) It discriminated against the agricultural interests

of the country and promoted the manufacturing interest--which were already largely dominated and controlled by the trusts. (3) It threatened by alarm and fear the sugar production of the United States. (4) The bill was an extension of the "imperialistic legislation inaugurated by the Republican party" in that it sought to add to the restraints already imposed by the Platt Amendment upon the autonomy and independence of Cuba. The laws of the United States relating to immigration and contract labor were good in themselves, but were entirely unjustified when applied by pressure by this country to a so-called independent power. He then gave a strong statement of party policy which has an interesting sound in view of latter day developments: "Now, I insist upon it that reciprocity is no part of the Democratic doctrine. It is absolutely inconsistent with tariff reform and tariff revision. It does not mean reduction in the price to domestic consumers; it does mean discrimination against one domestic interest and the promotion of other domestic interests, and that will always be the case. There, such a policy is likely to produce and increase envy, jealousy, and distrust within the Republic, and is always likely to secure international enmity outside of the Republic."⁵³

Others who opposed the measure used principally the same arguments, except for the opposition Republicans who claimed that the bill violated Republican rather than Democratic policy and precedent. One of the strongest opponents of the bill among the Republicans was William Alden Smith of Michigan who was greatly concerned as to the possible effects of such legislation on the budding sugar business of his state where \$12,500,000 had recently been invested in sugar industries.⁵⁴

Long did not take the floor until April 11, the third day of the debate on the Cuban issue. He followed his usual methodical approach of taking up issues one by one and disposing of them with well reasoned arguments buttressed by facts. The general outline of his argument was as follows: ⁵⁵

(1) This was a Republican measure favored by a Republican president, endorsed by a Republican conference, and favored by nine of eleven Republican members of the Ways and Means Committee. The Republican platform of 1896 deplored the repeal of reciprocity arrangements, and the platform of 1900 declared; "We favor the associated policy of reciprocity, so directed as to open our markets on favorable terms for what we do not ourselves produce, in return for free foreign markets."

(2) American industries would not be harmed. Total Cuban production of sugar for the current year will be only slightly more than one third of United States sugar importations, and cannot determine the issue of harm to local industry and labor. Furthermore, sugar and tobacco now enjoy the highest protection of any products. For fiscal 1901 the average ad valorem duty on all imports into the United States was 49.65%. In 1901 the duty on sugar was \$1.685 per hundred pounds and Cuban planters received \$2.30 for the sugar which made the duty 73% of the selling price. At the present time, however, the duty is still \$1.685 but the planter gets only \$1.60 for his product, which amounts to an ad valorem duty of 105%. Can the sugar industry of this country stand a 20% reduction without injury?

(3) Cuba could not compete with best sugar on the Chicago or Kansas City markets. According to figures submitted in the hearings, if one takes Cuban sugar paying \$1,348 duty and has it refined in New York it would cost \$4.353 to have it laid down in Chicago and \$4.428

to deliver it to Missouri River points without any profit to anyone. The Michigan producers who have their products refined in Chicago could beat that.

(4) The reduction in tariff will not lower sugar prices. Cuba will get the benefit of the reductions that are made on her sugar and other products coming into this country, and the United States will get the benefits from the meat and flour and other products that enter Cuba at a reduction of duties.

(5) Prices on Cuban and Puerto Rican sugar are comparable if one considers the grade of the sugar. Representative Morris of Minnesota has submitted a table which shows the average price of sugar in Puerto Rico in 1901 at \$3.40 and the average price in Cuba at \$2.40. The difference in duty between Puerto Rico and Cuba at that time was \$1.43, and as the difference in price was only \$1.00 instead of \$1.43, Mr. Morris charged that the sugar trust had absorbed the other 43 cents per hundred pounds. The argument was wrong because it was based on mistaken premises. Puerto Rican sugars are inferior to Cuban sugars, pound for pound. The dividing line between centrifugal and muscovado sugars is 91^o, or 91% saccharine. The Annual Report of Commerce and Navigation issued by the Treasury Department for 1901 shows that 56.8% of all Puerto Rican sugars tested less than 91^o. No similar report is available on Cuban sugars alone, but on all duty paying sugars imported into the United States for 1901, of which Cuban imports constituted 39%, only 22% tested 91^o or less.

Refiners pay for sugar on the basis of its saccharine content. centrifugal sugars are bought and sold on the basis of their testing 96^o, while muscovado and molasses sugars are on the basis of 89^o. Muscovado

sugars sell regularly for fifty cents per hundred pounds less than centrifugals, and molasses sugars sell for twenty-five cents per hundred pounds less than muscovadoes. By whatever tests one applies, Puerto Rican sugars have for years been marketed in a less advanced state of manufacture than Cuban sugars and sell for less per pound. Puerto Rico is receiving the full benefit of tariff reductions.

(6) Mr. Morris made two major errors when he submitted his table of comparisons and report on the comparisons of prices on imported sugar in 1901 from Hamburg, Puerto Rico, Cuba, and Hawaii. After presenting his figures Mr. Morris had this to say: "We see that the American buyer, the sugar trust, was paying to the Porto Rican 38 cents per 100 pounds less than he ought to have been paid on all the sugars brought from that island to New York during the fiscal year 1901, to the Hawaiian 38 cents less per 100 pounds on all the sugar brought from those islands to San Francisco during the fiscal year 1901, and to the Cuban 20 cents less per 100 pounds on all the sugar brought from that island to New York during the fiscal year 1901."

One of the errors of Mr. Morris rests in the fact that he failed to take account of the different prices of sugar during the different months of the year. For the months January through June the average price in New York was \$4.21, while in the months July through December the average price was \$4.70. The importations from Hamburg in the months with an average price of \$4.21 was 176,668 tons and from Cuba and Puerto Rico combined for the same period was 490,716 tons. Yet for the six months when the average price was \$4.70 Hamburg sent 228,993 tons as against 63,313 from Cuba and Puerto Rico.

Another error of Mr. Morris was that he compared Hawaiian sugar at San Francisco with Hamburg sugar at New York, and made a difference of 38 cents. Yet San Francisco is a limited market. On arrival at San Francisco the difference between the freight from Hawaii to New York and the freight from Hawaii to San Francisco is deducted from the New York market price. The freight on the former is fifty-two and one-half cents and on the latter is fifteen cents per hundred. If you want to compare Hamburg sugar with Hawaiian sugar you should add thirty-seven and one-half cents to the freight on the Hawaiian sugar, and the difference is thus one-half cent per hundred pounds. "So much for the gentleman's figures. They are the most misleading, when analyzed, of any that I have seen since the Fifty-fourth Congress, when the gentleman's predecessor, Mr. Towne, stood in that aisle and for two hours and a half argued that the price of silver always controlled the price of wheat and other products. He made that argument amid applause on both sides of this Chamber."

Further along in his speech Long pointed out how the newly formed German cartel had monopolized the sugar industry of Europe and fixed the world price of sugar below the cost of production. He said that some of the Republicans who were threatening to vote with the Democrats to strike off the differential on sugar would turn the refining business of the country over to the German cartel. He closed the speech with a discussion of what Cuba had to offer in the reciprocity arrangements, and what the obligations of the United States were to Cuba is this country would "honorably finish the work undertaken when the war with Spain began."

Debate in the House continued until April 18, and if one is to judge by the number and tenor of the speeches the opposition seemed to be

gaining strength. However, when the final vote was taken the measure carried by the lop-sided majority of 246 to 54.⁵⁶ The measure was referred to the Senate, but was never reported out of committee during the Fifty-seventh Congress. However, in the Fifty-eighth Congress a treaty was submitted to the Senate by President Roosevelt which called for a reduction of duties by 20% in trade with Cuba, and was approved by that body.

It is interesting to speculate upon the various factors that may have influenced Long to take the position he did as the most active member of the Ways and Means Committee in pushing this legislation through the committee and in favoring it in the House. If one is disposed to look between the lines or behind the scenes or under the table, as some interpreters of Washington politics seem bent upon doing, to discover the sinister forces that compel little men with no spines to do their bidding upon the floor of Congress, then Chester I. Long is indeed very hard to classify.

There is plenty of evidence that he should have logically been on both sides of the measure. It was generally conceded on all sides and abundantly pointed out in the House debates that the beet sugar growers of this country were opposed to the bill. In the year 1902 the United States produced 163,126 long tons of beet sugar.⁵⁷ In the same period of time the state of Kansas produced 8,501,400 pounds of sugar beets, which would make about 6,600 tons of sugar if figured on the basis of a 17% sugar content.⁵⁸ While this represents only about four per cent of the United States production at the time, it takes on a great deal more significance when it is remembered that the entire Kansas production was within the seventh congressional district which sent Long to

Congress and that the amount of sugar beets produced was expanding from year to year at a rapid rate. Thus, judging from some of the strongest vocal opposition to the bill it would seem that Chester Long did not know on which side his bread was buttered. The New York Herald commented: "Representative Chester I. Long, who comes from the best sugar state of Kansas, and who, in spite of all kinds of pressure--amounting in some cases to threats of political extinction--has made a most courageous fight for the administration and the Cuban cause, is looked upon now as a new factor in legislative leadership. Mr. Long made a personal study from a standpoint of a protectionist, and became thoroughly convinced that a reduction of 40 per cent, which he proposed to the committee, would not injure any American industry. . . ."59

On the other hand there were strong reasons why Long should have been expected to favor the bill. Not the least among them was the fact that McKinley had earnestly urged reciprocity in his last speech at Buffalo, and the idea had been strongly endorsed by Roosevelt when he assumed office.⁶⁰ Furthermore, in considering the total benefits to be derived by the American people, Long was satisfied in his own mind that reciprocity would be a good thing for the United States. In arguing the question on the floor of the House he pointed out how greatly our trade had been expanded by virtue of the reciprocity agreement under the McKinley law from September 1, 1891 to August 27, 1894. In 1891, the last complete fiscal year before the agreement went into effect, United States exports to Cuba amounted to \$12,224,888. In 1893, the first complete fiscal year after the agreement went into effect, this country exported goods to Cuba in the amount of \$24,157,698. But in 1896, the first complete fiscal year after the treaty was abrogated, exports to

Cuba fell off to \$7,530,880. Long then proceeded to give a break down of the items to show that United States exports of corn, breadstuffs, lard, meat, and dairy products had all shown great increases during the years reciprocity was in effect.⁶¹ He further indicated his concern for the welfare of agricultural interests in a letter to the Kansas Reciprocal Association in January of 1902. He advised against a reciprocal treaty with Mexico because it could hardly be worked out to the advantage of both parties. Mexico's total exports for the fiscal year ending June 30, 1901 were \$72,841,606, of which the United States took 79%. Of imports from Mexico to this country only slightly more than \$6,000,000 were dutiable, including such items as lead ore (about 50%), cattle, and hides. Hides had been free under the McKinley and Wilson-Gorman laws, but as a result of pressure from western cattlemen they were made dutiable under the Dingley law. But on the other side of the ledger in fiscal 1900 Mexico got 82% of her imported wheat, 92% of her imported flour, and 78% of her imported butter from the United States. Even if Kansas alone were to secure all the additional trade in exports to Mexico it would hardly be noticeable. "It is quite apparent that with the development of Mexico, she will become more directly a competitor of the Kansas farmer rather than furnish him a market for his products. I do not oppose reciprocity with Mexico, but only show how difficult it will be to make an agreement from the fact that Mexico has so little that we want that is not already free, and that if we make an agreement, Mexico will not give us concessions on agricultural products."⁶²

It would be a mistake, however, to assume that Long was interested solely in state or class legislation. On October 31, 1901, he delivered an address before a Kansas City meeting of the National Association of

Implement Manufacturers in which he made a strong appeal for the expansion of trade in manufactured products. He said that due to high transportation costs the United States should export less of her agricultural products and more of the products of her factories. He added that the invasion of the European markets by American manufactured products had attracted the attention of the whole world, but that efforts in that direction had been checked by unfriendly tariffs of Germany, France, Russia, and other countries. A treaty with France, then pending in the Senate, was favored by the Implement Manufacturers but was opposed by some industries because it might bring in French goods in competition with their own. In his address Long presented the issues as follows:

. . . You are strong. You fear no home competition.

You control the trade here. You want to obtain trade abroad. Industries which do not hope or expect trade abroad, but want to develop a trade here at home appeal to Congress, not to destroy their trade here in order that you may increase yours abroad.

The proper course to pursue can not be determined by subserving one interest or another. The question is a broad and national one, and in its solution we must ascertain and decide what will be for the general good of the whole country and what will add most surely to the progress and advancement of the nation as a whole. With the competition our agricultural products are meeting abroad we should endeavor to consume more of such products at home. We must increase the number of men engaged in manufacturing. We must extend the foreign markets for our manufacturers. You are endeavoring to do this. The

government should assist you."⁶³

The subject of the Cuban reciprocity bill has been treated at length because it furnishes some light on Long as a politician and as a legislator and as an individual.

Footnotes

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3. Hutchinson News, December 4, 1895.
4. Congressional Record, Vol. 28, 126, 284.
5. Ibid., Vol. 28, 2219-35.
6. Ibid., Vol. 28, 6012.
7. Ibid., Vol. 28, 6020.
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9. Ibid., Vol. 33, 573.
10. Letter of White to Henderson, November 15, 1899, White Papers.
11. Wichita Eagle, December 22, 1899.
12. Letter of Faxon to Morgan, February 22, 1900, Long Papers.
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22. Ibid., Vol. 33, 4070.
23. Ibid., Vol. 33, 2364.
24. Ibid., Vol. 33, 2401.
25. Ibid., Vol. 33, 2429.
26. National Tribune, April 12, 1900.
27. Ibid., April 19, 1900.
28. Wichita Eagle, March 9, 1900.
29. Letter of Faxon to Victor Murdock, March 6, 1900, Long Papers.
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31. Ibid., Vol. 33, 4069.
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(New York, 1927), 142.
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43. Congressional Record, Vol. 35, 4010.
44. Ibid., Vol. 35, 4011.
45. Ibid., Vol. 35, 3993.
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48. Ibid., Vol. 35, 4417.
49. Ibid., Vol. 35, 3849.
50. Ibid., Vol. 35, 3850.

51. Ibid., Vol. 35, 3851.
52. Ibid., Vol. 35, 3854.
53. Ibid., Vol. 35, 3856.
54. Ibid., Vol. 35, 3900.
55. Ibid., Vol. 35, 3393-4012.
56. Ibid., Vol. 35, 4418.
57. The World Almanac and Encyclopedia, 1903, (New York, 1902), 219.
58. Report of the Kansas State Board of Agriculture, (Topeka, 1903).
59. Kansas City Journal, March 2, 1902.
60. Topeka Daily Capital, February 27, 1902.
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62. Topeka Daily Capital, January 23, 1902.
63. Ibid., November 1, 1901.

Chapter III

THE ELECTION OF CHESTER I. LONG TO THE U. S. SENATE

It is not surprising that a man who had achieved considerable notice as an effective member of the House of Representatives should cast his eyes toward the upper house of the national legislature. Long had entered politics early, and at the turn of the century was still only thirty-nine years old. He was not a man to make a great deal of noise about his activities in politics, but by 1901 it is evident that he was endeavoring to size up his chances in the senatorial election which was to be held the following year.

In March, 1901, Long's secretary, Ralph Faxon, wrote to him from Hutchinson about a political meeting which had just been held in that city. He said that Long's chances or re-election to the House were good, and some spoke of it enthusiastically. "Many fellows want to whoop it up for you for senator, but all agree you shall be nominated and elected to the House again first. I never saw things so nice."¹ Inquiring voters began writing to Long asking confidentially if he would be a candidate for senator, and pledging their support.

At the same time, however, there was arising some real opposition to Long which stemmed from several quarters. As indicated above, Long drew some displeasure from the sugar beet interests because of his position on Cuban reciprocity. Those interests argued that Cuba really wasn't in such sorry economic straits as proponents of the bill suggested. Furthermore, they argued, 90% of the Cuban plantations were owned by wealthy planters who were not deserving of any consideration on the part of the government of the United States.²

More pointed criticism was hurled in Long's direction by certain interests representing the G.A.R. and the particular issue was the office of pension commissioner. Commissioner Henry Clay Evans, who had been serving in that capacity since 1897, was practically forced out of office in 1902 by the old veterans. He was charged with not playing fair with the old soldiers, and statistics were compiled showing that the number of appeals from his rulings was much greater than in a like period of time under other commissioners.³ There appears to have been no scandal attached to Evans' administration, and he was, in fact, appointed to the office of United States Consul General in London immediately after he was removed from his pension responsibilities.⁴ There was probably considerable truth in the charge of General Wm. R. Shafter when he said; "Some of the G. A. R. are simply unbearable, and seem to think if they can't have the treasury turned over to them they are being defrauded."⁵ It is probably a matter of some relevance that Eugene F. Ware, the popular Kansas poet who was elevated by Roosevelt to be the successor of Evans (much to the surprise of the politicians), was soon to suffer from a similar attack by dissatisfied veterans the next year after he took office. He soon resigned, but denied that he was forced out of office.

In any event Long was caught in the cross fire on commissioner when the National Tribune, official organ for the G. A. R., carried the following editorial in December, 1902: "It is the proper time to call the attention of the veterans of Kansas, for whose votes Chester I. Long is now appealing, to the fact that he refused to sign a letter to the President which all the other members of the Kansas Delegation signed, calling for Mr. Evans removal. At that time Mr. Long said: 'Evans is all right;

I am in favor of him; and the President will never remove him." ⁶

The publication of the editorial provoked a storm from W. F. Hendry, editor of the Weekly Argosy published at Nickerson, Kansas. Hendry wrote to the editors of the Tribune and called attention to the statement attributed to Long in which he declared that Evans was "all right." He added: "If you have proof of this remark by Mr. Long he can be defeated for the Senatorship. But to me, who has known Mr. Long intimately for a dozen years the above quotation sounds like damnable political rot. Long does not run off at the mouth." ⁷

Major McElroy, one of the editors of the Tribune, replied that his "recollection in this matter" was that the Kansas delegation had presented a letter to the president calling for the removal of Evans, but that Long had not signed. He made no comment about any statement of Long explaining his position. ⁸ All this was supposed to have happened under McKinley's administration, probably in 1899 or 1900. The present writer has found no other evidence as to Long's position, but it would not be surprising if he did not sign a statement calling for Evans' removal. He was generally very cautious in such matters, and not the type that would be greatly influenced by pressure from any source. In August, 1901, however, after the Kansas delegation had been informed by the president that the commissioner was to be removed, Long made the following statement to an old soldiers' reunion at Baxter Springs: "I believe you would all welcome H. Clay Evans to private life, and if he cannot be spared from the public service, then to have him transferred to some other department." ⁹ In spite of the above mentioned accusation by the National Tribune, there is no evidence that Long was particularly unpopular with a large percentage of the veterans. Much of his energy and correspondence as a Congressman

had been devoted to careful attention to the claims for pensions from his constituents, and he was called upon repeatedly to speak before veterans' groups.

By 1902 Long was taking an active interest in the Kansas preparations for the fall elections. It is to be remembered that the United States senator was at that time chosen by the state legislature, and as a result the selection of the members of that body took on more than usual significance. One constituent doubtless expressed a common sentiment when he said the main issue in the state representative races was "who will be senator."¹⁰

Long's principal reliance for his bids for office seems to have rested with his penchant for thorough attention to details and his organizing ability. He followed a vast letter writing program. The Long Papers at the Kansas State Historical Library contain a list of some 100,000 names compiled on a basis of what appears to be every county and ward in the state. Just what use Long made of all these names is not clear, but it is known that he wrote many letters, and repeatedly received from constituents the names and addresses of citizens with the request that he write to them.¹¹ Furthermore, he offered his help to candidates for office in the state and was active where he could be of service.¹²

A factor that needs to be considered in any campaign of the time was the issue of railroad support, particularly as it was used through the issuing of passes. It was a matter of common knowledge that many people including politicians, newspaper men, and others, asked for and received free transportation on the railroads.¹³ This is perhaps best illustrated by a remark of Balie P. Waggener, general attorney for the Missouri Pacific Railway in discussing the pass law issue in 1906. He said he

favored an anti-pass law provided they made it a felony for anyone to solicit or accept a pass of any kind from any railroad company. He added: "If they should pass a law like that, I could dispense with three clerks immediately."¹⁴ However, the roads evidently had some notions as to the limits to which they could go in the pass matter, for W. Y. Morgan wrote to Long in October, 1902: "The Santa Fe and Rock Island today shut down altogether on issuing transportation. Fortunately we had gotten most of our work in before this took place." He added that it would be useless to send requests for more transportation, but that they should have individual workers buy their own tickets and they could be reimbursed by the state committee after the election if there was any money left.¹⁵ It is not clear that Long was preferred over other Republican candidates by the railroads, but at least one attorney for the Missouri Pacific legal department observed privately that ". . . we are doing everything in our power for Mr. Long."¹⁶ That could hardly be interpreted as a Long combination with the railroads, however, for in at least one case Long opposed a candidate for the state legislature who was favored by the railroad men.¹⁷ The railroads as a point of contention among the various republican candidates was not an issue in the election of 1902. It was, however, a major issue in the years that followed, as will presently appear.

For the Congress which was to convene on March 4, 1903, the Democrats were seeking to re-elect William A. Harris who was just concluding his first six year term in the United States Senate. For the governor's position the Democrats were promoting William H. Craddock, Mayor of Kansas City, Kansas. The Republicans put forward the name of W. J. Bailey for his second term as governor, and were faced with the necessity of choosing among five major contenders for the nomination for United States

senator. In view of the fact that nomination in this case amounted to election, a somewhat fuller treatment will be given to the Republican candidates for the senatorship than to other candidates.

W. A. Calderhead of Marysville, Congressman from the fifth district, was among those who filed for the office of senator. He was a widower, and had as his manager and his housekeeper, Mrs. Emma Forter, who was also his sister. Concerning the candidacy of her brother, she said: "I am a Presbyterian and believe to a great extent in the doctrine of predestination. I believe that whatever is right and whatever is preordained will happen. I think that it has been preordained that Mr. Calderhead is to be elected United States Senator next winter."

A Stanley man, who was talking with her, replied: "Well, I am also a Presbyterian. At least I believed in the doctrine of your church until I became entangled with the Kansas politicians. . . . Divine power, I have found, is generally worsted in a contest with Kansas politicians and we may both be fooled when the caucus returns are received next winter."

Justin W. Bowersock of Lawrence, Congressman from the second district, was another representative who was seeking to move up the scale in the national legislature. He was the owner of much of the industry of Lawrence and was generally considered one of the wealthiest men in the state. His tenure in Congress had produced no exciting developments, and he had followed the general pattern of Republican policies.

A third Congressman seeking advancement to the Senate in 1902 was Charles Curtis, "the Injun," of Topeka. Curtis had been elected regularly to the House of Representatives since 1892, and was destined to spend forty years in the nation's capital as an elected representative of the people of Kansas. Long considered him to be the strongest opponent he would have

in the senatorial race.

A fourth contender for the office was former Governor William E. Stanley of Wichita. Stanley had never been in politics until 1898, but in that year was promoted for governor and won. He served two terms and did a generally creditable job as the state's chief executive.

The fifth candidate, of course, was Long. Most observers were not counting heavily on Calderhead or Bowersock, but the strength of the other three made a dark horse a real possibility, and political hopefuls were viewing the January Republican caucus with considerable apprehension.

The caucus method of choosing the senator had been followed since 1891. Prior to that time, when there were no Populists and few Democrats, a show of hands in the Senate and House showed the way the political wind was blowing, and sometimes the opposition was permitted to take a hand in the choice of a Republican senator. But after the Farmers' Alliance captured the House in 1891 each party retired to a caucus room to name its candidate.¹⁹

One of the major factors in Kansas politics in this period was the "machine" which was dominated by Cyrus Leland of Troy. Leland had served in state politics for many years. In 1876 he began attending national conventions, and in 1884 was chosen national committeeman. In 1892 Leland supported Morrill for governor, and lost, but in 1894 Morrill won with his support. In 1898 Leland undertook to nominate Calvin Hood for governor, but discovered that Stanley had too much strength to be overcome, so he threw his support to Stanley. In 1900 he tried to nominate W. J. Bailey for Congress over Charles Curtis, but he failed in this attempt and lost prestige. D. W. Milvane deprived him of his position as national committeeman and there was some talk of taking from Leland his

job as pension agent in Topeka.²⁰

Some said that Leland had come to his end, but he stayed in the game of politics and backed Lucien Baker for Senate nomination, only to lose to his worst enemy, J. R. Burton. Burton thereupon set about to deprive Leland of his job as pension agent. With the assassination of McKinley, Burton found his chance. Theodore Roosevelt was anxious to respect senatorial wishes in state appointments, and was reluctant to reappoint Leland because of Burton's strong objections.²¹ Leland had the strong backing of most of the old soldiers, who considered the Topeka pension office as their special patronage, and the warm support of William Allen White. In fact, Roosevelt had said that he had no objections to Leland, but was bowing to the preference of Burton in the matter.²² Finally, on December 19, 1901, the President stunned the Leland supporters by announcing that General Wilder S. Metcalf would take over the work of the Topeka pension agency. It is of no small significance that in this issue Congressmen Long, Bowersock, and Calderhead stood for Leland, while Senator Burton along with Congressmen Curtis, Reeder, Miller, and Scott were for Metcalf.²³ The fight concerning Leland's appointment was to have definite repercussions in the senatorial contest in the months that followed.

The difference between Leland and Curtis did not begin on the issue of pension agent. In 1898 Curtis was serving as Congressman from the fourth district, but there had been a reapportionment and Shawnee County, of which Curtis was a resident, was put in the first district. W. J. Bailey was also running for congressman from the first district, and Case Broderick, the incumbent, was running again. Consequently, on July 15, 1898, when the first district congressional convention was held, an agreement was worked out with the aid of Leland to solve the problem. Curtis

was to receive the nomination for the first district and his friends were to support Bailey for the Congressman at large. Two years later the situation was to be reversed, and Bailey was to be the nominee for Congressman from the first district and Curtis was to be promoted for Congressman at large. The agreement was written out in pencil by Judge Albert H. Horton, and a facimile is still available in print.²⁴ However, a year later, according to Leland, Curtis said he would not stand by the agreement but wanted to be a candidate from the first district for another term. Neither Leland or Bailey would agree. Leland declared that "there has been no more brazen breach of faith in the history of Kansas politics than this deliberate repudiation of an agreement in writing about which there could have been no honest doubt."²⁵

It would scarcely take a prophet, or a son of a prophet, to imagine that Leland would be doing what he could to prevent the nomination of Curtis for United States senator. Most observers thought he would logically support Long. However, as the time for the caucus approached the forces of Cy Leland appeared definitely in the camp of former Governor Stanley. When he first started in that direction, many of his critics said it was a move to protect Long, no more and no less. They said his presence in the Stanley camp would work two ways: (1) it would make Stanley odious to the Curtis people and (2) Leland could keep Stanley from going to Curtis. But with the passing of time the apparent compactness of the Stanley forces and their missionary work caused some observers to believe that perhaps Leland was sincere.²⁶

The Republican caucus met on Tuesday evening, January 20, for the purpose of selecting a candidate for senator. A most interesting and unusual development was the surprise motion of Senator J. K. Cubbison of

Wyandotte to institute an open ballot instead of the usual secret ballot. It was the kind of a motion that was not easy to oppose publicly, and consequently it was decided to adopt the procedure of the open vote. Leland was especially opposed to the idea,²⁷ and there was evidence that the Long and Stanley supporters were in agreement with him. Another development which had considerable significance was the fact that Governor W. J. Bailey came out openly for Long.

The results of the first ballots were much as many observers had expected, with Long, Curtis, and Stanley showing about equal strength. The tabulation is as follows:²⁸

	First	Second	Third
STANLEY	37	36	36
CURTIS	35	35	35
LONG	35	35	36
CALDERHEAD	13	14	13
BOWERSOCK	9	9	9

The next day, Wednesday, there was much activity in the Stanley camp. Early in the day Stanley went to Curtis and Calderhead and told them his forces were shaky, and urged them to throw their strength to him and elect him, but both of them stood pat. When the caucus met in the evening there was a trend to Long, as indicated in the chart below:²⁹

	First	Second	Third
LONG	40	44	44
CURTIS	35	36	36
STANLEY	32	29	29
CALDERHEAD	12	12	12
BOWERSOCK	8	6	6

When told of the result of the caucus Stanley decided to withdraw, and so informed his managers, I. E. Lambert, E. B. Jewett, H. J. Allen, and W. A. White. Stanley then went before the caucus and released his men. Immediately, Cy Leland announced a caucus of Stanley men, and asked them to announce their second choices. Twenty-four declared for Long. Long was thereupon called into the caucus and thanked them for their pledges of support. He said he hoped to be nominated by acclamation because he now had sixty-eight votes, more than enough to elect. He said he would consider all his supporters original Long men.³⁰

When it became evident that the Long forces were in control, there was a move to make the nomination unanimous. Consequently, when the caucus reconvened the next day, Thursday, a Curtis man, Representative John Francis of Allen County, got the floor. He said that he represented the constituency that had two favorite sons as candidates for United States senator. Up to now, he said, he had been representing the group that favored Curtis. "On behalf of Congressman Charles Curtis," he continued, "I am instructed to return his thanks to his friends who have supported him so loyally in this caucus, and to announce that he is no longer a candidate for United States Senator."³¹ After the applause, he moved on behalf of Curtis that the nomination of Long be made unanimous, and the motion was approved by a standing vote.

After the vote Congressman Long was notified and brought to the chamber to address the caucus. His speech at that time tells something of the political organization of which he was a part:

. . . One word more--If I am elected to this high office next week, it will mark the close of relations that have been close and cordial that I have had with the Seventh district in this

state. There has been much said in this contest about party organization; about the organization that we have had in the Seventh district. I say to you that I believe in organization; I believe in party organization. I believe in organization that has for its purpose the advancement of the interests of the Republican party as a whole. The organization in the Seventh district was brought about by the necessities of existing conditions. It is an organization that has grown up in ten years. I am not the leader of this organization—it has no leader. It is an organization of members of the Republican party that has for its purpose success at the polls. It would not have been organized had it not been that we had a very close district, and the result has been that it is now safely Republican. But in leaving the office of Representative in this district, I am aware that I no longer belong to that district, but that I belong to the entire state and to the party of the whole state and it will be my purpose to exercise the duties of the office in the interest of the state and to recognize all members of the Republican party.³²

The reaction of the defeated candidates is interesting and instructive. Congressman Bowersock had gone home before the final session of the caucus, but the other three were called upon to give remarks. Ex-governor Stanley kept the house in a roar of laughter with a good natured speech, in part as follows:

For some time I have been very seriously thinking of retiring from politics and again getting in line with that distinguished friend of mine, Frank Grimes, and now after your very earnest expression in joint caucus, I have finally reached the conclusion

that I will do it. The only difference between Frank and myself is that Frank beat me to it.

In the speculative markets we have what is called "longs and shorts." I happened to be, in the speculative political market, one of the "shorts." Politically, I was short of machines, I was short of sinews of war and really the most serious of all, I was short of votes. My successful competitor was "Long" on everything. I think you have had a very kindly consideration for me. I think I am a pretty fair lawyer, at least they tell me so--I know I am a very poor politician, and I shall follow the practice of law.³³

Curtis was less conciliatory in his approach, and gave a frank statement of how he felt on the occasion. He said he was willing to meet half way any of the gentlemen of the caucus who had opposed him, and added:

I say more to you Representatives here today, that although I do not love the Governor of this state any more than he loves me, yet I promise you that I will do all I can to make Governor Bailey's administration a success, because I know as a Republican that if his administration is a failure then we may expect defeat at the polls in two years, and I say to you, members of the House and members of the Senate, whether or not you are personally friends of Governor Bailey, you ought to do all in your power to make his administration a success--give him all the help you can.

I want to say another word which I would liked to have heard the successful candidate say, and that is that from this [time] on I shall favor the election of United States Senators by direct vote of the people. I have had the pleasure of serving on a

committee for the selection of a President and Vice President.

It was my pleasure to support a bill for the election of United States Senators by the people and I hope such a bill will be passed and I will go to Washington and work for it. I have been here laboring with you members, trying to get you to support me. It is an outrage that men aspiring for this high office should be required to buttonhole members of a Legislature in a hotel lobby to get their votes.³⁴

In spite of Mr. Curtis' charge one needs to exercise caution in making too much of the "buttonhole" process of choosing senators, or the subtle suggestion that Curtis and not Long was the choice of "the people." The anti-Long Capital observed editorially: "While the Capital's sympathies were with Curtis in his gallant uphill fight against hopeless odds for Senator, no criticism can be offered against the promotion of the brilliant Seventh district Congressman, Chester I. Long, and it was inevitable, no doubt, that this Legislature following such a campaign as last year's, was bound to elect Long and nobody else to succeed Senator Harris."³⁵

The Capital seemed to find it difficult to maintain a consistent position, however, for the preceeding day when Stanley withdrew it declared, "There is no question but the breaking up of Stanley's forces and their lining up for Long was a prearranged scheme." It further observed that from the time Cy Leland declared for Stanley it had been expected that Stanley would be forced out of the race at the proper time.³⁶ The evidence seems to support the position that Leland did not intend to remain solidly in the Stanley camp, though most observers seemed to think that neither Long or Stanley were the manipulators in

the case. Leland is charged with planning and executing the procedure, but Long was too astute to allow a good thing to go by when it came his way. Stanley explained his position as follows: "I withdrew from the race because I saw I couldn't win . . . When I started into the fight I thought that if I could get thirty votes and hold them I would be able to win. I got the thirty votes, but conditions arose which made it impossible for me to do anything. I tried in every way possible to get support from the other candidates, but failed. I had expected to get support from Curtis and Calderhead forces, but I was disappointed. I knew I was beaten and there was nothing else to do but to withdraw . . . I did not ask my men to go anywhere. I simply released them. They chose to support Long . . ." ³⁷

Long was formally elected to the senate a few days later when the Kansas legislature met in joint session for the purpose. Lieutenant Governor Hanna called the session to order at noon, January 28. The senate vote showed 30 for Long and six for Harris, while the house record was 93 for Long and 29 for Harris. With the announcement of the results of the vote, Long was declared elected. He was escorted to the chamber and made a few brief remarks, including the following: "On political questions you know what to expect. I will act with that party whose representative I am. On non-political questions I will be the senator of all the people of the state." ³⁸

Public reaction to Long's election was generally complimentary, both in and out of the press. William Allen White, who had a way of supporting something or somebody, wired President Roosevelt, "Kansas sends you Chester Long for Senator, I hope I helped a little." ³⁹ A few days later the Gazette carried an editorial which was highly complimentary, and

extremely interesting in view of later developments:

For in this choice Kansas has chosen one of her best and most representative sons and an almost ideal man for the place, one who will meet fully every requirement of his high office. With the exception of John J. Ingalls, Long is probably the ablest man Kansas has ever sent to the senate. He is a gentleman and a scholar, a brilliant and convincing orator, a statesman in the most thoughtful and intelligent acceptance of the term, a devoted husband and father. In a public sense and in a personal sense he is absolutely free from any taint whatsoever.

... . He is a fine man and it is the Gazette's belief and earnest hope that he will make a great senator.

He takes his high place with the best element in Kansas politics--the element that stands for decency and honor and integrity absolutely at his back. He has youth, with its splendid enthusiasm and ambitions and possibilities. He has convictions and the courage of them, and they will be to the honor and glory of his state and his nation.⁴⁰

It seems ironic and well nigh incredible that the writer and the subject of the editorial were to become engaged in bitter political combat within the decade. The forces which led to that break form an interesting chapter in the Kansas political history of the first decade of this century, and a considerable part of the emphasis of this study.

Footnotes

1. Letter of Faxon to Long, March 26, 1901, Long Papers.
2. Letter of A. C. Jobs to Long, October 27, 1902, Long Papers.
3. Reprint from Western Veteran, (Topeka, 1908).
4. Who's Who in America, (Chicago, 1903), 463.
5. Reprint from Western Veteran.
6. National Tribune, December 18, 1902.
7. Topeka Daily Capital, January 9, 1903.
8. Ibid.
9. Ibid., August 31, 1901.
10. Letter of C. E. Ward to Long, October 29, 1902, Long Papers.
11. Letter of F. R. Smith to Long, October 25, 1902, and letter of W. E. VanMeter to Long, October 25, 1902, Long Papers.
12. Letter of James Hunter to Long, October 25, 1902, Long Papers.
13. Letter of White to F. S. Savage, November 15, 1901, White Papers.
14. Topeka State Journal, June 30, 1906.
15. Letter of Morgan to Long, October 27, 1902, Long Papers.
16. Letter of J. H. Richards to A. A. Richards, October 25, 1902.

17. Letter of Thomas Belford to Long, October 25, 1902, Long Papers.
18. Kansas Scrap Book Biography, Ca-CI, Vol. 10.
19. Kansas City Star, November 16, 1902.
20. Ibid., December 22, 1901.
21. Ibid.
22. Topeka State Journal, December 19, 1901.
23. Kansas City Star, December 19, 1901.
24. Ibid., February 16, 1913. (1903?)
25. Ibid.
26. Ibid., January 21, 1903.
27. Topeka Daily Capital, January 21, 1903.
28. Ibid.
29. Ibid., January 22, 1903.
30. Ibid.
31. Ibid., January 23, 1903.
32. Ibid.
33. Ibid.
34. Ibid.

35. Ibid.

36. Ibid., January 22, 1903.

37. Ibid.

38. Topeka State Journal, January 28, 1903.

39. Telegram of White to Roosevelt, January 22, 1903, Roosevelt Papers.

40. Emporia Weekly Gazette, January 29, 1903.

Chapter IV

ANTI-RAILROAD AGITATION AND RAILROAD RATE LEGISLATION

Any study of the forces of economics or politics in the opening years of the twentieth century must be made against the background of the reform or "progressive" movement which was in vogue at the time. This movement had been long in the making. Its antecedents had been observable in the Alliance movement against the railroads in the 1870's and in the Populist and Free Silver movements of the nineties. By 1900 the reform element had made strong inroads into the Democratic party, and through the influence of the "muckrakers" and others was becoming an almost irresistible force in American politics.

The American people have always been quick to lend an attentive ear to charges of public graft or bribery or treachery. From the Declaration of Independence to the McCarthy investigations of subversives in government we have demonstrated an attitude of amazing credulity toward the man, regardless of his methods, who claims to stand for "the people" and who exposes "politicians" and "corporations" and "trusts" and other monsters that prey upon an innocent public and jeopardize the "American way of life." Through the years Kansas has claimed her share of public response to charges of that nature.

It is not the purpose of this study to dwell on the broader aspects of the Progressive movement, but it does become necessary to pay some attention to that phase of it which dealt with the railroads. Chester Long always regarded as his most important public service that which concerned railroad legislation in the national Congress, and in a substantial measure it was the railroad issue which was used most effectively

in 1908 to unseat him from the Senate. Consequently, we shall consider the railroads, both from the standpoint of the major criticisms in Kansas, and the national legislative activity of which Long was a significant part. Both the pro and the con of the major charges will be presented in an attempt to give some balance and perspective as to their validity.

Actually the accusations concerning the railroads might be varied according to the needs of the politician seeking office or the merchant who saw in the roads the reason for his competitor's success or the farmer whose yearly income was less than he thought it ought to be. In the main, however, most of the charges could be grouped under four general headings as follows: (1) excessive rates, (2) over-capitalization, (3) discriminatory rates, and (4) the roads as manipulators in politics.

Excessive Rates

January 15, 1903, J. W. Gleed, general solicitor for Kansas of the Frisco system, and Dr. Henry Wallace, editor of the Wallace's Farmer of Des Moines, gave a joint debate on the railroad issue before the Kansas State Board of Agriculture. Out of that debate came a good discussion of the subject of excessive rates. Mr. Gleed pointed out that the farmers of the west regarded the railroads as something like barons of the east who had robbed the people of the public domain and saddled the municipalities with great public debts, and now levied upon the producer all the toll it was possible for him to pay and survive. He said many people seemed actually to believe that the railroads possessed an arbitrary and unjust power over the farmers of the West, and wielded the power of life and death. Dr. Wallace took the position that the railroad managers forgot that the roads which they "assume to control" were essentially public highways, and that they could not be considered as

purely private property for the benefit of the stockholders and managers and officers."¹

One interesting aspect of the public reaction to high rates was the demand for a two-cent fare for passenger traffic. This demand came to a head in Kansas in 1907, a year or two later than the subject of our primary emphasis in this chapter. There had been rumblings in favor of legislative action against high passenger rates for many years. In response to popular demand Governor Hoch in August, 1907, strongly urged the State Board of Railroad Commissioners to put into effect a two cent fare for Kansas.² On September 4 following, the Board issued an order for the roads to put a two cent fare in effect on or before October 1.³ After hesitation and protest, the roads complied and the fare remained in effect for a number of years.

Yet another phase of the excessive rates issue was the vigorous reaction on the part of the shipper against the idea that the roads could "arbitrarily" set their rates for all that the traffic would bear.

It is not within the scope of this study to attempt to analyze all the implications of the claims of too high rates by the railroads, but it is in order to offer some of the reactions of the roads to the charges. They declared that there was a fundamental error in the thinking of the average citizen in assuming that the transportation business was not subject to the laws of supply and demand. As Gleed pointed out, the weakness of the railroads rested in the fact that there was a very heavy proportion of invariable expense in the business as compared with the variable. Thus, the road had to have tonnage, a vast volume of it, and it must be properly distributed throughout the year. He further suggested that it was paradoxical but true that the railroad could carry a large tonnage

of freight at less than cost, and yet at a profit. The farmer had the world for his market and could vary his product. The railroad, on the other hand, was confined to the territory which it traversed, and could sell only transportation, and that for immediate and local consumption.⁴ Some years later when the issue was still in vogue Mr. E. P. Ripley, President of the Santa Fe, gave another phase of the official reaction of the roads in an interview in Topeka: ". . . Did it ever occur to you that so far as the merchandise rates are concerned the roads might haul all the supplies consumed in the state free of charge and it would not affect the living expenses of the average family to the extent of five dollars a year--or that they might double the present rates and the average householder or head of a family would not know it unless he saw it in his newspaper? All this talk about high rates and 'oppression' is the veriest rot."⁵

Over-capitalization

The issue of over-capitalization was related to, if indeed not a part of, the larger problem of excessive rates. According to Gleed the average layman assumed that the railroads had not been "content with robbing the people of the best part of the public domain, not content with vast subsidies in the form of municipal bonds, often procured by bribery and fraud," but in addition had ". . . loaded all the great public highways with first mortgage bonds and second mortgage bonds and income bonds, and first preferred stock and common stock, . . . [had] created a huge fraudulent and artificial capitalization" and then compelled the people to "pay interest on this vast sum out of funds which ought to go to supply necessities and comforts to . . . wives and children."⁶ The amount of stock watering is illustrated by a charge in

the mid-nineties that the average capitalization of railroads in the United States at that time was over \$60,000 per mile. The Santa Fe was capitalized at around \$77,000 per mile, while its actual value, compared with other property was assumed to be around \$30,000 per mile.⁷ There were repeated calls that the government should "squeeze the water" out of railroad stock in line with a realistic valuation.

The railroads did not often openly argue the case of over-capitalization. On one occasion, however, Balie P. Waggener, general attorney for the Missouri Pacific, gave a pointed reaction to the suggestion of changing the over-capitalization of the roads. W. R. Stubbs, Republican of Lawrence, in his bid for nomination for the United States Senate, suggested a "remedy" for the evils of over-capitalization. He called for a "federal statute providing that every corporation engaged in interstate business shall secure a federal charter, and providing in that charter that no stocks, bonds, or securities can be issued without the approval and under the direct supervision of the department in charge."⁸ Waggener, a Democrat, replied in a series of newspaper articles. He asked a number of pointed questions about how Stubbs proposed to divest the Santa Fe, for instance, of its state franchise, and whether or not he would confiscate the stocks and bonds of the stockholders.

The over-capitalization issue was reflected in demands for "physical valuation" of the railroads when national legislation was in progress, but it could hardly be argued that these demands received generally serious consideration before 1906 or even later.

Discriminatory Rates

In a fundamental sense the granddaddy of the railroad issues was that which dealt with discrimination in rates for persons or places, especially as it applied to the long versus short haul rates and the rebate problem. In every political campaign there were many who could cite examples of discrimination in rates for many Kansas cities when compared with out of state points, and it was a common assumption that Kansans were being put at great economic disadvantage by the roads. One of the most persistent in this endeavor was Joseph Bristow of Salina who was a Republican candidate for United States Senator in 1906 and 1908. One illustration, which might well serve as a model for dozens of others, follows: "For years the rate on sugar from San Francisco to Salina was 87 cents per hundred, while the rate to Kansas City, 185 miles further, was 60 cents per hundred. The train from San Francisco carrying the sugar would pass through Salina, leaving the car for that destination there, and carrying the other on to Kansas City, 185 miles further, yet the purchases at Salina was required to pay 27 cents per hundred more freight than the one at Kansas City."⁹

In his testimony before the State Board of Agriculture, referred to above, Henry Wallace attributed the growth of Standard Oil and the packing house combines to rate discrimination. He declared that unless the federal government intervened it would not be long until the packing companies would be merged into one, and then there would be only one buyer of live stock and one seller of dressed meat. He said farmers would continue to grow live stock, and would always be given enough to encourage them to stay in business, but any excess profits beyond those necessary to induce them to continue would be drained off by the combination.¹⁰

A carefully reasoned statement of the problem was offered by J. S. George, of Hutchinson, president of the Kansas Federation of Commercial Interests. He had been asked by the New York publication, Freight, to discuss freight rate regulation from the shippers standpoint. George in reply gave his endorsement to the plan suggested by Judge Peter S. Grosscup of the United States Court of Appeals at Chicago, and his summary of the problem as presented in that plan appears in part as follows:

Under the present system of making rates in the United States the railroads have artificially divided the country into sections which are controlled by so-called "basing lines." The two seaboards, East and West, the Great Lake region, the Mississippi and Missouri rivers form the principal ones, and the entire commerce of the country is made subservient to large centers that these artificial conditions have built up; the welfare of the great interior (which, after all, is the producing section) has been practically ignored, and the constructive rates applied therein to a greater or less degree.

In any event such advantages are given to these basing line points as to greatly retard the growth of the interior sections in urban population and commercial enterprise . . .

Take, for instance, that great section of the country lying west of the Missouri river and east of the Rocky mountains; its productions and commerce are all forced through the gateway of the Missouri river. It has built up three great cities whose influence with the railroads has been such that practically all rates that apply to the great interior section west of them are made upon a constructive basis, which puts these cities in

control of the commercial situation. A system has been applied in the rate making for this great section that embodies principles of such rank injustice that should they be applied by any business man in his regular course of business he would have a fair chance of landing in the penitentiary.¹¹

The opposition to rate practices of the railroads took on political significance when the Kansas Federation of Commercial Interests took a positive stand against the roads. The principal point of attack on the part of the Federation was to give to the Board of Railroad Commissioners sufficient power and inducement to adjust rates within Kansas on a basis favorable with those outside the state, such as the Missouri River basing line. An organized attempt was made to impress upon the members of the state legislature the intent of the Federation. The interest groups that were fighting hardest on the declarations of the Federation were the stockmen, the wholesalers, and the millers.¹²

The Wichita Rate Meeting

So far as Chester Long was concerned, the Wichita rate meeting had the potential for creating a very nasty political climate. This meeting was held January 10, 1906, in the Toler auditorium in Wichita, and was attended by some 500 or 600 shippers from over the state.¹³

Mr. C. L. Davidson, president of the Wichita Commercial Club called the meeting to order and was followed by Dr. Sargeant, a local minister, who gave the invocation and "prayed for lower freight rates in Kansas and elsewhere." Mayor Ross welcomed the visitors.¹⁴

The response was given by W. Y. Morgan, who had been a strong supporter of Long. He declared that in Kansas people had been talking railroads for years until now the whole country was "getting into our

way of thinking." He said Kansans did not want anything that did not belong to them. "We are not hell raisers. We are not here to tear down, but to build up." In response to the charge that the meeting was political he said, ". . . here we are not politicians or factions, but of good government, of good citizenship, of fair dealing."¹⁵

Morgan's position, however, betrayed more wishful thinking than sound analysis of the facts. As a matter of fact, the committee that did the advance planning for the meeting selected a group of politicians to help carry the weight of their demands. James A. Troutman of Topeka was named temporary chairman, W. R. Stubbs chairman of the committee on resolutions, and J. L. Bristow as permanent chairman. Bristow refused to serve, however, for he feared the action would not be correctly interpreted in view of the fact that he was at the time a candidate for United States Senator.¹⁶

In his speech before the convention temporary chairman Troutman took a direct slap at Long for a statement the latter had made in a speech some months earlier when he declared ". . . that the placing of a railroad rate by the interstate commerce commission to remain in force without review of the courts is unconstitutional."¹⁷ The implications of that remark by Long will be considered more in detail in a later chapter. Troutman also rapped the senator for his delay in finding his bearings on the railroad question.¹⁸

This second charge was based upon a disagreement between Long and the Wichita Chamber of Commerce. In the fall of 1905, after his return from the Philippines with the Taft commission the Wichita Chamber of Commerce and others of the Kansas Commercial Federation sought a commitment from Long that he would support any recommendation that Roosevelt

might make in his annual message concerning railroads. That Long refused to do until he had heard the message.¹⁹ In the meantime Roosevelt changed his position from that of advocating an interstate commerce commission with the power to fix a rigid, definite rate, which he recommended in his annual message of December, 1904, to one of fixing a maximum rate only, and making that rate subject to review by the courts. Long presented and defended the second position in a speech before the Kansas City Knife and Fork Club, and was attacked by Kansas commercial interests because his recommendations did not go far enough in controlling the railroads.²⁰ The meeting at Wichita was in part a continuation of the running fight with Long.

In many respects the Wichita meeting had the ring of Populism. Taylor Riddle, a former chairman and W. J. Babb, chairman in 1906 of the Populist state committee said it was refreshing to hear Republicans taking a stand for which they had denounced the Populists in the 1890's.²¹ One of the outside speakers for the conference was former governor Van-Sant of Minnesota who said that the "eyes of the nation are turned toward Kansas." Concerning the power of corporate wealth the ex-governor asked: "Do you fully realize the vast influence it wields? Have you paused to consider how mercilessly it punishes those who stand in its way and opposes its will, and how it villifies, abuses and misrepresents every man who does not cringe before it?"²²

A second guest speaker was I. L. Lemroot, speaker of the Wisconsin Assembly and a warm political friend of LaFollette. He gave a spell-binding speech which lasted for two hours, and when he had concluded his story of "the redemption of Wisconsin" he was given a great standing ovation.²³ It was decided that the meeting should organize as the

"Kansas Civic League" whose primary purpose would be to secure railroad legislation. Under the leadership of Chairman Stubbs the committee on resolutions presented recommendations on the following topics, which were unanimously adopted: (1) granting to the interstate commerce commission the power to fix rates, (2) abolition of passes, (3) a two cent fare, (4) a uniform system of railway bookkeeping, (5) federal investigation of railroad expenses and accounts, (6) legislation restricting over-capitalization of railroads, (7) exclusion from politics of those who are in the pay of corporations as attorneys or under the control of corporations, and (8) legislation providing for the nomination of all delegates and officers, including United States Senator, by direct primaries.²⁴ The second demand concerning the abolition of passes was more than ordinarily interesting in view of the fact that all the delegates present had been granted either free passes or excursion rates by the railroads.²⁵

A few days later C. E. Denton wrote to Long and said that in his opinion an attempt was being made to discredit the senator in the state and that the Wichita Rate meeting was taken advantage of for that end.²⁶ This position appeared to be reinforced by a communication of J. S. George, Chairman of the Executive Committee of the newly formed Kansas Civic League to many of the smaller newspapers of the state encouraging them to support the resolutions passed by the committee and support the work of the League. A third request contained political dynamite. It asked the papers to "Publish the League's estimate of the candidates before party conventions and before the people after the conventions, and to give no candidate for office active support, who is opposed by the League; this with the assurance on our part that the utmost care

will be used to ascertain facts in relation to each individual candidate before deciding and publishing our decision in regard to him, and that such decisions of the League will be absolutely non-partisan in nature."²⁷

This suggestion was in line with a recommendation which was sent by telegram to the Wichita meeting by William Allen White, who was unable to attend.²⁸ It appeared to Mort Albaugh that this proposition could "mean nothing else than the tearing down of the republican organization in the state."²⁹

Some of the further political implications of charges of rate discriminations will be discussed in later chapters, but it seems necessary in the interest of fairness to point up the other side of the issue. As intimated above, Long had scant enthusiasm for any serious attempts at equalization of rates for long and short hauls. Probably the best explanation of his position is that offered by Long himself when he was discussing the matter two years later, and defending his vote against the LaFollette amendment covering that issue. He said:

No proposition could be enacted into law that would deal such a death blow to the prosperity of Kansas. Kansas is in the center of the continent; its prosperity has heretofore depended to a large extent, and will continue to depend in the future, upon special rates made by the railroads, by which lower charges are made for longer haul than for a short haul included within the long haul. It is these special rates which could not be given if the reduction of a rate was prohibited. Special rates make it possible for the wheat, corn, cattle and hogs of Kansas to be placed upon distant markets in competition with similar products raised nearer these centers. It is these special rates made by

the railroads which have made the existence of the flour mills of Kansas possible, by giving their products rates that enable them to sell their flour in distant cities and foreign markets. It is these special rates that has given Kansas and states similarly situated a virtual monopoly of wheat and corn raising, and has occasioned so many abandoned farms on the hills of the New England and other Eastern states. It is these special rates that has made it possible to have the manufactured products of the East laid down at Missouri river points almost as cheaply as they can be laid down at Pittsburg, Buffalo and Cincinnati. It is true that in certain cases it appears that the present provisions of the long and short haul may work an injustice to some of the people of Kansas, but taken altogether, no provision of any law at any time would be so detrimental to the people of the state of Kansas as to require the railroads of this country to make their charges on the basis of so much per ton per mile. Kansas is the one state in all the Union that would be wrecked and ruined by such a law as this.³⁰

The most definitive statement of the nature of railroad rates is that which is fortunately preserved for us by virtue of the action of the state legislature in 1905. The Kansas Senate and House in joint resolution asked the Board of Railroad Commissioners to make a detailed study of railroad rates in Kansas, Missouri, Iowa, Illinois, Nebraska, and Texas.³¹ The legislature asked for the work to be completed in six months, and under the direction of E. C. Shiner, rate clerk for the board, it was made ready for use in September of 1905. The report showed that on the average, Illinois, Iowa, and Missouri rates were

lower than that of the other states, probably because of their larger volume of business.³² However, taken as a whole, there is little evidence that Kansas was the particular subject of excessively unjust discrimination, and, in fact, had very favorable rates when compared with Texas or Nebraska. A few excerpts from the voluminous tables reported for the Board will give some idea of rate differential as it affected different commodities.³³

Rates for 40 Miles

	Kansas	Average		Kansas	Average
Cattle	6.5	7.59	Cement	6.0	6.02
Hogs	8.3	9.14	Salt	8.1	7.09
Grain	6.8	6.74	Lumber	6.5	6.17
Flour	7.1	7.39	Hay	5.6	5.84

Rates for 100 Miles

	Kansas	Average		Kansas	Average
Cattle	11.0	11.09	Cement	8.67	9.02
Hogs	14.17	13.25	Salt	11.24	9.9
Grain	9.54	10.06	Lumber	10.67	9.5
Flour	10.08	10.91	Hay	9.5	8.53

Rates for 200 Miles

	Kansas	Average		Kansas	Average
Cattle	14.4	14.35	Cement	35.9	32.69
Hogs	18.4	17.32	Salt	16.5	14.25
Grain	13.9	13.45	Lumber	15.9	13.24
Flour	14.8	14.22	Hay	13.8	11.44

The report covered a total of seventy-two pages, and examined rates from many angles, including rates charged in Kansas by railroads having

continuous lines of roads in other states, rates charged jobbers in interior Kansas towns as compared with those charged from points on the Missouri River, and general comparisons of rates like those presented above.

It seems safe to make at least two observations on the results of the study. In the first place Kansas was not uniformly discriminated against. On the contrary the commodities which Kansas shipped in great quantity were carried at rates less than the average on those commodities for the six states studied. The most conspicuous items in this category were cattle and grain. On the other hand, for most classes of commercial products the Kansas rates were above average for the six states. It thus was no accident that agitation against the railroads at this time arose from commercial interests. As has already been mentioned the Wichita Chamber of Commerce was the real leader in the movement and in the course of time the commercial interests of the state as a whole joined in active agitation for lower rates, but a substantial job of public "education" was required to secure anything like general cooperation in such an enterprise. The story of that agitation is the subject of a later part of this study.

It is obvious that Chester Long occupied an unenviable position on the railroad issue. He was a product of the "big Seventh" district, which contained at once both the city of Wichita and one of the leading grain and cattle sections of the state. It is true that Long as senator was a representative of the whole state, but he, at least, was aware of the fact that his election to the Senate was due to his strength in his home district. If he were forced to choose between the agricultural versus the commercial interests for support it would seem entirely

logical, in the absence of direct election of senators, to lean in the direction of the rural areas which furnished the majority of the representatives to the state legislature. In any event he could hardly be honestly charged with betraying the best interests of the people of Kansas in not taking up the cry against the railroads on the issue of favorable rates for the long haul. It could probably be argued that for Long to take a middle of the road course on railroad legislation would seem to be politically the most expedient course for him to follow. In any event that was the direction he chose to take. He could hardly have been expected to foresee the implications of an outbreak of neo-Populism which was to make it impossible for him to assume a judicial position on a problem that was essentially judicial in nature.

The Roads in Politics

One of the stock complaints against railroads in general was that they used their influence to secure legislation and public officials favorable to their cause and thus denied to the "people" the rights of self government. Mr. Wallace, in the discussion mentioned above, said that in every state capital there was a permanent lobby made up of railroad officials or others who were not in politics for their health but had close relations with railroad officials. They could defeat legislation which would correct railroad abuses, and could further greatly influence senators and representatives with the use of the free pass and with the telephone, express, and telegraph franks.³⁴ There can be little doubt that the railroads, like the Democrats or Republicans or Populists or the Kansas Federation of Commercial Interests used the instrument of government to serve their purposes wherever that was possible. It is possible, however, that some concessions which they made,

such as the granting of passes, were not so much freely offered as they were rendered to satisfy a demand. Indeed, by 1905 or 1906 there is considerable evidence that the railroads would have liked to have been free from the necessity of granting free passes. On January 17, 1906, Balie Waggener prompted what the Capital called the "most astonishing thing that has yet occurred during the present session of the Legislature" when he introduced an anti-pass bill. His bill differed from that which had been favored by the professional railroad regulators in that it made passes mandatory to state officials, but would deny them to delegates to conventions or to shippers who might be influenced to thereby favor one road in their shipping over another. The Capital doubted if the Waggener bill would arouse any great enthusiasm among the Square Deal fraternity.³⁵ It is probable that Waggener as a railroad attorney received a great deal of amusement from the introduction of his bill, but he repeatedly expressed himself as favorable to an anti-pass measure, and there is evidence that others of the railroad officials were likewise opposed to passes.³⁶

In addition to these various interpretations of railroad "abuses," there were others who would explain the whole railroad problem as simply one that was evolutionary in nature. The railroad business, as it had developed in its early stages, was largely speculative. Much of the railroad mileage in the country had been built in advance of actual needs, and the population as well as the wealth of the regions served by the new lines had to grow up to give value to the transportation properties. Thus, the railroads dealt in lands, promoted manufacturing by special rate concessions, and made bargains with grain companies, elevator companies, and all sorts of enterprises of a speculative and hazardous

nature. They were considered to be strictly private enterprises.

The time came, however, when the conception developed that the railroad was a great and necessary public servant with all the obligations of a common carrier, and with no right, therefore, to discriminate against or for any of those who were required by the nature of their business to make use of the public highway. The whole problem, it was thus explained, had come about by way of evolution from transient, speculative, and immature conditions to those of a riper period of industrial life and civilization. Many of the abuses, nevertheless, which had grown up in an earlier period were hard to destroy.³⁷

Footnotes

1. Topeka Herald, January 15, 1903.
2. Topeka Daily Capital, August 23, 1907.
3. Topeka State Journal, September 4, 1907.
4. Topeka Herald, January 15, 1903.
5. Topeka State Journal, October 24, 1907.
6. Topeka Herald, January 15, 1903.
7. Ottawa Journal and Triumph, July 26, 1894.
8. Topeka State Journal, August 23, 1906.
9. Ibid., November 11, 1905.
10. Ibid., January 15, 1903.
11. Topeka Daily Capital, June 18, 1905.
12. Ibid., April 17, 1904.
13. Topeka State Journal, January 10, 1906.
14. Kansas City Journal, January 11, 1906.
15. Topeka State Journal, January 10, 1906.
16. Ibid.
17. Ibid.

18. Topeka Daily Capital, January 11, 1906.
19. Letter of Long to Roosevelt, January 30, 1906, Long Papers.
20. Biography and Public Record of Chester I. Long.
21. Kansas City Journal, January 11, 1906.
22. Topeka State Journal, January 10, 1906.
23. Topeka Daily Capital, January 11, 1906.
24. Ibid.
25. Topeka State Journal, January 10, 1906.
26. Letter of C. E. Denton to Long, January 15, 1906, Long Papers.
27. Letter of Albaugh to Long, January 17, 1906, Long Papers.
28. Topeka State Journal, January 10, 1906.
29. Letter of Albaugh to Long, January 17, 1906, Long Papers.
30. Published Speech of Long, Delivered in Emporia, June 10, 1908.
31. Nineteenth Report, Board of Railroad Commissioners, State of Kansas,
(Topeka, 1906), 90.
32. Kansas City Journal, September 20, 1905.
33. Nineteenth Report, Board of Railroad Commissioners, State of Kansas,
126-127.

35. Topeka Daily Capital, January 17, 1906.
36. Letter of Thomas Way to Cummins, January 31, 1906, Cummins Papers.
37. American Monthly, (July 1906), 4.

Chapter V

THE RAILROAD RATE LEGISLATION OF 1906

The agitation for governmental action on railroad rate legislation began to realize some tangible results with the Roosevelt annual message to Congress on December 6, 1904. The president called attention to the fact that the need for federal government action in dealing with corporations was far greater than in the case of labor, for the great corporations could become so only by engaging in interstate commerce. It was an absurdity, he believed, to expect to eliminate corporation abuses by state action.¹

He then turned to the issue of rebates. Declaring that it was necessary to "keep the highways of commerce open to all on equal terms," he called for an end to all rebates. He continued with a discussion on rates in general, and offered his much debated request for the rate-making authority to be vested in the Interstate Commerce Commission: "While I am of the opinion that at present it would be undesirable, if it were not impractical, finally to clothe the Commission with general authority to fix railroad rates, I do believe that, as a fair security to shippers, the Commission should be vested with the power, where a given rate has been challenged and after a full hearing found to be unreasonable, to decide, subject to judicial review, what shall be a reasonable rate to take its place; the ruling of the Commission to take effect immediately, and to obtain unless and until it is reversed by the court of review."²

He further observed that the government must, in increasing degree, supervise and regulate the railroads engaged in interstate commerce,

and that "such increased supervision is the only alternative to an increase of the present evils on the one hand or a still more radical policy on the other." (Underscoring mine)

The House was responsive to the suggestion of the president and debated with enthusiasm a railroad bill introduced by Hepburn, which was in the nature of an amendment to the act of 1887. On February 9, 1905, this first version of the Hepburn Bill passed the House by a lopsided majority of 326 to 17.⁴ The Senate appeared less impressed with the popular clamor for legislation, and the bill died in that body with the expiration of the Congress.

In view of the inactivity of the Senate many of the shipping interests in Kansas began to bring pressure to bear which would help to force legislative action, and Long, of course, was the principal target in the home state. In the fall of 1905, as indicated in chapter IV, the Wichita Chamber of Commerce attempted to force him to say that he would support any recommendation on railroad legislation that Roosevelt might make in his annual message of that year. That, Long refused to do on the very good grounds that he would wait to see what the president would say before announcing his position. Eventually, when Roosevelt delivered his annual message Long was in full agreement, but by that time the shipping interests had organized as the Kansas Civic League, with Mr. C. L. Davidson as director, and the committee on resolutions headed by W. R. Stubbs declined to endorse the position of the president.⁵ The organization continued and even increased its pattern of discrediting Long, however, as the following pages will show.

In December of 1905 Roosevelt again called for some sort of Congressional action controlling rates in interstate commerce. Some writers

have interpreted the second message as an evidence of a pattern of growing radicalism on his part when it is compared with the message of 1904,⁶ but the present writer fails to sense the radical aspects of either message.

In the second of the annual messages referred to above, Roosevelt declared that he was "in no sense hostile to corporations." He said his was an age of combination, and any attempt to prevent all combination would be not only useless, but in the end vicious, because of the contempt for law which the failure to enforce law always brings. Moreover, he believed people should "recognize in cordial and ample fashion the immense good effected by corporate agencies" in a country like ours, and the "wealth of intellect, energy, and fidelity devoted to their service, and therefore normally to the service of the public, by their officers and directors."

He pointed out further that experience had shown that attempts at regulation by states had never proven satisfactory, but that the national government had both the power and the responsibility to act in the area of the regulation of corporations. "Our steady aim," he said, "should be by legislation, cautiously and carefully undertaken, but resolutely persevered in, to assert the sovereignty of the National Government by affirmative action." This was no innovation, he said, but merely a restoration, for from earliest times it had been a recognized function of law making bodies to exercise such regulation. He was simply trying to meet changed situations in such a way that the Commonwealth would not abdicate the power it had always possessed.

He felt that it was a misfortune that national laws on the subject had "hitherto been of a negative or prohibitive rather than an affirma-

tive kind, and still more that they have in part sought to prohibit what could not be effectively prohibited, and have in part of their prohibitions confounded what should be allowed and what should not be allowed." He added:

I am well aware of the difficulties of the legislation that I am suggesting, and of the need of temperate and cautious action in securing it. I should emphatically protest against improperly radical or hasty action. . . .

The first consideration to be kept in mind is that the power should be affirmative and should be given to some administrative body created by Congress. . . . It is not my province to indicate the exact terms of the law which should be enacted; but I call the attention of the Congress to certain existing conditions with which it is desirable to deal. In my judgment the most important provision which such law should contain is that conferring upon some competent administrative body the power to decide, upon the case being brought before it, whether a given rate prescribed by the railroad is reasonable and just, and if it is found to be unreasonable and unjust, then, after full investigation of the complaint, to prescribe the limit of rate beyond which it shall not be lawful to go--the maximum reasonable rate, as it is commonly called--this decision to go into effect within a reasonable time and to obtain from thence onward, subject to review by the courts.⁷

The House again picked up the recommendation and passed a measure sponsored by William P. Hepburn, but the bill was to have rough sledding in the Senate. Discussion on railroad rates was begun in that body on

January 16, when Senator Fulton of Oregon opened the issue by pointing out the weaknesses of the act of 1887. The crux of the complaint against the law of 1887 rested in the fact that when complaints of unreasonable rates were made to the Interstate Commerce Commission, the Commission could investigate and recommend a reasonable rate, but if the carrier did not observe the recommendation there was nothing for the Commission to do but to institute a suit in equity to enjoin the exaction of the rate which it had condemned as unreasonable.⁸

Debate in the Senate was undertaken in earnest on March 1, when Dolliver of Iowa took the floor to present the case for the bill. Inasmuch as his position has been much discussed and he has been variously accused of having been both in the camp of the radicals and of the conservatives, his position will be defined in some detail. He made clear from the outset that he wanted to protect the Senate, as far as possible from the "sneer that has become quite common in the corridors of the Capital" that the senators were acting in response to a hasty agitation that had been brought upon Congress by the enthusiasm of another Department of the Government. He was glad, for one, that "this question does not involve any of the differences of our partisan politics," but that rather some issues were so broad in their significance that political parties were not divided upon them.⁹

The general propositions which Dolliver called for were in the nature of amendments to the Act of 1887, as follows:

1. The meaning of the word "transportation" should be broadened by requiring that every charge incident to the service should be considered a part of the published rate.

2. The powers of the Interstate Commerce Commission would be defined and enlarged by authorizing it to hear complaints concerning unreasonable rates and to require the carrier to observe a maximum in such cases. However, there was to be taken away from the carrier no part of the legal redress in the courts which would be his under the Constitution. This, Dolliver felt, would be the battle ground of the controversy.

3. The bill would require a detailed report of the business of the railways, compelling common carriers engaged in interstate commerce to conform their systems of accounts to the regulations made by the Commission and to keep them open to inspection under public authority.¹⁰

The Senator from Iowa then expressed his appreciation for the work the Interstate Commerce Commission had already done. He observed that it had become fashionable to belittle and underestimate the work that had been done by that body, and was willing to confess that "in the earlier stages of [his] meditations" upon the subject he had joined with the multitude to do an injustice to that overworked and underpaid body. But after studying the proceedings of the Commission since it was inaugurated he would not now withhold tribute to the fidelity and fair-minded ability of the men who had served upon it.¹¹

Dolliver stated forcibly on different occasions throughout his speech his reaction to the nature of the relationship of business to government. He declared he was "not one of those who look forward to an era of perpetual hostility between the railways . . . and the business community, of . . . they are the servants." So he had "refused utterly to get excited or to listen to those who want to create new instruments of torture for the railway systems" of the country. He had been depressed and discouraged the past week or so. It kept coming to

him that there ought to be enough statesmanship in Congress to keep the peace of the market. It seemed inconceivable to him that a great property interest should be allowed to drift into an attitude where its hand would be against every man and every man's hand against it. Therefore, he said, the bill of which he spoke, aside from adding to the salary and the number of the Commission, took the risk of accepting the machinery with which people had been familiar for twenty years.¹²

He further clarified his position as follows:

. . . It need not be said, yet there is no danger of overstating the truth, that no legislation affecting the railway problem can be of any value to the community unless it is based upon a solid foundation of right and justice. Therefore, whoever approaches these questions in an atmosphere of prejudice, or with a purpose soured by malice and hostility toward the railroads, is likely to contribute little or nothing to their permanent solution.

Whether the position which I shall take is approved by anybody, whether the words which I speak are believed by anybody, I venture to express the hope that I may be acquitted of that most grievous offense which can be committed against the properties of a place like this--the offense of exploiting here either my own prejudices or the incoherent clamor of others against the corporations with which this legislation is concerned. I am a believer in the law of property which we have inherited from our fathers, and I look upon the statutes creating the modern business corporation as the most important step ever taken in the history of civilization to bring the resources of the world

into the service of the human race. . . .

Dolliver, however, was not attempting to minimize the necessity of action by the Congress:

. . . the popular agitation which has accompanied the proposal to amend the interstate-commerce law has differed altogether from any previous movement of public opinion upon kindred subjects at least in one important particular. There has been nothing about it revolutionary, and unless we confound earnestness with radicalism, nothing unreasonable or extreme. It was based upon grievances of shippers and united in its support, at least at the outset, the commercial bodies of our cities, great and small; and if, during the years which have elapsed since that memorable petition was presented to Congress, elements less conservative have attached themselves to the agitation, that fact can not be set down in disparagement of the cause, but rather in reproach of those legislative delays which, however perfectly we understand them here, seem to the outside world like indifference and neglect.

But if some of those who have given expression to the public demand have indulged in noisy declamation; if shrewd and unscrupulous irritation of the public mind has sometimes taken the place of its wise guidance and instruction, that fault is one which has unfortunately affected both sides of the controversy. If demagogues, whose business is politics, and merchants, whose politics is business, have crowded one another in the presentation of the popular complaint, we have no right to resent that here; for long before the politicians heard of this matter; long

before the professional reformers began to perceive the earning power of the movement, the petition of that quiet and least demonstrative section of the public, which in the quaint parlance of the English law goes by the name of the "traders," was sleeping peacefully in the files of both Houses of Congress.¹³

It will be noted immediately that Dolliver was conscious of at least three major points of view on the legislation then under discussion. In the center was a great body of traders and merchants who had requested and had a right to expect some adjustments and improvements in interstate commerce regulations. On either extreme were agitators and politicians who were using the current state of unrest and dissatisfaction to further their own interests. He seemed to be very much aware of the influence of the conservatives, and maintained a rather consistent pattern of sparring with Senator Foraker of Ohio, as the pages of the Congressional Record abundantly show. Many of his sharper thrusts, however, were directed at the "less conservative" elements, including the "professional reformers" who were using the movement to advance their own ends. Neither extreme recognized a middle ground, and the man who attempted to follow a moderate course was frequently flirting with political suicide.

It is evident from his messages in 1904 and 1905 that President Roosevelt was approaching the railroad legislation problem in 1906 from the moderate position, which would effect real regulation, but which would stand apart from the radical proposals of many that would provoke extreme changes in the relationship of the government to business. His failure to beat the drums of reform loudly enough on this issue may very well have cost him popularity in some areas. It seems clear that there

was a falling off of enthusiasm for the president, at least in Kansas in the early months of 1906.¹⁴ Long believed that the loss of popularity was due to the belief that Roosevelt had changed his attitude on railroad legislation. He said there was no change of attitude so far as the general position of the president was concerned, but he had made recommendations that were not so indefensible as those of a year earlier, and that some legislation along the lines of the Hepburn-Dolliver bill would be enacted by the Congress then in session.¹⁵ Cooperating with the president on this legislation in the Senate were Dolliver, Allison, Long, and others. The conservative, pro-railroad position was under the able leadership of Aldrich, and the radicals were flying the banner of LaFollette. It is not the purpose of this study to trace the debates on the bill in the Senate, but rather to define the position of Long on the whole issue. Was he a tool of the railroads who was trying to block legislation and scuttle the program of the president, as was charged by his political opponents in Kansas, or was he interested in helping to secure effective regulation as he himself believed?

As Dolliver had forseen the crux of the fight in the Senate dealt with the issue of court review as it related to actions of the Commission. The position of the Aldrich forces was to grant the power to initiate rates to the Commission, but broad review would be established by giving the aggrieved party the liberty to bring suit in the courts to test the validity of the Commission's judgment. They would protect both the shipper and the railroad by providing for the suspension of rates pending review, and also would reimburse the railroad in case a lowered rate should be cancelled and the former rate restored. Thus, the bill would permit the Commission to decide what rates were "just and reasonable"

but would also permit the submission to the courts of all the facts involved by way of argument to impunge the conclusion reached by the Commission.¹⁶

LaFollette was new in the Senate in 1906. He had been elected to that body January 25, 1905, while he was serving as governor of Wisconsin, but stayed on in his home state until he was satisfied that the success of his legislative program was assured. He arrived in Washington in January of 1906.¹⁷ By April of that year he felt impelled to stand out against the weaknesses of the Hepburn bill as then presented. One of his principal concerns was that it was a shippers' bill rather than a consumers' bill. As a class the shippers were interested only in equal rates for all shippers within a zone of competition. They were quite indifferent to the amount of the rate, because in the end they did not pay it. The shippers' complaints would not, therefore, be filed before the Commission to secure reductions.¹⁸

LaFollette's main interest was the "great body of the American people who constitute the consumers of the country." He was convinced that the legislation ought to be so framed "that there is some one upon whom rests an official obligation to act for the helpless consumer, for the millions who pay the freight."¹⁹ LaFollette proceeded to outline nine major weaknesses of the bill, which he interpreted as representing in essence the wishes of the Commission itself:

1. There was no provision authorizing the Commission to ascertain the value of railroad property so that it could determine a reasonable rate.

2. The bill did not confer upon the Commission the "broad powers to revise rates, fares, and charges upon its own motion, or to fix absolute

rates, fares, and charges under any circumstance whatever."

3. There was no provision for the Commission to consider, upon its own motion, the relationship of rates as they pertained to specific complaints.

4. Inasmuch as the change in classification of an article of freight changed all the rates under which that article might be shipped, the Commission ought to be able to determine what would be a reasonable classification and to prescribe the same.

5. In view of the fact that in many cases railroad companies would readjust rates for competing towns to a common market, the Commission should be given the authority to fix a minimum rate.

6. With reference to long and short haul discriminations the Commission was effectively restricted in its activity. It ought to be given power to determine what conditions are dissimilar and what discriminations are warranted.

7. Railroad companies had been permitted to withhold important testimony during the hearings before the Commission, but had subsequently offered the testimony in the trial before the court and thereby succeeded in reversing and discrediting the Commission. The bill should prohibit such practices.

8. The Elkins law exempted railroad officers and agents from imprisonment for violating the law, but that penalty should be restored.

9. The bill made no provision for the adoption of the block system, or other well approved safety appliances, or for other progressive legislation which would help to preserve life.²⁰

The Wisconsin senator added:

. . . the system of regulation must be right in principle;

it must rest on the broad foundation that the Government shall possess powers of correction coextensive with the railway corporation's powers of abuse. Whenever the railroad makes, in respect to its service, any rates, classification, or regulation whatsoever which are unjust or unreasonable as compared with any other rate or regulation or which are of themselves unreasonable or excessive, or does any other thing or pursues any policy at variance with the public interest and the general welfare, then the Government should have and exercise the power to set aside and prohibit such injustice or abuse and institute and enforce in lieu thereof any other rate, classification, regulation, thing, or policy that will best subserve the general welfare.²¹

LaFollette evidently did not really expect that all of his recommendations would be accepted, but acted upon the assumption that no part of a loaf was better than a half. At a later time he observed that he had urged the president to send a special message to Congress pointing out the things that needed to be done on railroad legislation, even though it might not go through at that session. He believed that if Roosevelt continued to call upon the Congress every time it failed to act he would leave in his "messages a monument compared with which such a statute as this [the Hepburn Act] would be trivial." The senator believed that the record of the administration would count for more in history if Roosevelt would try "to get what is right" even though he failed, than to take what he could get, "knowing that it does not reach the vitals of this question."²²

By early April of 1906 the president decided upon a more positive course of action. During the month of March the Aldrich strategy had

been to hammer on one idea: was the bill constitutional, however interpreted? He was attempting to appeal to the "legal conscience" of the Senate, and to keep the lawyers always in the foreground.²³ Roosevelt vented his growing antagonism in a letter to Allison who had been working closely with him. He had been thinking about the rate matter and "the antics of the men who are under all kinds of colors trying to prevent any kind of legislation." He said that the more he thought about it the more he believed that the so-called "conservative" or so-called "railroad Senators" had by their own actions "put us in a position where we should not hesitate to try to put a proper bill through" even if it meant cooperating with the Democrats.²⁴

As a matter of fact, the executive arm was already actively at work in the Senate. On March 31, Roosevelt had invited Senators Allison, Cullom, Dolliver, Clapp, and Long, along with Attorney-General Moody and two Interstate Commerce Commissioners to a conference at the White House. A general line of attack was evidently agreed upon, and Long was delegated to present in the Senate an amendment which was designed to answer some of the issues of constitutionality and court review.²⁵ When Long took the floor on April 3, there was considerable discussion and criticism of the fact that he was acting at the behest of the president. Long admitted that the issues involved in his amendment had been discussed at the White House and with several gentlemen, but that his suggestions were not prepared at the White House, and they were his own.²⁶ After the discussion had continued for several minutes concerning the relationship of Roosevelt to the Long position, Senator Tillman mentioned that a few weeks earlier he had been questioning Senator Spooner concerning a certain "errand of himself and his colleague," and that Spooner had

told him very politely that it was none of his business. Tillman suggested that Long tell his questioners that it was none of their business, but Long replied that he did not want to be "so discourteous to Senators."²⁷

The Kansas senator then set about to seriously consider the constitutionality of the several shades of proposed court review that had been presented in discussions on the railroad legislation. To lay the foundation for his remarks, he quoted from Judge Walter C. Noyes in his work on "American Railroad Rates." That passage was as follows:

It seems impossible to draw a constitutional statute conferring upon a court power to review upon the facts the action of the Interstate Commerce Commission in making a rate. The courts could not make a rate, for rate making is not, and can not be, a judicial function. They can not supervise the action of the Commission for precisely the same reason. There is no difference in principle between making a rate and reviewing upon its merits the action of a commission in making a rate. In both cases the exercise of legislative not judicial discretion is required. A statute requiring the courts to participate, directly or indirectly, in making rates for the future would impose non-judicial functions and would be unconstitutional. To repeat what we have already pointed out—it can not be too clearly borne in mind that while the courts can determine the reasonableness of a carrier's charges they can not in the same way and from the same point of view determine the reasonableness of commission-made rates. When a rate is made by a commission, under a law, it has the effect of a law, which the courts can only review upon constitutional grounds. The distinction is between the reasonable-

ness of a charge and the reasonableness of a law. But it may be said that the courts always have examined rates made by commissions to determine whether they are reasonable, and decisions of the Supreme Court of the United States may be pointed out where the enforcement of commission-made tariffs has been enjoined because the rates were unreasonable. But, as we have already seen, the word "unreasonable" in the sense of these decisions means confiscatory. The only ground upon which the courts could interfere with rates made by the Interstate Commerce Commission would be that they violated the fifth amendment of the Constitution--that they deprived the railroad of its property without just compensation or due process of law. And they could only have that effect when they were confiscatory.²⁸

Long continued by suggesting that there were those who were not in sympathy with the legislation because they insisted there was an effort to prevent full review of the orders of the Commission by the courts. Nothing, he said, was further from the intention of those favoring the legislation. There had also been opposition to giving authority to the Commission to fix a maximum rate, but there was so much support for this proposition in the public mind that the opponents had given up all hope of defeating that part of the bill.²⁹ Long believed that the bill would not be held unconstitutional in the form which was before the Senate, for it specifically recognized the right of review and could not be construed as an attempt to prevent a review. However, he was willing to place in it provisions that were more definite along that line. The amendment which he had offered read as follows:

That all orders of the Commission, except orders for the payment

of money, shall take effect within such reasonable time as shall be prescribed by the Commission, and shall continue for such period of time, not exceeding two years, as shall be prescribed in the order of the Commission, unless sooner set aside by the Commission or suspended or set aside in a suit brought against the Commission in the circuit court of the United States, sitting as a court of equity for the district wherein any carrier plaintiff in said suit has its principal operating office, and jurisdiction is hereby conferred on the circuit courts of the United States to hear and determine in any such suit whether the order complained of was beyond the authority of the Commission or in violation of the rights of the carrier secured by the Constitution.³⁰

The Long amendment was not adopted, but a few weeks later another set of amendments were submitted by Allison which were similar in nature. That is, the Allison position was based upon the assumption that if the bill did not give jurisdiction to the courts over orders of the Commission, it was necessary to give that jurisdiction. At one point, however, there was a difference. The Allison amendment, as it was finally passed, provided for broad review instead of limited review as Long had proposed. This was strongly brought out in the debates of May 11, when Rayner of Maryland charged that the president had first groomed Long and had entrusted to him the mission of securing constitutional review. Then, according to Rayner, Roosevelt changed his position and appointed Allison to propose a broad statutory review, though the "Senator from Iowa did not seek this appointment." This, it was contended, was actually a capitulation to the position of Aldrich. " . . . we understand what all this means here, but the people do not understand it. We understand that

the President is no longer caressing the junior Senator from Iowa [Mr. Dolliver] and the Senator from Kansas, but that he has transferred his affections and is now clasping to his bosom, with the fondest and most fervent devotion, the senior Senator from Rhode Island."³¹

The biographer of Aldrich also takes that position and says the Allison Amendments were actually Aldrich Amendments.³² The present writer suspects the Stephenson position of being not a little exaggerated. It was freely charged in the press that the Allison Amendment had been agreed upon by the Republicans of the Senate and all the evidence would seem to indicate that this was the case. That does not make them Aldrich Amendments, but suggests instead that the conservatives went along with the Republican majority rather than to see the bill passed by the Roosevelt forces in conjunction with the Democrats. The president himself seems to have been satisfied with the proposal. On several occasions he wrote to Senator Allison explaining his position. On this particular issue he stated:

I am informed that Senator Dolliver denies to-day on your authority, that the so-called "Allison amendment" is yours. This is the amendment which you brought to me the other day. I told you then that that amendment was absolutely unobjectionable, and in my judgment no one who chose to exercise an intelligent judgment could in good faith object to it, because it leaves the Hepburn bill, as regards the court review, absolutely unchanged. . . .

I have all along stated that I was satisfied with the Hepburn bill. At first I only said that I thought that the Long amendment would be at least as good as leaving the bill amended; but the more I have seen of it the more I have thought it would be

better to add the Long amendment. The great object, of course, was to avoid the adoption of any broad amendments, Senator Bailey's being the broadest, but Senator Knox's being in my view almost as obnoxious.

I write this because I do not wish there to be any misunderstanding. I expressed my hearty acquiescence in the amendment when you presented it to me, and I remain heartily acquiescent in it. It can certainly do no harm; and if there is the slightest need for it it is not only a good but an indispensable thing; and if the Hepburn bill goes through substantially in its present form, but with that amendment, I regard the outcome as excellent. I would, however, regard it as still better if we could get in the Long amendment, not as a substitution for, but as an addition to yours. . . .³³

It seems clear beyond a doubt that on at least three issues Roosevelt was satisfied with the progress of rate legislation:

(1) The Hepburn bill as it came from the House was in keeping with his desires.

(2) The Allison amendment, while it may not have been necessary, would possibly strengthen and clarify the measure, and for that reason he favored its passage.

(3) The Long amendment, which would tend to narrow court review, would strengthen the bill and, therefore, he would like to have it incorporated in the legislation if possible.

Furthermore, Roosevelt was very much aware of the three way fight in the Senate as well as his relationship to it. Two years later in discussing the whole issue of politics and government he said:

. . . I tried faithfully to work with La Follette, just as I tried faithfully to work with Aldrich. Neither has been of much use in public life during the last three years. each has often worked detriment. . . . The men who have done good in the twenty-five years I have been in politics are those who have ideals but who have tried to realize them in plan [sic] practical fashion, and who have tried to do each his duty as the day came, and to fight each evil as they found it arise without bothering their heads about the "ultimate" evil. I believe in men who take the next step; not those who theorize about the 200th step.³⁴

Long's position was similar. In spite of the charges to the contrary by those in Kansas who were after his seat in the Senate, he had steadily advocated legislation along the line of the Hepburn bill. While the debate in the Senate was in progress he discussed his position in a letter to Albaugh. He said the contest was very close, but he believed that his amendment, possibly with modifications, would be incorporated in the bill. If not that, he believed the bill would pass essentially as it came from the House so far as court review was concerned. Either development, he said, would be satisfactory with him.

As debate progressed on the Allison amendment Long pointed out that his amendment as it was originally prepared was essentially after the same value as was the Allison amendment. He agreed with Senator Knox that the bill as it came from the House did not affirmatively give jurisdiction to the courts. He added that ". . . we who were in favor of the legislation admitted that if it did not give jurisdiction, or rather if it could be so construed as to prevent the jurisdiction from attaching,

then the bill would be unconstitutional." In order to make plain that they did not intend to prevent a review by the courts, his amendment was prepared. He felt, however, along with Dolliver, that much of the constitutional debate had been "among the shadows and in the clouds," and as he maintained at the opening of the debate he believed that it was beyond the power of Congress either to restrict or to enlarge the constitutional guarantees.³⁶

As Long had indicated, the final definition of the extent of the authority of the several agencies involved would need ultimately to rest with the courts in their interpretation of the constitution. It seems clear that the bill did make some significant changes. Charles A. Prouty, a member of the Interstate Commerce Commission, explained that the most important and radical provision of the Hepburn bill was that it invested the rate-making authority in the Commission. It did not set interstate rates generally, but established them after complaint, and the rate it established had to be observed by the carriers. "The delegation of this rate-making power was bitterly opposed by the railways. It is this proposal that has been mainly discussed in the press. The contest in the Senate over court review really involved this issue, and this alone. The result was the Allison amendment and certain modifications of the Hepburn bill. Whether the bill as finally agreed upon confers this power can only be positively affirmed after the courts have passed upon that question. The President and his supporters in Congress confidently believe that it does; the railroads earnestly hope that it does not . . ."³⁷

The measure seems generally to have been accepted through the country as an effective measure and a victory for the President. The American Monthly commented editorially that the bill carried in the main the things

for which Roosevelt had contended. Chief among them was that the Commission should be authorized to substitute a just rate in cases of complaint where it found rates unjust. That was eventually conceded on all sides and the debate narrowed down to the kind of court review. Finally, the Allison amendment, which declared that the authority of the courts to review the decisions of the Interstate Commerce Commission could not so operate as to increase or diminish the powers that the courts would in any way possess, was accepted and was entirely satisfactory to the President.³⁸

Within a very few years Senator Long, as we shall see, was retired from the United States Senate because, it was charged, he was a tool of Wall Street, and particularly because he had double-crossed the President in the attempts of the latter to secure effective railroad rate legislation. Perhaps William Allen White was right in his many comments about the absence of intellectual honesty and the super-abundance of emotionalism in the Kansas political climate.

Footnotes

1. Congressional Record, Vol. 39, 12.
2. Ibid., Vol. 39, 13.
3. Ibid.
4. Ibid., Vol. 39, 2205.
5. Letter of Long to Roosevelt, January 30, 1906, Long Papers.
6. Henry F. Pringle, Theodore Roosevelt, (New York, 1931), 419.
7. Congressional Record, Vol. 40, 91-92.
8. Ibid., Vol. 40, 1118.
9. Ibid., Vol. 40, 3193.
10. Ibid., Vol. 40, 3194.
11. Ibid.
12. Ibid.
13. Ibid., Vol. 40, 3195-96.
14. Letter of A. A. Richards to Long, January 21, 1906, Long Papers.
15. Letter of Long to A. A. Richards, February 5, 1906, Long Papers.
16. Nathaniel W. Stephenson, Nelson W. Aldrich, (New York, 1930), 294.
17. Robert M. LaFollette, A Personal Narrative of Political Experiences, (New York, 1913), 370-372.

18. Congressional Record, Vol. 40, 5695.
19. Ibid.
20. Ibid., Vol. 40, 5696-97.
21. Ibid., Vol. 40, 5701.
22. LaFollette, A Personal Narrative of Political Experiences, 409-410.
23. Stephenson, Nelson W. Aldrich, 300.
24. Letter of Roosevelt to Allison, April 12, 1906, Roosevelt Papers.
25. Congressional Record, Vol. 40, 4644-45.
26. Ibid.
27. Ibid., Vol. 40, 4647.
28. Ibid.
29. Ibid.
30. Ibid., Vol. 40, 4570.
31. Ibid., Vol. 40, 6685.
32. Stephenson, Nelson W. Aldrich, 310.
33. Letter of Roosevelt to Allison, May 5, 1906, Roosevelt Papers.
34. Letter of Roosevelt to Steffens, June 5, 1908, Roosevelt Papers.
35. Letter of Long to Albaugh, April 21, 1906, Long Papers.

36. Congressional Record, Vol. 40, 6779.
37. Charles A. Prouty, "The Rate Bill: What It Is and What It Will Do,"
The American Monthly, (July 1906), 66.
38. The American Monthly, (June 1906), 649.

Chapter VI

THE REPUBLICAN CONTEST FOR UNITED STATES SENATOR IN KANSAS

1906-1907

By 1906 the Republican dominance of the national political scene was beginning to spend its force and the element of "reform" was coming to be a factor to be reckoned with in any political contest. Theodore Roosevelt had passed the peak of his heyday as the national idol, and reaction was setting in. It was to be expected that Kansas, with its favorable climate for extremism in politics, would reflect the national trend and would add to it the impetus of the enthusiasm characteristic of the Sunflower State. What might not have been expected, however, was the fact that the leaders of the reform element in Kansas in 1906 were frequently the same men who had served the anti-reform element in the Republican Party in the previous decade. The nature of that leadership will appear in the following pages.

The change in political outlook as it affected Theodore Roosevelt was well expressed in January 1906 in a letter of Andy Richards of Wellington to Long. He observed that there was a remarkable falling off in the popularity of Roosevelt, and that the tide had certainly turned in his part of the country, though no one seemed to know just why. He doubted that the average fellow was aware of the change, but one could go where he would, or talk to anyone with whom he chose, and "the change in sentiment is very clearly marked; in the place of the unstinted praise of a few months ago, you hear only criticisms or apologies for him." Richards said there had been a marked change in the general tone of the newspapers also, and added: "Whether there is

more in it than the innate disposition of the average man to once destroy the idol he has created, the future must develop; but there is no mistaking the fact that a change has come."¹

The "change" with reference to Roosevelt was evidently a change in the reaction to the Republican Party. Another of Long's correspondents in May of 1906, warned that "you have no idea of the exact condition of affairs for you never saw anything like it." He said people ordinarily are not talking politics, but recently, on account of the state convention, they had referred to it, and he was "simply amazed" to learn the feeling. He believed it was worse than in 1890, for even in Populist times there were men who believed in Republican principles and were ready to fight. But as of 1906 he doubted if "there is a single man in Harper county who would spend a dollar or give a day's time to save the Republican State ticket from defeat unless he holds an office or wants one." He felt his own locality was representative, and after inquiry he was certain that the same conditions existed throughout the state. As an example of the extreme nature of the feeling he cited the following:

Last Wednesday I met a man who was a Missouri Republican and fought the Democrats in Missouri during the war and always considered them enemies of the country. He has no sore spots, has never been defeated for any office and does not want any. He is just a plain American citizen and an ardent Republican. He told me he was going to vote a straight Democratic ticket and coolly, and without feeling, as if he was discussing the buying of a farm, he told me his reasons. He said he was getting tired of the corporations running the Republican party in Kansas, and that

he wanted railroad commissioners who would make decisions that were right and just. He said he had no use for Hoch and would not support him because he did nothing but make speeches. Now this was a man who does not belong to any faction and a man from whom you would not have expected to hear such things.

Of course there are a good many Republicans here who will vote for Hoch but among the rank and file, I mean those who have never held an office or do not want one, I do not know of one Republican who will vote for him. Every one I have talked to or heard from has announced that he will vote against him.²

Others referred to the source of the trouble as the "freight raters,"³ and the "present craze for extreme and radical railroad legislation."⁴

It was some time before the reform elements in Kansas were able to agree on a unified program, or even to arrive at any agreement in a general way as to what they were working for. The railroad rate problem prompted response from the shippers, as indicated in an earlier chapter, and the shipping interests were able to pursue a fairly consistent policy. As a follow-up of the Wichita meeting, shipping organizations were effected in several cities with differing results. Of considerable interest was the meeting in Emporia, which was attended by only nine men. Four of them, including William Allen White, were from the city itself. Others included J. S. George, President of the Kansas Shippers Association; George Plumb, President of the Kansas Live Stock Growers Association; T. B. Murdock; and W. R. Stubbs.⁵ It was rumored that they were setting the stage for a "Stubbs for senator" boom. One direct result of their discussion was the decision to have a mass meeting in Topeka sometime between July 25 and August 25 to give expression to the demands of the allied commercial

interests. Senator LaFollette of Wisconsin was invited to speak to the group. According to White, the Republican convention in May was controlled by the railroad attorneys, but in spite of that fact they put out a ticket of fairly decent men. However the platform had been dehorned by "refusing to put in an anti-pass demand, a demand for a railroad assessment law, and a demand for a direct primary law."⁶

The invitation to use LaFollette in a discussion of the railroad issue was a direct slap at Long, who had sharply disagreed with the Wisconsin senator on the issue of railroad legislation that had for many weeks held the attention of the national Congress. The nature of that disagreement has been indicated in an earlier chapter, and some of its further implications will appear below.

Another festering point in opposition to the Republican organization in Kansas was the so-called "square deal" movement. Its origins probably should be credited to W. R. Stubbs, who became chairman of the State Republican committee in 1904. According to White the Republican organization had been controlled by the Milvane-Burton-Curtis forces which were allied with the forces of Cy Leland. He said the people were unorganized, but began petitioning their legislative candidates to declare for the direct primary, the anti-pass clause, and a railroad assessment law. Finally, however, the people got a majority of the legislative candidates pledged to these things and what they called the "square deal."⁷ White did not like the name "square dealers," however, and even a year later declared he intended to go to the next meeting "to knock that name galley west."⁸ It was also a real concern of White's that this grass roots organization didn't seem to "take." He felt that a lot of fellows were "standing around this movement, sticking their toes in the water and

and waiting for it to get warm enough to jump in." He said they were good fellows and "we need them in our business," but that it was mighty "lonseome out in the creek without the crowd."⁹

In view of public reaction the Democratic convention of April 25, 1906, had added kindling to Republican worries by taking a strong stand against rebates, against free passes, and in favor of a two cent fare on the railroads.¹⁰

During the course of 1906 it became evident that the leading contenders for the Republican nomination were Joseph Bristow, W. R. Stubbs, and Charles Curtis. There was some agitation for Representative Victor Murdock of Wichita to assume the Senate position. As a matter of fact White would likely have preferred Murdock to either Bristow or Stubbs, and would have preferred almost anybody to Curtis, but the Murdock boom failed to develop at this time.¹¹

Curtis had had a continuing interest in the United States Senate since 1903 when he had been defeated by Long, as related above. At that time he had observed that he had been defeated by the railroads. In 1906, however, the shoe was on the other foot, and Curtis was charged in an editorial in the Kansas City Star with being the candidate of the railroads. He publicly denied the charge with a great deal of heat and declared: "I am not and never have been, the candidate of any railroad for Senator, and am at a loss to account for such reports except on the theory that they are inspired by interests inimical to mine, or by persons who, perhaps, have no public record upon which they can stand, and who hope to injure my candidacy by spreading over the state charges of this character."¹²

W. R. Stubbs tried to wait until he knew which way the political wind was blowing before he declared for the senate race. He was a relative newcomer in politics, but he had entered the game with a big "splash." Prior to 1903, when he was elected to the state legislature, he had taken no active interest in politics. He had spent most of his life as a contractor and had earned a fortune building grades for railroads. He appeared in Topeka a big, redheaded, inquisitive person with a loud rasping voice and the ability to make himself heard. As an employer of many men he was struck with the padded payroll of state house employees, and raised such a stir about this petty species of graft that eventually several hundred of the employees were dismissed.¹³

Stubbs also became involved with Governor Bailey, particularly over the issue of changing the plan for state printing from the contract system to state ownership. Stubbs later assumed responsibility for originating the movement and forcing it through the legislature, but as a matter of fact it had been proposed by Senator J. A. Kennedy of Burlington and had been supported by large majorities in both houses.¹⁴ Stubbs did not miss the opportunity for political advantage, however, and charged Bailey with supporting the "machine" and graft in state printing contracts. On January 5, 1904, Stubbs and thirty-eight other legislators who were opposed to machine methods, met in the Throop Hotel in Topeka and organized a committee which afterward was dubbed the "boss-busters." Stubbs was elected chairman. They selected E. W. Hoch of Marion as their candidate for governor. When the state convention met in Wichita, Stubbs was elected chairman, and later was named chairman of the state central committee.¹⁵ When Hoch won the 1904 election for governor it was freely rumored that he and Stubbs were in agreement and

that Stubbs was to be appointed to the United States Senate seat soon to be vacated by J. R. Burton.¹⁶ This arrangement never materialized, but nonetheless, Stubbs was the political reformer of the hour, and was elected speaker of the 1905 House of Representatives in Topeka. William A. White couldn't escape an "instinctive feeling" that Stubbs was a "section boss" who was "too arrogant" and lacked tolerance and insisted on giving everyone who worked with him the "Stubbs degree" or get out of the order.¹⁷ Nevertheless, the legislature of 1905 did effective work and felt the press of his leadership as speaker.¹⁸ Stubbs talked of retiring from politics, but by 1906 was very much interested, though non-committal, in the issue of United States senatorship.

A third major candidate, and in some respects the most important one so far as Long was concerned, was Joseph Bristow of Salina. Bristow had served a number of years as a government employee, and was well known in Kansas and in the nation. He had graduated from Baker University and held minor political offices as a young man. In the early 1890's he moved to Salina and started in the newspaper business. In 1894 he ran for Congress in the fifth district, but was defeated by W. A. Calderhead in a close race. The same year he was made secretary of the Republican state central committee. Cy Leland was chairman, and Major E. N. Morrill was candidate for governor. Presently Bristow was made secretary to Governor Morrill after the latter's election, and 1897 after McKinley was elected president, Bristow was promoted to fourth assistant postmaster general through the efforts of Cy Leland.¹⁹ In this capacity Bristow found responsibilities to his liking, and for the next half dozen years his name was very frequently before the public. He won greatest fame in 1900 when he was sent to Cuba by McKinley to clean up postal

frauds, and did a commendable piece of work.²⁰ He retired from his postal job in January 1905 in the midst of charges that he was at odds with the administration. Roosevelt appeared to like his work, and so expressed himself, but there had been differences brewing between Bristow and Postmaster General Robert J. Wynne.²¹ After the former retired from his post office assignment he was immediately appointed to the post of special commissioner for the Panama Railroad to study trade conditions and freight rates between the Atlantic and Pacific coasts and related areas.²² He was regularly regarded as a friend and political ally of Senator Long. In the summer of 1905 he resigned from his work as special commissioner in Panama and returned to Kansas, ostensibly to retire from public life, but actually, as everyone knew, to be in a position to make a bid for the senatorial race.

An additional consideration in the Kansas political contest was prompted by the action of Senator J. R. Burton who was implicated in illegal activities of the Rialto Grain and Securities Company. This company had been indicted for fraudulent use of the mails, and when its offices were later raided there were found some correspondence and cancelled checks which indicated Burton had acted on behalf of Rialto while the company was under investigation by the postal department. On April 6, 1904, Burton was sentenced to six months in jail and fined \$2500 for his actions.²³ Not only did the Burton issue feature the reality of corruption in politics, but it also offered a United States senatorship as a tempting political plum for anyone who could get it. But the Burton vacancy was long in coming. Meanwhile, Bristow had written to Governor Hoch in May, 1906, indicating his willingness to accept the position, but the other candidates, including Stubbs, did not quite have

the temerity to ask for it. Hoch admitted that the senatorial issue caused him considerable worry, and added that it had been suggested that he name some person who would not be a candidate before the legislature and thus avoid a charge of favoritism.²⁴ That apparently was an important consideration when he named to the post A. W. Benson, who had been a district judge and a legislator in Kansas for many years.

Bristow paid his respects editorially in the Salina Journal to Senator Benson, and began almost immediately to shape his own campaign for the election of the following January. The Bristow candidacy needs to be considered in its relationship to the activities of William Allen White who in 1906, and more particularly in 1908, was to all intents and purposes the campaign manager. White's interest in Bristow began to take shape in 1900 at the time of the investigations of Cuban postal frauds. He wrote to Bristow that he had never been a particularly enthusiastic Bristow man "but I am to-day and will be the rest of my life." He added that when Bristow wanted to go to the United States Senate he could count on the Emporia Gazette to help him, "no matter what factional interest or local alliances may come up between now and then."²⁵ In 1904 White came to Bristow's support when the Burton issue was before the public. There were charges by Charley Gleed and his Kansas City Journal that Bristow had used his post office investigations to move Burton out of the senatorship. White complained that Bristow was the real criminal in public esteem and Burton the victim that he had trapped. Gleed, he said, wanted to break Bristow "so that he will be the only available candidate for the Senate next year. It is monstrous; but it is a condition you must face."²⁶

Again the next year White was invited to pull some Bristow chestnuts

out of the fire. The Dallas News had printed an editorial unfavorable to Bristow, and the latter had written to White for support in a letter of May 17. White didn't think he should respond to the editorial because it wasn't an event and it would look as though he had "trumped up the occasion for butting in." He advised Bristow: "Pick out what you want or what you think you ought to have and I will not only write but I will go to Washington and do what I can for you, but to complain merely a general kick, no matter how just it is, would not do."²⁷

A few days later White sought to use his editorial acquaintances to help rehabilitate Bristow's name. In a letter to George L. Lorimer of the Saturday Evening Post he mentioned Bristow as a possibility for an article on the Panama Railroad. The letter is quoted in part, not so much for the request that is made as for the evaluation of Bristow which White gave in his characteristic straightforward manner: "Joseph L. Bristow . . . is going to finish up his work within a few weeks or at least a month. I have had a long talk with him and he can talk some pretty good stuff. I do not know whether he can write or not. He runs a newspaper and I never thought he could write in that, but sometimes a man can write better descriptive things and things of which he is a part than he can write theoretical things so Bristow may be able to get up a pretty good article and I know he would write it."

White then suggested that Lorimer send someone to see Bristow and talk things over for a couple of days and get up an article for Bristow to sign. He added that he and Bristow were very close friends.²⁸

By 1906, as has already been indicated, the senatorial race was assuming serious proportions, and in an important sense Long might have been the key to the situation. It was well known that he had a closely

knit organization in the seventh district and as the senior senator, or in reality the only senator, from Kansas he was in a strong position to throw the election as he might choose. This was well understood by the major contestants, and both Curtis and Bristow sought to make a combination with Long.²⁹ Long, however, remained aloof. He was very busy at that time with railroad legislation in Washington, an activity which he regarded as the most important of his career. Furthermore, he believed it to be unwise to support one candidate for fear of alienating the support of the friends of the candidate.³⁰

Bristow, however, was very unhappy about Long's non-committal policy. Particularly distressing was the fact that Jim Simpson and Mort Albaugh, close friends of Long, seemed cool to Bristow, and the story was circulated that there was a Long-Curtis combination. Bristow complained to Long that that impression was a very difficult thing for him to overcome and caused his friends to hesitate, for they believed that "with the railroads and the Curtis-Burton following supplemented with your Seventh district support, the combination will be too difficult for me to overcome." He said his denial of such a combination "does not carry much weight because those with whom I talk think I am fooled." He then followed with a threat that carried more than ordinary implications in the light of later Long-Bristow relations: "If conditions go on as they are now the only hope I have in this fight is to make a crusade through the counties throughout the state against the railroads and corporations, which is the very last thing that I want to do and the thing which I think I should not be compelled to do." (underscoring mine)³¹ It would be difficult to imagine more conclusive proof of the fact that the major consideration in Bristow's mind was to get to the Senate, and that his

assumption of a reform or insurgent role was reluctantly entered into as a means to that end.

Long refused to be moved. He replied:

. . . I cannot assure you more positively now than I have in the past, that I am not in any combination that has for its purpose the nomination of the next United States senator. My friends in the Seventh district understand this and the position which they assume is probably due to this situation.

The friends of Mr. Curtis have been equally insistent that some arrangement should be made looking to his selection but I have declined to enter into any such arrangement.

I have repeatedly advised you that your chance of success in this contest would depend on the support that you would be able to secure from the Fifth and Sixth districts. I was nominated three years ago because I had the united and earnest support of the Seventh district and you can occupy a similar relation to the next contest, if you secure the Fifth and Sixth districts.³²

Bristow replied by letter to Long and thanked him for his clarification of the issue, but at the same time he was "sore" because Simpson was favorable to Curtis.³³ With the passing of time Simpson became more and more convinced that Curtis would win the fight and that Long should instruct for him, but Long consistently declined. Others of the Long supporters, too, were writing to Long. On March 8, C. E. Denton of Attica offered some advice concerning Bristow. He said that until recently he had been inclined to believe that Bristow would make a pleasant and desirable and helpful colleague in the Senate, but that he had changed his mind. He had talked with Bristow several times

lately, and liked him personally, but he didn't think Bristow would make friends with the average Kansan and he would not gather around him many ardent supporters. He thought Bristow would always have admirers but "there is a difference between an admirer and a supporter in politics."³⁴ On March 17, T. A. Noftzger of Anthony wrote that he believed that Curtis had won the fight and Long should quietly make a combination with him.

Finally, on April 9, Long wrote to Simpson concerning Kansas politics. He said he was sorry not to have written sooner, but he had been busy with the railroad rate measure and had neglected his correspondence. He said that he had been opposed to any instruction on the part of Simpson for fear it would be interpreted as an action of Long in favor of Curtis. However, since the action in the second district (to be discussed below) he would leave it to the judgment of Simpson as to what should be done. However, he wanted it made "plain that the course was taken by the Republicans of your county, without any suggestion or direction from me."³⁵

Meanwhile Bristow had become more incensed. Andy Richards said he was sore at many things--at Simpson for advocating the Long-Curtis alliance and afraid that he would be dropped by Long at the last minute. "Bristow doesn't know the first principles of the game of practical politics. He is naturally sore through and through; then he is suspicious. . . . He talked about the Stubbs business and intimated that a Stubbs alliance might be all that would be left to him. You can put one thing down as a certainty. When Bristow is defeated, as I believe he will be, he will be the sorest and most vicious animal you ever saw in Kansas politics. I had all this figured out before his talk confirmed the opinion."³⁶

On April 14, I. A. Noftzger wrote to Long saying that he was still of the opinion that Long and Curtis could still control the convention and nominate anyone they liked, but the situation might not last much longer. Several weeks later Andy Richards again plead with him to do something about a combination: "Touching your personal interests, my judgment is that there never was a greater necessity for you to commence to frame up for 1908 and keep at it. . . . Bristow told Morse that he was going to the Senate, this time if he could, but if not then, the next time. Campbell seems to have the same idea; especially if he held commanding cards in his hand. You know best, but I do not believe it to be a safe policy for you to keep your hands off this contest . . ." ³⁷

Meanwhile Bristow seems to have begun to lose hope in the 1906 contest and wrote Long in Washington for a job. His letter, which follows in full, is the one that Long made public in the campaign of 1908 in a debate with Bristow:

I wrote you briefly last night. Received your letter today. If there was a vacancy in some desirable office, and you or Will White were here the day that it was available, the president would appoint me to it, but otherwise no one knows what he might do.

He asked me what I wanted. I told him that I did not know what was available. He said he did not, either, and for me to see Taft as soon as he returned. I think I would like to have one of those advisory places on the canal commission. They pay \$7,500 and require a visit to the isthmus once in three months. I could hold it and live in Kansas, being here at least half my time, and when the fight got hot I could resign.

They have engineers to burn on the commission. There is no reason why Herrod should not be made a consulting engineer and me put in his place; or one of the army engineers assigned as consulting engineer and me put in his place. The only way to have this done is through Taft. If he suggests it, the president will do it. I think Taft will like my report; will go over it with him next week.

Could you write him and call his attention to the advisability of having me in a position to watch the commercial end of the railroad business and the interests of the shipping public who will have all kinds of complaints to make, and that someone ought to be connected with the commission who is neither a railroad man nor an engineer. Someone who is a layman, and can meet complaints better than a railroad man or engineer.

I can see a place that could be made very useful to a man like Taft and the work would be pleasant and could be done from Kansas, as well as Washington. An occasional visit here is all that would be required. They can do this consistently if they will.

Roosevelt is very independent and cares very little now for senatorial indorsement. He will listen to White, I think, for he expects the newspapers and magazines to compel the senate to pass his railroad measure. In your letter to Taft take a strong position. Tell him that the president had no great difficulty in making a place for Wynne, that he promptly took care of Cockrell and that you notice Murphy, a Bryan Democrat, was nicely provided for after the commission was reorganized.

I would not hesitate to call his attention to the fact that you had stood by the administration whenever it needed help and that you expected to continue to do so, and that you felt that you had a right to ask that your friend who had rendered the service to the president's administration that I had, be recognized in a desirable manner.

The president was irritated at your sending him that clipping. It confirmed the prediction that you and I both made to him last winter, and he smarts under it.

The only way to get anything from Roosevelt is to keep at it doggedly and persistently. Foraker gets things because he never lets him rest until he gets it. He complains, cajoles and flatters. In writing Taft you can tell him that you will guarantee the longer and better he knows me the better he will like me and I will see that your prediction is verified, that if he will make this appointment and after I have covered six months if he is not satisfied that you will see that I resign without the slightest embarrassment to him.

Am sorry to trouble you, but this appointment I think would serve a good purpose, coming as it would just after I have filed my report. You might state to him that you are so much interested that you will come to Washington if necessary, though it would be a great inconvenience now since you are preparing to go with him to the Philippines to be gone three months.

I will write Will White as you suggest. Sorry that I should have troubled you as I have had to about this matter. When I get to the senate I will help you with some of your troubles,

and when it is necessary to raise the d---l and a few other things at the White House, you can always put that job on me. I would like to go there occasionally with a big stick and have it out. Hope you are well. So you have been to Salina. Sorry I was not there. Yours.³⁸

The Stubbs senatorial campaign was an interesting game of suspense. In May, 1905, he had said when asked about his senate ambitions. "You can say that I am not a candidate, and furthermore, I will not be one for that office."³⁹ In January of 1906, while plans were being made for the next state convention, Stubbs issued a statement that he would not be a candidate again for the chairmanship of the state committee, and would not accept the job if it were tendered to him. He said he had neglected his business too long and that he could not take another year from his private affairs. It was generally believed that Stubbs was the manager for Charles F. Scott in his contest for Representative from the second district against Henry Allen, who was charged by Stubbs with having bled the state for a good many thousands of dollars by taking a cut from some state printing deals.⁴⁰ Something of the Stubbs approach to politics may be learned from the following quotations from a speech he made in Lawrence in March of 1906. It is more than ordinarily interesting, coming as it does from a man who had been doing a five million dollar a year business in railroad contracts.

Stripped of all the confusing, misleading, irrelevant matter, the whole question can be summed up in a few short sentences containing a very few words.

First. Is the government of the United States of America greater than the corporations, or are the corporations greater

than the federal government?

Will the constitutional rights of life, liberty and the pursuit of happiness be preserved to 80,000,000 people, or will the federal government be controlled in the interest of a few men, at the expense and degradation of the masses? . . .

Shall our public men be selected and elected to office by and through the influence of the great corporations of the country?

And if they are so elected, will they not, by every natural law, be responsible to the power that created them, and serve the corporations rather than the public when the crucial test comes?

A man cannot serve two masters, and just so long as the corporation is a greater power in politics than the people are, just so long will the public officials serve them through fear, if from no other influence. . . .⁴¹

As a matter of fact the contest in the second district was more a test of the voter popularity of Stubbs than it was a congressional race. Stubbs was being squeezed by the Republicans of the state because of his maveric tendencies. Hoch had agreed to stay out of local political contests, and the issue was to be left as Stubbs versus anti-Stubbs elements before the voters.⁴² To the great surprise of many observers, Stubbs' candidate, Scott, won over Henry Allen in the second district primaries on March 24, and the stable Republican elements of the state were left in something of a quandary. C. L. Jobes admitted that everybody thought Stubbs was not making a successful campaign, but after the election observers had to admit that he had succeeded in conveying

the belief that all opposition to Scott was at the instance of corporate interests, and that Allen's nomination would mean the domination of corporate, and more especially railroad, interests for years to come. He felt that the unbridled talk of commercial graft and treason in the Senate had "produced a condition in the public mind that leaves little reason there to work upon," and that Stubbs believed more strongly than ever before that he could use "the condition of the public mind to his advantage in the entire state" and that he could not be successfully reckoned with "unless he be dealt with on this theory."⁴³

Meanwhile White, who was helping to master-mind the political fortunes of the Republican party in Kansas, was getting disturbed with the turn of affairs. He wrote to Henry Allen in April asking for advice. The reformers in Kansas, he said, were all mixed up. The Bristow people were wanting Stubbs to run for governor so Joe could go to the Senate, and the Stubbs people were wanting Bristow to run for the governorship so Stubbs could go to the Senate. White felt that the question was, "which man should go after which job." He preferred to see Bristow go to the Senate, and felt that both men could get the nomination of the convention "but only if they declare themselves for specific jobs and go after it."⁴⁴ Stubbs, however, remained coy about his senatorial ambitions until late in the year.

Although Long's term in the Senate did not expire until 1909, he was an issue in the 1906 campaign and was mentioned often by the railroad raters and the square dealers. In response to the interest of the Emporia shippers meeting, LaFollette made several appearances in Kansas in the late summer of 1906 in a series of chautauqua meetings. He spent time defending his position on congressional railroad rate

legislation, and made occasion to picture Long in an unfavorable light. Long responded in kind in a speech in Kansas, and in effect, condemned LaFollete for coming into Kansas and attacking a fellow senator in the latter's home state.⁴⁵ It was evident that Long was the loser in his tussle with LaFollette, however, and one editor commented that Long evidently did not know much about the situation in Kansas, and added that to the ordinary citizen it looked as though LaFollette's idea was correct. President Roosevelt was evidently not an "ordinary citizen" by that standard, however, and White found it necessary to defend his position in a letter to the president on the LaFollette issue. He says that Roosevelt's remark that he (White) was for LaFollette had kind of hurt. In Kansas he had found that "every single attorney of every railroad in the state, and every single newspaper that has ever been suspected of railroad alignment" was tied solidly to the candidacy of Curtis. He added: ". . . I needed someone to cry fire. I needed him most ungodly bad. I needed to arouse the Kansas people to the depths and do it quickly. I asked Mr. LaFollette to come out here. He did not abuse Long, and he spoke only in the highest terms of you. . . . Naturally, I made some fellows mad, who were managing Curtis's campaign . . . they don't like the LaFollette business--because it got results. Long doesn't like it, because he made the mistake of getting in a personal row with LaFollette. I did not take LaFollette's part in the row. The Good Lord knows I have troubles enough of my own without making LaFollete's and Long's affairs my own."

White closed the letter with a request that Roosevelt not condemn him too quickly.⁴⁶

The "voice of the people" demonstrated some lack of unity when the Topeka Daily Capital, which had been generally favorable to the boss-buster movement, came out openly for favorite son Curtis for senator. The January 2, 1906 issue of the Capital said the senatorial toga would fit Curtis. In the June 20, 1906, issue the same paper said editorially that one of Curtis' chief elements of strength had always been his steadfast loyalty to the people. He had kept close to them and watched their opinions and needs and had tried to legislate in their interest. "He has never been a favorite with the politicians and his unusual success has been largely due to his fidelity to the interests of the people and their faith and affection for him."⁴⁷

White had other ideas about Curtis. When Curtis announced for the Senate race White ran an editorial in the March 31 issue of the Gazette, which drew a long argument.

Curtis, in the House, has one specialty--Indians . . . but on all other subjects he is a bound body at a husking. . . . He is a leader of a mediocre delegation from Kansas only by reason of the seniority of his service. He is not a leader by reason of his brains. . . .

Kansas is old enough now to improve the breed of her statesman. Kansas has a low rank in Congress because her congressmen, as a rule, don't know anything. . . . It is all very funny to refer to culture as "culchaw" and sneer at it, but until the Kansas delegation in Congress is graded up, until the runts and scrubs and long-horns are culled out of the delegation, Kansas will not amount to much in the nation. And by all means Kansas will gain nothing by putting the champion fence-jumping native

into the upper house of Congress.⁴⁸

Curtis returned the compliment with an open letter to White which was carried in several newspapers. He defended at some length his record in Congress, and added a stinging conclusion which even his friends deplored and regarded as a political blunder:

That I have a standing in Congress that causes me to be called in frequent conferences on great questions has no weight with you, but I am glad these things are recognized by the great, good and substantial men of Kansas.

Now, Mr. White, you never published but one article that attracted attention, and that was "What Is the Matter With Kansas?" I do not know the facts, but do you know there are people in Kansas who know you who are so unkind as to say that you are not its author, but that it was written by a leading lawyer [Eugene Ware] at Topeka?⁴⁹

The antagonism between the two continued throughout the campaign. Only a few weeks before the January election White was trying to collect material to use against Curtis and his relations with the Indian territory. He asked a friend to gather some facts on Curtis, including how much he got for his land. "The campaign for Senator is now on in earnest and I believe one or two good licks will break Curtis' back."⁵⁰

The talk about the Stubbs candidacy continued throughout the summer and fall. In August, Bent Murdock of El Dorado issued a statement in which he said he had made a careful investigation and was sure that Stubbs would win the senatorship. In November it was rumored that Stubbs was to get out of the race and throw his weight to Bristow or Victor Murdock.⁵¹ On December 10, Representative Mitchell of Douglas County

released the report of an interview with Stubbs in which the latter indicated he would "probably" be a candidate for senator.⁵² On December 22 he released a formal statement declaring himself in the race to the end. He observed that he had stated openly during the last year that he was not a candidate, and that his "inclination" had been to assist in completing the work which had been inaugurated at the last session of the legislature. He had discovered, however, that "a large majority of my best political friends throughout the State" were "decidedly in favor" of his becoming a candidate and consequently he had decided to do so.⁵³

As the time for the Republican caucus approached it appeared that Curtis had a good deal of strength. Senator Benson said that Curtis had the most votes pledged,⁵⁴ and the Capital a few days later declared that the accusation that Curtis was a railroad candidate had reacted in his favor.⁵⁵

The Republican caucus met on the evening of January 11. On the first ballot Curtis received 34 votes, Campbell 20, Murdock 12, Stubbs 13, Bristow 18, Benson 19, Getty 5, and Bailey 4. On the second ballot Curtis picked up four votes for a total of 38, on the third ballot he received 51, and on the fourth 60 votes and the nomination. Leland switched his vote on the fourth ballot from Getty to his ancient enemy Curtis and drew several minutes of cheers from the crowd. Stubbs, on the other hand, ignored the invitations and urgings of the caucus to make it unanimous, but sat quietly in his seat and looked defiantly at those who would have him join the band wagon.⁵⁶ Curtis was formally elected senator January 23, in joint assembly of the Kansas legislature.⁵⁷

On the outcome of the election White wrote a note of consolation to Bristow and remarked that "if Kansas has lost a good Senator it has at least gained a brave editor."⁵⁸ Long had some mixed feelings about the outcome. He was satisfied personally "that the right thing was done" but was aware that there would be some criticism among his old friends in regard to it. "Morgan was of the opinion to the last that the election of Curtis was the worst thing that could happen. He may be right in this, but I think he is wrong."⁵⁹ The Kansas City Star observed that if "Long had a choice, and he unquestionably did, he succeeded in concealing it." The writer further observed that Long could not have favored Stubbs for he would have made trouble for Long from the beginning, and Mirdock could have hardly been acceptable because he was from the old seventh and would have stood in the way of Long for reelection.⁶⁰

The candidates and charges in the senatorial election of 1906 have been treated in some detail because they remained essentially the same in the senatorial race of 1908. In 1906 it was Curtis against the field, and he won. In 1908 it was Long against the field, and he lost. There was one significant difference. In the two year interval the state had subscribed to the principle of primaries for senatorial candidates. Something of the nature of the political activity in that two year interval may be gained from the contents of a letter from White to Henry Allen shortly after the nomination of Curtis. He said he was not bitter at the outcome, and he was glad that it got over with as quickly as it did. He added: "Now--it seems to me that you should join the hell raisers. By that I don't mean that you should work with Stubbs; but I do mean that every paper which you are interested in and all the

weight of your personal influence should be thrown in favor of this direct primary law and for an anti-pass law."⁶¹

A discussion of the development of the idea of primaries in Kansas will appear below.

Footnotes

1. Letter of A. A. Richards to Long, January 21, 1906, Long Papers.
2. Letter of T. A. Noftzger to Long, May 9, 1906, Long Papers.
3. Letter of L. M. Axline to Long, March 31, 1906, Long Papers.
4. Letter of C. E. Denton to Long, March 17, 1906, Long Papers.
5. Topeka State Journal, June 27, 1906.
6. Letter of White to LaFollette, July 6, 1906, White Papers.
7. Letter of White to Roosevelt, August 16, 1906, White Papers.
8. Letter of White to Sheffield Ingalls, May 22, 1907, White Papers.
9. Ibid.
10. Topeka Daily Capital, April 25, 1906.
11. Letter of White to Philip Campbell, March 19, 1907, White Papers.
12. Topeka Daily Capital, April 15, 1906.
13. Saturday Evening Post, November 19, 1910.
14. Kansas City Star, August 1, 1908.
15. Topeka Daily Capital, January 4, 1908.
16. Kansas City Star, December 24, 1904.
17. Letter of White to Stubbs, May 31, 1907, White Papers.

18. Topeka Daily Capital, March 12, 1905.
19. Topeka State Journal, January 19, 1905.
20. Ibid., November 25, 1904.
21. Ibid., January 19, 1905.
22. Topeka Daily Capital, January 14, 1905.
23. Ibid., April 7, 1904.
24. Kansas City Journal, May 25, 1906.
25. Letter of White to Bristow, July 26, 1900, White Papers.
26. Letter of White to Bristow, April 1, 1904, White Papers.
27. Letter of White to Bristow, May 23, 1905, White Papers.
28. Letter of White to Lorimer, May 28, 1905, White Papers.
29. Letter of Long to Bristow, February 9, 1906, Long Papers.
30. Letter of Long to Albaugh, April 9, 1906, Long Papers.
31. Letter of Bristow to Long, February 1, 1906, Long Papers.
32. Letter of Long to Bristow, February 9, 1906, Long Papers.
33. Letter of C. L. Jobs to Long, February 21, 1906, Long Papers.
34. Letter of C. E. Denton to Long, March 8, 1906, Long Papers.
35. Letter of Long to Simpson, April 9, 1906, Long Papers.

36. Letter of A. A. Richards to Long, April 10, 1906, Long Papers.
37. Letter of A. A. Richards to Long, May 4, 1906, Long Papers.
38. Kansas City Journal, July 15, 1908.
39. Topeka Daily Capital, May 28, 1905.
40. Ibid., February 28, 1906.
41. Ibid., March 12, 1906.
42. Letter of J. M. Simpson to Long, February 23, 1906, Long Papers.
43. Letter of C. L. Jobes to Long, March 30, 1906, Long Papers.
44. Letter of White to Allen, April 18, 1906, White Papers.
45. Topeka Daily Capital, September 9, 1906.
46. Letter of White to Roosevelt, January 2, 1907, White Papers.
47. Topeka Daily Capital, June 20, 1906.
48. Kansas City Star, April 9, 1906.
49. Topeka Herald, April 9, 1906.
50. Letter of White to Robert F. Blair, November 24, 1906, White Papers.
51. Topeka State Journal, November 20, 1906.
52. Ibid., December 11, 1906.
53. Topeka Daily Capital, December 23, 1906.

54. Ibid.
55. Ibid., January 5, 1907.
56. Ibid., January 12, 1907.
57. Topeka State Journal, January 23, 1907.
58. Letter of White to Bristow, January 17, 1907, White Papers.
59. Letter of Long to L. M. Axline, January 19, 1907, Long Papers.
60. Kansas City Star, January 13, 1907.
61. Letter of White to Allen, January 15, 1907, White Papers.

Chapter VII

THE DEVELOPMENT OF PRIMARY LEGISLATION IN KANSAS

In Kansas, as in other mid-western states, a latent interest in primary legislation had been smoldering since the days of Populism, but it did not become an important political issue before 1904. There were in force in various counties provisions for party primaries but no state law to regularize the procedures or to prevent fraud. In the legislative session of 1901 a bill was introduced by Senator John Chaney calling for state control of primary elections. It provided that in order to vote in primary elections one must register as in regular elections and declare his party preference. Regulations were established forbidding the use of cigars, whiskey, beer, or money to influence voting.¹

It was to be expected that the "boss-busters" would favor a primary election law as an aid to their political build-up. At the Republican state convention in Wichita in 1904, which was controlled in a large measure by Stubbs and his supporters, a primary election plank was incorporated into the Republican platform. Specifically the party stood for the "enactment of a primary election law which shall as sacredly and effectually guard this fountain of popular government as the regular election is now guarded by law."² It will be noted that the position here taken was only one of preventing irregularities and did not presuppose any significant change in the extent of primary activity. Governor Hoch in a speech in Marion followed essentially this same position. He said, "We carefully guard the ballot-box at the regular election, but we throw no safeguards around the real source of its

power--the place where the candidates are selected." He felt that "these and countless other evils need correcting through a wise primary-election law . . ." ³

Before the legislature convened, Stubbs gave his own interpretation as to the meaning of effective primary legislation. In 1904 nominations were generally made by conventions of delegates selected by ward meetings or precinct mass meetings. According to Stubbs these meetings could be participated in by the "rabble," regardless of political affiliation, and the conscience of the party was often overcome by the mob. He proposed to abolish all conventions except for the nomination of state officers. For the nomination of candidates in subdivisions less than the whole state he would have a direct vote of the people. All primaries of all parties would be held on the same day, and nominations would include township, county, legislative, local, judicial, and congressional officers. For the nomination of state officers Stubbs would have state conventions, but would select the delegates by primary elections. He did not seek to change the ratio of representation, but would give every county one delegate with additional representation based on the vote of the several parties cast in the preceding general election. ⁴

On February 15, 1905, a primary election bill was introduced into both houses of legislature. It had been largely prepared by L. B. Beardsley of Russell, and was introduced into the Senate by Senator Dolley, who was Stubbs' right hand man. The proposal was regarded as an administration measure. It was considerably modified from the earlier Stubbs recommendations, and was a combined convention-primary arrangement. The various conventions were to be maintained, and delegates to the state, congressional, senatorial, and judicial conventions were to be

elected by county conventions. However, a primary was to be held on the second Tuesday of April of even numbered years to select delegates to the county convention and precinct committeemen.⁵

The Beardsley bill came up for a vote in the House on February 28, and was defeated. As a general rule the Republicans from the western counties joined with the Democrats in the vote. Virtually all of the Curtis men of the first district favored the proposal, and the Long men opposed it.⁶

Balie Waggener meantime had proposed a measure which would provide for the nomination of United States senators at state conventions. It also provided that the names of senatorial nominees of the various parties should go on the official ballot so that the people could register a choice as a guide to the legislature, though the vote of the people would not be absolutely binding on the legislature.⁷ W. Y. Morgan, one of Long's managers, threw his weight against this measure to defeat it in the House.

Morgan immediately set to work to get a bill more to his own liking before the House, and on March 2 introduced a measure which had been prepared by himself, along with Fisher of Crawford and Cones of Meade. Like some earlier proposals it was designed to regulate rather than extend primaries. It would have made it compulsory for all primaries to be held under the provisions of the law, provided that the supervisor at each precinct should be appointed by the central committee, and gave to primary election boards the same right to administer oaths as enjoyed by the regular election boards. It required that the voter be a legal resident and that he must not have voted at any other party's primary during the calendar year. Penalties were provided for illegal voting.⁸

After a listless discussion, the House finally approved the Morgan bill by a vote of 80 to 22. It was generally conceded that it did not represent a very significant change from existing conditions.⁹ The Senate, too, passed its version of a primary bill in providing a uniform date for all primaries and setting a penalty for fraudulent voting. Baile Waggener complained that, "This talk about a primary law is hot air." He said the Republicans did not want a primary law, but wanted to "mislead the people into the belief" that they had redeemed their campaign pledges.¹⁰ Probably he was right.

The matter of primary reform was taken up in dead earnest after the Wichita rate meeting of January 1906. W. R. Stubbs was chairman of the committee on resolutions, and among other things he secured unanimous approval from the convention for the following: "Resolved, that we favor a primary election system that provides for a direct vote for nomination of all delegates and officers, including United States Senators, and would urge that all primaries be held by all parties on the same day."¹¹

For the first time, Long became actively interested in the Kansas primary discussions. He was busy in Washington on the railroad rate bill, and was not able to come to Kansas to help shape the direction of things, but he did send a series of letters to his friends in the home state offering advice and asking suggestions. He objected to primary legislation on several grounds:

(1) He had been talking with other senators, he said, and had learned that it was very difficult to hold a state primary fairly, even when all the proceedings are carefully guarded by law. Furthermore, no provision is made for the payment of the expense of the primary.¹²

(2) The proposition to nominate senators in the state convention would be unfair unless there was also opportunity to give instructions in the county conventions. The practice in Kansas was for the county having a candidate for a state office to permit that candidate to name the delegates to the state convention, and under that set-up the Republicans generally would have no opportunity to express themselves for senator.¹³

(3) A primary for United States senator would take from the counties of the western part of the state their power in the legislature for the nomination of senator. If the western counties consent to such a measure, they ought not to be surprised in the future if federal patronage and other favors become lodged in the eastern part of the state where the real power would be lodged in the votes.¹⁴

Long was not the only western Kansas man to oppose the primary. Joe Bristow, whose strength lay principally in the sixth district, aligned himself with the sentiment of the western counties. At a meeting of the leaders of the sixth district leaders in Colby, Bristow said: "I believe that we can depend upon the integrity and independence of our party caucus and conventions to place the right men in nomination."¹⁵ Others had similar ideas. William H. Mitchell, new chairman of the sixth district congressional committee observed: "Our nomination system is well enough as it is. Nothing more is needed in western Kansas. I believe that the primary election law is all right for the cities, but it is no trouble to get representative men together out here in the west for the party caucus."¹⁶

Bristow, however, probably did not have his heart in his remark, for he had declared in a speech three months earlier before the Wichita

shippers' meeting, after discussing the way railroad influences name candidates for the ballot: "One of the most important duties before the people of Kansas today, therefore, is the enactment of a wise primary election law, giving the people more direct influence in the nomination of their officers. A majority, not a minority, should nominate."¹⁷

Bristow had found solid ground by September, however, and with him some of his constituents. When he was given his senatorial boom by the Saline County Republicans there was issued at the same time the platform upon which he would make his race. It hit strongly at the railroads, and also had the following observation on primaries: "We favor a law requiring all parties to nominate all elective officers and United States senator by direct primary election, the primaries to be held on the same day throughout the state, and be subject to as rigid regulation as the general November election, with the same penalties for the violation of the law or fraud in connection therewith; and that a system be adopted that will as nearly as possible secure a majority vote for nomination at a single primary."¹⁸

There was a great deal of activity throughout 1906, particularly by the Square-Dealers, to force the issue of a direct primary. Most conspicuous was a letter sent to state, congressional, and legislative candidates over the names of James A. Troutman, Chairman and Arthur Capper, Secretary. The letter called for a response to several questions, among them: "Are you in favor of a Primary Election Law, compelling all parties to nominate all officers from United States Senator down to Township Trustee by a direct vote of the people on the same day and at the same time throughout the state, with strict and rigid stipulation for the qualification of voters, making it a penal offense for any person

to give or receive anything of value in connection with political services, except the judges and clerks of election may receive a Statutory fee? If elected, will you give your earnest support to such a law?"

Commitments were also asked on the questions of a railroad assessment law, an anti-pass law, and a passenger fare of two cents per mile,¹⁹ and the responses of candidates were printed in a handbook for public distribution. A large number of candidates, including Long, did not answer the letters addressed to them, and as a result the booklet became known across the state as the "Rabbit Book."²⁰

For purposes of review and clarification we will indicate the successive stages of the Stubbs position on direct primaries, which was usually reflected in the Square Deal approach:

1. Safeguards should be provided against fraud and irregularity in primary elections. (summer of 1904)

2. There should be primary elections for the nomination of all officers except state officers and they should be chosen in a state convention. (November, 1904)

3. All conventions should be abolished and the nomination of all officers, including United States Senator, should be by primary elections. (January, 1906)

Governor Hoch, generally regarded as a Stubbs creation, was hardly able to keep up. He stated his position in July, 1906, as follows:

I have favored a direct primary election law, and still favor it.

Upon this question, however much mooted in Republican circles,

the Democratic platform and candidates are silent, . . . If

re-elected I shall recommend the enactment of such a law and

have no doubt that the next legislature will respond to this

demand of the people. It is only fair to say, however, that there is a great diversity of opinion as to the specific provisions of a primary election law. Honest differences of opinion exist on the subject, but I believe these can be adjusted and a reasonable measure enacted fair to all parts of the state.²¹

When the legislature met in 1907 it was to be expected that one of the issues would be that of primary elections. In February, the "Stubbs Bill" was presented in the House. Its main features were:

1. Township, county, congressional and state officers and United States senators were to be nominated by a direct vote of the people.

2. In order to get his name on the ticket a candidate would need to have two to five per-cent (depending upon the district) of the voting population of his district sign a petition endorsing him.

3. It would be a crime to use bribery to secure signers of the petition.

4. State and congressional nominees would comprise the party council which would meet and draft the party platform.

5. The primaries for all parties would be held on the same day.

6. The ticket of each party was to be on a separate ballot. Voters would receive a ticket of each party, vote for the one of their choice, and return the unused tickets to the judges.

After a discussion of several days in which many amendments were offered, including one by Morgan to exclude United States Senators from the bill, the measure passed by the lop-sided vote of 101 to 10. Morgan voted for the bill.²²

It had been freely predicted that the Senate would not accept the Stubbs position, so it was no surprise when the Senate began consideration of its own bill on February 19 with the intention of sidetracking the House position. On February 22, the Senate approved its version of primary legislation which was a compromise measure providing for a convention to select candidates in case no candidate received a majority of all votes cast in the primary.²³ Thus, a deadlock ensued, which again ruled out the possibility of final action in that session of the legislature, and which prompted the customary outbreak between the Stubbs forces and the antis. It was pointed out that Stubbs had changed his position since 1905, and that the Stubbs bill of 1905 was essentially the Senate bill of 1907.²⁴ It was further charged that the principal reason for the Senate refusal to pass the bill was the great dislike for Stubbs personally. However, the politicians were editorially warned that if primary legislation were not forthcoming from the legislature it would give Stubbs an issue on which he could go before the people and he would likely sweep the state and become a political dictator as well as United States Senator.²⁵

Hoch defended the position of the Senate. He said: "The bill offered to the House, and twice refused, is a good measure. As it now stands the party has failed to keep its promise regarding primary legislation. I am extremely hopeful that individuals rather than the party have been injured."²⁶

Stubbs struck back at the governor, and charged that the latter was blaming the House and exonerating the Senate for the absence of legislation. He was, he said, one of the members of the House that opposed the Senate bill to the end and that he was "more convinced than ever" that the House members were "everlastingly right."

(Everlasting in this case was something less than two years). He then swung into the usual "reform" line by condemning a system which would provide both for a primary and a convention:

It is the State convention that builds up a machine, provides channels for the distribution of boodle, and enables the professional politician to defeat the people's will. The double system would involve double expense and double labor to the voters and the sole and only reason that can be honestly assigned for adding the convention and delegate system to a direct primary is that it furnishes a field, a business and occupation for the middle man. The professional politicians, taken as a whole, are nothing more nor less than the political machinery by and through which the corporations control political conventions and nominate men for public office who will be subservient to their interests. . . . The railroad lobby, the professional politician, the man who was openly opposed to a primary of any kind, together with the majority of the Senate, urged the very same reasons given by Governor Hoch why the House should accept the compromise Senate bill . . ."²⁷

Agitation for primary legislation did not end with the legislative stalemate. Seth G. Wells, former state auditor, gave a new twist to the issue by suggesting that the state should nominate its governor by the primary method in 1908. It was pointed out that the State Central Committee had the authority to call a primary election for the nomination of any state official, and the office of governor was singled out because it was the only state office in which a new official would be running at that time.²⁸ Throughout 1907 a number of newspapers,

particularly the Topeka Daily Capital, carried on an active campaign to sell the primary idea.

In the fall of 1907, Congressman Dan Anthony of Leavenworth sought to force the issue among candidates for office by sending a letter to state officials asking their opinions on the subject, with the view to printing their responses in Anthony's paper, the Leavenworth Times. Anthony's letter called for views on a primary for state officials called by the State Central Committee as opposed to new primary legislation. Opinion was divided, but the issue served to further stimulate public discussion on the matter. A majority of the members of the State Central Committee expressed themselves as favorable to the idea. Attorney General Jackson, who favored primaries, doubted that the Kansas law was efficient enough for such a move, and suggested that the proper thing for the State Central Committee to do was to urge Governor Hoch to call a special session of the legislature to enact primary legislation and look after other unfinished business.²⁹

The other "unfinished business" had to do with railroad legislation, and had been much in the news for a number of weeks. Agitation for a two cent fare in Kansas was gaining ground, and Hoch was disposed to go along with popular sentiment. On September 11, he issued a public statement in response to the refusal of the roads to institute a two cent fare in Kansas. He said, "Unless the railroads find some way to back up on this decision, there will be a special session of the legislature." When asked if he thought a primary law would also be considered at a special session, Hoch evaded the issue.³⁰ Senator Dolley predicted that a special session would be called and that a direct primary bill would "certainly be presented" and that he believed that it would pass.³¹

Eventually after weeks, even months, of hesitating, Hoch, on January 7, 1908, announced that he would call a special session of the legislature to convene on January 16. He said his decision was reached only after very careful consideration, for he had "always been against special sessions," but the exigencies in this case seemed to constitute an exception. The demand had come from every part of the state and the petitioners had dwelt upon three issues: (1) a primary election law, (2) a bank depositor's law, and (3) "some seemingly necessary amendments to the new tax law." The demand for a primary, he said, seemed to grow in volume, and he had always been in sympathy with it. There was no great demand for it in state offices except for governor; but it should be remembered that it was not a partisan issue.³² Meanwhile, the two cent rate issue, which had originally been a strong talking point for the special session, had been disposed of by the board of railroad commissioners when they ordered the two cent fare to go into effect in October of 1907.³³

Long wrote to Mort Albaugh and gave his observations and instructions on the matter of the primary. He thought it wiser under the circumstances to pass a primary election law and have it go into effect immediately rather than to defer its taking effect until after the nominations were made in national convention. He hoped the legislature would not adjourn without passing a law providing for an expression on United States senator at the polls in November. He preferred a primary law to apply to all officers for the current year, and thought an August primary would be preferable to one in April. "You know my fear of the primary in Kansas so far as I am concerned is solely in relation to the dangerous position that it places a number of candidates for the

legislature in who are known to be for me for senator." He would like to see the Senate take the initiative in things and believed that that body could pretty largely determine the kind of primary law that would be passed. He thought it would be very unwise to defeat all primary legislation. Then came a positive statement of a type which Long did not often employ:

Pass the bill I send you for expression on United States senator either as part of the primary election bill or as a separate measure; provide for the expression on senator by legislative and senatorial districts; let Republicans only vote for Republican candidates, and Democrats only vote for Democratic candidates; pass an apportionment bill; defeat the guaranty deposit proposition, unless a mutual bill is agreed upon permitting the banks to control the inspection and membership in the association,--and then adjourn. This is my advice and I hope you will convey it to my friends in the legislature.³⁴

When the legislature convened it was immediately evident that both houses were bent on preparing primary legislation, and that there would be differences between them. The House acted upon the old Stubbs bill which provided for straight primaries at all levels, and passed it by a vote of 103 to 10. The senate bill provided for

- (1) A convention for the election of delegates to the national convention.
- (2) An August primary.
- (3) A party council.
- (4) A split primary, or the nomination of United States Senator at the November election.³⁵

To the casual observer it would seem that there was not a great deal of difference in the two bills. However, the Senate bill contained a provision to the effect that no man who was a candidate for office at the general election could be voted on for United States Senator at the primary election being held at the same time. That was cleverly drawn to restrain Stubbs to one office. If he ran for governor and was nominated he could not be a candidate for senator, and if he ran for senator he would have to get out of the governorship race.

For several days it appeared that the senate bill might be forced through. Members of the House were tiring of Stubbs "splitting of hairs" and were getting resentful of the heavy weight of his collar upon them.³⁶ Stubbs, however, stubbornly refused to compromise on the split primary feature. A break started, however, when Senator Chapman from Barton County changed sides and went over to the Stubbs camp, and in a matter of a few days both houses had agreed on a bill minus the split primary feature.³⁷ The final bill contained one feature that was absent in the first Stubbs proposal as outlined on page 152 above: the candidate for United States Senator who received the plurality of votes cast in a representative or senatorial district was to be entitled to the vote of that district, and the candidate who received the plurality or majority of these representative and senatorial districts would be the nominee of the party.³⁸ The effect of this provision was to safeguard in some measure the relative strength of the sparsely populated western counties as against the populous counties in the eastern part of the state. The time of the primary was set for the first Tuesday in August. The rift which was developing between Long and W. A. White is indicated in the following exchange of notes as it pertains to the primary. White wrote

to Long:

I got your letter acknowledging my clipping. . . . Honest-- I like your nerve. You say speaking of the primary law that "the people of Kansas want to try it, and they were permitted to have their way." Good Lord, man why didn't you say "they were graciously and mercifully permitted to have their way." Chester--Chester if I had the same faith in the influences in American politics that may not be ignored, I could raise the dead. "Permitted" under the circumstances is a generous word, considering that if the legislature had not passed that law this state would have been in the Bryan column neck deep this fall! . . .

Of course you know that Joe is going to run for Senator. He has not asked my advice in the matter, but probably will have my support. . . . I have no other interest in politics now except to hold Stubbs in,--that is in the gubernatorial fight. This--not because he can lick the daylights out of you, as matters now stand--but because he is the only one who can carry Kansas for the Republicans. . . . And then--you know I'm still after the Injun! This ought to be enough truth one day . . .³⁹

Long replied:

Yours of the 3rd instant received. It evidently is not safe to attempt to be facetious in a letter to a serious minded man like yourself. I did state in my letter that the people of Kansas wanted to try the primary and that they had been "permitted" to have their way. I thought you knew that the people always have their way when they really want something done. Sometimes a

few of them get together and arrogate to themselves the province of representing the whole people and because they cannot have what they want they think the desires of the people have been obstructed.⁴⁰

Before the year was out these two men were to give even more positive expressions of their opinions of each other.

Footnotes

1. Topeka State Journal, January 19, 1901.
2. Topeka Daily Capital, February 22, 1905.
3. Printed speech of Hoch, delivered at Marion, Kansas, September 1, 1904, Republican campaign literature of 1904.
4. Kansas City Star, November 26, 1904.
5. Ibid., February 15, 1905.
6. Kansas City Journal, March 1, 1905.
7. Ibid., February 25, 1905.
8. Topeka State Journal, March 4, 1905.
9. Ibid.
10. Topeka Daily Capital, March 7, 1905.
11. Ibid., January 11, 1906.
12. Letter of Long to H. J. Bone, February 17, 1906, Long Papers.
13. Letter of Long to Albaugh, February 14, 1906, Long Papers.
14. Letter of Long to H. J. Bone, January 17, 1907, Long Papers.
15. Topeka State Journal, April 11, 1906.
16. Ibid.
17. Topeka Daily Capital, January 11, 1906.

18. Kansas City Star, September 1, 1906.
19. "Square Deal" Hand Book, Mail Printing House, Topeka, Kansas
20. Statement of George A. Root, October 5, 1934, filed with Republican campaign literature, 1906.
21. Printed statement of Hoch, July 24, 1906, Republican campaign literature, 1906.
22. Topeka Daily Capital, February 13, 1907.
23. Ibid., February 22, 1907.
24. Topeka Daily Herald, February 23, 1907.
25. Ibid., March 3, 1907.
26. Topeka Daily Capital, March 14, 1907.
27. Ibid.
28. Ibid., April 6, 1907.
29. Kansas City Journal, October 17, 1907.
30. Topeka State Journal, September 11, 1907.
31. Ibid., September 18, 1907.
32. Kansas City Times, January 8, 1908.
33. Topeka Daily Capital, September 6, 1907.

34. Letter of Long to Albaugh, January 10, 1908, Long Papers.
35. Topeka Daily Capital, January 29, 1908
36. Topeka State Journal, January 25, 1908.
37. Topeka Daily Capital, January 24, 1908.
38. Kansas City Journal, February 2, 1908.
39. Letter of White to Long, February 3, 1908, White Papers.
40. Letter of Long to White, February 6, 1908, Long Papers.

Chapter VIII

THE CAMPAIGN FOR THE REPUBLICAN SENATORIAL NOMINATION IN KANSAS

1908

The sparks of the 1906 campaign for United States Senator from Kansas had scarcely cooled before plans were being laid for the 1908 contest. As has already been indicated (page 129 above), Bristow intended to go to the Senate either in 1906 or in 1908. Having failed in 1906 it was to be expected that he would be active in 1908. Stubbs, too, as a loser in the scramble of 1906 intended to file for Senator early and do nothing else but campaign for the office.

Meanwhile, the reform element in the Republican party in Kansas was still trying to find a common base from which to operate. White took the lead as literary agent for the reform groups, and with less to lose politically than most of the others he was in a good position to serve as an arbiter of personal differences and as a leader in championing principles that would be tenable in the rough and tumble shuffle of a campaign. A few weeks after the election of Curtis he was sending out letters trying to form an organization of sixty to one hundred men to clean up the Kansas political mess. He said he was not running a Stubbs side show nor a Bristow band wagon. In fact, if he was governor, he said, he would "appoint Victor Murdock Senator, in a vacancy . . ." ¹

White felt keenly the effects of too much Stubbs influence in the organization. He wanted in some way to let down the bars so that there could be an invitation to Morgan and Allen and others of that type to join without taking the "Thirty Third, or Stubbs degree." He said he

would be for Stubbs whenever the latter became the choice of the crowd, but a lot of people who believed in the "direct primary and the communion of saints" did not like Stubbs. On the other hand, he thought most of them would prefer Stubbs to Long. He thought it possible that Long would see the light and be converted so that the organization might support him, but that was a remote possibility. He then gave his statement of purpose, which, it might be observed, was hardly the governing purpose of the main contenders for office: ". . . our organization has to achieve results in the triumph of principles, and not elect this, that or the other man to office. What I feel the organization sadly lacks and must have, if it succeeds, is breadth and catholicity of spirit, enough to admit the friends of Long, to the organization as well as the friends of Stubbs, provided that these friends of Long shall be in favor of and shall work for the fundamental principles upon which the organization stands."²

The problem of what man should be elected to office was vastly more important to some Kansans than it was to White. Both Stubbs and Bristow had positive designs on the Senatorship, and the square dealers were hard pressed to decide which man should run for which job. It was conceded that Stubbs had the stronger appeal with the voters, and Bristow had indicated that if Stubbs ran for the Senatorship he would not run. White felt that it was essential that Stubbs be induced to run for governor and let Bristow run for senator. Otherwise, the Long forces would elect a governor, the state ticket would "go to pot," and the Democrats would elect a senator.³

White used his influence to get Stubbs to settle on the governorship. In a letter of May 31, he expressed a fear that unless care was

taken Long would gobble up the state legislature and the primary and other reforms would be to do over again from the ground up. He urged Stubbs to run for governor and thus increase the chances of beating Long.⁴ Seven months later the issue was still not decided, and White used his editorial position to force Stubbs into line. In the Gazette of January 1, 1908, White was at his best in a statement that not only put pressure on Stubbs but gave a pointedly accurate statement of the nature of political enthusiasm in 1908. Perhaps the Roosevelt style was becoming the norm.

For half a dozen years the Republican party in Kansas has been trying earnestly to reform itself. Often this effort toward reform has been misdirected; sometimes selfish men have profited by it, but the undercurrent among the rank and file of Republicans has been toward cleaner politics than was and is now running stronger than ever it has run before in the Republican party of this state. One of the obvious results of that undercurrent is the utter dissatisfaction among Republicans generally with the kind and class and condition of men mentioned and groomed by the leaders of the party so far, for the office of governor. Six years ago, a man like Hornaday--a respectable country banker, regular in his party affiliations, unflinching in his public service, would have been an ideal Republican candidate, but the people do not take to him now. Four years ago, Mr. McNeal or Mr. Leland or Mr. Davidson would have been acceptable leaders, but now, though no one questions their personal honesty, their best friends cannot claim that these gentlemen have aroused any enthusiasm in the party by the prospect of their being candidates.

The people demand not only a respectable man, not only a successful man, not only an honest man--but a fighting, honest man--an aggressor, a leader, and not a common two-legged man without spot, flaw, or blemish. Moreover, they are willing to take a leader--warts and all, overlooking minor faults, and rallying to him for the qualities of force, of pugnacity, of courage, of sheer bull strength that he has exhibited.

Hence the movement to draft W. R. Stubbs for the gubernatorial nomination. He is a leader. He is as full of faults as Cromwell or John Brown; he is as open to criticism as Grant or Mark Hanna, but he is a leader. He will fight. He has the courage--even of his mistakes and he stands for the progressive element of the Republican party as does no other man. He frankly desires to go to the Senate, but if he or a man like him does not run for governor, this state will go Democratic, and his duty is first to see that Kansas is Republican and to put aside the senatorial ambition, which has been as plain as the nose on his face, that his party may triumph in this commonwealth.

It is a duty to ask him to lead in this fight, and it is a personal duty on Stubbs' part to drop his ambition to lead. If he puts his own ambition ahead of his party success--he too, will be marked as unfit and unworthy of the confidence which hitherto he has inspired. He will be tarred with the stick of selfishness like the other leaders who have been tried and found wanting.

In this party crisis, much depends upon the manly, straightforward, courageous, unselfish action of Walter Roscoe Stubbs, in

reference to this movement in his behalf. Opportunity is knocking on his door. But when she opens, he must show her a full-sized man, willing to sacrifice every personal ambition for his state's good and his party's success.⁵

A few days later Stubbs issued an announcement, in what he called a response to a "demand from progressive Republicans all over Kansas" and which it would be "impossible for any patriotic citizen to ignore," and offered himself as a candidate for the office of governor subject to the Republican state convention of March 4.⁶ January 8, in an Emporia meeting, of which White was chairman, Stubbs made his keynote speech in which he flayed the machine and defended Roosevelt.⁷

With Stubbs out of the way it was obvious to all that Bristow would be the candidate of the reform element for the office of United States Senator. His announcement was forthcoming on February 15, and was issued "upon the solicitation and advice of many friends and in harmony with my own personal inclination."⁸

With Bristow's announcement the lines were clearly drawn between the Long forces and the anti-Long forces in the senate race. Long was not unmindful of the task that was ahead of him. In a letter to W. S. Fitzpatrick he said that he was confident of winning the battle, but did not "underestimate the extent of the opposition" which had arisen because he was in the Senate and had not "been as radical" as some people thought he should be. He said that because he had not taken an extreme course on railroad legislation he had alienated a great many radical Republicans. He felt that the nomination of Taft would have a sobering effect on the radical element of the party. "Some people in Kansas who claim to be Republicans, will, after the National Convention, find themselves

more in sympathy with the Denver platform and Mr. Bryan than with the Chicago platform and the Republican candidate." His course, however, was definite and clearly marked out and would "not be changed in order to win success at the primary in August."⁹

Long was an important figure in the formation of the Republican platform at the national convention in June. The general outlines of the platform were prepared earlier in a White House Conference attended by Roosevelt, Taft, Long, Senator Hopkins, and Attorney General Ellis, and Long was continued in an influential role as a member of the committee on resolutions at the Chicago convention.¹⁰ As might be expected in such circumstances he made the Republican platform his platform, and declared that he would stand on his record.

The platform, which Long would support, was not designed to satisfy either extreme in the party. The Capital, which was normally unfriendly to Long, observed that he had as much to do as anybody in preparing the platform, and added: "It is a great platform and it reads like a historic document. Certainly this forward-looking platform is unsatisfactory to the conservative extremists. There is no smell of the gum shoes in it. There is no shying at or side-stepping living issues, but it is a frank declaration on all the new problems of these new times."¹¹

The Kansas City Star, which had also been unfriendly to Long, commented: "The Senior Kansas Senator also led the administration forces in the only real fight of the convention, the contest in the committee for the anti-injunction plank in the platform.

"At all times Mr. Long had the unanimous support of the delegation, and there is no question but that for once, at least, the sentiment of the vast majority of Republicans of Kansas was reflective in the action

of the delegates in the convention."¹²

Bristow's declaration of a platform was made without reference to the action of the party in convention. He declared himself in favor of revision of the tariff, limiting the amount of stocks and bonds that could be issued by corporations doing an interstate business, restricting the sale of coal lands belonging to the United States, prohibiting gambling in stocks and grain futures, and further enlarging the powers of the interstate commerce commission, especially as it pertained to the power to ascertain the physical value of the railroads as the basis for establishing rates. He evidently wanted to be on the safe side politically, for he declared: "I am a progressive Republican and in the politics of the country stand with Roosevelt, Taft, LaFollette and Hughes, and the ideas they represent."¹³

The two campaigns were financed in much the same fashion. As has already been indicated, White was the literary agent and moving force of the Bristow campaign, while Quayle Bristow of Salina evidently managed a clearing house for campaign literature and acted in the capacity of business manager. After an unheralded Bristow appearance in Hoisington the Topeka Journal declared that the man had no manager, but that he made his own campaign plans, arranged his own dates and dictated his own letters.¹⁴ In April White wrote to O. G. Villard and asked him if there was any money in New York that could be used for the Bristow campaign. He said Bristow was not rich and his supporters had nothing except their private funds. Consequently, he was wondering if Villard knew of funds that could be had with the understanding that if Bristow won it would be paid back.¹⁵ In May, White wrote to ex-governor Morrill with a similar request suggesting that he finance the Bristow campaign to the extent of

one hundred dollars, with the understanding that it would be paid back if Joe won.¹⁶ Morrill, however, declined the invitation and allowed White's letter to leak out for circulation. White defended his request as proper, but thought Morrill unfair in using it as a political matter.¹⁷

Funds for Long were solicited in similar fashion. Long felt there was nothing wrong "about soliciting contributions from those who wish to contribute provided they do so willingly and cheerfully, and provided further that there are no obligations incurred in relation to the contribution." He would not ask, nor did he expect any contributions from corporations, so that the expenses of his campaign would have to be met either by him personally, or by his friends who felt like contributing.¹⁸ The Long campaign was managed by Mort Albaugh of Topeka, and its literary light was another of the crop of brilliant Kansas editors of the period, Will Morgan of Hutchinson.

It would be futile to attempt any study of the campaign of 1908 without careful attention to the activities of William Allen White, whose name has already frequently appeared in these pages. White not only sparked the Bristow boom and solicited funds, but he also organized a newspaper attack upon Long and in the last analysis decided the issues and the lines along which the campaign should be fought, the "platforms" of Long and Bristow to the contrary notwithstanding. In addition, a large percentage of the printed matter that emerged from the campaign was a product of White's pen.

One of the most quoted of the White pieces was a widely circulated article entitled, "The Case of Mr. Bristow." He began by quoting Victor Murdock as saying that the Long-Bristow contest was "a race between icebergs," and followed with his own interpretation of the nature

of the two men;

To Kansas Senator Long has always been an alien. And Bristow--alas for Bristow!-- he has committed the one unpardonable sin for Kansas: He is "cold".

Long cannot talk the Kansas language; Billy Morgan is his chief interpreter and Mort Albaugh translates the high Kansas of Morgan into the low Kansas of Andy Richards; but Bristow, though he can and does talk the Kansas language; pure and undefiled, with the bark on; hot, turbulent and impassioned at times, he seems to be talking it through a megaphone. It is a voice crying from afar off. The people understand what he is saying: they like what he is saying--but they don't seem to see the man behind the voice.¹⁹

One of the biggest problems which White had to overcome was a lack of cooperation on the part of the Kansas City Star. In a letter to T. W. Johnson of that paper he said that Bristow would win the fight with the Star back of him, but without it he would lose. He said the sentiment of the state was overwhelmingly against Long, but for some reason people had acquired an "unreasoning prejudice" against Bristow.²⁰ The Star, however, remained coy on the whole matter because its editors did not think Bristow was in the fight and the paper did not want to do anything to antagonize Long.²¹ It is possible that the position of the Star was in line with its best interests. Two years earlier T. A. Noftzger of Anthony had written to Long about the appropriation for fast mail from Kansas City west, which was run for the benefit of the Kansas City dailies. He said if it were not for the fact that the Santa Fe made it a point to hold the train for fast mail, they could get better

passenger service in his area, and the people there would like to have the appropriation abandoned. He added that if Long saw fit to have the appropriation continued he should get a definite understanding with the Kansas City papers on certain points in Kansas politics. "They have not treated you fairly with reference to your position on the railroad question and they will absolutely control the situation on that point in your favor if we pursue the proper course."²²

By May 9, 1908, White could write that the Star was open and that the Bristow forces would use it hard.²³ In addition to the Star, there was the Topeka Daily Capital with its square dealer editor, Arthur Capper, and some twenty-five to thirty other Kansas newspapers that printed the products of White's prolific pen.

The campaign was not limited to the Kansas area. Collier's Weekly had been running a series of articles on "Senate Undesirables," and Long observed in March that likely he would soon be written up as others had been because the editor was a friend of Bristow.²⁴ Bristow did not take the initiative in the matter, but the article was soon forthcoming, nonetheless. White observed that Colliers had finally found someone to do Long in the "Senate Undesirables" series. He was J. M. Oskison who had done Hopkins of Illinois. White was afraid "Henry" would be too busy, and since the story had to be rushed Oskison seemed to be the best man to do it.²⁵

Probably the sharpest barb of the entire campaign was that thrust by White in an article entitled "The Strange Case of Senator Long," which appeared in a number of newspapers about May 17, 1908. He said he had been a friend and admirer of Chester Long for nearly twenty years, and if an idea of progress could be "bored into his brain" he would make

the best United States Senator Kansas ever had. Long's biggest handicap was his temperament. "He thinks this is a mad world. He believes that tomorrow--next year, or in the next few years at the most, the country will snap back into the good old days of Hanna, and the present way of thinking, that dishonesty in business is reprehensible, will pass as a dream in the night." He adds:

The spectacle is not one for bitterness, nor entirely for gayety. It is rather one of profound regret, that a man with such personal charm, with such a gift of effective industry, and with such unquestioned personal integrity, should set them all to naught by a sheer stupidity [in the face of the facts about him] . . . and so far as his official service to his state and its people is concerned, should make himself as viciously useless as though he were banal, lazy and scandalously corrupt.

These words form a serious indictment against an honest man . . . and unless they are backed by facts to sustain them, these words must react upon whoever uses them . . .

White then set about to prove that Long did not represent Kansas but rather the "intangible opposition to progress in public and private morals called Wall street." Wall Street was not a place, but a temperament, found where a man robs his neighbor, or gambles in grain, or sells poisonous food without a label, or waters stock upon which the public has to pay "usurious charges," or rides a pass, or holds a public office for which he gives inadequate service for the money received. And Long represented Wall Street. White then proceeded to give Long's voting record on thirty-five issues that had come before Congress, and to show that Long had voted against the people and for Wall Street. Something

of the effect that White was attempting to create in the public mind may be gained from the fact that in the article of somewhat more than 3,000 words, the term "Wall street" appears no less than seventy times.²⁶

As was to be expected, the publication of the article prompted many and different reactions. Long said he was surprised at its weakness as to facts. How he could "be an honest man and yet vote for policies that are injurious to the people" of Kansas he was not able to determine. The article was wrong in one statement or the other. He thought it was strange, too, that he had cast about seven hundred votes in the eleven years he had been in Congress and yet only thirty-five had been subjected to attack by his opponents, and those thirty-five could be easily explained.²⁷

Long's first impulse was to reply to White by preparing an article for Morgan to release to the press. He resented the idea that, according to White's articles, it would appear that his reelection to Congress depended upon his satisfactory explanation of about thirty-five votes out of six hundred and ninety-nine roll calls since he had entered Congress. He believed that when Stubbs had been a candidate for Senator he had hired someone to go through the Long votes at Washington, and it was from that compilation that White was making his charges.²⁸

As he considered the matter more fully he conceived the idea of holding a public meeting in Emporia to answer White's charges and to have White present at the time. Reporters could be invited and the matter would get much wider publicity than an ordinary press release. The meeting was accordingly arranged for June 10, and on that day the Gazette carried the following announcement in a large "box" in heavy type on the front page:

HEAR LONG SPEAK

SENATOR LONG AT THE OPERA HOUSE TONIGHT. HIS
FAMOUS FORTY THOUSAND WORD SPEECH. HE WILL SKIN
THE GAZETTE. COME EVERYONE, AND BRING A LUNCH AND
STAY THROUGH TO THE END.

The Emporia meeting was, indeed, an effective means of getting issues before the public, and stories of the evening session were freely carried in Kansas papers. Long had carefully prepared his attack, and considered White's charges one by one and explained why he had voted as he did. He had the distinct advantage of speaking with reference to problems with which he was familiar, while White's charges had been based upon second hand evidence and his conclusions were often not germane to the problems under consideration. Long proceeded to dissect the White article with logic that was as irrefutable as White's literary style had been attractive.

Something of Long's approach may be gained from the following newspaper quotation which appeared the next day:

Senator Long demanded to know why White had not included in his list of Wall street votes the vote which Long cast at the 54th congress against free silver, and led to his defeat for re-election.

"Because you were right," said White. Then clapped his hands and led in the applause.

"I don't know," said Senator Long, when the applause subsided, "whether you were cheering my vote, or the fact that I was defeated."

Mr. White's reply was lost in a storm of applause.

"He says," continued Senator Long in a loud voice, "that he was cheering my vote. But at the time I was denounced for voting for Wall street. This modern Populist here does not agree with the old time Populist. But if you ask some of those old timers in the Seventh district they will tell you I voted for Wall street then, just as White says I am voting for Wall street now."³¹

There is little doubt but that Long gained prestige as a result of the Emporia meeting. White commented after the speech: "Senator Long's defense of his record is characteristic of the best that is in him. It is carefully done, it is logically worked out and is the best position he can take. It commands respect just as he does for its dignity and courage."³²

Even the normally anti-Long newspapers had kind words to say. For instance the Kansas City Star observed: "As the meeting progressed it was hard to tell which of the two men was the favorite with the crowd. There is no doubt that so far as 'points' are concerned Long got the best of the bout. He compelled White to acknowledge in public that in three of the charges made by White he was wrong and that Long was right. In one instance White begged Long's pardon for his error and later volunteered that he would give the same publicity to his errors and the acknowledgement of them as he had given to the original charges. This brought the wildest enthusiasm from the audience. . . ."³³

The Topeka Daily Capital commented: "The effect of Senator Long's Emporia speech is to eliminate from serious consideration among Kansas Republicans a large majority of the challenged votes and to leave Senator Long to bear as best he can the charge of voting for these other

corporation measures notwithstanding that they could not get the Republican majority support."³⁴

By the next day White had regained his aggressive attitude, and commented editorially that he was not a candidate for office and never expected to be. Rather he was trying to fight the forces that organized machines for the purpose of selling political power to the forces of predatory wealth that in turn prey upon the weak and unorganized members of society. Sometimes he had to "say things that hurt those in high places" and they had to hit back. But that was alright, for it was a part of the game. "So don't waste any sympathy on the fat old rascal who runs this paper. He is amply able to take care of himself." He added that he did not intend to defend himself against any insinuations or charges made in the campaign because he was not an issue. Then in a prepared statement in which he covered the Long speech in some detail he explained:

The defense of Senator Long against the charges formally presented against him form a curious combination of error, self-deception and bluff. In most of the cases the defense is sheer bluff, and a most remarkable dodging of the main issue and hiding behind the presidential coat tails. Time and again in his argument does he cite President Roosevelt's language to prove his contention, when the contention if properly and fairly stated would be an unspeakable shock to the well known position of the President upon public questions. It is the argument of a lawyer for the defense who cares nothing for the evidence, nothing for the logic, and is playing to an ignorant jury.³⁵

White's reference to Long's relationship to the President is a very important one and sharply reflects the position which had been taken earlier by the Wichita Chamber of Commerce and the Kansas Shippers' Association. In reference to Long's claim that Roosevelt had signed the bills, White insisted that Long had not tried to get the best possible bill before the President. He felt that in supporting bills just because they were committee bills, Long was dodging his own responsibility and had "sublet his thinking as a representative of the people" instead of working as he ought. He said Long had no right to hide behind presidential coat tails, for the President could not amend bills that were sent to him and had to take what came to him, often rejecting much good if he rejected the bad.³⁶

In view of the White charge it is appropriate to call to mind two communications from Roosevelt which were made public during the debates on the Hepburn Bill. The first was a letter to Long dated January 21, 1906. It follows:

My Dear Senator: I entirely agree with your position on the rate bill. Commissioner Prouty was in yesterday. He says that the Hepburn-Dolliver bill represents an advance so extraordinary that he had never dared to suppose it would be possible to pass it, and that he is strongly against any effort to amend it by increasing the powers along the very lines indicated by the gentleman you quote [Mr. C. L. Davidson, President of the Wichita Chamber of Commerce].

I wish also to state my cordial agreement with your position in declining to say that you would be in favor of what I recommended until you knew what I did recommend. My position now is

exactly yours. If the extremists should have their way they would completely block all chance for rate legislation at all. It is useless to expect that any legislation will satisfy those who desire the impossible. But the Hepburn-Dolliver bill will mark a real and substantial advance in dealing with the question by doing away with abuses and benefiting the people as a whole. It is, in my judgment, as far as we could with wisdom go at this time, and those who are opposing the measure are in reality doing all they can to prevent any substantial relief from being afforded.³⁷

As the debate progressed, Roosevelt appeared to feel that his original purposes were actually being carried out. In a telegram of May 5, 1906, to W. F. Hill and members of the legislative committee of the Pennsylvania State Grange he again stated his position clearly:

Telegram received. I am happy to tell you that not only am I standing on my original position as regards rate legislation, but it seems likely that Congress will take this position, too.

The Hepburn bill meets my views, as I have from the beginning stated. The Allison amendment is only declaratory of what the Hepburn bill must mean, supposing it to be constitutional, and no genuine friend of the bill can object to it without stultifying himself.

In addition, I should be glad to get certain amendments, such as those commonly known as the Long and Overman amendments, but they are not vital, and even without them the Hepburn bill, with the Allison amendments, contain practically exactly what I have both originally and always since asked for, and if

enacted into law will represent the longest step yet taken in the direction of solving the railway rate problem.³⁸

In spite of the rather obvious evidence to the contrary, there seems to be little doubt that the persistence of the charge that Long was violating his responsibility to Roosevelt had much to do with his loss of popularity before the Kansas electorate.

As the campaign progressed it appeared that there was another of the old complaints of the Wichita shippers that had potency as an anti-Long issue: namely, that of the long-short haul issue. Victor Murdock suggested to White that that issue might well be used to advantage, and after some investigation White took to the idea with his customary enthusiasm. He declared that it would be "the issue in the campaign." He had Joe ribbed up on the subject, and Joe would make it the subject of a Wichita meeting in which he was to speak. He thought it would be a good idea if Murdock would write a few editorials in the Eagle on the topic without getting directly involved in the Bristow-Long fight as such. It seemed to him that the long-short haul issue was "the only vital thing there is in the Senatorial campaign . . ."³⁹

Long had made himself vulnerable on the long-short problem in his Emporia speech while discussing the LaFollette amendment to the Hepburn rate bill, which would have prohibited a common carrier for charging a greater compensation for a shorter than for a longer haul. It was defeated by a vote of 46 to 25, and Long voted with the nays. He explained that Kansas was the center of the continent, and that its prosperity in the past and in the future was dependent upon special rates made by the railroads. He said it was the special rates which had given Kansas a virtual monopoly of wheat and corn raising, and

reiterated his position that Kansas would be wrecked if such favorable concessions were denied. He had "voted against this amendment and [would] continue to vote against this proposition" as long as he remained in Congress.⁴⁰ White particularly disliked that position, and felt that the issue was bigger than politics—it was the issue of whether Kansas was an agricultural state or whether it was an industrial and an agricultural state.⁴¹

Meanwhile, Joseph Bristow was somewhat in the campaign for senator, though with indifferent success at least in the early months. White urged him to get busy and make more of an appeal to the entire state, for he feared he was wasting too much of his time in the districts. He added, "You make a loud noise and the roaring in your head makes you think there is something doing, but there isn't."⁴² White felt that Joe's campaign ought to get some ginger into it because he was not getting enough publicity and was missing a great opportunity.⁴³

One sidelight which was very disconcerting to White was a rumor which circulated freely that Long and Bristow had an agreement to the effect that if Bristow won he would nominate Long for a cabinet position, and if Long won Bristow would be nominated by him for postmaster general. White suggested to Bristow on May 4, that he deny the rumor.⁴⁴ White confided in Henry Allen the concern he had for the rumor and said Joe ought to deny it, but he was afraid he would not do it. He added, "Do you suppose he can't?" That is what makes me wild. I don't want to be a party before the fact, if I can help it."⁴⁵ Then he virtually demanded of Bristow that he state his position on the issue. He said he wanted to say in his article the next week that there was no deal whatever between Bristow and Long, and he wanted to state it on Bristow's

positive authority.⁴⁶

Bristow began to find his range late in the campaign. Early in July he gave a speech in Wichita to a packed house. He was introduced by ex-Governor W. E. Stanley, and his speech was in answer to Long's Emporia attack on White's charges. His basic contention was that transportation was the vital problem, and he spent a great deal of his time on the long-short haul issue. However, he took occasion to indicate that Long was sharply at variance with the Roosevelt policies. Speaking of Roosevelt he said:

His personal popularity is so great that every reactionary senator when he seeks reelection before the people of his own state goes upon the stump and loudly praises the president, though in his heart he hates him, in the Senate votes against his measures, and does not believe in any of his policies. This is exactly the case of Senator Long. Personally he dislikes Roosevelt; he hates his political methods; and he does not believe in a single one of his progressive ideas. Long has never supported the Roosevelt policies except for expediency's sake and his votes in the senate show that he has utterly disregarded the recommendations of the president in behalf of vital reform measures.⁴⁷

A few days later Long and Bristow met in joint debate at the Sterling chautauqua on July 14. On White's suggestion Bristow pressed Long with a series of questions and demanded that he answer them. It might be remembered that this was the technique that Long employed against Jerry Simpson in the nineties. Long did not attempt to answer the Bristow questions, and took the position that what he had done in Washington was for the good of the people of Kansas. The crowd was sharply against

him, and the publicity from the Sterling meeting did a good deal to undercut Long's position before the voters.⁴⁸

As has been previously indicated, one of the most consistent charges levelled by the anti-Long forces was that Long was not in agreement with Roosevelt, and that Roosevelt signed bills on which Long had worked in the Senate because they were amendments to decent legislation, and the President had to take the bad amendments to get the legislation through.⁴⁹ Dolliver came to Long's assistance on that issue in a speech in Topeka before a chautauqua audience. When asked about Kansas politics he admitted he was interested. He said he had known both Long and Bristow in Washington and both had rendered high class service. He added that he believed that "no man in Congress . . . stood nearer to the President than Senator Long. He was a constant adviser and helper of the President in the pendency of the rate bill." Long had been a student of the question and the President gave him his complete confidence. It was true that Long voted against the LaFollette amendments, but it "was the President's plan to exclude these amendments from the bill." Dolliver added that if Long was beaten in Kansas under the impression that he was not a good friend of rate legislation and a faithful supporter of the President, as well as a studious and effective representative of Kansas, it would "be a clear case of obtaining goods under false pretenses."⁵⁰

A few days later, after Taft's acceptance of the Republican nomination, the charges were offered that Taft's acceptance speech put Long "in a hole" and that it contradicted Long's position and statements. Wm. J. Krehbiel, editor of the McPherson Republican, denied that that was true. He said parts of Long's recent McPherson speech sounded so much like that of Taft that it suggested previous consultation between

the two. Then Krehbiel asked from whom these misrepresentations had come. "From Mr. Bristow who has issued a platform of his own, so different from the national Republican platform that one cannot stand on both at the same time. They come from William Allen White who was at Chicago during the convention, who wrote sneering letters about it, who associated with those who opposed both the nominees and the platform and had practically repudiated the latter."⁵¹

As the primary election campaign drew to a climax both sides were apprehensive concerning the outcome. White observed that he never had claimed that Bristow would win the senatorial race, but he felt certain Stubbs would beat Leland for governor. Actually the outcome of the voting on August 4 was a real surprise to winner and loser alike, for Stubbs and Bristow won by landslide majorities. Long and Leland lost counties which they had regarded as absolutely certain, and only the eastern tier of counties remained firm. Morton Albaugh, campaign manager for Long, conceded that Bristow had won by a substantial majority, and would even have a ten to eighteen majority in the legislature.⁵²

As a result of the primary Long was permanently retired as a member of the Congress. He naturally felt the blow, but at no time did he make much comment about it. Faxon did not think Long would try again for public office after having been retired at 47 years of age from the office which he prized so highly. Furthermore, he did not think Long would be given to interviews or bitterness, for he was "philosophical, as becomes any dignified defeated candidate."⁵³

Privately, in a letter to Albaugh, Long expressed the belief that his defeat was due to two principal causes. In the first place, according to letters he had received from all over the state, many independents

and Democrats called for and voted Republican tickets in the primary. Secondly, there was the wave of agitation against corporations of every kind. He did not know how long it would take for it to spend its force, and he felt it was less radical in 1908 than it had been the year before, but it was still strong enough to defeat him.⁵⁴

There was some agitation on the part of Long's friends to permit his name to be used as a possible cabinet appointment. It had been freely talked among Republican leaders that if Long lost in the senatorial race, he would receive a position in the cabinet. His close relationship with Taft and Roosevelt and his yeoman work at the Republican convention should have put him in a strong position for consideration. Long, however, was not interested. He mentioned in a letter to Richards, as he had evidently observed earlier, that he was not interested in a position as a member of the cabinet. What he wanted, he said, was a place that would enable him to make money, not spend it.⁵⁵

Long's name continued to appear as a possibility for political office. In 1909 it was rumored that he was to be invited by Taft to serve as minister to China, in part, it was alleged, because Taft had been wanting to do something for the Kansans, who had so materially assisted him in the 1908 campaign. Nothing came of the suggestion, however,⁵⁶ though White observed that Long might be a good ambassador to China for he was better fitted to serve among the disciples of Confucius than the adherents of the square deal in Kansas.⁵⁷

In 1910 a Long-Stubbs flare-up again put the ex-senator in the public eye. In an interview in Kansas City he observed that he would like an opportunity to vote for a Republican governor in the election in 1910, and that he should not be compelled to choose between two candidates

who agreed on all political questions. From his point of view it was impossible to see much difference between an insurgent Republican and a Democrat. The interview drew fire from Stubbs, who challenged Long to run against him for governor. Long declined by stating that he had no desire to be the governor of Kansas and had no intention of being a candidate, but he did wish that there might be a Republican candidate for whom he could vote.⁵⁸

After many years of political retirement Long again appeared in the role of a candidate in 1924. In June of that year some of his friends started a boom for him to run for Congress from the eighth district.⁵⁹ Long issued a statement in which he said he had no desire to run for either the House or the Senate, but of the two, the House was less objectionable because of the important questions on finance and relief to the farmers which were first to be given consideration. He said, however, that he would personally take no part in the contest for nomination, for he planned to leave for the London meeting of the American Bar Association on July 12, and would not return until September. Consequently, if he were to be nominated in the August primary it would be in his absence.⁶⁰

Long's support seemed to be strong, and in the primary on August 5, he was nominated to represent the Republican Party in the fall election. The eighth district had for some years been represented in Congress by a Democrat, and the Republicans were anxious to wrest that control from the Democrats. The Democratic incumbent was W. A. Ayres, who was known for his skill as a good handshaker. A substantial part of the legislative issue which was discussed by the candidates dealt with the farm problem. Long particularly attacked the McNary-Haugen

proposals which had been defeated the last Congress. He charged that it was a "price fixing measure" and pointed out that when Congress set a price of \$2.10 per bushel on wheat during World War I the price dropped to a dollar in Kansas.⁶¹

With the election returns from the voting on November 4, it was evident that Long was still not popular with the electorate. Ayres maintained his post as Congressman from the eighth district, and in his home county, Sedgwick, Long lost by a vote of 22,204 to 12,845. Interestingly enough, William Allen White in the same election ran third in a three way race for governor of the state in collecting somewhat more than twenty percent of the votes cast for that office.⁶²

Doubtless the crowning achievement of Long's mature years was his election to the presidency of the American Bar Association, September 4, 1925, to succeed Charles Evans Hughes. Long had been active in the Association since 1913, and for nearly a decade had been a member of the general council, and for two years prior to 1925 had served as chairman of the council. He was also associate editor of the American Bar Journal. Long had also been active in the Kansas Bar Association, and had served as chairman of the commission to revise the general statutes of Kansas.⁶³

As the bar association head, Long was called upon to make a great many addresses, and in them one finds a great deal of his philosophy of government. One of his first pronouncements dealt with freedom of thought and education in the United States. In a speech before the Wichita Bar Association, he called attention to the fact that there had been many attempts to restrict and control learning, and that freedom of learning was in peril in the country.⁶⁴ A few days later, speaking

before the Missouri Bar Association, Long gave further elaboration of that position as it pertained to the controversial Scopes case, which, he believed, would be carried to the Supreme Court and the Tennessee law declared unconstitutional. There were many persons, he said, who reconcile evolution and the story of creation as set forth in the Bible, but the Tennessee law assumed that there was a conflict between the two. "We are not interested as lawyers in the great debate between modernists and fundamentalists. Our question is: Can the government go into the domain of opinion and control it? The Tennessee statute controls opinion by interfering with the freedom of learning. It permits pupils in the public schools of that state to learn but one theory of the origin of man. There are two."⁶⁵

Long championed freedom not only in education, but from federal encroachment upon the rights of states and individuals. In a speech before the Nebraska Bar Association in December he urged his fellow lawyers to join in the battle against intolerance in order that local government and the liberty of man, woman, and child should not perish from the earth. Since the Civil War, he said, the powers of the national government had been increasing and those of the states decreasing. The United States had a dual form of government. It was the first attempt in history to establish such a government, and he was anxious to see it continue. In discussing the issue of liberty, he said: "Liberty denotes not merely freedom from bodily restraints, but also the right of the individual to contract, to engage in any of the common occupations of life, to acquire useful knowledge, to marry, to establish a home and bring up children, to worship God according to the dictates of his own conscience and generally to enjoy those privileges long

recognized at common law as essential to the orderly pursuit of happiness by free men."⁶⁶

After the conclusion of his term as head of the American Bar Association in 1926, Long continued his law practice in Wichita and in Washington, D. C. However, he never lost interest in his farm in Ford County, Kansas. In cooperation with two of his nephews, Will Long and George Long, he helped to manage several sections of the wheat and grazing land in that area. The Longs kept several thousand sheep, and were well known for their progressive methods in farming. They were among the first to use large combining operations successfully in harvesting their wheat, and Long never missed an opportunity to identify himself with the farm.⁶⁷

Footnotes

1. Letter of White to Philip Campbell, March 19, 1907, White Papers.
2. Letter of White to Sheffield Ingalls, May 22, 1907, White Papers.
3. Letter of White to Henry Allen, April 29, 1907, White Papers.
4. Letter of White to Stubbs, May 31, 1907, White Papers.
5. Emporia Gazette, January 1, 1908.
6. Topeka Daily Capital, January 4, 1908.
7. Ibid., January 9, 1908.
8. Ibid., February 16, 1908.
9. Letter of Long to W. S. Fitzpatrick, February 19, 1908, Long Papers.
10. Printed statement of platform and newspaper comments, Republican campaign literature, 1908.
11. Topeka Daily Capital, June 21, 1908.
12. Kansas City Star, June 19, 1908.
13. Topeka Daily Capital, February 16, 1908.
14. Topeka State Journal, June 9, 1908.
15. Letter of White to Villard, April 14, 1908, White Papers.
16. Letter of White to Morrill, May 13, 1908, White Papers.

17. Letter of White to Morrill, May 25, 1908, White Papers.
18. Letter of Long to C. S. Jobes, April 21, 1908, Long Papers.
19. Kansas City Star, May 10, 1908.
20. Letter of White to T. W. Johnson, April 29, 1908, White Papers.
21. Letter of White to Bristow, May 4, 1908, White Papers.
22. Letter of Noftzger to Long, March 1, 1906, Long Papers.
23. Letter of White to J. N. Dolley, May 9, 1908, White Papers.
24. Letter of Long to Albaugh, March 16, 1908, Long Papers.
25. Letter of White to Bristow, May 18, 1908, White Papers.
26. Kansas City Star, May 17, 1908.
27. Letter of Long to Frank McLennan, May 22, 1908, Long Papers.
28. Letter of Long to Albaugh, May 23, 1908, Long Papers.
29. Ibid.
30. Topeka State Journal, June 11, 1908.
31. Kansas Scrap Book Biography, Long, Vol. 9.
32. Topeka Daily Capital, June 11, 1908.
33. Kansas City Star, June 11, 1908.
34. Topeka Daily Capital, June 12, 1908.

35. Ibid.
36. Letter of White to T. B. Murdock, June 9, 1908, White Papers.
37. Topeka State Journal, September 8, 1906.
38. Ibid.
39. Letter of White to Victor Murdock, June 29, 1908, White Papers.
40. Printed copy of "Long's Emporia Speech."
41. Letter of White to Victor Murdock, June 29, 1908, White Papers.
42. Letter of White to Bristow, May 4, 1908, White Papers.
43. Letter of White to Bristow, May 9, 1908, White Papers.
44. Letter of Long to Bristow, May 4, 1908, Long Papers.
45. Letter of White to Allen, May (day of the month not legible), 1908,
White Papers.
46. Letter of White to Bristow, May 9, 1908, White Papers.
47. Topeka State Journal, July 11, 1908.
48. Topeka Daily Capital, July 15, 1908.
49. Letter of White to Wickersham, July 20, 1908, White Papers.
50. Kansas City Star, August 2, 1908.
51. McPherson Daily Republican, July 31, 1908.

52. Ibid., August 6, 1908.
53. Kansas City Journal, August 11, 1908.
54. Letter of Long to Albaugh, August 11, 1908, Long Papers.
55. Letter of Long to A. A. Richards, August 29, 1908, Long Papers.
56. Kansas City Journal, October 15, 1909.
57. Topeka State Journal, October 19, 1909.
58. Kansas City Journal, February 21, 1910.
59. Wichita Beacon, June 13, 1924.
60. Long Papers.
61. Wichita Eagle, October 25, 1924.
62. Topeka Daily Capital, November 6, 1924.
63. Kansas City Journal, September 20, 1925.
64. Wichita Beacon, October 3, 1925.
65. Chanute Tribune, October 3, 1925.
66. Omaha World-Herald, December 31, 1925.
67. Topeka Daily Capital, August 15, 1926.

CONCLUSIONS

The present writer undertook this study without any great enthusiasm for the subject. The Long papers had within recent years been placed with the State Historical Library in Topeka, and other resource materials at hand made it evident that here, at least, was a topic upon which there was a great deal of fresh evidence. But Chester Long, as a subject, did not appear particularly inviting.

After a few short days of research, however, the picture began to change. One does not read many of the speeches of Long without realizing that here was a man with a brilliant mind who usually did not speak unless he had something to say. In addition, he seemed to possess all the social and temperamental requirements necessary for a long period of service in Washington. Why, then, should he have been retired from the Senate after only one term when he was still a comparatively young man?

There is no pretense of a definitive answer to that question, for the ways of American politics sometimes defy complete or accurate analysis. As has been indicated at several points throughout this study, the criticisms of Long usually could be grouped under two main charges:

(1) He did not stand by Roosevelt in the program that the latter was trying to enact, and

(2) He did not have the interests of Kansas at heart, but instead was a tool of Wall Street and the corporations of the East.

There is probably no point in citing further evidence to prove that those accusations were offered not so much as statements of fact

as they were campaign arguments of tested worth among the Kansas electorate. The present writer has no doubt that those who employed such techniques knew exactly what they were doing, and the following pages will present a series of case studies which will suggest something of the extent and the awareness on the part of politicians of the value of innuendo and emotionalism in politics.

For the period covered by this study there was probably no one in Kansas who understood more about the nature or the methods of mass psychology than William Allen White. His very famous editorial, "What's the Matter With Kansas?" was significant not only for its value to Mark Hanna in the election of 1896. When one allows for White's characteristic exaggeration and pungency in his choice of language, there remains an uncomfortably accurate description of the way Americans of the Middle West frequently reacted in political campaigns. After decrying the relative loss of population in Kansas and poking fun at some of the candidates for office, he continued:

Oh, this is a state to be proud of! We are a people who can hold up our heads! What we need is not more money, but less capital, fewer white shirts and brains, fewer men with business judgment, and more of those fellows who boast that they are "just ordinary clodhoppers, but they know more in a minute about finance than John Sherman;" we need more men who are "posted," who can bellow about the crime of '73, who hate prosperity, and who think, because a man believes in national honor, he is a tool of Wall Street. We have had a few of them--some hundred fifty thousand--but we need more.

We need several thousand gibbering idiots to scream about the "Great Red Dragon" of Lombard Street. We don't need population, we don't need wealth, we don't need well dressed men on the streets, we don't need cities on the fertile prairies; you bet we don't! What we're after is the money power. Because we have become poorer and ornerier and meaner than a spavined, distempered mule, we, the people of Kansas, propose to kick; we don't care to build up, we wish to tear down.

"There are two ideas of government," said our noble Bryan at Chicago. "There are those who believe that if you legislate to make the well-to-do prosperous, this prosperity will leak through on those below. The Democratic idea has been that if you legislate to make the masses prosperous their prosperity will find its way up and through every class and rest upon them"

That's the stuff! Give the prosperous man the dickens! Legislate the thriftless man into ease, whack the stuffing out of the creditors and tell the debtors who borrowed the money five years ago when money "per capita" was greater than it is now, that the contraction of currency gives him a right to repudiate.

Whoop it up for the ragged trousers; put the lazy, greasy fizzle, who can't pay his debts, on the altar, and bow down and worship him. Let the state ideal be high. What we need is not the respect of our fellow men, but the chance to get something for nothing.¹

It will be noted that White's emphasis here is not particularly upon the politicians as such, but upon the "gibbering idiots" who had

been caught up in the chanting of accusations against "Wall Street," the "crime of '73" and all related ideas. White was naturally disgusted with Bryan as an instrument for crystallizing public sentiment on such ill-founded issues, and might have extended his charges to cover "Coin's Financial School" and the whole stock of Populist anti-big business agitation of the nineties.

By the turn of the century the emotional approach to politics as a method was clearly being employed rather freely and had gained real stature in parties other than the Populist. Governor Hoch, in a keynote speech before a gathering of Republicans in Marion in September, 1904, made a charge against the "Fusionists" who, he said, had announced with a flourish of trumpets that the "issue" in the state was to be a crusade against railroad rates. He wanted to point out, however, that issues were not to be made by candidates with axes to grind nor could they be manufactured by impecunious parties to enrich themselves, for issues inhere in conditions. Hoch declared that his opponents were prolific in "issues" and that they had a new one for every campaign, though they seldom kept them longer than that. When they ran out of other issues, they could always fall back on some phase of the railroad question. He added: "They are like the quack doctor who knew nothing of materia medica except that he was an expert in the treatment of fits, and who always threw his patient into one of these spasms, because, as he said, he was "death on fits."²

Balie Waggener, a Democrat who appeared perennially in the state legislature, expressed a similar sentiment two years later in reference to the "boss buster" movement which he said developed on the eve of a political campaign. Commenting on the issue of politicians

always falling back on the railroad question when they ran out of issues, he said it had been thought that every phase of the railroad question had been exhausted until the convention of "dissatisfied shippers" at Wichita found a new one.³ Waggenar, as a railroad attorney, was always regarded as pro-railroad in his preferences and utterances, and his views at this point could hardly be accepted as an impartial evaluation, but they are cited to indicate that the emotional and radical approach to politics in this period was not an issue between parties but within parties.

It would appear that the desire to win public acclaim by flaying the corporations was not limited to those who at a given moment were running for office. In 1905 the Kansas legislature enacted a law which was to invest in a board of railroad commissioners more strict control and management of the roads. Among other things the board was given power to fix and regulate rates and to act as an impartial arbitrator between the people and the railroad companies. By 1906 there were personality troubles between the board and its principal agent, Mr. Carr Taylor, attorney for the board. During the course of the strife Taylor was removed from his post. In view of the public interest in the issue the board felt obliged to give a statement to the press which was issued over the name of one of its members, Mr. J. W. Robison of Eldorado.⁴

Robison said he had no desire to seek notoriety and no "morbid mania" to see his name in print, but the attitude of Taylor toward the board and the way in which he had "aired his pretended grievances through the press" had made it imperative that a plain statement of facts be given. He said the board had made a study of the insidious

attempt on the part of Taylor to "pose as a martyr and the man of the hour especially created to lead the populace out of the domination of the mighty octopus, the railroads" and in the process had given out the impression that the board and its officers were leagued against him in the struggle. Robison continued that everyone who had watched the papers would remember the regularity with which Taylor was getting himself "interviewed by every reporter who would talk to him, deeming the day lost when his name did not occupy a conspicuous place in the headlines of some daily paper." He further charged that Taylor had "persistently tried all of his rate cases in the papers" and that in no case which Taylor had handled alone had sufficient evidence been introduced to warrant orders for reductions in existing freight rates. Had it not been for the evidence in the files of the board it would have been impossible to have given the complainants a decision for rate reduction in any rate case which Taylor had presented.⁵

The value of anti-railroadism as a political asset was recognized far beyond the borders of Kansas. In Iowa one of the most energetic and most highly respected champions of the reform element was Governor A. B. Cummins. He was widely sought as a speaker, and there can be little doubt that his personal integrity was of a high order. The following incident suggests, however, that even Mr. Cummins recognized the necessity of channeling to the public the "right" impressions concerning the relationship of big corporations to "progressive" politics. In 1906, Iowa, as well as other mid-western states, was engaged in discussions and attempted legislation on a bill for direct primaries and on anti-pass and other railroad regulation. On January 31 of that year Governor Cummins received a letter from Thomas A. Way of Mason City

concerning the attitude of George W. SeEVERS, who was General Counsel for the Minneapolis and St. Louis Railway Company. Way had been having some dealings with SeEVERS, and said that the latter was very anxious to see the primary bill and the anti-pass bill enacted into law. Way added that he was sure SeEVER "would feel very much complimented and gratified if he should be called upon or invited to appear before the committee and say something in favor of the Anti-Pass Bill." Way felt that if such testimony could be arranged it would be good practical politics. It would give SeEVER an opportunity to get some personal credit for his position and it would "call attention to the fact that there were some decent Railroads."⁶

Cummins, however, was not favorably impressed with the idea. He felt that all the railroad influence in the state was being exerted against the primary bill. He felt that if SeEVERS could really do any good he would be glad to invite him before the committee, but he did not believe that there was a possibility of it changing a single vote. He added this revealing question: "Is it wise to destroy the force of the argument which we must use, and which we have a right to use, that the railways are lined up against this measure . . .?"⁷

Probably the most effective exploiter of the reform role in Kansas was W. R. Stubbs of Lawrence, leader of the "boss-buster" movement. Reference has already been made (pp. 132-133) of this study) to his activity as manager for Charles F. Scott in a race for Representative in 1906. It will be remembered that at that time observers attributed Stubbs' success to his ability to convey the belief that all opposition to his candidate was by those doing the bidding of the corporate interests, and that Stubbs not only could, but would, prejudice the public mind

on that issue over the entire state.

True to predictions Stubbs continued to employ similar tactics. In his campaign for Republican nomination for governor in 1908 he gave out the information that he had been the originator of the movement to change the plan for state printing from the contract system to state ownership. By thereby putting that department under the direct vote of the people he presumably stopped printing graft and saved the people of Kansas a great deal of money.

This position drew fire from some who had served in the legislature at the same time as did Stubbs. On August 1, the Kansas City Star carried a story of protest from ex-senator J. A. Kennedy of Burlington who flatly denied that Stubbs had anything in particular to do with Resolution No. 20, which provided for the election of the state printer and for which Stubbs had taken credit for himself in a speech in Kansas City. Kennedy challenged Stubbs with the assertion that if he, or any other man, could prove to the satisfaction of any competent court in Kansas that he "ever had any knowledge whatsoever of the contents of resolution No. 20" before Kennedy introduced it, the latter would pay him one thousand dollars. Kennedy said he wanted to give Stubbs all the credit due him, but denied his right to secure his election by such absurd statements. He added that when the resolution went to the House Stubbs took little interest in it and permitted it to go to the judiciary committee instead of being placed on the calendar committee where it belonged. S. I. Hale of Rush County called the attention of the House to the error, and on his motion the resolution was called up and passed by that body. Kennedy further observed that his experience with members of the Senate and the House in 1901 and 1903 had led him to be-

lieve that an exceptionally large majority, if not all the members, of both houses were honest and conscientious men and not a set of thieves and grafters as "a few demagogues, preaching reform, would have the people believe."⁸

By the time of Stubbs' second campaign for the governorship there were those who could draw some real amusement from his need for a reform issue. In an interesting story in December of 1909 a correspondent from Topeka suggested that Stubbs' friends were beginning to fear that he would have no rival. The writer said it seemed as "if his luck has turned and they can't get anyone to run against him." If Stubbs could not get someone to oppose him in the primary he might be beaten in the election. Stubbs needed a punching bag, and the prestige that would come "from everlastingly licking a Republican opponent in the primary."

For he could brand that man as the railroad, anti-primary, machine, Standard Oil candidate; and would have the credit before all the state of licking the machine. Then the people would say: "Ah, ha! Stubbs has smashed the machine again; lets be for Stubbs." And in smashing the machine Stubbs would answer all the campaign charges that the Democrats will make against him, so that when the Democrats do bring those charges out later in the fall campaign they will have the disadvantage of being "warmed over" from the primary fight. They will have the machine brand on them, and the people will have no use for them. But if Stubbs has no opponent all these charges will be new. It may be said that he has a machine, and he will be on the defensive.⁹

As has been indicated above a great many insurgent politicians assumed that President Roosevelt fully approved of their charges and their

methods, but such is far from the actual case. As a matter of fact, Roosevelt was strongly against demagoguery if there was any danger of it getting out of hand, though as every student of history is aware, he was quite adept at making political capital from his own charges against predatory wealth. He evidently had little in common with the political radicalism in Kansas, particularly as it catered to the point of view of LaFollette. After the defeat of Long in 1908, White felt obliged to explain his position to the President. He said he had realized all along that Long had been useful to Roosevelt and he understood the game well enough to appreciate Roosevelt's obligation to Long and his assistance to the latter whenever that was possible. White added that "our side" believed that Long lined up with Aldrich too much, and while Roosevelt could hold him in line "we didn't know how Taft would be disposed in the matter; he might take a notion to let the Senate 'be filthy still.' And we decided to retire Long and try Bristow." Then, almost by way of apology, he added:

So don't be annoyed at the folks. Don't shoot the pianist when he is doing his best, and sooner or later he will learn the job, and do it well. And above all don't be afraid of demagogism. It is not in the situation for a minute. In Kansas it was the bankers and the merchants and the large farmers, and the professional men who defeated Long. In Iowa the same element is behind Cummins. In Ohio the same element will be behind Burton. We used LaFollette in Kansas. You used Hopkins in Washington. The Lord giveth and the Lord taketh away, blessed be the name of the Lord.¹⁰

White did not misinterpret Roosevelt's feelings, particularly as they pertained to LaFollette. During the same summer the President had written to Lincoln Steffens concerning an article the latter had written and concerning which Cosgrave had issued a statement saying that Roosevelt had read the proof of the story. Roosevelt wanted it cleared up as a matter of record that he had not read the proof and he did not want the impression conveyed that he was approving of what Steffens had written. He wished to make it clear that "I am not to be held as acquiescing in what you say because I do not express dissent from it."

He then followed with some feeling in reference to the content of the article. He felt it was simply nonsense to say that he was not "fighting the Evil" or did not see the underlying cause of it, whereas others "by which I suppose you mean LaFollette, do see it." He added that there were principles that held for political as well as for medical life in that only a quack would tell you that he has a cure for everything, whether in the world of medicine and surgery, in the world of politics or in the world of social and industrial endeavor. The President then considered LaFollette specifically and indicated what he thought was the motivating force behind the LaFollette activity:

For instance, you speak of LaFollette as standing for the great principle of really representative government, and you seem to imply that the application of this principle would put a stop to all evils. It will do nothing of the kind, and if you proceed upon the assumption that it will, you will yourself work far reaching harm and will work it in a foolish manner. I have made a pretty careful study of communities in which the initiative and referendum exist . . . LaFollette has been three

years in the Senate. His "plan" which you quote in the article referred to consists so far as it is good of a string of platitudes, and, practically, to adopt it wouldn't mean anything. He talks about the railroads, but so far as action goes, he has not helped at all, since he came to the Senate, in the great work we have actually done towards getting control over the railroads. He has rather hindered the work. Like Tillman he has made great personal gains by what he has done as Senator, because he has advertised himself so that both he and Tillman are very popular in chatauquas, where the people listen to them both, sometimes getting ideas that are right, more often getting ideas that are wrong, and on the whole not getting any ideas at all and simply feeling the kind of pleasurable excitement that they would at the sight of a two-headed calf, or of a trick performed on a spotted circus horse.¹¹

The tendency toward emotionalism in politics had broader application than a momentary upsurge with the Populists or even among the Progressives of the early part of the present century. In a fundamental sense that pattern is a part of the potential of every generation. In Kansas the Brinkley vote of 1930 demonstrated again what a gap there can be between a reasonable and rational evaluation of basic issues and the way a voter marks his ballot at the polls. In 1930, as in 1896, William Allen White discussed in his paper what he regarded as an "upturn from the bottom." His second evaluation is in some respects more interesting than the first.

He observed that the Brinkley vote had surprised the "well-fed, well-housed, well-read mercantile, farming, industrial, and professional

men and women of Kansas" who dominated the public opinion of the state. They had flattered themselves that there was no underworld in Kansas. Because everybody could read it was reasonable to believe that those who could read and think logically were wise. But the Brinkley vote gave that theory a jolt. For 180,000 people to be able to write a name on the ballot correctly indicated widespread literacy, but when one thinks of the person they voted for, it is easy to see the vast gap between "mere literacy and the normal mind." To understand the Brinkley vote, White added, one needed to go back to the August primary. "In that primary Kansas witnessed a new thing, in importation of mass lying, wholesale slandering, gigantic emotional appeals to suspicion and credulity, twin emotions in the human heart. This arousement in the primary was created to defeat Governor Clyde Reed. It was an importation of political methods from Oklahoma and Texas. Never before has a man in Kansas been so slandered, has he been so subjected to sly innuendo and base insinuations as Clyde Reed."¹²

White then proceeded to show that the Brinkley vote had come largely from the areas that had voted for Haucke in the primary. Many people had said the Brinkley vote was an uprising against the Kansas City Star. Where people heard Brinkley on the radio and the Star answered him, Brinkley failed, but where Brinkley had his own way he won. Never before in Kansas, White added, had exactly that credulous, suspicious, and gullible crowd ever been united as one. But it had been organized and controlled "by playing upon the ignorant and credulous, the gullible and suspicious," and by voting "this mess as a mass." In Kansas this group had always been made up of the submerged quarter of the electorate. Wherever such a group could be segregated by a demagogue "it becomes a

menace to civilization."

Fortunately in Kansas, he said, political leaders of both parties had not made a mass appeal to hate and suspicion for more than a generation. Generally speaking, the more intelligent citizens of the state had divided into different parties and on the whole had been wise and decent and honest. "But there underneath the calm, shining surface of every commonwealth lies the menace of the literate ignorant, who can read and, alas, can only feel, who reason with their emotions and cull their facts from their suspicions. Any unscrupulous demagogue or any vain, ignorant man, who doesn't know what a rascal he is, can consolidate this group and lead it."¹³

It was the duty of the statesmen of every community to so inform and direct and lead public opinion that "this moron mass may never unite."

It would almost seem that Will Morgan and Will White had taken their cues from the same source, except for a substitution of names and dates. Twenty-two years earlier Morgan had written an article entitled "The Fight on Senator Long" in which he observed that White had interpreted politics in Kansas by describing it as a place "where economic vagaries are popular, where demagogues have more influence than the statesmen and where prejudice and passion are the proper emotions to which to appeal in order to secure success." The way to "reform" conditions or to get the job of some other person for oneself had been incorrectly interpreted by White as being easy if one were to make charges against the "Money Power" or "Wall Street." "With no argument against the reelection of Senator Long that would reach reason or sentiment, there really was only one way to fight him and that was to appeal to prejudice.

On the old theory of Will White that Kansas has a peculiar political insanity, something that specialists might describe as Wallstreetitis, the cry was raised that the senior senator from Kansas did not represent the people of his state . . . "14

Morgan continued by suggesting that there were two theories in Kansas as to what was popular with the people. One theory was held by the author of "What's the Matter With Kansas," that the people want "a promiser, a perpetrator of pyrotechnics, a senator who can scream louder and jump higher and crack his heels together oftener than anybody." Such a candidate "should never make a speech without taking the hide off the Great Red Dragon and every day should be counted lost that he does not denounce the damnable outrages of the Money Power." Anyone who does not agree with him is a "tool of Wall Street" and an "enemy of the people" and a bad man from the "upper waters of Bitter creek. Tell the people this, is the theory and they will furiously condemn the accused without investigation or consideration."

The second theory, Morgan added, was held by the friends of Senator Long. It was that a majority of the people of Kansas would "judge a senator by his performance rather than his promises. They want a senator who is worthy and able to meet every public question honestly and fairly, discuss it freely, act upon it openly and without regard to the future."15

It is the evidence of this study that Will White and not Will Morgan was nearer correct. On two occasions White had been on the outside looking in upon the "lunatic fringe." On the third occasion, in 1908, he had been on the inside putting his theories into practice. He had abundant reason for being impressed with the effectiveness of the

of the radical, rabble-rousing approach.

In a nation like ours that has in its more mature years paid respect not only to a Brinkley, but also to a Huey P. Long and a Joseph McCarthy, the story of Chester Long is worthy of serious consideration. It ought to be a matter of some concern that under a system of government like our own, which has at its very core the concept of the supreme worth of the human personality, the American voter should consistently demonstrate such an indecent attentiveness to charges of bribery and corruption and subterfuge. There are always those who are willing and able to get themselves in the public eye by employing such techniques, so much so, in fact, that the man who goes quietly about the business of working for the interests of all the people as he sees the problem, often finds himself at the mercy of the demagogue.

It would be an exaggeration to imply that the opposition to Chester Long was always in the nature of demagoguery. It is true, however, that throughout his political career he was forced to defend his position against a rough and tumble kind of personal politics that was designed to appeal to the emotions and to human cupidity rather than to an intellectual approach to issues and policies. It is scarcely a compliment to the good judgment of the voters of Kansas that he was eventually retired from politics because of derogatory insinuations as to his personal integrity and highly distorted interpretations as to the nature and effectiveness of his work in Congress.

Fortunately, however, the passage of time has a way of bringing a measure of adjustment in perspective, as is demonstrated in the following comment in the Wichita Eagle at the time of Long's death in 1934:

. . . the stature of Chester I. Long stands every test by which truly great men are measured. He never compromised a conviction. He never jumped to a conclusion and he never retreated from a conclusion once he had captured it.

To him all the annals of mankind gave the honey for the hive of wisdom history is. He read incessantly and always discriminately. He loved the fierce forensic flame where truth, in a world of error, is finally fused. His lance, once fixed, he never was afraid."

Footnotes

1. Emporia Gazette, August 15, 1896.
2. Printed speech of Hoch, delivered at Marion, Kansas, September 1, 1904, Republican campaign literature of 1904.
3. Kansas Scrap Book Biography, W, Vol. 10.
4. Kansas City Journal, January 25, 1906.
5. Ibid.
6. Letter of Thomas A. Way to Cummins, January 31, 1906, Cummins Papers.
7. Letter of Cummins to Thomas A. Way, February 5, 1906, Cummins Papers.
8. Kansas City Star, August 1, 1908.
9. Kansas Scrap Book Biography, Vol. 13.
10. Letter of White to Roosevelt, August (date of month not legible), 1908, White Papers.
11. Letter of Roosevelt to Steffens, June 5, 1908, Roosevelt Papers.
12. Kansas City Star, November 9, 1930.
13. Ibid.
14. Kansas Scrap Book Biography, L, Vol. 9.
15. Ibid.
16. Wichita Eagle, July 2, 1934.

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Dolliver Papers, State Historical Society of Iowa, Iowa City. These papers are restricted for use on a work on Dolliver, but there are no restrictions on their use on other figures. The present writer was not able to examine them in any detail in the summer of 1954, as they were at that time still unsorted.

Long Papers, Library of the Kansas State Historical Society, Topeka.

The family has turned the Long manuscripts over to the Kansas Historical Society within recent years, and these manuscripts obviously form the most valuable source for this study. They contain the texts of many of Long's speeches, lists of voters, newspaper clippings, and many reams of incoming and outgoing correspondence. Several boxes of the correspondence of Ralph Faxon, who served as secretary to Long, are also on file with the Long Papers.

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