



"Boo hoo, make him give me his flag!"

LOYALTY

As a Political Weapon

The 1918 Campaign in Minnesota

Carol Jenson

A FEW MONTHS before the United States entered World War I in April, 1917, *The Mysterious Stranger*, a disturbing fragment by Samuel L. Clemens (Mark Twain), was published posthumously. In that story the author's philosophical Satan discussed the effect of war upon citizens at home and their civil liberties. He described the loud shouting of war supporters and predicted the intimidation of those who criticized war:

"Before long you will see this curious thing: the speakers stoned from the platform, and free speech strangled by hordes of furious men who in their secret hearts are still at one with those stoned speakers — as earlier — but do not dare to say so. And now the whole nation — pulpit and all — will take up the war-cry, and shout itself horse [*sic*], and mob any honest man who ventures to open his mouth."¹

This ominous passage became a favorite of Minnesota Congressman Charles A. Lindbergh, Sr. Satan's

observation proved prophetic of the 1918 election contest between Lindbergh — who had opposed the United States' entry into the war — and his Nonpartisan League reformers on the one hand and Minnesota political regulars on the other.

It was an unfortunate juxtaposition of circumstances which led the Nonpartisan League, a North Dakota-based organization of militant farmers seeking economic relief, to initiate the main thrust of its Minnesota campaign in the spring of 1917 at almost the precise moment the United States entered the war with Germany. Republicans occupying the Minnesota Capitol were not eager to face the Nonpartisan League organization which in 1916, after one year of operation, had won control of the executive departments and the house of representatives in neighboring North Dakota.² Then the United States entered the world conflict, and the incumbent Minnesota Republicans were provided ample opportunity to use the explosive loyalty question to drown out the economic issues raised by the Nonpartisan League reformers.

The Nonpartisan League combined clever organizational strategy with an appealing economic program.

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¹ Samuel Clemens, *The Mysterious Stranger*, 119 (New York, 1916), as quoted by Charles A. Lindbergh, Sr., in Lindbergh to Eva Lindbergh Christie, [early 1918?], Lindbergh Family Papers, in Minnesota Historical Society.

² Robert L. Morlan, *Political Prairie Fire: The Nonpartisan League, 1915-1922*, 74, 90 (Minneapolis, 1955).

Under a plan devised by founder Arthur C. Townley, the league organized in each precinct and elected delegates to legislative district conventions that endorsed candidates for the primary. Eschewing a third-party strategy, members endorsed Republican leaguers in Republican districts and Democratic leaguers in Democratic areas. The league also named delegates for state conventions to endorse candidates for the primary races for state constitutional officers.³ In the light of the league's North Dakota success, this plan for infiltrating the parties through the primary process presented a potential threat to Minnesota Republican incumbents whose typically progressive measures had included few programs directly beneficial to farmers.

The drawing power of the Nonpartisan League's economic program was due, in large part, to its incorporation of measures which farmers had supported before the league was organized. The chief plank in the general platform called for state-owned terminal elevators, packing houses, stockyards, and cold-storage plants. The program also sought state control of grain dockage and grading so that farmers, not middlemen, would receive a full share of the profits. State hail insurance, rural credit banks, and tax exemptions on farm improvements were also important points in the league program.⁴

This platform of modified state socialism left the organization particularly vulnerable to opponents who cried "bolshevism" and collectivism at every move the league made. Ironically, although several Nonpartisan League organizers had participated in socialist movements, the Socialist party in America considered the league bourgeois. At the famous St. Louis convention of April, 1917, in which the Socialists condemned the United States' entry into the war, they also denounced the league. The absence of any organizational or meaningful ideological connection between the two groups, however, was ignored by politicians who feared a possible league political victory in the 1918 election, and so the Nonpartisan League — like the Socialist party — was accused of creating class antagonisms. So, too, league critics termed "disloyal" the league's campaigns for an excess profits tax⁵ and questioned its patriotism for persistently raising economic issues in a time of national crisis. The following account of the activities of the regular Republicans in the Minnesota state government after April, 1917, reveals a classic attempt to use — in the full sense of the word — the loyalty issue to preserve the political status quo.

UPON THE United States' entry into the war, the state government and the administration of Governor Joseph A. A. Burnquist wasted no time in setting up machinery to enforce what they interpreted as the ne-

cessity for 100 per cent loyalty. The Minnesota legislature immediately approved a bill which became the Minnesota Sedition Act (Ch. 463) on April 20, 1917. That law, which preceded similar congressional action by two months, made it illegal to print, publish, circulate, or advocate in public, before more than five persons, that men should not enlist in the armed forces or that citizens should not aid or assist the United States government in carrying on war. On April 16, the legislature approved a bill (Ch. 261) setting up a Commission of Public Safety (CPS) which was granted the very broad power "to do all acts and things non-inconsistent with the Constitution or laws of the State of Minnesota or of the United States, which are necessary or proper for the public safety and for the protection of life and public property or private property. . . ."⁶

The Minnesota agency, functionally independent of any state department, was the first such state organization for co-ordination of wartime activities to be formed along lines laid down by the Council of National Defense. It also was one of the most generously endowed, receiving a \$1,000,000 appropriation. Of the seven men who sat on the Minnesota commission, five were appointed by Governor Burnquist. The governor, along with Attorney General Lyndon Smith, sat in an *ex officio* capacity.⁷

In addition to working at the state level, the Minnesota commission swiftly reached down to the counties and townships. By late May, each Minnesota county had appointed its own organization; on June 13, these leaders assembled in St. Paul to receive instructions. The commissioners told county representatives that the emergency of war justified legitimate and constitutional use of power by government to stimulate agricultural and industrial production and state action "to

³ Charles E. Russell, *The Story of the Nonpartisan League*, 208 (New York, 1920).

⁴ The platform planks are explained in a series of editorials in the *Nonpartisan Leader* (national edition first published in Fargo, North Dakota): December 3, 1915, p. 2; December 30, 1915, p. 3; January 6, 1916, p. 3; and January 13, 1916, p. 3; hereafter cited as *Leader*.

⁵ *Resolutions Adopted by the Nonpartisan League Conference, September 18-20, 1917*, p. 2, Arthur Le Sueur Papers, in Minnesota Historical Society, hereafter cited as *Resolutions by NPL*. The Socialist party in America's stand on the war is discussed in Morlan, *Prairie Fire*, 353-355, and in H. Wayne Morgan, *Eugene V. Debs, Socialist for President*, 156 (Syracuse, New York, 1962).

⁶ Minnesota, *Session Laws*, 1917, p. 764, 374 (quote).

⁷ United States, *Statutes at Large*, vol. 39, part 1, p. 650; *Session Laws*, 1917, p. 376; *Report of the Minnesota Commission of Public Safety*, 9 (St. Paul, 1919), hereafter cited as *Report of CPS*.



protect itself against those at home whose behavior tends to weaken its war capacity.”⁸

Ambrose Tighe, who drafted the commission bill for the legislature and served as chief counsel for the agency, was often called upon to explain the legal theory involved. His arguments centered on the state’s right to prevent its own destruction. Tighe further justified the commission’s existence by pointing out its positive power as a preventive force that made it unnecessary to wait for disloyalty to erupt. This position was in keeping with an order of April 30, 1917, from Attorney General Smith’s office stating: “While the courts are ordinarily the law’s agent for law enforcement, they are not under the constitution a necessary factor.”⁹

Tighe was not the only one who attempted to justify the complete and extralegal authority of the Public Safety Commission. Even before the agency was legally constituted, attorney John F. McGee, a future com-

THE VIGILANT Commission of Public Safety and counsel paused for this portrait in 1918. Cashman, Libby, and Hilton replaced original members Lind, Ames, and Smith.

mission member who became one of the most adamant advocates of its power, wrote to Minnesota Senator Knute Nelson and described the pending legislation:

“The bill appropriates two million [sic] dollars and has teeth in it eighteen inches long. There are provisions in it that are unconstitutional and palpably so. . . . It is a most drastic bill and when it goes into effect, if the Governor appoints men who have backbone, treason will not be talked on the streets of this city and the street corner orators, who denounce the government, advocate revolution, denounce the army and advise against enlistments, will be looking through the barbed fences of an interment [sic] camp out on the prairie somewhere.”¹⁰

Later, Tighe himself admitted to the unconstitutionality of the agency in a letter to John Lind, a former governor and also a former commissioner who had resigned from the agency in disgust after he had been maliciously attacked by McGee for holding back on certain commission activities. Tighe wrote:

⁸ Report of CPS, 10-12.

⁹ Ambrose Tighe, “The Legal Theory of the Minnesota ‘Safety Commission’ Act,” in *Minnesota Law Review*, 3:10, 14 (quote) (December, 1918).

¹⁰ John McGee to Knute Nelson, April 11, 1917, Knute Nelson Papers, in Minnesota Historical Society.

"The fundamental weakness in the scheme is its departure from the principle of constitutional government. The ruthlessness of the Commission's procedure shows if further evidence was required, how dangerous it is to vest even good men with arbitrary power."¹¹

Although twenty-one of its first forty-eight orders concerned the regulation of liquor traffic, dance halls, and poolrooms — apparently with the object of protecting soldiers and increasing the efficiency of city workers — the commission was soon deeply involved in military and police work and the control of allegedly disloyal activities. (The first commission order on April 24, 1917, closed the saloons in the Bridge Square district of Minneapolis.) Concern with industrial and agricultural production became a secondary consideration. After a federal district court ruling in July, 1917, that the commission's orders could not be considered laws, they were then administered as resolutions to which no procedural due process guarantees applied. Thus, the Public Safety Commission, which even its supporters recognized as unconstitutional, became a seven-man extralegal government unto itself.¹²

Commission Order No. Three created a "Home Guard" which for the duration of the war was to take up the peacetime duties of the National Guard which had been called for service in the war. The commission also ordered the establishment of a corps of 600 volunteer "peace officers" who in this period of "unrest and danger" were to protect private property and maintain the strict liquor enforcement regulations set up by the commission. Since these orders authorized untrained lay police to make arrests — without warrants and with the assistance of bystanders — the possibility for the denial of procedural rights was greatly increased.¹³

During the commission's short lifetime of less than two years, it handled 1,739 complaints for violations of orders and laws. The commission's own enumeration of the categories of cases it investigated offers an interesting, even startling, picture of the agency's activities:

Interference with Liberty Loans	118
Teaching German in schools	174
Violations of the work-or-fight order	208
Complaints against dance halls	226
Violations of liquor laws	331
Sedition cases	682 ¹⁴

These figures are probably the best single documentation of the success of the CPS in convincing Minnesota citizens, who reported possible violations to the commission, of the need for conformity to its standards of loyalty.

Because the Nonpartisan League initiated its first state-wide campaign against incumbent Republican

power at the same time the CPS was embarking on its mission, a clash was inevitable. Indeed, the commission manifested a negative opinion of the league as early as June, 1917, when CPS correspondence expressed the feeling that leaguers were a hindrance to the state's patriotism and loyalty campaigns. The commission placed the Nonpartisan League in the same "disloyal" category as socialists, pro-Germans, and members of the People's Peace Council, a pacifistic labor movement. According to the commission, "the test of loyalty in war times is whether a man is wholeheartedly for the war and subordinates everything else to its successful prosecution." In the opinion of the commission, the Nonpartisan League, which was highly critical of war profiteering, did not meet that test even though it had given its support to the war in resolutions passed at mass meetings held in May and June, 1917.¹⁵

By midsummer the CPS felt its suspicions increasingly justified, and opponents of the league voiced concern about the upturn in public support for the organization. Fred B. Snyder, an influential Minneapolis attorney for the Pillsbury milling interests, wrote

¹¹ Ambrose Tighe to John Lind, February 13, 1918, John Lind Papers, in Minnesota Historical Society. Lind's resignation is explained in George M. Stephenson, *John Lind of Minnesota*, 335 (Minneapolis, 1935). McGee wanted to oust the socialist mayor of Minneapolis, Thomas Van Lear, and his police chief because of Van Lear's opposition to the United States' entry into the war and because he had been instrumental in calling a peace meeting while the war resolution was pending in Congress. Lind blocked McGee's plan because the procedure would have been in violation of the law. McGee "became exceedingly angry." Lind related the resulting incident in a letter to William Watts Folwell on November 19, 1924 (quoted in Stephenson): "He [McGee] called me everything vile you can think of before the committee — with the governor in the chair. The latter sat silent and I walked out. I did not return to any meeting. The governor begged me to come back. I told him I could not and would not with McGee on the board."

As for Lind, on January 24, 1918, President Wilson appointed him commissioner of conciliation in the Department of Labor; in September Lind was appointed to the National War Labor Board.

¹² *Report of CPS*, 35; *Cook v. Burnquist et al.*, 242 *Federal* 321 (1917). In this case, Phil Cook, proprietor of a saloon and restaurant at 25 North Washington Avenue, Minneapolis, sought an injunction to prevent enforcement of the commission's Order No. Seven which forced him to close his establishment at 10 P.M. Cook lost his claim that the legislature had unconstitutionally delegated the legislative or law-making power of the state to the CPS. The court ruled that CPS orders were merely administrative.

¹³ *Report of CPS*, 74, 13 (quote), 76.

¹⁴ *Report of CPS*, 29.

¹⁵ H. C. Hess to John Pardee, June 29, 1917, Headquarters File, Commission of Public Safety Papers, in Minnesota State Archives, hereafter cited as CPS Papers; *Report of CPS*, 32 (quote); *Leader*, June 14, 1917, p. 6.

Senator Nelson in August and warned of the political threat posed by the league: "Unless something is done to counteract this movement I fear that our State offices and the control of the Legislature will pass into the hands of that organization."¹⁶

Snyder need not have worried, for soon an opportunity for stifling the Nonpartisan League groundswell presented itself to the vigilant commission. On September 20 an Associated Press release misquoted a statement made in St. Paul by Senator Robert M. La Follette on the emotion-charged war issue, and the CPS jumped into the fire.



*SPECIAL
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The Wisconsin senator had addressed the closing session of a three-day Nonpartisan League-sponsored Producers and Consumers Conference at the St. Paul Auditorium. In his speech he voiced his opposition to

his country's entry into the war but went on to say he realized that the United States had suffered grievances at the hands of Germany. "Serious grievances," he specified. These words were misquoted by the Associated Press and went out over the wires to AP's nearly 1,200 member clients as, "I wasn't in favor of beginning the war. We had no grievances."¹⁷

Reaction to the Associated Press version of La Follette's speech totally overshadowed any positive response to the league's recent resolutions reaffirming "our unalterable loyalty and allegiance to our fellow citizens and our government in this world struggle." Five days later, on September 25, the Minnesota CPS, working through Senator Frank B. Kellogg, became the first of many groups to call for La Follette's censure by the Senate on grounds that he was a "teacher of disloyalty and sedition giving aid and comfort to our enemies and hindering the government in the conduct of the war." Accusations continued for some eight months as La Follette defended himself with a strong stand in behalf of free speech and a libel suit against the Associated Press. Finally, on May 23, 1918, the Associated Press was forced to admit its error after verbatim transcripts of the conference were produced by the United States attorney for Minnesota, Alfred Jaques. (Several special agents, including a stenographer, had been assigned by the Justice Department to cover the conference.)¹⁸

NEITHER the loyalty resolutions passed by the league nor the vindication of La Follette's statements, however, could counteract the vitriolic criticism leveled at the league after September, 1917. For more than a year—until the 1918 election and armistice—the Nonpartisan League was isolated as the prime target of the Public Safety Commission. On October 2, 1917, the commission appointed one of its members, Charles W. Ames, special agent to investigate the league and granted him authority to subpoena materials and to examine witnesses under oath. This extraordinary power was given Ames to enable him to document his firm preconception that the Nonpartisan League was "about the most dangerous organization in America."¹⁹

Further steps to discredit the league were taken early in October when a group of prominent Minnesotans formed the America First Association and announced Northwest Loyalty Day meetings to be held in the Twin Cities in November. The expressed purpose of the gatherings was to develop Americanism and to bring that message to people in rural areas. The promoters agreed, however, that the real task was to stop Townley's organizational campaign, and they sent a delegation to the commission to protest a scheduled

¹⁶ Fred B. Snyder to Nelson, August 18, 1917, Nelson Papers.

¹⁷ The correct transcript, taken by Norbert O'Leary, a stenographer authorized by the Nonpartisan League, was notarized in Ramsey County on September 27, 1917. It is in the Nonpartisan League Papers, in the Minnesota Historical Society, hereafter cited as NPL Papers. The misquote is discussed in Edward Doan, *The La Follettes and the Wisconsin Idea*, 87 (New York, 1947).

¹⁸ *Resolutions by NPL*, 2 (first quote); "Minutes of the Minnesota Commission of Public Safety," 1:175 (second quote), in Minnesota State Archives, hereafter cited as "Minutes of CPS"; Doan, *The La Follettes*, 90; Alfred Jaques to CPS, September 27, 1917, CPS Papers. On August 24, 1921, the Senate voted to reimburse La Follette with \$5,000 for expenses incurred "in defense of his title to his seat." See Doan, *The La Follettes*, 90.

¹⁹ Charles W. Ames to John Lind, October 17, 1917, Ames to Otto H. Kahn, November 19, 1917 (quote), *St. Paul Dispatch* Papers, in Minnesota Historical Society; "Minutes of CPS," 1:179.

appearance of the league president in Nobles County in southwestern Minnesota.²⁰

Public reaction against the La Follette speech and the alleged disloyalty of the league provided a ready reception for another of the commission's activities — an antileague propaganda campaign. Early in September, the commission had published the first issue of a weekly newspaper, *Minnesota in the War*. During Oc-

IN THE NAME OF PATRIOTISM!



FROM the Nonpartisan Leader, March 25, 1918, p. 9

LEAGUE FOUNDER Arthur C. Townley speaking at an outdoor meeting



tober the circulation of the paper was increased considerably. Issues were sent free to Minnesota schools and to local newspapers which were asked to reprint specified sections. *Minnesota in the War* often contained the choicest of the current German atrocity stories and repeatedly made suggestions concerning the maintenance of vigilance and the necessity for citizens to report disloyal and questionable activities of their neighbors.²¹

In addition, the commission distributed a "vast amount of patriotic literature," including such titles as "Peril of Prussianism" and "Man Without Country," of which more than a million copies were published by the commission and a half million more were supplied by George Creel's Committee on Public Information (a national propaganda bureau during the war) and other sources. Hundreds of thousands of circular letters were sent to county directors and county organizations, and the commission's press service furnished material every week to more than 700 state newspapers, including foreign language publications.

²⁰"Meeting of Representative Americans," October 7, 1917, America First Association Papers, in Minnesota Historical Society.

²¹CPS Papers; *Minnesota in the War*, December 15, 1917, p. 4. For typical examples of these news reports with a message, see "The Hun and the Nurse," October 6, 1917, p. 4, and "The Crime of Germany," May 18, 1918, p. 1, and June 1, 1918, p. 5.

Patriotic posters were printed in Swedish, Norwegian, and German as well as English, and handbills in Italian, Croatian, and Finnish were available for the asking.²²

Efforts by local public safety committees and officials to prevent league meetings were the most direct actions taken against the organization during the fall of 1917. Some violence resulted. These activities were carried out despite the lack of any concrete evidence of disloyal speeches and acts. During October, the commission's own field agents, assigned the special task of checking on league activities, were unable to find proof of disloyalty. Reports from a number of local officials throughout the state also produced no incriminating evidence. Unconvinced, the commission decided on November 1 to dispense with field agents, thereafter relying on rumors and reports from frightened local officials.²³

One of the earliest and most publicized attempts to prevent a Nonpartisan League meeting occurred at Fergus Falls, in northwestern Minnesota, where Townley had scheduled a speech for October 20. On October 3, Henry Dahl, Otter Tail County public safety chairman, informed the Minnesota CPS secretary that "we have made a rule in our County that no meetings of this nature are to be held during the time of war. We have suppressed [*sic*] a great many," he continued, "and we intend to suppress [*sic*] this one." On the same day, a letter was sent to Townley instructing him that the local commission would tolerate only loyal talk which honored the flag. The letter also threatened him with "ancient eggs and other missiles" and finally instructed him to regard the notice "as an invitation not to come."²⁴

To give this action by a local extralegal body the gloss of legality, Fergus Falls Mayor Leonard Erickson also forbade Townley to speak. However, the league hurriedly secured former Congressmen James

Manahan and Charles Lindbergh as substitutes, and the meeting went on as scheduled in the Fergus Falls opera house with Townley in the audience. The league president's respect for the mayor's ruling was an example of the league's policy of not disobeying the orders of law enforcement officials. The next day that policy was again observed when leaguers held a two-hour outdoor rally in a snowstorm just outside the city limits of Detroit Lakes because they had been locked out of the assembly hall they had rented and Townley had been forbidden to speak within the city limits.²⁵

Perhaps predictably, the campaign against the league by local legal and extralegal officials encouraged even more drastic measures on the part of local residents. Stirred up by their leaders, they resorted to mob action. The first incidents of mob violence occurred in Pine County north of the Twin Cities. On October 19, 1917, a league lecturer named N. S. Randall was in Pine City's Agnes Hotel preparing a speech to be delivered at nearby Rock Creek that night. He encountered the local high school principal who said he was going to exercise his rights as an American citizen that evening and break up the league meeting. When Randall reached the meeting place later, he found the gathering had been called off. A mob (including members of the county Home Guard) formed, seized Randall, and worked him over while attempting unsuccessfully to tar, feather, and lynch him. Finally, the disturbance was quieted by the sheriff and the local public safety committee chairman, and Randall was sneaked safely out of the county after he agreed not to return. During all of this turmoil, the sheriff made no attempt to disperse the mob.²⁶

According to the Commission of Public Safety, Minnesota law granted sheriffs discretionary power to ban meetings they felt might lead to disorder. However, the statute cited by the CPS stated only that "the sheriff shall keep and preserve the peace of his county," and nothing specific was said regarding meetings or assemblies. Under the circumstances at Rock Creek, then, a county sheriff unlearned in the law was exerting prior restraint techniques against Nonpartisan League meetings. According to S. W. Frazier, commission organization agent, the sheriff at Lake City in Wabasha County was rightly exercising this same power to "preserve order" when he stopped a meeting early in October. Frazier neglected to mention in his report that the Lake City sheriff also used a water hose to enforce his decree.²⁷

As 1917 drew to a close, the CPS received more and more letters asking for guidance and help in preventing league meetings. In one letter to an inquiring public safety director — copies of which were sent to other directors requesting instructions — commission

²² *Report of CPS*, 29, 30; CPS to Emil Sandberg, October 17, 1917, CPS Papers.

²³ Robert Stevens to CPS, October 6, 1917; William O'Brien to CPS, October, 1917; S. W. Frazier to O'Brien, October 26, 1917, all in CPS Papers.

²⁴ Henry Dahl to H. W. Libby, October 3, 1917 (first quote), Louis Keane to Arthur C. Townley, October 3, 1917, CPS Papers; *Leader*, October 18, 1917, p. 4 (second quote).

²⁵ *Leader*, November 1, 1917, p. 5; Dahl to Charles Henke, October 22, 1917, CPS Papers.

²⁶ National and State Executive Committee of the National Nonpartisan League, *Memorial to the Congress of the United States Concerning Conditions in Minnesota*, 40-48 (St. Paul, 1918), hereafter cited as *Memorial*.

²⁷ CPS Papers; Minnesota, *General Statutes*, 1913, p. 196; *Memorial*, 98; *Leader*, October 18, 1917, p. 4.

agent Frazier commended the “splendid organization we have [in Becker County that] does not propose to take any chances.” In another letter he pointedly related incidents in which league organizers had been physically run out of the county, although he added, with tongue in cheek, “of course I am not advising these extreme measures, but simply state how this Nonpartisan proposition had been handled in some of the counties.”²⁸

Obviously, the antileague forces had considerable weaponry in their arsenal. “Armament” used against the league included not only the federal Espionage Act of 1917 and its amendment, the Sedition Act of 1918, but also the extralegal authority of the CPS, state conspiracy and syndicalism laws, the arbitrary practice by county sheriffs of prohibiting “disloyal” meetings, and the opinions of the Minnesota attorney general who held that the courts “are not under the constitution a necessary factor.”²⁹

Furthermore, legislation which would have helped to protect the league in its struggle to hold meetings was ignored by officials who preferred to enforce only those laws which encroached on league civil liberties. Minnesota statutes, for instance, contained provisions for the arrest of hostile listeners. The law read: “Every person who, without authority of law, shall wilfully disturb any assembly or meeting not unlawful in its character, shall be guilty of a misdemeanor.” Secondly, the statutory definition of riot (three or more persons who “shall disturb the public peace by using force or violence to any other person or to property, or shall threaten or attempt to commit such disturbance”) clearly encompassed the actions of antileaguers in



many Minnesota towns. Despite repeated incidents of mob violence, however, these statutory protections

against hostile audiences were willfully disregarded by law enforcement officials. According to the reports of the Minnesota attorney general’s office, there were no convictions for riot during 1917 and 1918.³⁰

IT WAS the 1918 political campaign which brought on the full use of the tactics of force developed in 1917 against the Nonpartisan League. Officially, league political activities were to begin on February 22, with local meetings electing delegates to league legislative conventions. Actually, both the league and the opposition were at work long before Washington’s Birthday. Indeed, the league spared nothing in the Minnesota campaign. In an attempt to reach as many farm-

ers as possible, it purchased 260 Fords for its mobile organizers at a cost of \$130,000. The *Nonpartisan Leader*, the league’s weekly newspaper, began publishing a special Minnesota edition and moved its editorial offices from Fargo, North Dakota, to St. Paul. Letters requesting the services of league organizers began to pour into headquarters from all areas of the state. The organization was clearly growing by “leaps and bounds,” as it reportedly signed up 80 to 90 per cent of the farmers in the counties being organized.³¹

Opposition forces, fervently intent on preventing a league political victory in the fall, utilized the occasion of the primary election campaign to escalate their extralegal activities. On January 19, 1918, Charles Henke, the publicity director of the Minnesota CPS, asked all state newspaper editors to print an article entitled “One Cure for Disloyalty.” The story described an incident in which a man had been severely beaten, jailed, and fined \$100 for alleged disloyalty he demonstrated when he threw his Red Cross button into a spittoon. Henke warned, “There is no ‘half way’ citizenship that can live in these times.”³²

In this political climate many Nonpartisan League organizers faced a stepped-up campaign of harassment as they attempted to increase memberships before the February 22 meetings. During the five months prior to that target date, twenty-one Minnesota counties forbade Nonpartisan League gatherings. In fourteen counties the decrees were issued by the local public safety committee; in the other seven, the sheriff or the village council forbade the meetings. In a total of twenty-seven Minnesota counties league organizers reported some form of physical coercion, either from the local public safety committee, the sheriff, or a mob.³³

In several cases the league was denied protection by local law enforcement officials. When trouble threatened at Wells early in January, the Faribault County

²⁸Frazier to L. Benshoof, Becker County public safety director, October 5, 1917 (first quote); Frazier to R. C. Muir, Jackson County public safety director, December 12, 1917 (second quote), CPS Papers.

²⁹*General Statutes*, 1913, p. 1937 (conspiracy); *Session Laws*, 1917, p. 311 (sedition); Tighe, in *Minnesota Law Review*, 3:14.

³⁰*General Statutes*, 1913, p. 1936; Clifford L. Hilton, “Biennial Report of the Attorney General,” in *Minnesota, Executive Documents*, 1917–1918, 2:26.

³¹Theodore Saloutos, “The Expansion and Decline of the Nonpartisan League in the Western Middle West, 1917–1921,” in *Agricultural History*, 20:236 (October, 1946); *Leader*, January 14, 1918, p. 14.

³²CPS to Editors, January 19, 1918, Arthur Le Sueur Papers.

³³Figures compiled from NPL Papers, CPS Papers, *Leader*, and *Memorial*.

sheriff declared he would do nothing to interfere with any action taken against the league. In January, Carl Beck, a reporter representing a New York newspaper, accompanied league lecturer N. S. Randall and organizer John Bredall to Redwood Falls. There, the Redwood County sheriff informed them that the local public safety committee had ruled that no league meetings could be held because of the possibility of disorder. When Beck inquired whether any farmers had been arrested for seditious activity, the sheriff replied in the negative but indicated that he was afraid the people opposed to the farmers might cause trouble.³⁴

In this case the sheriff was following the easy course of prior restraint and denying law-abiding farmers proper protection, rather than waiting for individuals suspected of disloyalty to violate the law. In a sense he was holding men responsible before they had committed any criminal acts. In taking this approach the sheriff was also penalizing the farmers for what might be an attempt on the part of league opponents to break

FROM the Nonpartisan Leader, March 11, 1918, p. 10

A POLITICIAN EQUIPPED FOR THE 1918 CAMPAIGN



³⁴ "Anarchy in Minnesota," pamphlet in NPL Papers.

³⁵ *Memorial*, 59-61.

³⁶ "Anarchy in Minnesota," NPL Papers; *Memorial*, 18, 65 (quote)-67.

³⁷ NPL to Alfred Jaques, February 19, 1918, NPL Papers.

³⁸ *Memorial*, 70-93.

up a public meeting. In addition, he was ignoring disobedience to the law by individuals hostile to the league, and he was refusing to uphold the doctrines of free speech and assembly. When questioned about the reasoning behind his actions, the sheriff replied, "Well, it is patriotic to stop a Nonpartisan League meeting and we look at it that way here."³⁵

Repeatedly, league organizers were also threatened with physical harm. At Wells, where a meeting was scheduled for January 9, the Faribault County Public Safety Committee threatened to burn the building the league had rented. At Elbow Lake, Grant County, on February 11, the sheriff struck organizer O. W. Bergan after announcing that the league was a bunch of sneaks. At Belle Plaine, Scott County, in late January, organizer Ben F. Wilson faced a mob as he descended from a train. He was informed by the gathered citizens that if he attempted to speak he would have to choose between "going up against a brick wall or on thin ice . . . or dynamite." Wilson then encountered the sheriff who informed him that no league meetings could be held because of the local public safety committee's objections.³⁶

The abuse leveled at league farmers by state and local authorities and public safety committees did not go unchallenged. In fact, the league did not hesitate to seek the aid of the federal government in its fight for political survival. On February 19 a document, later included in a publication entitled *Memorial to the Congress of the United States*, was submitted to Alfred Jaques, United States attorney for Minnesota. In stating its case to the Department of Justice, the league charged that Governor Burnquist had failed to take any action to assure the right of the league to assemble and speak. Further, the league elaborated, United States citizens were repeatedly threatened with injury and oppression of their constitutional rights. Not only were they refused freedom of speech and assembly—they were also being denied equal protection under the law.³⁷

In addition, numerous county Nonpartisan League organizations passed resolutions which, along with lengthy lists of farmers' signatures, were sent to Burnquist. These resolutions pledged loyal support to the war effort and protested the illegal suppression of public meetings. They called on the governor and other officials to enforce the law against those denying the league members their constitutional rights of speech, assembly, and equal protection under the law.³⁸

Typical of the meetings at which these resolutions were passed was one held on February 20, 1918, in Minnesota's most heavily German city—New Ulm, in Brown County. Townley addressed an audience of 800 in the opera house there, and the German farmers,

in a standing, unanimous vote, pledged their wholehearted support to President Wilson and his war and peace programs. The gathering called on the governor and the CPS to take prompt action to prevent interference with peaceful league meetings, and the session closed with the collection of \$120 for the Red Cross. The CPS could hardly have topped this display of forthright loyalty to the American cause.³⁹

Burnquist, however, took no action to comply with the league's request for equal protection and did nothing to investigate charges against various county sheriffs. The Minnesota governor's lack of initiative in preventing unruly interference with league meetings stood in direct contrast to orders issued by the governors of North Dakota, South Dakota, and Montana to stop outrages against similar farmers' meetings. The Minnesota CPS, in fact, reacted to the league's criticism of the state government by sending out a special agent empowered to subpoena and question anyone at "any convenient place" about league activities.⁴⁰

Continuing its campaign in the face of the Burnquist administration's conspicuous attempts to silence it, the Nonpartisan League called its state convention for March 19–21, 1918. The plans for the meeting—to be held in the St. Paul Auditorium—provoked a major confrontation with Governor Burnquist who declined an invitation to address the convention because he feared his presence would be interpreted as an endorsement of league propaganda. His refusal was issued in a seven-page letter, distributed as a press release, which contained one of the most scathing condemnations ever leveled against the league.

Burnquist's main criticism was that the league disguised itself as nonpartisan but actually did all it could to increase factionalism in the state. He accused the league of fostering class antagonism and its leadership of being connected with the "lawless I.W.W.," "Red Socialists," and "Pacifists." "During this war," he emphasized, there could be "but two parties, one composed of the loyalists and the other of the disloyalists." The letter went on to accuse the league of criticizing the United States' entry into the war, when in actuality the league had been officially quiet on the subject until its June, 1917, endorsement of intervention. In condemning the league on this point, the governor overlooked statements of his own made as late as February, 1917, in which he indicated that he, too, hoped war might be avoided. Perhaps the most ironic attack by Burnquist in his lengthy harangue was to accuse the league of having the audacity to attempt to win control of the state government.⁴¹

In his reply to the governor, Arthur Le Sueur, league executive secretary, repeated the invitation to speak but also accused Burnquist of divisiveness with

his false charges of disloyalty and Kaiserism and his activity against the league. Continuing, Le Sueur bluntly summarized the Minnesota situation:

"The sentiment of this state almost solidly indorses President Wilson's program and this sentiment could be made effective and a condition of complete harmony easily and quickly established if it were not for the fact that certain interests, certain newspapers, and, unfortunately, certain politicians, some of whom occupy high places, are endeavoring to monopolize loyalty for their own selfish purposes and attempting to make political capital for themselves by impugning the patriotism of others."⁴²

Needless to say, the convention went on without Burnquist. In a major event of the Nonpartisan League's campaign, league delegates representing forty-eight of the state's sixty-seven legislative districts gathered in St. Paul. After considerable discussion, they selected as their gubernatorial candidate former Congressman Charles Lindbergh, Sr., the farmer-lawyer from Little Falls. Lindbergh had long sympathized with league programs and had written articles for the *Nonpartisan Leader* as early as 1915, in addition to organizing for the league in Minnesota after he retired from Congress in 1917. The convention adopted resolutions affirming the farmers' and workers' devotion to and faith in the nation. It called German military autocracy a menace to the world and pledged wholehearted support of President Wilson's war aims.⁴³

Concluding speaker at the convention was William Kent, whom President Wilson sent to Minnesota as his special representative to determine the loyalty of the Nonpartisan League. Kent was a member of the Federal Tariff Commission and had served as a Democratic congressman from California. His decision about the league was apparent in his convention address when he commended its goals of "great radical economic betterments" and praised the "everlastingly right thing" it was doing. In fact, he returned to Washington with the message that the league was loyal

³⁹ February 20, 1918, vol. 1, NPL Papers.

⁴⁰ *Leader*, April 1, 1918, p. 9; "Minutes of CPS," 2:327.

⁴¹ Burnquist to Le Sueur, March 11, 1918 (quotes), Le Sueur Papers. For Burnquist's statements on keeping out of war, see Burnquist to A. P. Cory, February 10, 1917, and other letters in subject-matter correspondence, "Offers of Military Service," Records of the Governor, in the Minnesota State Archives. As late as February 23, 1917, the governor was expressing hope that actual hostilities might be avoided.

⁴² Le Sueur to Burnquist, March 12, 1918, Le Sueur Papers.

⁴³ *Leader*, April 1, 1918, p. 11, 12; Morlan, *Prairie Fire*, 192.



BOOSTING patriotism and a reform candidate, Charles A. Lindbergh, Sr., leaguers held rallies such as this one at Clarkfield on May 7, 1918 (above), and carried the league message from farm to farm (right).

and later contributed \$1,000 to Lindbergh's campaign.⁴⁴

Kent's attitude was typical of the generally favorable way in which the Wilson administration regarded the Nonpartisan League. Part of this tolerance can be explained by the fact that 1918 was an election year, and Minnesota leaguers, persecuted by state Republicans, were fertile ground for Democratic votes. Some of their goals were even quite compatible. For example, President Wilson himself asked Congress to enact an excess profits tax—a measure to conscript wealth as well as men which the league advocated. Interestingly enough, several league organizers were arrested for making this same appeal.⁴⁵

Further explanation for the federal government's tolerance toward the league can be found in the Justice Department's official, although not always adhered to, policy of prosecuting individual offenders if need be rather than condemning all antiwar groups through guilt by association. (The Industrial Workers of the World and some socialist groups became nota-



ble exceptions.) In this semiprotected position, league pamphlets and newspapers passed through the United States mails, enjoying second class mailing status, without Postmaster General Albert S. Burleson's interference. Reflecting this attitude, only four of the twenty-three cases handled by the league's legal office concerned arrests made under federal law, and none of these ever produced a conviction.⁴⁶

The Justice Department was well aware of the problems faced by the Nonpartisan League. John Lord O'Brian, special assistant attorney general for war work, commented that the policy of repression in Minnesota "increased discontent" and that "the most serious cases of alleged interference with civil liberty were reported to the Federal Government from that State." In O'Brian's opinion, however, nearly all the cases in which such outrages were committed involved state legislation and, as such, were outside the area of federal jurisdiction.⁴⁷

⁴⁴ Kent is quoted in Lynn and Dora Haines, *The Lindberghs*, 279 (New York, 1931), from the Kent Papers at Yale University.

⁴⁵ *Leader*, July 12, 1917, p. 9, September 20, 1917, p. 3.

⁴⁶ Hilton, in *Executive Documents*, 1917-1918, 2:23; *State v. A. C. Townley and Another* (Joseph Gilbert), 140 *Minnesota* 413 (1918). A list of cases handled by the league office was published in *Leader*, April 14, 1919, p. 11.

⁴⁷ John Lord O'Brian, "Civil Liberty in Wartime," 65 *Congress*, 2 session, *Senate Documents*, no. 434, p. 12-14 (quote) (serial 7469).



The criminals who perpetrated these outrages against Democracy have never been prosecuted although they are well known to the state authorities.

BURNQUIST
IS GOVERNOR OF MINNESOTA

Nels Hokstad, a farmer; residence, Pine County, near Huckle, Minn. Present address, Madison, Wis. Tared and feathered by a mob May 2nd, 1918. At the time of the assault he was reading out of President Wilson's book, "The New Freedom." He had offended some village "patriots" by discussing economic reform with farmers.

MANY LEAGUERS met quasi-legal opposition in their 1918 campaign efforts. Nels Hokstad (top) was tared and feathered; organizer Joseph Gilbert (middle) accumulated four legal indictments. All the while incumbent Governor Burnquist (bottom) declined to discourage intimidatory actions against the league.

Even the oft-criticized Committee on Public Information headed by George Creel considered the Nonpartisan League sufficiently patriotic to use its meetings as occasions for explaining United States war policy. As a result, however, in Minnesota the Creel committee bore the brunt of the regular Republican attack on the Wilson administration. Opposing the Nonpartisan League's use of Creel committee speakers became a way to oppose both the league and Wilson and to imply that a number of the president's supporters were not really loyal. Clearly, the Commission of Public Safety wanted a monopoly on all patriotic activity within the state so that the black-and-white campaign issue of loyalty and disloyalty could be manipulated according to Governor Burnquist's wishes. Arthur Bestor, head of the Creel committee's speaking division, fought a hard—but unsuccessful—battle with the safety commission and local sheriffs who refused to allow Creel committee speakers at league gatherings.⁴⁸



⁴⁸Henke to George Creel, December 27, 1917; Arthur Bestor to Henke, January 19, 1918; Sheriff O. C. Lee (Jackson County) to Bestor (telegram), Bestor to Lee (telegram), March 28, 1918; Dixon Williams to Bestor (telegram), Z. H. Austin to Bestor (telegram), March 30, 1918; John Thompson to Bestor, April 5, 1918, all in Committee on Public Information Papers, in National Archives, hereafter cited as CPI Papers.

AS THE JUNE primary date approached, the league's situation became increasingly strained. Four of the league's best organizers, including President Townley and organization manager Joseph Gilbert, were under a series of indictments for offenses ranging from unlawful assembly to conspiracy. All four were indicted during the spring primary campaign of 1918 for acts allegedly committed from August through October of 1917. Curiously, county grand juries had met in October and decided not to bring charges. In addition, the league's chief campaign material was involved in a court case for alleged violation of the state sedition law, and league meetings were still regularly disrupted or prevented entirely. Mobs smeared yellow paint on businesses friendly to the organization and transformed league-sponsored parades into violent and chaotic events. During the trial of one league organizer in Red Wing that spring, mobs threatened the jury and kidnapped a defense witness at gunpoint.⁴⁹

Much of the intense activity of the 1918 Republican primary centered around gubernatorial hopeful Charles Lindbergh whose campaign attracted both enthusiasm and violence. Lindbergh had been a vocal opponent of entry into the war. After April, 1917,

⁴⁹ *Leader*, May 27, 1918, p. 6; National Civil Liberties Bureau, *War-Time Prosecutions and Mob Violence*, entire pamphlet (New York, 1919), hereafter cited as NCLB Pamphlet. On March 12, 1918, Townley and Gilbert were indicted in Martin County for distributing a Nonpartisan League pamphlet which allegedly violated the Minnesota Sedition Act. This charge was dismissed by the Minnesota Supreme Court on July 5, 1918, after Lindbergh had been defeated in the primary. *State v. A. C. Townley and Another* (Joseph Gilbert), 140 *Minnesota* 413 (1918). On March 14, 1918, Louis W. Martin, N. S. Randall, and Joseph Gilbert were indicted in Goodhue County for acts committed in August and September, 1917. *State v. Louis W. Martin*, 142 *Minnesota* 484 (1918); *State v. N. S. Randall*, 143 *Minnesota* 203 (1918); *State v. Joseph Gilbert*, 141 *Minnesota* 263 (1918). On May 21, Gilbert was indicted for discouraging enlistment, and Townley and Gilbert were indicted for discouraging enlistment and conspiracy in Jackson County. *State v. Joseph Gilbert*, 142 *Minnesota* 495 (1919); *State v. A. C. Townley and Another* (Joseph Gilbert), 142 *Minnesota* 326.

⁵⁰ Quoted in Haines, *The Lindberghs*, 280 (first quote); Moran, *Prairie Fire*, 199; "Plain Americans," in *Minnesota in the War*, May 18, 1918, p. 9 (second quote).

⁵¹ George H. Mayer, *The Political Career of Floyd B. Olson*, 22 (Minneapolis, 1951); Haines, *The Lindberghs*, 293. Lindbergh's views were incorporated into his book, *Why Is Your Country at War, and What Happens to You After, and Related Subjects* (Washington, D.C., 1917). In it he strongly emphasized his right to criticize the government and his belief that the war had been caused by speculators and politicians and that it should be financed by increased taxes.

⁵² Haines, *The Lindberghs*, 282, 284, 292.

however, he supported the president's war policies, although he blamed the war on the commercial differences existing among European countries. To individuals critical of this slightly qualified support of a war which, for many, had become a crusade to end all war, Lindbergh replied, "A few would destroy democracy to win the war, and the rest of us would win the war to establish democracy." Despite his stand in favor of United States policy and his support of the Red Cross and Liberty Loans, Lindbergh was relentlessly vilified by the opposition which made its major attacks at administration-encouraged "loyalty meetings" at which the governor, of course, was invited to make a "loyalty" speech. Governor Burnquist had chosen to utilize the political technique of the non-campaign. This was reflected in the Public Safety Commission's repeated declarations that it was time to "obliterate all party lines [and] sink all partisan differences" to insure America first, last, and always. As far as Burnquist and the commission were concerned, they were above politics, and they had a monopoly on truth and loyalty. Those who attempted to raise other issues in this time of crisis were unpatriotic.⁵⁰

In the eyes of the Burnquist forces Lindbergh stood for everything that made the league suspect. He had opposed entry into the war, he was anticorporation, and he had launched attacks on the Federal Reserve System. At home, he had made some unguarded statements in 1916 regarding the need for an investigation of the political activity of the Roman Catholic church. Regular Republicans in heavily Catholic areas capitalized on this, and Bishop Joseph Busch of St. Cloud asked his people to "throw their whole souls into the prayer Lindbergh should not be Governor."⁵¹

Violence followed Lindbergh everywhere. His opponents spied upon him continually; he was banned in Duluth and hanged in effigy in Red Wing. Several times unruly mobs dragged him from the speaker's platform. On one occasion Lindbergh came out of a meeting to find his driver badly beaten. He convinced the assembled mob to allow them to leave, only to be answered by a shower of bullets as the automobile drove away.⁵²

The campaign intensified during the final two weeks before the June 17 primary. The league sponsored mammoth automobile parades which snowballed into processions from 100 to 700 cars long as Lindbergh drove through rural areas of the state. Many towns either forbade the parades to cross their boundaries or closed their stores and barricaded the streets. At Red Wing the Home Guard was called out to disperse one of these mobile meetings as it approached the town. In Anoka a mob broke up a parade of 1,500 leaguers and beat many men, women, and children,

while at Madison Lake a mob used a fire hose to break up a rally.⁵³

As for Lindbergh himself, he was arrested at Elm Creek on June 8 by the Martin County sheriff for conspiracy in the writing of the Nonpartisan League pamphlets then being challenged in the courts for violation of the state sedition law. This was the same alleged conspiracy for which both Martin and Jackson County authorities had indicted Arthur Townley and Joseph Gilbert earlier in the year. The case against Lindbergh was dropped after the primary, but until that time the Burnquist administration had the considerable advantage of facing an opponent who was under indictment for conspiracy to commit sedition.⁵⁴

By the morning of June 18, it was clear that the prayers of the St. Cloud bishop had been answered: Lindbergh would not be governor. Although the reform candidate pulled 150,000 votes, three times the league membership, Burnquist bested him by 48,000 votes. The technicalities of the Minnesota primary system, which permitted party crossover, obviously contributed to the Burnquist victory. Republicans had never before received more than 200,000 votes in a Minnesota primary but now topped their record by nearly 150,000; Democrats, who had polled 93,112 in the 1916 general election, received only 32,649 votes in the 1918 primary. Daily appeals carried in the Twin Cities newspapers urging Democrats to enter the Republican primaries "to save the State from Socialism" apparently had not fallen on deaf ears. Also, prominent Democrats endorsed Burnquist rather than their

party's contender, Fred Wheaton, and this helped to turn the Republican primary into a pro- and antileague battle which was decided on the loyalty issue. Despite the fact that a considerable number of men were away fighting in France and 1918 was a nonpresidential election year, nearly 160,000 more votes were cast in the primaries in 1918 than in 1916. The loyalty issue attracted a large turnout.⁵⁵

The defeat of Lindbergh and all state-wide candidates—with the exception of Herman Mueller for clerk of the supreme court—was a terrific blow to the league and could not be countered by a number of victories in legislative races. The league, with the aid of labor, nominated eighty out of 130 members to the house and forty-two out of sixty-seven members to the senate. It carried thirty counties, mainly along or

⁵³ Morlan, *Prairie Fire*, 197; NCLB Pamphlet, 13.

⁵⁴ *State v. A. C. Townley and Another (Gilbert)*, 140 *Minnesota* 413 (1918); Eric Olson to John Lind, December 5, 1918, Lind Papers; Lindbergh to Eva Lindbergh Christie, June, 1918, Lindbergh Family Papers. Early in his campaign Lindbergh was quite aware that an attempt might be made to arrest him. On April 12, 1918, he wrote to his daughter, "They may even try to convict me to make a hit. They are desperate."

⁵⁵ *Minnesota, Legislative Manual*, 1917, p. 512, 190-193; 1919, p. 250-253; Saloutos, in *Agricultural History*, 20:236 (quote). Under *Revised Laws of Minnesota*, 1915 (p. 33), the voter was to be given the ballot of the party he had generally supported in the last election and intended to support in the next. In North Dakota the voters registered their party affiliation with the tax assessor.



TIN-LIZZIE PARADES, sometimes as long as 700 cars, escorted candidate Lindbergh through rural Minnesota.

near the North Dakota border. Later in the summer some farmer and labor supporters joined to nominate third party candidates: David H. Evans for governor, Tom Davis for attorney general, and Fred E. Tillquist for railroad and warehouse commissioner. David Evans outpolled the Democrats in the November election, and his backers served as a firm foundation for the Farmer-Labor party's later successes of the 1920s and 1930s.⁵⁶

But, as Arthur Townley acknowledged, "After the war we were pretty much through."⁵⁷ Clearly, the regular Republicans, led by Burnquist, succeeded in their one-issue campaign to trample the league. It never revived in Minnesota. The methods of the regu-

lar Republicans, however, so endangered First Amendment freedoms that the Justice Department assessed the situation in Minnesota as the most serious interference with civil liberties in the nation, and the National Civil Liberties Bureau regarded the league as the principal wartime victim of political violence. Eventually, the United States Supreme Court took the stand that the guarantees of the Bill of Rights had to be protected from state interference, but such protection was not accepted in judicial interpretation until 1925.⁵⁸ The historical lesson learned from the league's struggle was the necessity for eternal vigilance against those who would use loyalty as a political weapon.

⁵⁶ *Leader*, July 29, 1918, p. 2, November 18, 1918, p. 3; Salutos, in *Agricultural History*, 20:236; *Legislative Manual*, 1919, p. 670. Although tallies vary, approximately seven league senators and twenty-five league representatives were elected, while labor in Minneapolis and St. Paul contributed five senators and nine representatives to the Minnesota legislature. See Robert L. Morlan, "The Nonpartisan League and the Minnesota Campaign of 1918," in *Minnesota History*, 34:232 (Summer, 1955).

⁵⁷ Interview with A. C. Townley, p. 21, conducted by Lucile Kane and Russell W. Fridley of the Minnesota Historical Society in 1954.

⁵⁸ "Since the First Amendment specifically states that 'Congress shall make no law . . . abridging the freedom of speech,' the question arose early in the nineteenth century as to what effect, if any, the First Amendment should have upon abridging actions by states. In 1833, Chief Justice John Marshall, writing in *Barron v. Baltimore*, 32 *United States* 243 (1833), stated that the Bill of Rights did not apply to the states. After the ratification of the Fourteenth Amendment in 1868, many interpreters felt that the intent of the amendment's due process clause was to protect the individual from state encroachment on the Bill of Rights. Instead, however, the late nineteenth-century courts merely expanded the due process clause to protect private property interests from state regulatory policies.

By the early twentieth century, Supreme Court justices concerned with civil liberties questioned this economic-oriented interpretation of the Fourteenth Amendment. In 1907, Justice John Marshall Harlan voiced such concern in his dissent in *Patterson v. Colorado*, 205 *United States* 454 (1907); in 1920, Justice Louis Brandeis dissented at length in the case of *Gilbert v. Minnesota*, 254 *United*

States 325 (1920). Brandeis' opinion was based on his broad interpretation of the Fourteenth Amendment which would protect the individual and the Bill of Rights from the expanding power of state legislatures. The seven-man majority of the court felt otherwise, however, and upheld both Gilbert's conviction and the Minnesota Sedition Law as a legitimate use of the state police power.

In 1925, the court dealt with the question again and reviewed a conviction under a peacetime criminal anarchy statute. In *Gitlow v. New York*, 268 *United States*, 652 (1925), the court majority for the first time recognized the Bill of Rights' protection of free speech from state laws. Justice Edward Sanford's opinion acknowledged that "we may and do assume that freedom of speech and of the press — which are protected by the First Amendment from abridgment by Congress — are among the fundamental personal rights and 'liberties' protected by the due process clause of the Fourteenth Amendment from impairment by the states." The *Gitlow* conviction, nevertheless, was upheld on the grounds that "a State may punish utterances endangering the foundations of organized government and threatening its overthrow by unlawful means." The *Gitlow* ruling that fundamental rights are protected by the Fourteenth Amendment initiated a long and still-continuing judicial process known as the nationalization of the Bill of Rights. Since 1925, the high court's extension of this protection to other sections of the Bill of Rights has resulted in considerable constitutional development.

THE ILLUSTRATION on page 42 is from the *Nonpartisan Leader*, April 29, 1918, p. 13; that on page 54 (top) is from the *Nonpartisan League Papers*. All others are from the society's collections.



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