

## The Third Campaign

AS EARLY as January, 1906, Norris believed that there would be "no other candidates and possibly no opposition" to his renomination. Indeed, he had hopes that he would be given the nomination by acclamation, as was the case two years previously. And George Allen, who would again manage the campaign, reported that if, after receiving the nomination, Norris merely announced that he was for Roosevelt and a square deal, his election would be assured, so strong was the ground swell in Nebraska for the president and his policies. While some slight opposition had manifested itself in the spring, neither Allen nor Norris was unduly concerned about it.<sup>1</sup>

Upon his return from Washington in July, Norris examined the developing situation from his office in McCook and attended the Red Willow County convention as a visiting dignitary. Though the convention unanimously chose delegates favoring his renomination, he played a role in preventing the convention from committing delegates to any candidate for governor or United States senator. He did this because there were at least two candidates for governor in the congressional district, and considerable talk of a third; if the convention supported any of the candidates, its action could start a political fight that might affect delegates to the congressional convention.

When the delegates from Beaver precinct voted for Norris as their senatorial candidate, a spontaneous demonstration erupted in the hall and Norris feared a "stampede" in his favor. Though he never left his seat throughout these proceedings, his friends among the delegates labored hard to curb the demonstration. Norris thought the use of his name in connection with the senatorial race would have an injurious effect upon party harmony.<sup>2</sup>

However, when the Furnas County Convention met on the first of August, almost the same thing occurred. Merwin and other Norris supporters had to convince delegates that he did not want anything but the congressional nomination. While Norris did not deny that the nomination for United States senator was an honor he would be very

proud to receive, he recognized that he could not obtain the nomination. Mentioning his name, therefore, might make him a partner in controversies in which he had no desire to participate.<sup>3</sup>

As expected, Norris was unanimously chosen by the congressional convention which met at Hastings in mid-August. In his acceptance speech he came out strongly against the use of railroad passes and declared that a pass, in effect, was a bribe. The opposition press quickly pointed out that Norris as a judge and as a congressman had carried a pass. One paper noted, "It was a bribe then, as much as it is now, but only the Democrats and Populists said so." What the Republicans now called reform, the paper noted, was nothing but poison when it emanated from the opposition. Although Norris did not tell the delegates that he had returned his last pass, his position would have been equally vulnerable even if he had informed them.<sup>4</sup>

Roderick D. Sutherland, former congressman from the district (1897-1901), received the fusion nomination as the Democratic and Populist candidate. Sutherland, a Nuckolls County lawyer, was an able man, but he was not an orator like Shallenberger. Indeed, surprisingly so for a former Populist congressman, he was an unemotional and colorless personality who seemingly would have a difficult time in arousing the voters.

Before he knew who his opponent would be, Norris had written to the clerk of the House of Representatives to obtain the record of bills introduced and enacted by his predecessors. He did this to forestall criticism of his record in Congress by showing that his predecessors had done even less. Thus, when the campaign got under way, Norris was able to prevent Sutherland from attacking him along these lines.<sup>5</sup>

When a War Department employee from Nebraska wrote that "the Union labor crowd" would probably oppose Norris' election in the railroad towns of McCook, Grand Island, and Hastings, Norris replied that he thought the "suspicion of opposition from Union Labor" was correct. However, he had little fear it would affect the final result. But if the need arose, Norris thought that Speaker Cannon would come into the district once again on his behalf. And from an unexpected quarter, the American Protective Tariff League, Norris received an offer of help because of his opposition to the Philippine tariff bill. He politely refused this offer, realizing that it would call the voters' attention to the fact that he had opposed an administration measure.<sup>6</sup>

Aware that this campaign would be more expensive than previous ones because of the lack of railroad passes, George Allen and Ray

McCarl made an effort to collect campaign contributions from interested citizens. Norris, for his part, started the campaign in his usual way, appearing at reunions, picnics, and fairs, delivering supposedly nonpartisan speeches.<sup>7</sup>

Early in September Allen had a conference in his office in Clay Center with Sutherland prior to a fusion meeting at the courthouse where William Jennings Bryan was scheduled to speak. Allen was informed that Sutherland did not want to begin the campaign before the first of October. This suggestion, Allen claimed, would be amenable to Norris. Allen and Sutherland also agreed to conduct a "clean" campaign and not indulge in personalities. Sutherland confided that had he been at the convention he would have declined the nomination. He left Allen with the distinct impression that, barring unexpected developments, he did not think he could defeat Norris.<sup>8</sup>

Meanwhile, from conversations and correspondence, Norris discerned that most people were concerned about trusts and his attitude toward them. This concern gave him an admirable way of explaining his opposition to the Philippine tariff measure by stressing his hostility to the sugar trust. He also stated his general position: "Any organization of whatever kind or nature, should be governed and controlled to the end that it be prevented from stifling competition and ruining or injuring other organizations or individuals in their efforts to conduct legitimate businesses." Those who departed from this standard, he felt, should be prosecuted to the full extent of the law.<sup>9</sup>

Sutherland started campaigning early in October, while Norris did not begin until the week of October 8. Sutherland's audiences were not large and the only reference to Norris in his speeches was to criticize his vote on the Philippine tariff bill. His speeches were short, usually thirty minutes or less. Allen reported that Sutherland had told a gathering of Populists and Democrats at Hastings he could not afford to let his law practice suffer, that he had reluctantly accepted the nomination out of a sense of duty. Even with Bryan speaking on behalf of Sutherland, enthusiasm seemed to be lacking among the fusion groups.<sup>10</sup>

From Monday, October 8, until election day, Norris campaigned every day but Sundays. He traveled continually, speaking at a different rally six evenings a week. McCarl in McCook supervised the over-all arrangements, but it was up to the local leaders to hire the hall, advertise the meeting, and arrange to have local candidates and dignitaries on the platform with Norris. McCarl advised them to have all of the "boys in blue" on the platform and to see to it that Norris left the

morning after the rally. Norris was expected to visit with local editors and officials, shake hands, and make himself accessible to all visitors in a hotel room.<sup>11</sup>

Norris, busy traveling and speaking, was fortunate in having the services of both McCarl and Allen. Both were intensely devoted and loyal to him, and both performed their arduous jobs with no prodding from him. By the end of the campaign neither McCarl, in his twenties, nor Allen, probably in his sixties, was finding enough time to do all his chores. All, including Norris, in his forties, were working long hours with little time for food and sleep. None saw his family to any great extent during this hectic period, the candidate least of all. Since Norris rarely exhibited sentiment or emotion, at times these men felt he took them for granted. But they usually knew that he gave of himself even more unstintingly than they gave of themselves. He inspired loyalty and devotion by his actions as well as by his words.

Though Norris was unable to provide transportation to bring absent voters home to vote, Allen reported that Democratic and Populist leaders, who had for years been attacking the railroads, were providing transportation. Allen was sure this news, which he wanted to release at the end of the campaign, would boomerang and cost the opposition many votes. The vagaries of party politics had thus brought "the great reform party and the old time railroad haters . . . into a combination or agreement with the corporations." In his thirty-four years in politics Allen had seen many odd combinations, but this strange alliance between the railroads and "the wreck of the great fusion party of reform" presented "the greatest mix-up of all."<sup>12</sup>

In the last week of the campaign Allen attended several Norris meetings. The crowds were large and the speeches good. Norris' "fine appearance on the rostrum and his fine honest look," coupled with his earnest and "straightforward way" of talking, carried conviction. His delivery was clear and distinct; his language was simple and impressive, unburdened with rotund oratorical flourishes. Allen, who mingled in the crowd trying to hear remarks about the speeches, concluded that most men in the audience agreed that Norris was "an honest and sincere candidate as well as an able one."<sup>13</sup>

Both McCarl and Allen expected the campaign to conclude without a hitch. Both were surprised when Norris lost his temper at the Clay Center meeting on November 2, and indulged in a tirade of personal vituperation against a local editor who had long been attacking him. The meeting started well enough, and, despite a heavy rain, the courtroom was crowded. But soon Norris lost control and bellowed forth his wrath and indignation at the hapless editor who was in the audience.<sup>14</sup>

Editor Palmer of the Clay Center *Sun* was a disappointed candidate for the Clay Center post office. When Norris concluded two or three years previously that the good of the service and the wishes of the party necessitated the appointment of another candidate, Palmer went into a rage and had opposed Norris ever since. In Clay County most people knew the reason for the paper's bitter opposition, and thus were not drastically swayed. However, when its editorials appeared in other newspapers, some damage did result because readers did not know the source of the opposition.

Norris, though tempted, had never attacked Palmer personally, believing it better to ignore the man than to lose dignity by a personal denunciation.<sup>15</sup> For this reason, his tirade was totally unexpected. He claimed the editor had said that if he did not get the appointment as postmaster he would continually criticize Norris. Palmer then interrupted and cried out that Norris' informant had lied. Norris lost his temper. Overcome with anger, he left the rostrum, walked down the aisle, shook his fist at Palmer, and thundered forth that he could prove his statement. He then proceeded to give Palmer a severe tongue-lashing. This incident, of course, created a sensation. Some people expected Norris to strike Palmer, but, after this castigation, Norris returned to the platform and went on with his speech.<sup>16</sup>

Allen, who considered Palmer "a drooling, drivelling, lecherous, diabolical piece of polluted humanity . . . incapable of high morality and decency," nevertheless, was sorry that Norris had given vent to his emotions. Though prominent citizens felt that he was justified in attacking Palmer, Allen, with his eye on the over-all campaign, thought Norris' energy was wasted "on so vile a creature," and was afraid that Sutherland might try to capitalize on it. A Democratic committeeman, introducing a speaker at a meeting the following night, assured the audience that no one need fear any physical damage such as occurred at Republican rallies.<sup>17</sup>

For Allen, Norris' speech in Clay Center was the high spot of the campaign. Allen was too busy to attend the Hastings rally on November 3 or the campaign windup at McCook on election eve. The McCook meeting, the climax of the campaign, took place in the opera house, which had a seating capacity of over a thousand. Picture posters were widely distributed and local leaders had been instructed to bring delegations. A band had been hired and invitations were sent to all the "old soldiers" to be present as guests of "the Judge" on the stage where they occupied reserved seats. Speaking before a friendly audience, Norris was in fine form, and the local candidates, some of whom were hard pressed, were grateful for the support he gave them.<sup>18</sup>

The 1906 campaign registered the high-water mark of the progressive movement in Nebraska. All parties had progressive platforms and several of the Republican candidates sounded like old-time Populist orators. Outside of the Second Congressional District, all major and most minor Republican office seekers were elected. In the Fifth District, Norris defeated Sutherland by more than two thousand votes which, though not as impressive as his 1904 victory, was ample and satisfactory. Since Republicans would dominate the next state legislature, a United States Senate seat for Norris Brown, who won the preferential primary, was thereby assured. George L. Sheldon defeated Shallenberger for governor by almost thirteen thousand votes. His triumph insured a progressive administration for the state during the next two years.<sup>19</sup>

After the results were known, the post-mortem discussions and analyses began. Norris ran well ahead of his ticket throughout the district, receiving 1,100 more votes than Governor-elect Sheldon. Though there were no basic issues involved in the congressional campaign, Sutherland probably being more liberal than Norris, the advantages were all with the incumbent. Norris had capitalized effectively on his support of the Roosevelt policies, arguing that he would be in a position to serve his constituents better as a congressman in his third consecutive term.<sup>20</sup>

Enjoyable as these analyses were, Norris had to interrupt them with plans relating to his return to Washington and the convening of the second session of the Fifty-ninth Congress early in December. A week after the election he wrote to Speaker Cannon expressing an interest in membership on the powerful Ways and Means Committee in the Sixtieth Congress, when several vacancies would occur. Norris made this request because he had devoted "some time to the study of the tariff question" and because he believed that the interests of the "Great West" should be given consideration. More important, he was satisfied that his ideas on the tariff question were in full accord with those of the Speaker. Cannon, gratified that Norris was re-elected, replied that he would "do the guessing on the organization of the House in the Sixtieth Congress" some time shortly before that Congress assembled, in the event that he should again be chosen Speaker.<sup>21</sup>

Norris was on hand when the second session of the Fifty-ninth Congress started on December 3, 1906. Though the session would last only three months, and little was expected of it in the way of legislation, he was active and busy throughout its entirety. He introduced a bill designed to provide more expeditious delivery of freight, a bill that would prevent merchants along the Burlington route in

Nebraska from having to wait unnecessarily long periods of time for delivery of their goods. Norris thought his measure had a chance of being enacted because the president had recommended such a law in his annual message. Possibly as a threat to wrest concessions from the Burlington, Norris also favored a reduction in the amount of compensation paid railroads for carrying the United States mails.<sup>22</sup>

Each time Norris spoke during this short session, his remarks, while relevant to the national scene, were particularly pertinent to Nebraska and conditions in the Fifth Congressional District. He spoke on one occasion in favor of improved pension legislation, particularly for an amendment which would grant widows of Civil War veterans a pension no matter what the cause of the soldier's death. He also favored a graduated pension for soldiers, increasing with advanced age. His position on this matter, of course, helped Norris to remain in the good graces of most old soldiers and their families throughout Nebraska. It also further increased Roosevelt's status with Union veterans throughout the country, since a graduated pension bill was enacted into law.<sup>23</sup>

With growing commercial use of the automobile, road building became a topic of absorbing interest, and Norris now gave it some attention. During the first session he had supported a measure providing for an appropriation to experiment with methods of road building. Now he offered a similar amendment providing the United States Geological Survey with \$100,000 to investigate various structural materials for use in government construction of roads, dams, and buildings. Such an appropriation, he stated, would result in "cheaper and better buildings, not only for the government, but for all our people." It would save millions "in the construction of the Panama Canal and in the Reclamation Service of the Great West, and, besides, make those great undertakings more substantial and less liable to destruction and decay." It would also provide information that could materially improve broad highways and country lanes. Nevertheless, Norris insisted the actual improvement of roads must come to a great extent through state appropriations. He did not consider federal construction of highways a necessary or wise expansion of governmental jurisdiction.<sup>24</sup>

During this session a Senate bill, introduced in the House of Representatives by Norris, was enacted into law. It divided Nebraska into two judicial districts and called for the selection of an additional federal judge. The creation of a new district would save money for many Nebraska citizens involved in federal litigation by making the trip to the federal district court at Omaha unnecessary. In 1907, Norris' home town of McCook received the honor of being host to the

first term of the newly created federal court for western Nebraska. The enactment of the law also meant that eventually funds would be appropriated for a federal building to house the sessions of the court.<sup>25</sup>

With the final adjournment of the Fifty-ninth Congress on March 4, 1907, Norris, weary but satisfied with his work in Washington, returned to McCook facing no immediate political worries or problems. At the end of the Fifty-ninth Congress, he had irrevocably committed himself as a supporter of Roosevelt. In defining the policies of the president, Norris stated his views about the necessity of expanding the role of the federal government. He claimed that when he spoke of Roosevelt's "leading policies," he referred "to the enforcement of the law against the rich as well as the poor, against the powerful as well as the weak." He meant, also, "that the control and regulation of railroads and other corporations, and the prosecution of all criminal offenders against the law of the United States" should be vigorously pursued. Roosevelt's policy of "insisting upon honesty on the part of all Government employees" received his enthusiastic approval.<sup>26</sup>

Furthermore, by the end of the Fifty-ninth Congress Norris exhibited the independence and lack of partisanship that were to be so characteristic of his later career. He had broken with the most powerful corporate interest in Nebraska, the Burlington Railroad, which was unable to reprimand him for his action, while his constituents applauded his hostility to railroad inequities. He had refused to follow the administration in supporting a tariff measure, albeit a minor one, and this opposition did not noticeably lessen his standing among the voters or with Speaker Cannon and the administration in Washington. The coming years would furnish more dramatic and courageous examples of these traits, but the first steps were taken during this Congress.

Though Norris considered himself a devoted follower of Roosevelt and most of his policies, it is to be doubted if he thought of himself as an insurgent. Certainly he was satisfied with his lot in Congress, and he realized that his improving seniority eventually would lead Speaker Cannon to promote him to more important committee assignments.<sup>27</sup> Possibly, too, he was aware of the fact that one of the outstanding speakers of the House of Representatives, Samuel J. Randall of Pennsylvania, had started by serving on the Committee on Public Buildings and Grounds. Certainly, as he returned to McCook in that chilly and blustery March of 1907, Norris would have agreed that, politically speaking, the best was yet to come.