

Populism and Politics

ON July 29, 1890, at Bohanan's Hall in Lincoln, more than eight hundred delegates and several hundred well-wishers witnessed the launching of a new political party, one that claimed to speak for discontented and economically depressed farmers and workers. This party wreaked havoc upon the traditional political structure of the state, and it swept like wildfire through the debt-ridden short-grass country of southwest Nebraska. Populists, during the decade, were elected to every major political office, though at no time were they able to dominate the state without help from the older political parties. In 1890, for the first time since Nebraska became a state, the Republican party met defeat at the polls, and numerous measures designed to alleviate the discontent that became abundantly evident with drought and depression were seriously considered by the legislature.

The Populists in Nebraska gained most of their followers from the ranks of dissatisfied Republican farmers and small businessmen. By 1894, when William Jennings Bryan wrested control of the Democratic party in the state from its conservative leaders, discontented Democrats had a leader and soon a program that articulated their needs and desires. While many Republicans would support the new party, family traditions, social pressures, and antagonisms dating back to the Civil War made it impossible for most of them to support the Democratic party. Eventually most of these people went back to their old party and tried, as Bryan had done with the Democratic party in Nebraska and on the national level, to reform it from within. Their children, growing up in a political environment that called for effective government action to promote the general welfare by curbing corporate wealth and privilege, would carry many of the ideas and policies they heard expounded in their youth into the progressive wing of the Republican party in the new century.

Many of the farmers, small businessmen, and professional men in Nebraska who remained true to the Republican party fully understood most of their opponents' complaints and recognized the validity of

some of their remedies. However, they felt with some justification that many Populist leaders bordered on demagoguery in their political conduct and that reform could be better obtained within the framework of the party of Lincoln. George Norris, who quickly found himself a lone Republican lawyer surrounded by a mob of Populists, was among those who took this stand.¹ He later wrote of this period, "I could see nothing unnatural about this Populist movement. It represented human misery and poverty. It came into existence as naturally as the seasons."² Thus at the time when Populism was sweeping across the Great Plains Norris launched his political career.

He started it in the most disastrous way possible—with a defeat. This was the only defeat he ever met at the polls until his last campaign for public office in 1942; his political life began and ended with rejection at the polls. In 1890 he sought the office of prosecuting attorney of Furnas County. His opponent, John T. McClure, was also his rival as the outstanding lawyer in Beaver City. McClure, owner of the *Beaver City Times*, was a former Democrat turned Populist, and he handily defeated Norris on election day. The Populist party gained control of both houses of the state legislature and elected two congressmen, one of whom, W. A. McKeighan, whose district included Furnas County, also received the Democratic nomination.

Norris campaigned vigorously, curtailing his other activities to devote as much time as possible to politics, and paying most of the expenses himself.³ However, the post of prosecuting attorney did not elude him. Twice he was appointed to fill out unexpired terms and once in 1892 he was elected. His mortgage-loan business, his legal work, and his strenuous campaigning helped to make him known personally to almost every voter in Furnas County. Thus without undue effort on his part Norris became a Republican party leader. In 1891 Furnas County Republicans wanted to nominate him for district judge and rumors to this effect appeared in the press.⁴

It was politics that brought Norris into contact with W. S. Morlan of McCook, undoubtedly the most powerful figure in Republican party circles in southwestern Nebraska. As general attorney for the Burlington and Missouri he wielded considerable influence, and Norris usually requested railroad passes from him. The two men at times worked together on a case and Morlan, whenever the opportunity arose, sent legal business to Norris. Morlan was an exceptionally generous man at times; in one instance, for example, he refused to accept any money on a case in which Norris had done most of the work. Morlan was an able lawyer and was very demanding of his associates and assistants. No Republican candidate could obtain a nomination

for office in Red Willow County without his approval, and he enjoyed almost as much power throughout the region.

Morlan was undoubtedly responsible for Norris' becoming the local attorney in Beaver City for the Burlington and Missouri. It is not known when Norris first assumed this job, but by 1894 he was very much a part of the company,⁵ and was in its employ while he served as prosecuting attorney. But when he went on the bench—a full-time job, which his previous public office was not—he gave up this work with the Burlington and Missouri and his other business as well.

The 1892 election saw Norris again seeking the office of prosecuting attorney. Ignoring national and state candidates and issues in this election, he concerned himself almost exclusively with his particular campaign. He was optimistic about his chances. Since his opponent, a Mr. Harper, was not highly reputed as a lawyer, Norris wanted his own supporters to portray him as a capable attorney, one who would be competent to look after the business of the county. If his candidacy was presented in this light, Norris believed that despite overwhelming Populist sentiment in the county he could be elected.⁶ And he was elected, even though the fusion candidate McKeighan, won handily in the newly created Fifth Congressional District which included southwest Nebraska, and a Populist, James B. Weaver, received almost a two-hundred vote majority over Benjamin Harrison in Furnas County. This was the first time in the county's history that it cast its presidential vote for other than a Republican candidate.⁷

With his election Norris found that his work as a lawyer also increased. Since the prosecuting attorney was usually about the courthouse, lawyers as well as clients throughout the county sought his services or asked his advice. Tax matters came within his purview, because with the hard times more and more people were unable to pay their taxes. And as chief law enforcement officer of the county, Norris had to prosecute criminals and take action in related matters.

With the increase in legal duties, Norris' other business, already declining because of drought and depression, was not unduly affected. However, he had to make adjustments to be on hand when the district and county courts were in session. To avoid confusion, for example, he tried to have no cases before a justice of the peace during a term of the district court. And as time went on, he resented the numerous impositions on his time and service by citizens who thought that as prosecuting attorney he should handle their legal work free of charge. As an aspirant to higher public office, as a Republican officeholder in a Populist area, he could not afford to antagonize too many people. Therefore Norris performed many petty legal services for citizens

who did not distinguish between his public office and his private legal work.⁸

In 1894 he did not seek re-election and was able to devote his energies to aiding Republican candidates. As a leading politician in Furnas County he could control some convention votes, usually the Beaver City delegation, in favor of particular candidates. Consequently, party leaders contacted him to use his influence for their particular candidates. There were county, district, and state conventions in 1894 and Norris attended them all.

The state convention held in Omaha on August 22, was the most important. Norris secured passes for the Furnas County delegates from Morlan and attended to other details.⁹ The delegates to the Republican state convention from southwest Nebraska must have been in a grim mood as they boarded the Burlington and Missouri cars. In May a severe frost had ruined thousands of acres of early corn. Rain-fall had been far from adequate, and late in July a furnace-like wind had withered much of the corn crop. Norris and his fellow delegates looking out of their car windows saw the results of this devastation. They understood effects of panic, depression, and crop failure in terms of their own area. In Omaha they could comprehend what it meant in terms of an urban area: large numbers of unemployed, row upon row of houses with boarded windows, newspaper columns filled with notices of foreclosures and sheriffs' sales.¹⁰

That Norris was not unknown outside of his corner of the state was evident as the convention assembled. A candidate for attorney general wrote to him as a person "of influence in shaping the disposition of your delegation." However, Norris did not play a prominent role at the convention. Thomas J. Majors, who had the support of the Burlington Railroad, obtained the gubernatorial nomination. With the exception of the candidate for secretary of state, all the candidates came from the eastern part of the state. The entire ticket was composed of regular, standpat Republicans and the platform was fully in accord with their views. It ignored the events which Norris and his fellow delegates experienced and had to deal with in their daily lives. While it denounced the Democrats, the platform did not notice the Populist policies.¹¹

Norris campaigned for the entire ticket in what turned out to be a furious as well as a confusing campaign. The results from Furnas County were most encouraging, for the county was fully redeemed from Populist control. On the state level, however, the Democrats and Populists presented a fusion ticket and their candidate, Silas A. Holcomb, defeated Majors in the race for governor. Edward Rosewater,

Republican owner of the *Omaha Bee*, had refused to endorse Majors and had thrown his paper's support behind Holcomb. This proved to be a decisive factor in Majors' defeat, as Republicans captured the other state offices, controlled the legislature, and failed to elect a congressman only in the Sixth District. In the Fifth District William E. Andrews became the first Republican congressman from this new district.

Norris was pleased with the results of the campaign. He had stumped the district in behalf of Andrews and other Republican candidates. He had renewed his acquaintance with Republican leaders in nearby counties and had met others for the first time. He now was known to a larger number of voters than ever before. The campaign in 1894 was in effect a trial run. Rather than seek another term as prosecuting attorney, Norris had decided to try for the office held by Populist D. T. Welty, judge of the Fourteenth Judicial District.

Welty was far from popular among the lawyers who appeared in his court. His ability both as judge and lawyer was questioned. Moreover, Norris was convinced that he showed favoritism to Populist defendants by continuing cases whenever possible, or by canceling, usually, the spring term of his court.¹² Whereas in the recent election Republicans had recaptured many offices from Populist incumbents, Norris now sought to redeem the judiciary from the taint of Populism.

Shortly after the 1894 election, he began to devote his energies to the judicial race. First, of course, came the task of securing the necessary delegates for nomination. By January, 1895, he had started an extensive correspondence throughout the eight counties comprising the district, sounding out sentiment and making inquiries about potential delegates who might favor his nomination.¹³

The judicial convention was to be held at McCook in mid-September, and as the summer of 1895 came to an end Norris intensified his efforts. His chief contenders for the nomination were W. R. Starr of Indianola and a Mr. Benson of McCook. But of equal, if not greater, importance to Norris was the opposition candidate. Welty was seeking renomination, but there was a possibility that McClure also would seek the nomination. McClure, who had defeated Norris for prosecuting attorney in 1890, would be a powerful opponent because he was an able lawyer and had many followers throughout the district.

When the Republican county conventions were held in August all three candidates intensified their activities to win delegates favorable to their candidacy. Norris did most of his work through letters. He relied heavily on his supporters to inform him of local developments. Once the county conventions were held, the efforts of the candidates

were focused on obtaining control of each of the eight county delegations that would gather in McCook on September 18. Since both opponents were residents of Red Willow County and a fight between their followers could only redound to his advantage, Norris made great efforts to win delegates from this county.

Norris and his supporters by the end of August were most optimistic. Indeed, he questioned whether he should attend the McCook convention. Supporters advised him pro and con. But in the end Norris decided against attending, although he did put in an appearance at several fairs in the district shortly before the judicial convention assembled.¹⁴

Events were occurring just as Norris desired. The Populist convention early in September renominated Welty by a thumping majority, and the Democrats nominated a separate candidate. At the last minute he met requests of delegates for transportation to the Republican convention. He felt certain that he would win the nomination.¹⁵

Despite the efforts of Starr and Benson, Norris was nominated on the first ballot. Welty, though an easier opponent than McClure would have been, still had several advantages that would prove difficult to overcome. He was the incumbent and a Populist in an area where Populist sentiment was still powerful. His work as a judge, which outraged Norris and other lawyers because of his flimsy knowledge of the law and his failure to hold court for a full session, pleased the numerous defendants who had reaped the benefits of his decisions and actions. After his nomination, Norris received the following note from Welty:

I feel much pleased and congratulate you on your nomination for the high office of District Judge, and hope you may have the pleasure to return the compliment after November 5th.¹⁶

Norris had several assets during the campaign. First he had the help of McClure, who exerted all of his influence against Welty, using his control of the *Beaver City Times* to this end. As a result, not a single newspaper in Furnas County, the home county of both candidates, supported Welty. In addition there were many prominent district Democrats, such as A. C. Shallenberger, a future congressman and governor, who helped Norris by making no effort to assist Welty.¹⁷

It was also to Norris' advantage that fusion between Democrats and Populists, unsuccessful in 1894, did not work during this campaign either. The Democrats nominated a separate candidate.

Last but not least among the list of assets was Norris' own reputation for fairness and consideration in the mortgage-loan business. This insured voters that if elected Norris would not indiscriminately foreclose mortgages and agree to sheriffs' sales of property.

Early in the campaign, Norris, eager to win all possible support, may have made a visit to the German settlement, traditionally a Democratic stronghold, north of Arapahoe. The effort to win votes, however, was not always carried on scrupulously. Some of Norris' supporters actually purchased votes and later presented him with a bill for their expenses. After the campaign, one individual while explaining his expenses wrote, "I have paid all the parties I agreed to except one German, \$5.00. I have not seen him since election, but he will probably be in town and I will have to pay him."¹⁸

C. E. Hopping, Beaver City drugstore proprietor, served as chairman of the judicial committee managing the campaign. Republican stalwarts made great efforts for Norris, because they realized that every vote he received and every victory their party won would bring the demise of the Populist party in Nebraska that much closer. Throughout the campaign, Norris was deluged with requests by Republican leaders for railroad passes to bring workers to their home precincts for election day. Railroad passes also provided an excellent method of winning disgruntled Democrats and Populists into the Republican fold. Many men, owing to the hard times, roamed about the countryside seeking odd jobs. Their votes, it was believed, would go to the candidate who provided them with transportation.¹⁹

By the end of October Norris' mail indicated that his chances were good; none of the letters were pessimistic. The Republicans attacked Welty as a judge. The fact that he did not discriminate between bona fide residents and nonresidents impressed some voters. Norris opposed Welty's "continual and almost endless continuancy for people who had long ago left the country with no intention of returning or redeeming their lands," and his habit of showing little leniency for resident mortgagors who were unable to meet interest payments because of crop failures and low prices. Norris argued that if elected he would grant resident farmers as much consideration as the law permitted.²⁰

McClure in the Beaver City *Times* blasted Welty as a tool of the Burlington and Missouri and other partisan papers took up this theme.²¹ It is doubtful that Norris, a railroad attorney who was literally trying to trade passes for votes, denounced his opponent along these lines. His campaign was geared on a more personal level;

he directed his efforts toward meeting as many voters as possible and stressing the need for judicial integrity.

W. W. Barngrover, the Democratic candidate, was not seriously considered by the electorate, most of whom regarded the campaign primarily as a race between Norris and Welty. But Barngrover's presence on the ticket prevented Norris from achieving a clearcut victory. Norris won by two votes, and only after much time was spent in debate and litigation was he granted a certificate of election.

However, shortly after the polls closed on November 5, as the first unofficial returns came in, Norris thought his election was assured without any doubt. He defeated Welty in Furnas County by over three hundred votes and by over two hundred in Red Willow, the most populous counties in the district. Indeed, he seemingly carried all but the predominantly Populist counties of Hitchcock and Frontier where Welty's majority was not as large as expected. The first unofficial results proclaimed a Norris victory,²² a verdict verified by the eight county canvassing boards in the judicial district. The result was Norris, 4,612; Welty, 4,610; Barngrover, 431.

Judge Welty immediately raised the cry of fraud, claiming that the figures in Union precinct, Furnas County, had been changed to give Norris a two-vote lead. If the ballots had not been tampered with, Welty argued, he would have carried the precinct by four votes and with it the election. He did not say that Norris manipulated the votes, and never in the furor that arose did Welty accuse Norris personally of direct involvement in the fraud. As soon as Welty aired these charges, Norris contacted all judicial committee chairmen and requested them to examine carefully the precinct records in their respective areas for irregularities. He soon found evidence in other precincts and heard rumors to the effect that votes properly belonging to him had been rejected. One chairman wrote, "I think we can collect enough evidence of irregularities in Hayes County alone to make 15 votes in your favor."²³

Norris and his supporters also uncovered evidence of fraud in Frontier County which went for Welty in the election. The county sheriff believed that Norris "lost more votes by irregularities than Welty," and that "a recount would increase the number" of his votes. Norris thought that A. R. Curzon, a Republican banker of Curtis, was involved in some of these irregularities, because he had not assured Curzon that if elected he would favor moving the county seat from Stockville to Curtis. Thus Norris was prepared, if necessary, to present charges to combat Welty's.²⁴ However, until Welty took legal

action, Norris was the newly elected judge of the Fourteenth Judicial District of the state of Nebraska.

Since Welty's charges were public and Norris' evidence private, the accusation of fraud would occur in many future campaigns. At the time, however, the press throughout the state carried the story of his election along with Welty's charges, and letters of congratulations poured in upon Norris from delighted Republicans. What Norris expected—and this was his reason for collecting evidence of election frauds—was that Welty would apply to the Nebraska Supreme Court for a writ of mandamus to force a correction of the canvass. On November 15, Welty and a group of his advisers met in an Indianola law office "behind closed doors and curtained windows," and several days later Welty did as Norris expected. Since Norris already had evidence of fraud and more was being unearthed by his friends, he had no doubt he would be able to hold the office, though it might take a legal contest to do so.²⁵

Welty filed a suit charging fraudulent returns from Union precinct in Furnas County. He claimed that his opponent's tally had been changed from forty to forty-six after the county board certified the returns, and that it was C. S. Anderson, McClure's law partner, who changed the votes in the pollbook on the Sunday following the canvass. Welty alleged that the pollbook figures did not tally with those of the county commissioners, and that the additional six votes gave Norris a plurality of two. Both Anderson and County Clerk McFadden were Populists who, as supporters of McClure, probably favored Norris' election. Partisans of both men argued these charges, while Norris' followers countered them by alleging that many Norris votes had been thrown out by prejudiced election boards on the grounds of irregularities in marking.

On November 26, 1895, the Furnas County canvassing board met in Beaver City, pursuant to the mandamus of the Supreme Court, and re-examined the judicial vote of the entire county. Their results showed that Norris still carried the county by two votes even though the Union precinct pollbook had been tampered with, as Welty had charged. The converted six votes were disallowed, but four more votes for Norris were found in the recanvass. The county tally as certified by the board was 1,375 for Norris and 881 for Welty, making a total for the judicial district of 4,612 votes to 4,610 in favor of Norris.²⁶ In accord with these findings, on November 29, every member of the state canvassing board signed a certificate of election which declared Norris the legally elected judge of the fourteenth Judicial District.

The action was taken after a long session and over the initial objections of Governor Silas A. Holcomb, a Populist and a member of the board.²⁷

Thus, by the end of November, Norris' election finally became official. Welty said he would file his oath of office with the secretary of state²⁸ and continue to serve, while he brought an ouster proceeding against Norris in the Supreme Court of the state. Norris, with McClure acting as his attorney, went to Lincoln in April, 1896, to attend a meeting of the Supreme Court at which a commissioner was to be appointed to take evidence. In Lincoln they learned that Judge Welty had dismissed his action.²⁹

Norris later claimed that if the contest had been tried and his evidence presented, he would have won by between fifty and one hundred votes.³⁰ When a correspondent asked why he did not counter Welty's charges with evidence of his own, he replied, "We have not taken the pains to give it publicity as Judge Welty always does when he thinks he finds something wrong, but prefer to abide our time, and let the matter come up for the first time in court."³¹ However, since Norris never had this opportunity, political enemies continued to charge that the election had been stolen for him.

After ten years in Nebraska, George Norris, age thirty-four, had carved a remarkable career for himself. He was about to enter upon his judicial duties after engaging in one of the hardest fought campaigns in southwestern Nebraska, and had every reason to be satisfied and even optimistic about a promising judicial career and, perhaps, higher political attainments. He was one of the youngest district court judges in the history of Nebraska.

But, despite numerous reasons for optimism, Norris was somewhat melancholy and depressed as the year ended. He was disturbed by the litigation with Welty, displeased about the behavior of some of his supporters, and burdened by the heavy expenses incurred during the campaign (over \$3,500). He was afraid that a contested court case would bankrupt him, and was dismayed by the lack of aid and encouragement he received from the Republican party.³² Norris believed that conspiracy, corporations, and corruption were united to secure his political downfall.

Norris had fought a vigorous, skilful campaign, one that few observers thought at the outset he would win. Yet a brooding sense of melancholy overwhelmed him, a sense of isolation that made him seem solemn and sad in a moment of triumph. Norris enjoyed campaigning. The melancholy that made him almost feel sorry for himself set in after the results were known. In later campaigns, too, he was

aware of the fact that his party was not greatly interested in supporting his contest. This increased his sense of isolation and made him realize that in politics he was almost always on his own. These traits, evident by the end of his first important campaign, became more pronounced and were more widely observed in future years.