

was excused from voting, as he was Swenson's colleague from the 35th District; and Swenson himself refrained from voting.

Anderson, Arens, Bouck, Day, McGivern, Neuman and West had just voted to let Swenson hold the seat; but having lost, now voted to seat Lauderdale.

Of the 42 who voted against Lauderdale on the final ballot 19 were Non-partisan League men, 8, like Swenson, had been elected by organized labor, 6 might be called advocates of strict construction of the corrupt practices act and the other nine were some of them just plain wets and some stood by Swenson out of personal friendship.

Of course any member had an undoubted constitutional right to vote either way for any reason or no reason.

The Sullivan-Wilcox Contest.

W. W. Wilcox was elected Senator from Washington county over Geo. H. Sullivan by a majority of 43 votes.

Sullivan contested and asked a recount.

The recount showed that Wilcox had a majority of 35 votes.

But Wilcox had charged Sullivan with being attorney for the Street Railway Co. and "accredited agent and attorney" for some 60 foreign corporations doing business in Minnesota.

Sullivan claimed that this statement was "false and defamatory," but he admitted on the witness stand, under cross examination, that he was "Attorney at law" for the Street Railway Co., and that he was "accredited agent and attorney-in-fact" for all the 60 other corporations. He denied ever having been "attorney-at-law" for any of the 60.

This looks to the layman very much like a quibble in words, and how it can be "false and defamatory" it would seem hard for the ordinary man to understand; and yet five grave senators, apparently eager for Sullivan's company for the rest of the term, found that Sullivan's charge was true.

But worse than all and more of it, some of Wilcox's circulars (which by the way did not contain the "false and defamatory" statement complained of) were found on election day in one of the polling places, on a chair 50 feet or such a matter from the booths, maybe less, but anyway they were there.

Of course it was contrary to law to have them there. Everybody admits that; but who put them there? Wilcox did not. No one knows. Perhaps no one will ever know. Affidavits were offered to show that Wilcox had directed that all circulars should be destroyed on the night before election so that none could get into the polling places the next day to violate the law. But they were there and the law was violated. So the five Senators solemnly assert that this precinct must be thrown out. This would elect Sullivan.

There was nothing in the evidence to show that any voter had been influenced by those circulars, and they admittedly contained no false statements.

This precinct of Woodbury had always been strongly against Sullivan.

In 1914 it gave him 12 votes and his opponent 126.

In 1918 it gave him 26 votes and Wilcox 149.

In the special election of Feb. 20th, 1919, Sullivan got 14 votes, Wilcox, 212.

It seems plain that this precinct did not want Sullivan.

And Yet?

Five members of the Senate committee on elections voted to deprive Wilcox of his seat and give it to Sullivan.

The five were Frank E. Putnam, Wm. F. Brooks, A. J. Rockne, John D. Sullivan and T. C. Blomgren.

The Opposing Report.

A minority report, declaring that Wilcox was entitled to retain his seat, was signed by Ole O. Sageng, P. A. Gandrud, Iver J. Lee and Adolph S. Larson.

The battle over these reports was waged Friday afternoon, Jan. 31st, and lasted six hours.

Putnam, John D. Sullivan, Rockne and Fowler argued long and zealously for seating Sullivan, laying special stress on the "false and defamatory" campaign literature of Wilcox that had charged Sullivan with being "the accredited agent and attorney" for 60 or more foreign corporations, instead of saying that he was "the accredited agent and attorney-in-fact" for them.

They all admitted that the latter statement would not have been "false and defamatory"; and they all knew that the circulars in the town hall at Woodbury did not contain the word "attorney" at all, but merely said that Sullivan was the "accredited agent."

The Defense of Wilcox.

Senators Sageng, Johnson, Gandrud, Lee, Gillam and Peterson supported the right of Wilcox to retain his seat.

Gandrud called attention to a very misleading circular issued by Sullivan, denying that he was "counsellor at law, lawyer, or attorney at law" for a single one of the 60 corporations; but not saying a word about being their "accredited agent." It was in reply to this deceiving circular of Sullivan's that Wilcox issued his final reply that had caused the trouble.

Senator Lee showed that Sullivan had voted on all questions just as Wilcox had charged. He quoted the bills and senate journals to prove his case. Lee also offered affidavits to prove that Wilcox had directed that all left-over circulars should be destroyed Monday night, so that none could possibly get into the polling places.

Senator Johnson declared that if Woodbury were thrown out because the Wilcox circulars were in the hall during the election, it would offer a premium to any scoundrel to plant his opponent's literature in polling places, and then contest the election.

Senator Peterson read from the Corrupt Practices act itself, Sec. 600, where it specifically provides that unintentional and immaterial violations shall not be construed to void an election. The legislature and the courts have invariably so held.

Senator Gillam called attention to a very recent decision of the district court, refusing to void an election for County Auditor in his district, tho there had been much more flagrant violation of the law than in the Wilcox case.

"We should not set aside the verdict of the people."

Regarding the Woodbury vote, Senator Sageng said:

"Woodbury township was the only one in Washington county where Mr. Sullivan got the full vote he normally would get after a campaign involving the issues before the people last year.

Normal Vote Less

"His normal vote would be the combined vote of the Republican and Democratic candidates for governor. In Woodbury township he got one more than this combined vote and nowhere else in Washington county did he run so well.

"In his home city of Stillwater he lacked 300 votes of equaling the vote cast for the Republican and Democratic candidates for governor. There is no possibility that Sullivan lost a single vote in Woodbury township because of the Wilcox circulars. Nothing happened in Woodbury to throw the shadow of a doubt on the integrity and accuracy of the returns. Sullivan is grasping at straws here to make out a case.

Talk Is Travesty.

"It is a travesty to talk here about the undue influence exerted by the Wilcox circulars in Woodbury township when we have seen the sort of undue influence brought to bear upon members of this senate during the last few days. Every wire that could be pulled has been pulled in order to throw out of this body the man honestly elected and to put Sullivan in his seat.

"Secret influences have been resorted to that would not have been used even in the good old days. The election in Woodbury township was a Sunday school picnic compared to what has been done to influence the vote of this senate.

"Influences" Hit.

"Even while senators are sitting here now they are getting messages from hundreds of miles away asking them to vote a certain way. It means that efforts are being made to have this contest settled favorably to certain influences."

Senator F. H. Peterson, attorney at Moorhead, waved a telegram he had just received before he arose to urge adoption of the report recommending that Senator Wilcox retain his seat.

"To give you some idea of what is going on here today," he said, "I have a telegram sent by a concern for which I do some business telling me to vote a certain way in this contest."

Wire-Pulling Seen.

"Other senators told privately how automobiles had come to places where they stay during Thursday night and of pleas made for them to stand by Sullivan. In one case a

leading St. Paul business man as well as a political wire-puller made the plea.

"Sullivan forces answered charges of wire-pulling and telegrams by saying senators were also getting letters asking them to vote for Wilcox.

"The facts about the telegrams and the letters amounted to this: That the letters were coming from the people, and the telegrams from special interests."

This is the most noted case of a contested election ever known in Minnesota.

During the entire discussion, Senator Sageng, just a plain farmer, showed himself more than a match for the four lawyers on the other side.

At the end of the six hours' debate, the vote was taken on the motion to retain Wilcox in his seat, and was lost by a tie, 31 to 31.

Those who voted in the affirmative were:

Bessette,	Gandrud,	Lee,	Peterson,
Boylan,	Gillam,	Lindsley,	Romberg,
Carley,	Guilford,	Loonam,	Sageng,
Cashel,	Hopp,	Millett,	Schmechel,
Conroy,	Jackson,	Naplin,	Stepan,
Cumming,	Johnson,	Nolan,	Turnham,
Devold,	Kuntz,	Orr,	Wold.
Erickson,	Larson,	Palmer,	

Those who voted in the negative were:

Adams,	Denegre,	Kingsbury,	Rockne,
Baldwin,	Dwyer,	McGarry,	Sullivan,
Benson,	Fowler,	Madigan,	Swanson,
Blomgren,	Gjerset,	Nord,	Van Hoven
Bonniwell,	Hall,	Putnam,	Vibert,
Brooks,	Hamer,	Rask,	Ward,
Callahan,	Handlan,	Reed,	Widell.
Cliff,	Hegnes,	Ribenack,	

But this vote did not unseat Wilcox.

Dwyer, Handlan and Swanson, elected with labor support voted against Wilcox. Watch for the reaction.

The next move in regular order would have been to vote upon the other report to seat Sullivan.

If every senator had stuck, there would have been another tie, and Wilcox would still have kept his seat; but at this juncture, Senator Guilford moved to amend the majority report, so as to declare the seat vacant and order a new election.

All but two of the Wilcox men, believing they would be beaten in the end, and regarding this as the next best thing, voted for this amendment.

Bessette and Millett, who had stood for Wilcox, refused to vote to unseat him; but Cliff, Dwyer, Hall, Hamer, Madigan and Swanson, who had voted against Wilcox on the first ballot, but were not for Sullivan, now voted for this new plan, making 35 to 27 for a new election.

There were only 25 who could be classed as Sullivan men, as follows:

Adams,	Denegre,	Nord,	Van Hoven,
Baldwin,	Fowler,	Putnam,	Vibert,
Benson,	Gjerset,	Rask,	Ward,
Blomgren,	Handlan,	Reed,	Widell.
Bonniwell,	Hegnes,	Ribenack,	
Brooks,	Kingsbury,	Rockne,	
Callahan,	McGarry,	Sullivan,	

The Senate now found itself with a report seating Sullivan, so amended as to seat neither. The situation was impossible.

The Guilford resolution was now reconsidered and revised, when it was passed 59 to none, declaring a vacancy and ordering a new election.

Handlan, Gjerset and Nord did not vote on this final ballot.

This decision of the Senate violates all legislative precedent, and also goes contrary to every decision of the Supreme Court of Minnesota.

In four contested cases in the house the decision has been in each case against unseating the member who had the most votes.

Three of these cases occurred in the session of 1917, and in two of them the violations were far more flagrant, and yet the house regarded them insufficient to warrant unseating the member who had received the most votes.

Furthermore, the Attorney General ruled in all these cases that, even if the sitting member were unseated it would not give the contestant the seat, but that there must be a new election.

And yet 25 senators were willing to vote to give this seat to Sullivan.

The primaries for the new election occurred on Feb. 13th and the election Feb. 20th.

In the primary Woodbury township gave Sullivan 7 and Wilcox 190.

In the election this township gave Sullivan 14 and Wilcox 212.

Evidently the Wilcox circulars, in the November election did not influence voters of this precinct against Sullivan.

However, Sullivan made large gains in Stillwater and one or two villages and was elected by a majority of 284.

CHAPTER V.

"IMPROVING" ELECTION MACHINERY.

Yes, our election machinery needs to be improved. It is very difficult, almost impossible, to amend the constitution.

It ought to be changed so that the people can amend their constitution with a reasonable degree of ease.

Several proposed amendments were introduced, all with this object in view.

Lauderdale proposed that if 60 per cent of those voting on an amendment should vote **yes** the amendment should carry.

Enstrom, Welch, Berve, Burdorf and Scherf introduced a complete Initiative and Referendum bill, similar to the best in use in other states. This proposed that a majority of those voting on any question should determine.

This is the principle that prevailed in the state from its birth till 1898. During all those years a majority could amend the constitution and no harm came to the state. The harm came when we changed the principle and departed from the majority rule.

Sageng introduced into the Senate a proposal that a majority of those voting on a question should determine, provided that at least 40 per cent of all electors voting at the election should vote **yes** on the proposed amendment.

All those bills were killed in committee.

Lauderdale's bill was too easy. A few people could amend the constitution provided that 60 per cent of the few voted **yes**.

The bill introduced by Enstrom, Welch and others was objected to on the same ground, only more so. It permitted one more than half of any small number who might vote on the question, to amend the constitution or enact a statute.

Sageng's bill was too conservative for the radicals and too radical for the extreme reactionaries who are well satisfied with things as they are.

So it fell out that nothing was done to make it easier for the people to rule.

Back to the Convention

The state-wide primary was adopted at the special session of 1912 for the purpose of saving Eberhart and the reactionaries from defeat.

The plan worked. It saved Eberhart, who could never have controlled the Republican convention, but who was able to get more votes at the primary than any other one of the six Republican candidates; and having got the nomination, of course, he was elected.

But, in 1914 and 1916 the primary worked the other way and gave the nominations to the progressive element.

Since then the reactionaries have demanded its amendment or repeal.

Like most things, the primary is not altogether either good or bad.

Like all human inventions it is not perfect.

The man with plenty of money to advertise his campaign has an advantage; but he also had an advantage in the old time conventions.

The Warner-Hompe Bill.

Warner and Hompe and their followers claimed that they could combine the merits of both systems by electing delegates at the primary who should meet in convention, carefully canvass the whole situation, put out a party platform and name candidates who would be held to a strict accountability.

They made a strong plea for party responsibility, and denounced the "chaotic and anarchistic" situation "where

The Minnesota Legislature of 1919

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