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THE EFFECT OF THE DIRECT PRIMARY UPON SENATORIAL  
ELECTIONS IN OREGON, 1900-1909

by

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## PREFACE

The period from 1890 to 1914 was marked by a series of electoral reforms in Oregon, including: the Australian ballot; the regulation of political party primaries; the registration of voters; the initiative and referendum; the direct primary, with provision for expression at the polls of the people's choice for United States Senators; and the pledging of legislative candidates to support the people's choice; the recall of public officials; proportional representation; a corrupt practices act governing elections; the presidential preference primary; woman suffrage; and the requirement that voters be citizens of the United States. The scope of this study is limited to the introduction of the direct primary and its application to the nomination and election of United States Senators, during the first decade of the twentieth century.

The chronology of political events was first established by following the narrative in the columns of the Portland Morning Oregonian. Comparisons were then made with newspapers of divergent political viewpoints; and papers from scattered areas of the state were consulted. The letters of Senator Jonathan Bourne, Jr. pertaining to the period of this study were extremely useful in clarifying the political campaigns of the time, but there are many developments of the period on which they are silent.

The central theme of this study is political experimentation. Men who believed that the source of political authority resided in the entire

citizenry had lost confidence in their party leaders and public officials. Wrestling with the problem of making government responsive to the opinions of the majority, they brought forth political innovations which constitute an important development in American political history.

The national movement for the enactment of a constitutional amendment providing for election of United States Senators by direct vote of the people lies beyond the scope of this study, although incidental reference has been made to this and other political developments bearing upon our theme.

## CHAPTER I

### NINETEENTH CENTURY CONDITIONS

The Constitution of the United States provided among its numerous compromises some features which paid deference to the principle of popular government and others which recognized the right of the aristocracy to continue to express an influential voice in the determination of national policies. The members of the House of Representatives were to be chosen directly by the qualified voters in each of the states and a short term of office made it possible for the electorate to hold the congressman accountable for their votes.<sup>1</sup> Although the states originally imposed more rigid requirements on voters than at present, the Constitution did not preclude the future liberalizing of the suffrage by the states. The provision for the election of United States Senators recognized the need for a more conservative influence in Congress designed to check hasty and ill-considered demands of the lower house. The relatively long term of office, the arrangements for replacement of only one third of the Senators at any one time, and the indirect method of election are indicative of the precautions taken against an excess of democracy.<sup>2</sup>

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<sup>1</sup>Constitution of the United States, Article I, Section 2.

<sup>2</sup>Constitution of the United States, Article I, Section 3; George H. Haynes, *The Election of Senators* (New York: Henry Holt and Company, 1906), pp. 7-11.

As Charles A. Beard has aptly phrased it,

... the framers of the Federal Constitution had intended to establish a conservative body to represent the substantial economic interests of the country and to act as a check on 'popular distempers' made manifest by the lower house. As things turned out their plans succeeded beyond all expectations; certainly during the closing decades of the nineteenth century, the Senate was crowded with rich men, occasionally by railway and industrial barons but more frequently by their able advocates in matters of law. Some of them were political leaders of genuine talent but a majority possessed no conspicuous merits except the ownership of strong boxes well filled with securities. . . .<sup>1</sup>

Justly or not, the idea became popular that plutocracy was gaining ground in our political system. A demand for the election of United States Senators by direct vote of the people was heard in the state legislatures, the halls of Congress, and in other public forums from the crossroads store to the political convention. The Greenback party declared the Senate to be composed "... largely of aristocratic millionaires who according to their own party papers generally purchased their elections in order to protect the great monopolies which they represent."<sup>2</sup>

The Populist revolt provided an impetus to the demand for political reform. In January, 1891, the meeting of the Northern Alliance in Omaha listed as one of its fundamental principles: "... a constitutional amendment requiring the election of president, vice-president and senators by direct vote of the people. . . ."<sup>3</sup> In 1893 the Populist party

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<sup>1</sup>Charles A., and Mary R. Beard, The Rise of American Civilization (New York: The MacMillan Company, 1927), II, 559.

<sup>2</sup>Ibid., p. 323.

<sup>3</sup>John Donald Hicks, The Populist Revolt (Minneapolis: The University of Minnesota Press, c. 1931), p. 210.

central committee of Oregon was responsible for the introduction in the Oregon legislature of a resolution asking for the popular election of United States Senators; and the favorable action of the state Grange convention on the proposed reform was due to Populist influence.<sup>1</sup>

Other Oregon party platforms also showed the influence of the Populists' demands. The Republican and Democratic state platforms of 1892 favored the election of Senators by the people, the appeal being reiterated by the Democratic platform of 1894 and the Republican platform of 1896.<sup>2</sup>

Senatorial Elections and Deadlocks

In Oregon, as in various other states, frequent bitter battles were waged throughout entire sessions of the legislature, diverting the attention of the people's representatives from important problems of state. The fact that money changed hands during these encounters was freely charged. In Oregon the controversy was more frequently between factions of the Republican party than between the two major parties, and at times the election of a Senator was possible only by persuading the Democrats to join with one of the Republican factions to secure a majority, as in

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<sup>1</sup>Oregonian, Jan. 7, 1892, p. 6; Jan. 4, 1893, p. 1; Jan. 7, 1893, p. 1; Jan. 27, 1893, p. 2; May 5, 1893, p. 6; cited by Marion Harrington, "The Populist Movement in Oregon, 1889-1896," unpublished Master's Thesis, Department of History, University of Oregon, 1935, pp. 45, 49.

<sup>2</sup>H. C. George, "Political History of Oregon from 1876-1898, Inclusive," The Quarterly of the Oregon Historical Society, III (June, 1902), 117-120.



the election of Senator John H. Mitchell in 1885 and 1901. A hasty survey of Oregon legislatures shows that in 1866, 1882, 1885, 1895, 1897, 1901, and 1903 prolonged deadlocks occurred. In two of these, no election resulted.<sup>1</sup>

The Senatorial election of 1866 marks the first appearance of John Hipple Mitchell as a candidate. In the Union party caucus Governor A. C. Gibbs had twenty-one votes and Mitchell followed with fifteen. By united action the party could have elected Gibbs, but three men bolted and their defection made it impossible to elect either Gibbs or Mitchell. As a compromise, Henry W. Corbett was chosen on the sixteenth ballot with thirty-eight votes.<sup>2</sup> Mitchell was able to win the coveted honor in 1872, after which came two Democratic victories. In 1882 his opponents were able to prevent his election through seventy-five ballots; but the substitution of his law partner, Joseph N. Dolph, broke the deadlock and enabled the Republicans to gain one seat in the Senate.<sup>3</sup>

The regular legislative session of 1885 was one in which the election of a Senator proved to be impossible. Solomon Hirsch received in

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<sup>1</sup>Haynes, op. cit., pp. 38-39.

<sup>2</sup>Walter C. Woodward, The Rise and Early History of Political Parties in Oregon, 1843-1868 (Portland, Oregon: The J. K. Gill Co., 1913), pp. 257-258. For a brief review of Senator Mitchell's career see Dictionary of American Biography XIII (New York: Charles Scribner's Sons, 1934), 53-54.

<sup>3</sup>John H. Horner, Oregon, Her History, Her Great Men, Her Literature (Corvallis, Oregon: Press of the Gazette-Times, 1919), p. 230; George, loc. cit., pp. 112-113; Charles H. Carey, History of Oregon (Chicago-Portland: Pioneer Historical Publishing Company, 1922), I, 827.

the neighborhood of thirty-three votes on most of the sixty-nine ballots. The refusal of eighteen Republicans to vote for Mr. Hirsch, who was the caucus nominee, accounts for the impasse. The legislature was called to meet in extra session in November, by Governor Z. F. Moody. In spite of the bitter strife between Republican factions Mitchell was elected, making Oregon's delegation in Congress solidly Republican. Senator Dolph was re-elected in 1889 and Senator Mitchell in 1891 without difficulty.<sup>1</sup>

In 1895 Senator Dolph was denied the honor of succeeding himself as the result of a long-drawn-out struggle inspired by differences within Republican ranks on the issue of bi-metallicism. Dolph stood firmly for the gold standard. His defeat by George W. McBride, a dark horse, on the sixtieth ballot, destroyed the harmony between the friends of Dolph and Senator Mitchell, who was regarded as the guiding genius of McBride's dramatic victory.<sup>2</sup>

In 1897 Senator John H. Mitchell was again a candidate for the Senate, but the discordant overtones of the fight accompanying Senator Dolph's defeat had destroyed party harmony and the notorious "hold-up" of 1897 was the result. Mitchell had been known as a free silver advocate and he numbered among his friends men of all parties who were

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<sup>1</sup>Horner, op. cit., p. 229; George, loc. cit., pp. 113, 115, 117.

<sup>2</sup>Robert C. Clark, History of the Willamette Valley, Oregon (Chicago: S. J. Clarke Publishing Company, 1927), pp. 691-695; T. T. Geer, Fifty Years in Oregon (New York: The Neale Publishing Company, 1912), p. 388; George, loc. cit., p. 119; Horner, op. cit., p. 262; Oregonian, February 24, 1895, p. 1; September 16, 1900, p. 1.

opposed to the single gold standard. His following included others who in the heat of previous campaigns had formed an attachment to the man which was not dependent upon the political issues at stake. The Oregon Republican state convention, in April 1896, had defeated a resolution against the free coinage of silver at the ratio of sixteen to one and adopted the plank of the Minneapolis convention of 1892 as sufficiently broad for all Republicans to stand on.<sup>1</sup> The silver faction in Multnomah County had bolted, under the leadership of Judge Charles H. Carey and succeeded in electing part of its legislative ticket. The strength of "sound money" Republicans made it necessary for the Mitchell group to seek the aid of Democrats and Populists, when they could not get pledges from Republicans.<sup>2</sup>

Jonathan Bourne, Jr., was one of the silver Republicans on whom Mitchell had depended, but his attachment to "free silver" proved stronger than his allegiance to Senator Mitchell. The original plan called for Bourne to become Speaker of the House. This was before the heat of the 1896 Presidential campaign had forced his resignation from the secretaryship of the Republican state central committee. Mitchell's course in endorsing McKinley without making it clear whether he had or had not changed his stand on the silver issue was considered to be equivocating. Bourne had advocated the election of William Jennings Bryan, in

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<sup>1</sup>Oregonian, Apr. 11, 1896, p. 1; cited by Harrington, op. cit., pp. 80-81; Oregonian, June 17, 1901, p. 10.

<sup>2</sup>Oregonian, May 27, 1896 (editorial), cited by Harrington, op. cit., p. 87.

harmony with his free silver predilection, and found himself politically disowned. Mitchell informed Bourne that the agreement to make him Speaker of the House could not be fulfilled. He also is said to have retracted promises given to W. S. U'Ren that he would favor the submission of a constitutional amendment to the voters permitting direct legislation through the use of the initiative and referendum. It still seemed likely that Mitchell would be re-elected if the legislature organized. The Senate organized promptly, with Joseph Simon as President, but willful absenteeism on the part of a number of Mitchell's opponents prevented the organization of the House. When the date for the close of the legislative session arrived no successor to Senator Mitchell had been chosen.<sup>1</sup>

Senator Mitchell later said that the demoralization of the legislature of 1897 was "chargeable to a corrupt combination . . . organized and held together . . . by the use of an unlimited amount of money and other equally disreputable means and practices and the leading organizers and supporters of which combination were Joseph Simon, H. W. Corbett and Jonathan Bourne."<sup>2</sup>

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<sup>1</sup>Haynes, *op. cit.*, pp. 67-68, 193-194; Harrington, *op. cit.*, pp. 91-92; *Oregonian*, March 20, 1908, p. 9; Geer, *op. cit.*, p. 399f; Clark, *op. cit.*, p. 696f; Harvey W. Scott, *History of the Oregon Country*, (Cambridge: Riverside Press, 1924), II, 54-57. Helen J. Poulton, "The Progressive Movement in Oregon," unpublished doctor's thesis, Department of History, University of Oregon, 1949, p. 10. Horner, *op. cit.*, p. 263. Jonathan Bourne, Jr. to J. K. Jones, January 24, 1897, Bourne Papers, Special Collections, University of Oregon Library.

<sup>2</sup>Letter of John H. Mitchell to the Editor, *Oregonian*, March 18, 1900, p. 9.

This charge was answered by the claim that Mitchell failed of election "because he was not in accord with the principles and purposes of the Republican party on the gravest of the questions then uppermost, and was not then entitled to Republican support. . . . He had always been a supporter of the free coinage of silver . . . and, as he had always been a silver advocate it was a fair and indeed necessary inference that he would so continue."<sup>1</sup>

After the United States Senate had refused a seat to Henry W. Corbett, whom Governor W. P. Lord had appointed to succeed Mitchell, the legislature met in special session in October 1898 and chose Joseph Simon to fill the vacancy.<sup>2</sup> Simon, as an able political manager and advocate of sound money, was able to acquire a strong hold on the party organization in Multnomah County and the state. The circumstances which led to his political decline and Mitchell's rejuvenation are numerous, but the very effectiveness of Simon's control, which gave his opponents an excuse to complain of "boss rule," was certainly not the least among them. Mitchell's return to the political arena was aided by the Democratic party strategy of making imperialism the major issue in the Presidential campaign of 1900, rather than free silver. Mitchell's support of McKinley in 1896 had not been sufficient to keep his Republican following intact. Now Senator Simon was at odds with the administration

<sup>1</sup> Editorial, Oregonian, March 18, 1900; See Eugene Oregon State Journal, February 17, 1900, for another interpretation.

<sup>2</sup> George, op. cit., pp. 121-122; Hornar, op. cit., p. 263; Clark, op. cit., p. 697; Haynes, op. cit., p. 61.

on commercial questions arising out of the acquisition of the Philippines and Puerto Rico. At the same time, Mr. Mitchell was regaining Republican support by his strong stand in favor of expansion. Senator McBride's day of reckoning was approaching. A less dominant leader than either Simon or Mitchell, he was still able to keep federal appointments mainly within the circle of Mitchell's friends. The probability of another deadlock in the legislature of 1901 was the prospect which confronted the politically minded citizen as the election of 1900 approached.<sup>1</sup>

With such a background of legislative deadlocks the desire of Oregon citizens to take the matter of senatorial elections out of the hands of the legislature can be understood. However, the changes which occurred can not be fully explained as an isolated trend. A brief review of the progress of other electoral reforms in Oregon should precede the intensive study of Oregon senatorial elections in transition.<sup>2</sup>

#### Electoral Reforms

Although Oregon was among the early states to adopt the Australian ballot, it was tardy in applying the principle of registration of

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<sup>1</sup>Eugene Oregon State Journal, January 27, 1900; March 31, 1900.

<sup>2</sup>Allen H. Eaton, The Oregon System (Chicago: A. C. McClurg and Company, 1912), p. 92. Mr. Eaton, who was a member of the Oregon legislature, says: "The change was due to Oregon's determination to take the matter out of the hands of the legislature rather than to an inclination on the part of the people themselves to make their own selection." Haynes, op. cit., pp. 194-195.

voters. In 1891 the legislature passed a law requiring the secret ballot in general elections and adopted another measure regulating primary elections in cities having a population of 25,000.<sup>1</sup> Oregon was apparently one of the last states to require the registration of voters. The Statesman's Year Book of 1899 noted that: "Voters must register in order to be able to cast their suffrage in nearly all the states; it is not required in Indiana and Oregon. . . ." <sup>2</sup> A registration law had been passed by the Oregon legislature in 1885, but it was intentionally drawn up in a form which caused it to be thrown out by the Supreme Court.<sup>3</sup> Governor Penneyer, in his inaugural address in 1887, had challenged the right of the court to pronounce an act of the legislature unconstitutional and asserted that the registry law was in full force and effect.<sup>4</sup> Although the Governor's views did not change, neither did the situation with respect to the registration law, until 1899, when the Oregon legislature approved two forward-looking measures. The registration law was passed, and a joint resolution authorizing the submission to the voters of a constitutional amendment permitting the use of the initiative and referendum was also approved.<sup>5</sup> The failure of the legislature to apply

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<sup>1</sup>Ernest C. Meyer, Nominating Systems: Direct Primaries vs. Conventions (Madison, Wisconsin: State Journal Printing Company, 1902), pp. 226-227; Carey, op. cit., p. 837.

<sup>2</sup>Statesman's Year Book, XXXVI (American Edition), 1899, p. ccciv.

<sup>3</sup>Ralph H. Gake, The Election of Governors in Oregon, Unpublished Bachelor's Thesis, University of Oregon, 1913, p. 2.

<sup>4</sup>Horner, op. cit., p. 245; Carey, op. cit., p. 829.

<sup>5</sup>Carey, op. cit., pp. 841-843; Oregonian, Jan. 1, 1900, p. 28; Jan. 11, 1903, p. 16.



the registration law to the primaries, in which delegates to county conventions were chosen, was an unfortunate omission.<sup>1</sup>

There had been scattered experiments with the direct primary at an early period. Of these the best known is that of Crawford County, Pennsylvania. Not all of the experiments could be called direct primaries, as many states simply regulated the local primaries at which party members elected delegates to the county conventions. California and New York enacted laws to protect primaries and nominating caucuses from fraud in 1866, Ohio and Pennsylvania in 1871, Missouri in 1875, New Jersey in 1878; and by 1890 a number of other states had passed laws aimed to eliminate the worst frauds in nominating procedures.<sup>2</sup>

The Democrats of Clackamas County, Oregon, at a time when their party was a power in the political affairs of Oregon Territory, made an effort to democratize their nominating procedure. W. C. Woodward says: "It was apparently as thorough an embodiment of the Direct Primary ideal as that so vigorously acclaimed in Oregon a half century later. . . ." Governor George L. Curry was chairman of the convention which inaugurated the plan March 13, 1858. The report in the Statesman, May 18th, shows that the plan was carried through.<sup>3</sup>

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<sup>1</sup>Oregonian, Jan. 1, 1900, p. 28; Jan. 22, 1900, p. 5.

<sup>2</sup>Samuel P. Orth, The Boss and the Machine (New Haven: Yale University Press, 1921), pp. 169-171.

<sup>3</sup>Walter C. Woodward, The Rise and Early History of Political Parties in Oregon, 1843-1868 (Portland, Oregon: J. K. Gill Company, 1913), p. 129.



The law enacted by the legislature of 1891 regulating primaries in cities of 25,000 or more inhabitants affected only the city of Portland, during the period of its operation. For various reasons it was clear that the need for such a law was greatest in the state's metropolis. It applied the general election qualifications to those who voted in the party primaries. Challenging was permitted, and a declaration of party affiliation was required of those who voted in the primaries. Penalties were prescribed for corrupt practices.<sup>1</sup> However, there was much dissatisfaction with the law. Edward W. Bingham, a Portland attorney who had worked to secure the passage of the Australian ballot law and the registration law, turned his attention to the study of the direct primary. He charged that the primary law of 1891 was gotten up by the machine politicians; that the conventions were systematically packed with the henchmen of the bosses; fraud and violence were frequent. When good men were nominated it was only a means of keeping the main offices under the control of the boss. Bingham thought the power of bossism lay in the system of electing delegates and holding conventions to nominate candidates. In his judgment an ideal primary law would permit direct nomination by party members of nominees for every office from constable to United States Senator.<sup>2</sup>

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<sup>1</sup>Meyer, op. cit., p. 227.

<sup>2</sup>E. W. Bingham, "Direct Primary Elections," The Pacific Monthly, September 1900, p. 211; Oregonian, Sept. 16, 1900, p. 18.

Nationwide interest in the direct primary was stimulated by a speech of Robert M. LaFollette at the University of Chicago in 1897. An epitome of the program of electoral reform he contemplated is contained in the following excerpt:

The remedy is to begin at the bottom and make one supreme effort for victory over the present bad system. Nominate and elect men who will pass a primary election law which will enable the voter to select directly candidates without intervention of caucus or convention or domination of machines. Thus may a permanent reform greater even than the reform effected by the Australian ballot which has so revolutionized the conduct of elections be brought about. Apply the method of the Australian ballot as embodied in the Cooper law to the primary election and let it take the place of both the caucus and convention. Furnish the primary election booth with ballots as under the Australian system and print on the ballot for each party the names of the different candidates proposed for its nominee as candidates for judicial offices are now proposed; provide for the selection of a committee to represent each party organization and promulgate the party platform through such committee composed of party committeemen elected by and for the voters of each party in every assembly district of the state. Provide severe penalties for any violation of the primary election law. Prohibit corrupt influence in or about the election booth and insure an honest count and return the votes as cast. Provide that each man receiving the highest number of votes cast in the ballot box of his party for the office for which he is a candidate shall be the nominee of that party in the general election to follow. In short pass such a measure as the Lewis primary election bill. Under this system you will destroy the machine because you destroy the caucus and convention system through which the machine controls party nominations. You will place the nominations directly in the hands of the people. You will restore to every state in the union the government given to this people by the God of Nations.<sup>1</sup>

LaFollette's speech was followed by an appeal for a national conference on primary election problems, issued by the Political

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<sup>1</sup>Address by Robert M. LaFollette, "Menace of the Machine," Chicago University, February 22, 1897. In Ellen Toralle, et al., The Political Philosophy of Robert M. LaFollette (Madison, Wisconsin: The Robert M. LaFollette Company, 1920), pp. 28-29.

Committee of the Civic Federation of Chicago. The conference, held in New York on January 20 and 21, 1898, was a "stimulus to thought and action along the line of primary reform in every state."<sup>1</sup>

On election day, June 4, 1900, the most influential newspaper in Oregon declared its intention to begin a systematic effort to secure a direct primary law, reasoning that

. . . the nearer you can get to the people as the source of power and the anchor of public safety the more permanent and satisfactory your achievements will be. That is why the popular election of U. S. Senators has been earnestly favored through many years.  
 . . .<sup>2</sup>

The direct primary was made an issue in the election of members of the legislature in 1900. After the election the Oregonian addressed a questionnaire to the members of the legislature of 1901, and replies were printed in the news columns during November, 1900. At this time the most important proposals for primary election reform were being advanced by three attorneys of Portland. Edward W. Bingham and Charles M. Morgan each prepared a comprehensive direct primary bill, while Charles E. Lockwood drew up a bill for the purpose of regulating the primaries at which delegates to county conventions were to be chosen.<sup>3</sup>

There were several possible avenues of approach to the popular election of United States Senators. Advocates of the change might persuade

<sup>1</sup>Meyer, op. cit., pp. 98-99.

<sup>2</sup>Oregonian, June 4, 1900, p. 4.

<sup>3</sup>Oregonian, September 19, 1900, p. 6; September 29, 1900, p. 10; October 3, 1900, p. 8; October 7, 1900, sec. 1, p. 10; December 9, 1900, parr 2, p. 1; December 17, 1900, p. 9; January 6, 1901, p. 22.

Congress to propose an amendment to the Constitution. Sentiment in the House of Representatives had been found favorable, but the Senate had generally ignored the proposal. If the Senate consented there would still be the resistance of state legislatures to overcome; unless the unused method of ratification by conventions in the states was adopted. Progress was being made in many state legislatures by introducing, and occasionally passing, resolutions requesting Congress to authorize an amendment; or, more rarely, to call a constitutional convention at which an amendment might be proposed. Another hopeful avenue of approach was the adoption by the party organization, or the state, of devices for the control of the legislature's action in electing senators. Control by the party was being tested in some of the southern states. Virginia, Mississippi, Arkansas, and North Carolina had taken steps to couple the nomination of United States Senators with their primary elections, by 1900.<sup>1</sup>

An article by Edward W. Bingham appeared in The Pacific Monthly in September, 1900, advocating the direct primary as a means of nominating United States Senators. Mr. Bingham did not claim originality for his proposal, but referred to the Georgia, Alabama, and Texas Democratic party primaries as instances of its successful application. In adapting the idea to the two-party system he suggested some original innovations. The candidates who aspired to be Senators would be nominated in direct primaries by their parties. When matched against

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<sup>1</sup>Meyer, op. cit., pp. 118-119. Haynes, op. cit., pp. 194-195.

each other in the general election the result would indicate the people's choice. The law would declare that the legislature should obey the people's mandate, but public opinion would be the only means of enforcement. It would be an easy matter to pledge the candidates--if elected--to carry out the wishes of their constituents. Since public opinion controlled the election of President and Vice-President by the Electoral College, it would also operate effectively in Senatorial elections, thought Mr. Bingham.<sup>1</sup>

G. W. Colvig, a representative in the Oregon Legislature from Josephine County, favored such a plan in his reply to the questionnaire addressed to members of the 1901 legislature by the Oregonian. The questionnaire has related mainly to the direct primary, but contained this question: "If you have a definite plan in mind or a bill formulated, will you please outline it for the readers of the Oregonian?"

Mr. Colvig replied:

I am also in favor of some measure which will give the voter a right to express his choice in the primary for United States Senator in all elections following, for which members of the legislature are chosen, who will be required to vote for such officer. Whether the latter measure can be so framed as to make the choice of a political party thus expressed obligatory on the Senator or Representative-elect of such party, or only as a letter of instruction or preference, I am not yet settled as to my opinion. I have collected some data from other states on the subject, and intend to examine the statutes of those states before framing a measure.<sup>2</sup>

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<sup>1</sup>Bingham, op. cit., pp. 213-214.

<sup>2</sup>Oregonian, November 16, 1900, p. 5; November 19, 1900, p. 1.

In the same paper with Mr. Colvig's reply Franklin P. Mays, a state Senator from Multnomah County, was quoted to the effect that the new system of direct primaries could not be worse than the present one and was likely to prove much better. Early in January, 1901, it was announced that: "State Senator F. P. Mays will introduce a bill at the coming session of the Legislature to provide for the election of United States Senators by direct vote of the people, so far as the same may be done without conflict with the Constitution of the United States. . . ."<sup>1</sup>

When the legislature of 1901 convened it was requested by Governor T. T. Geer to petition Congress to call a national convention for the purpose of proposing a constitutional amendment to provide for direct election of United States Senators. The Governor stressed the fact that the House had four times approved such an amendment but the Senate had not acquiesced.<sup>2</sup>

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<sup>1</sup>Oregonian, January 8, 1901, p. 7. The Mays Law will be discussed in Chapter III.

<sup>2</sup>Message of Governor T. T. Geer to the Oregon Legislature, January 15, 1901, Senate Journal (Salem, Oregon: W. H. Leeds, State Printer, 1901), Appendix, pp. 29-30. Editorial comment was favorable. Oregonian, January 16, 1901. George H. Haynes, The Election of Senators (New York: Henry Holt and Company, 1906) gives a full account of the movement for election of Senators by the people.

## CHAPTER II

### THE ELECTION OF JOHN H. MITCHELL, 1901

Comprehension of the dominant role of United States Senators in state politics is the key to an understanding of the Oregon political situation in 1900. Members of the House of Representatives exercised some control over federal patronage within their respective districts, but the Senators' influence was state wide. If the senior and junior senators worked harmoniously with the administration and each other it was possible to build a political machine operating in the ranks of customs officials, postmasters, and the staffs of the various land offices throughout the state. The strategic geographical location of these individuals made it possible to exert an influence through them upon local politics and government. The particular phase of local politics and government which mattered most to the aspirant for a seat in the United States Senate was the action taken in the various county conventions regarding the nomination of candidates for the state legislature. In Oregon the county convention which mattered most was that of Multnomah County, a relatively small county in area but by far the most populous county in the state.<sup>1</sup> Control of the legislative

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<sup>1</sup>The population of Portland in 1900 was 90,426. By 1910 it had increased to 207, 214. Charles H. Carey, History of Oregon (Chicago-Portland: Pioneer Historical Publishing Company, 1922), I, 784. Between 1900 and 1910 the urban population increased 130% while the rural increased thirty per cent. Robert Carlton Clark, History of the Willamette Valley (Chicago: S. J. Clarke Publishing Co., 1927), p. 728.



delegation from Multnomah County (one might well say from Portland) was an almost indispensable condition for success in a senatorial contest. From the time of the completion of the transcontinental railroad to Portland in 1883 until the United States declared war on Germany in 1917 only two senators were elected from Oregon whose homes were outside Portland. This was not accomplished without much planning nor without a struggle. Local pride was strong and the dominant influence exerted by the metropolis was not accepted blithely by the up-state counties, but it could not be disregarded.

The success of the Multnomah delegation in electing senators does not prove that it acted as a unit. In fact, the struggle which occurred in the legislature might be regarded as the continuation of the campaigns in which the Multnomah delegation was elected.

#### The Election of the Legislature of 1901.

The election of the legislature in June 1900, and the ensuing election of a Senator at Salem in January 1901 witnessed the projection of the Portland factional fight between "Simon Republicans" and "Mitchell Republicans" into the politics of the state at large.

George W. McBride, who had succeeded Joseph N. Dolph in 1895, was the incumbent Senator. Having been elected once as a dark horse, it was not possible for the element of surprise which had gained him the victory in 1895 to be used as strategy, and the record which he had



made in the Senate was not impressive.<sup>1</sup>

Others who were regarded as seekers of the office included Henry W. Corbett, Portland business leader and former United States Senator; Binger Hermann of Roseburg, Commissioner of the General Land Office; State Senator Charles W. Fulton, of Astoria; Judge Stephen A. Lowell of the Sixth Judicial District in eastern Oregon; and the perennial candidate John Hipple Mitchell.<sup>2</sup>

On March 5, 1900, the Senate of the United States was discussing the question of seating a Senator-elect from Pennsylvania and in the course of the debate a Senator from Montana referred to the Corbett case (of 1897-98) in such a manner as to draw the ire of Joseph Simon. Simon's reply in the Senate, March 6, 1900, was a defense of Mr. Corbett against the charge that he had conspired to hold up the legislature of 1897 and receive the senatorship by appointment from the Governor. His address received publicity and editorial comment in Oregon and brought forth John H. Mitchell's "letter on politics," which was printed in the Oregonian of March 18, 1900, as a reply to Simon's charge that Mitchell was the cause of the hold-up legislature. In Mitchell's letter the forty-seven Republicans who had been favorable to his election in 1897 were named, as well as the ten Republicans who

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<sup>1</sup>Oregonian, Editorial, January 22, 1900; September 16, 1900, p. 1. Medford Mail, Editorial, November 11, 1900; Klamath Falls Express, January 3, 1901.

<sup>2</sup>Oregonian, February 22, 1900, p. 1; March 18, 1900, p. 18; July 15, 1900, p. 1; September 16, 1900, p. 1; January 24, 1900, p. 8. Eugene Oregon State Journal, January 27, 1900, mentioned Harvey W. Scott as a possibility, and carried Lowell's statement, March 24, 1900.

refused to take the oath of office or attend the joint session. He blamed Bourne, Simon, and Corbett for the hold-up. Mr. Corbett's reply to Mr. Mitchell was printed on the 20th of March. He defended his own course of action and made several accusations against Mitchell, among them being the charge that Mitchell had always used large sums of money to keep his seat in the Senate. The Salem Capital-Journal commented that Mitchell's letter settled one thing—that he was a candidate—but the editor preferred Simon as one who was showing himself to be an independent man in the Senate.<sup>1</sup>

The regular Republicans had little difficulty in controlling the Multnomah County convention on April 9, nominating a ticket of legislative candidates favorable to the election of a Simon Republican.<sup>2</sup> On April 19, after the state and congressional district conventions, the minority group of Republicans in Multnomah County held a convention with some of the Democrats and nominated a "Citizens Legislative Ticket."<sup>3</sup> There was a temporary connection between this group and a "Good Government League" which had been recently started in Portland, but which was soon divided into warring factions.<sup>4</sup>

<sup>1</sup>Oregonian, March 7, 1900, p. 1; March 8, 1900, p. 12; March 12, 1900, p. 2; March 18, 1900, p. 8; March 18, 1900, p. 6; March 20, 1900, p. 8. Salem Capital-Journal, quoted April 8, 1900, p. 10, by Oregonian. Eugene Oregon State Journal, January 27, 1900, said "The party favors Mitchell."

<sup>2</sup>Oregonian, April 10, 1900, p. 1; November 26, 1901, p. 6; April 24, 1902, p. 6.

<sup>3</sup>Oregonian, April 20, 1900, p. 8.

<sup>4</sup>Oregonian, May 14, 1900, pp. 4 and 8; May 26, 1900, p. 12; May 30, 1900, p. 8.

The "Citizens Ticket" nominees declared themselves favorable to a direct primary law, tax reform, and a new city charter for Portland. The Republican Club of Portland, through Charles E. Lockwood, secretary, gave publicity to a resolution asking voters to support only those candidates who pledged to vote and work for a direct primary law. Edward Bingham had announced his independent candidacy for the office of joint representative of Clackamas and Multnomah Counties with the purpose of promoting passage of a direct primary law. The press release by Lockwood mentioned Bingham as a supporter, but did not refer to the stand taken by the regular Republican candidates for the legislature.<sup>1</sup> The Oregonian advised its readers that the Republican Club of Portland had no standing among reputable Republicans and that its secretary was an agent of the "Mitchell-McBride push."<sup>2</sup> Thirteen other candidates not included in the "Citizens' Ticket" announced their support of a primary law.<sup>3</sup> W. S. U'Ren announced his support of the regular Republican legislative candidates because of the assurance of their support for the initiative and referendum amendment, and because of their previous record of keeping such a pledge.<sup>4</sup>

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<sup>1</sup>Oregonian, May 6, 1900, p. 8; May 19, 1900, p. 6; May 31, 1900, p. 5; June 1, 1900, p. 5.

<sup>2</sup>Oregonian, June 2, 1900, p. 6.

<sup>3</sup>Oregonian, May 19, 1900, p. 12.

<sup>4</sup>Oregonian, June 1, 1900, p. 8.

The logic of the "Citizens' Ticket" appeal that certain desired reforms would be granted if the Republican ticket is not successful in Multnomah County and if the Republican ticket is successful outside Multnomah County was scouted by the Oregonian.<sup>1</sup>

The power behind the "Citizens' ticket" was said to be the "Federal Brigade" of officeholders. The charge was made that the federal officeholders were making up a "pot" of cash to use for the election of the "Citizens' Ticket."<sup>2</sup> The use of anonymous circulars and bullies at the polls was laid at the door of the "Citizens' Ticket" promoters.<sup>3</sup>

The Multnomah Democratic primaries and convention held on March 24 and 31 revealed a cut-and-dried program similar to that which secured the nomination of the regular Republican candidates. The primaries were only ratification meetings. In the convention two slates were presented, both made by the same faction. On May 3 an assembly of straight Democrats was held which rejected the fusion "Citizens' Legislative Ticket," except for the candidates who were known Democrats, and nominated others to make a full ticket.<sup>4</sup>

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<sup>1</sup>Oregonian, May 31, 1900, p. 5.

<sup>2</sup>Oregonian, Ibid., and May 31, 1900, p. 6; June 1, 1900, p. 8; June 6, 1900, p. 6.

<sup>3</sup>Oregonian, May 23, 1900, p. 6; June 2, 1900, p. 8.

<sup>4</sup>Oregonian, March 25, 1900, p. 24; April 1, 1900, p. 1; May 3, 1900, p. 8.

Shortly before the election of June 4, 1900 it was heralded about that the real fight in Multnomah County was between Republicans and so-called Republicans, the Democrats and Populists having almost completely disappeared.<sup>1</sup> The official count showed an almost complete victory for the "Citizens' Legislative Ticket." George L. Story and A. S. Dresser were the only two regular Republican nominees for Multnomah County to win a seat in the legislature. Dresser's victory meant a defeat for Edward W. Bingham, but did not crush his hope for a direct primary law.<sup>2</sup>

The victory of the Multnomah "Citizens' Ticket" was generally regarded as a blow to the prestige of Joseph Simon. While he was not to stand for re-election until 1903, he had lost the hold-over state senators who would still be in the legislature at that time. Of the defeated ticket the Oregonian had this to say:

That ticket, notoriously, was nominated by a few men, who seemed to think the county committee had full right of dictatorship. It was an error but no new thing. . . . It was the habit always of Mr. Mitchell and his supporters, in whose school the method was learned. But the inveteracy of abuse is no excuse for it. Again this ticket was not more a 'ring' ticket or a bosses' ticket than was the Citizens ticket by whom it was opposed; for this last-named ticket was selected by an inner circle of as few men as those who dictated the other or fewer. . . .<sup>3</sup>

<sup>1</sup>In one respect this statement was incorrect, for George E. Chamberlain, Democrat, was chosen District Attorney in this election. Oregonian, June 1, 1900, p. 6; June 6, 1900, p. 3; June 19, 1900, p. 12.

<sup>2</sup>Ibid.

<sup>3</sup>Oregonian, (Editorial) June 13, 1900, p. 6. Statement by Republican City and County Central Committee, July 31, 1900, p. 8.

In the upstate counties the dispute over "fusion" was still a prominent feature of Populist gatherings.<sup>1</sup> The conventions of both Populist groups were held in Portland simultaneously with the Democratic and Republican state conventions. Efforts to bring the two Populist groups together failed, but the fusion-Populists yielded to the overtures of the Democrats and ". . . between 60 and 70 delegates to the Populist Convention headed by W. R. King, of Ontario, marched into the Democratic convention and with the Democratic delegates formed an assembly of electors for the purpose of nominating the candidates put up by the two conventions."<sup>2</sup> The middle-of-the-road Populists, disregarding an attempt by the Social Democrats to secure their support for Debs and the full Socialist ticket, adopted a platform favoring the initiative and referendum, the direct election of United States Senators, government ownership of all public utilities, all money to be issued by the Government and not through banking corporations, and other national and state issues.<sup>3</sup>

The Republican state convention favored the initiative and referendum, the registration law, and a constitutional amendment to provide for the election of Senators by direct vote of the people, along with other planks.<sup>4</sup>

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<sup>1</sup>Eugene Oregon State Journal, February 17, 1900; February 24, 1900; May 10, 1900; May 5, 1900.

<sup>2</sup>Oregonian, April 14, 1900, p. 4; April 14, 1900, p. 5; Eugene Oregon State Journal, April 21, 1900.

<sup>3</sup>Oregonian, April 14, 1900, p. 5.

<sup>4</sup>Oregonian, April 12, 1900, p. 12; April 13, 1900, pp. 3-5.

The legislative contest in the state at large was a struggle between regular Republican nominees and the Democratic-Populist fusionists. In the latter part of May Colonel E. Hofer, a Fusion candidate for the legislature, announced that if elected, he would work for the immediate organization of the legislature and the early election of a Senator. If the legislature had a Republican majority, he would vote for the best straight Republican; if the opposition controlled the legislature, he would vote for the best opposition man.<sup>1</sup>

Inquiries from Roseburg and Astoria expressed concern over the reports that R. A. Booth and Charles W. Fulton were known to be against entering a caucus on the senatorial election, unless their candidate was assured of endorsement.<sup>2</sup> From Forest Grove came the report that the nominees on the Union (fusion) ticket had refused to sign a pledge that they would not vote for Mitchell, McBride, or anyone not pledged to the principles of Bryan, and the initiative and referendum.<sup>3</sup>

When the complete official list of legislators approved in the June 4 election was printed it showed a variety of party names. In the Senate there were twenty Republicans, one Democrat, four Citizens, one Union party, two People's party, one Democratic-Peoples, and one Citizens-Democratic-People's-Union. The House list was hardly less

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<sup>1</sup>Oregonian, May 23, 1900, p. 4.

<sup>2</sup>Oregonian, May 23, 1900, p. 12; May 25, 1900, p. 7.

<sup>3</sup>Letter of T. H. Brown, Oregonian, June 3, 1900, p. 4.



confused. There were thirty-five Republicans, two Democrats, fourteen Citizens', three Union party, five Democratic-Peoples, and one Democratic-Peoples-Silver Republican.<sup>1</sup> The hyphenated names soon fell into disuse, resulting in a much larger group of Democrats appearing for the legislative session than the returns indicated, and a few more Republicans. The number of Republicans was considered a safe guarantee of the election of a Republican Senator, but none of the three candidates acceptable to the Mitchell faction (McBride, Fulton, and Mitchell) was said to have a hope of being elected, except by a deal with the Democrats.<sup>2</sup>

#### Senatorial Timber

The official announcement of Corbett's candidacy came under peculiar circumstances. E. E. Peterson had filed a damage suit against Corbett, asking one hundred thousand dollars damages and alleging the alienation of the affections of his wife as the ground for complaint. Corbett returned quickly from Long Beach, Washington, denying any improper influence over Mrs. Peterson. He interpreted the suit as an attempt to injure him politically and thanked the friends who had expressed confidence in him by numerous letters from different parts of the state. In the announcement of his candidacy he said:

Previous to the recent acts of my political enemies I had hesitated to become again a candidate for the United States

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<sup>1</sup>Oregonian, June 29, 1900, p. 4; Eugene Oregon State Journal, June 9, 1900.

<sup>2</sup>Oregonian, June 9, 1900, p. 8.



Senate, I now offer my services to the state in that capacity, pledging myself to fight for the best interests of the state with the same energy I use in fighting all blackmailing, all forms of repudiation, for the development of the Oriental trade, and for whatever will make Oregon and the Northwest great and prosperous.<sup>1</sup>

One view of the case which did not discern political motives behind the incident, regarded Mr. Corbett as a frequent dispenser of charities who was being blackmailed.<sup>2</sup>

The suit against Corbett was dismissed during the first week in September, after George W. Joseph, attorney for the plaintiff, had failed to secure postponement on account of Peterson's absence from the state. Cyrus Dolph, who with John M. Gearin represented Corbett in the case, said that it was a scheme "to obtain money from one innocent of any wrongdoing other than giving aid to an undeserving woman who had piteously begged his charity in behalf of her paralyzed father."<sup>3</sup>

Soon after the re-election of McKinley, Corbett expressed his views on the Philippine question, favoring expansion but not colonialism.<sup>4</sup>

The Oregon State Journal, noting Senator Simon's prediction of a Corbett victory, expressed the view that it would be the only circumstance which would save Simon from defeat by the opposing faction of the Republican party in 1903.<sup>5</sup>

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<sup>1</sup>Oregonian, July 14, 1900, p. 12; July 15, 1900, p. 1; July 15, 1900, p. 6.

<sup>2</sup>Eugene Oregon State Journal, July 21, 1900.

<sup>3</sup>Oregonian, September 6, 1900, p.12.

<sup>4</sup>Oregonian, November 10, 1900.

<sup>5</sup>Eugene Oregon State Journal, November 24, 1900.

Senator John Daly of Benton and Lincoln Counties in announcing his support of Corbett stressed his experience and integrity in the financial world. He was regarded as above the necessity of entering into crooked deals because he was wealthy. His kindness and generosity had caused him to be victimized by those he had befriended, according to Daly.<sup>1</sup>

The support of Harvey W. Scott was another of Corbett's assets as a candidate. He referred to Corbett as the leading candidate, declaring that the Oregonian wants Mr. Corbett elected Senator because it wants things done for Oregon, also because he holds sound and distinct opinions on questions of national polity. "It [the Oregonian] is not much concerned about the interests of officeholders or office seekers and it is of the opinion that they ought not be permitted to dictate the election of the Senator."<sup>2</sup>

The Medford Mail supported Corbett, believing that a popular vote on the senatorship would elect him. An eastern Oregon paper which also favored him was the Baker City Republican.<sup>3</sup>

Binger Hermann, a former Oregon congressman, was now at Washington, D. C., serving as Commissioner of the General Land Office in the Department of the Interior. Hermann was a "lame duck" appointee, having

<sup>1</sup>Oregonian, December 22, 1900.

<sup>2</sup>Harvey W. Scott, (Editorial) Oregonian, January 10, 1901, p. 8; also Oregonian, September 16, 1901, p. 1.

<sup>3</sup>Medford Mail, December 7, 1900; December 14, 1900; December 21, 1900; December 28, 1900. The Eugene Oregon State Journal, December 23, 1900, thought that it was "Corbett against the field"; January 5, 1901, quoted the Baker City Republican.

received the office from McKinley because of his work in the 1896 campaign. Oregon had been a doubtful state in 1896 but was not considered so in the 1900 campaign.<sup>1</sup> With the circumstances not favorable for Hermann's reappointment it seemed probable that he would cut a figure in the senatorial election, perhaps as a dark horse in his own right, because he did not have the backing of either McBride or Simon.<sup>2</sup>

During the summer and early fall Mitchell disavowed all intention of being a candidate, but there was a strong suspicion that at the proper moment his candidate would be Mitchell. Apparently he had not yet taken a clear-cut stand on the currency issue. Some said that he had gone East to avoid taking a hand in the presidential election in Oregon. If Bryan should be elected, Mitchell's stand on silver might bring him Democratic and Populist support. Another story about his eastern trip was that he intended to see Mark Hanna and campaign for McKinley.<sup>3</sup> Later on, during the legislative session, accusations were made that Hanna was taking a hand in the Oregon senatorial election, dispensing federal patronage as the price to be paid for support for his "ship subsidy steal."<sup>4</sup>

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<sup>1</sup>Oregon as a seaboard state interested in Oriental trade had less enthusiasm for the anti-imperialist platform than it had demonstrated on the issue of bi-metallism. Verne Blue, The Political Trends Apparent in 1898 and the Oregon Election, Unpublished Bachelor's Thesis, University of Oregon, U. O., pp. 14, 57.

<sup>2</sup>Oregonian, September 16, 1901, p. 1.

<sup>3</sup>Oregonian, September 16, 1900, p. 1; Eugene Oregon State Journal, June 30, 1900; July 14, 1900.

<sup>4</sup>Portland Weekly Dispatch, February 14, 1901; January 17, 1901; and January 24, 1901.

During the last week of the presidential campaign Mitchell made speeches at Jacksonville, Eugene, and Salem. At Salem he explained his stand on silver as closely parallel to that of McKinley.<sup>1</sup> At Jacksonville and at Eugene he used statistics to demonstrate the difference between the effects of Democratic and Republican policies upon commercial and industrial interests, and contrasted the government's financial status at the end of Harrison's administration with that at the end of Cleveland's. He referred to imperialism as a "scarecrow" put up in the political cornfield to frighten Americans and carry an election, and made clear his feeling about Bryan by saying that his approval of the treaty with Spain was the only good thing Bryan had ever done.<sup>2</sup>

#### Organizing for a Contest

It was the custom for the state legislators to hold party caucuses on the evening before the opening of the legislative session to perfect their organization and develop strategy. It was a common practice for a man to attend this caucus who might later absent himself from the senatorial caucus.<sup>3</sup> But it was thought improbable that those elected on the "Citizens' Legislative Ticket" from Multnomah County would try to enter the Republican caucuses. However, that is what happened in the

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<sup>1</sup>Oregonian, October 31, 1900.

<sup>2</sup>Eugene Morning Register, November 3, 1900, p. 1; November 4, 1900, p. 1.

<sup>3</sup>Oregonian, September 16, 1900, p. 1; Eugene Oregon State Journal, October 13, 1900.

caucus on organization. The chief aspirants for the presiding officer of the Senate were Charles W. Fulton of Clatsop County, favored by the Mitchell-McFarlane group, and W. A. Howe, of Carlton in Yamhill County, who was favored by the Corbett and Simon group. Candidates for the speakership were J. W. Smith of Marion, George L. Story of Multnomah, L. B. Reeder of Umatilla, L. T. Harris of Lane, and G. W. Colvig of Josephine County.

Jonathan Bourne was acting as a mentor for Howe, who was in Boston and New York during December. He advised Howe by letter that he had talked to Joseph Simon and received the assurance that Howe could be elected if he would pledge the committees, but not if he was unpledged. Howe had been reluctant to make pledges, but Bourne advised him to at least pledge the chairmanships, suggesting George C. Brownell for the Railroad Committee, E. F. Hulsey for the Ways and Means, and L. L. Porter and John D. Daly for other assignments. Bourne advised pledging the chairmanships and appointing them according to the promises made, but making the majority of the committeemen those who could be depended upon to work for "fair and honest legislation." If Howe would authorize Bourne to make these arrangements, he was ready to call on Senator Simon and Graham Glass. But Bourne left the matter to Howe's judgment.<sup>1</sup>

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<sup>1</sup>Jonathan Bourne, Jr. to W. A. Howe, December 12, 1900, Jonathan Bourne, Jr., Papers, Special Collections, University of Oregon Library. Hereafter cited as Bourne Papers.

What Mr. Bourne meant by "fair and honest legislation" is not certain, but a glance at one of his business letters may suggest that his standard was not impeccable:

State Land Purchases: I am only attempting to buy those lands on which we have claims located with the exception of about 160 acres which we need to protect our water rights and possible mill sites and cover part of the granite quarry. I have applied for all lands belonging to the State that we can possibly want for extensive mining operations so as to get it all appraised at one time and while the weather is bad (expecting on that a/c appraiser will place a low valuation). If appraiser places high valuation then we simply decline to purchase, rest on our leases and 30 yr. contracts as far as the State title and see if we can't get through some favorable legislation in the next legislature and if we fail in that then get the United States to take the land away from the State. Am only trying to get all possible strings in our own hands. As to taxes, as long as we operate the properties we have we can control the politics of the County and elect our own Co. Commissioners.<sup>1</sup>

Bourne seemed confident of Howe's election when he invited him to Portland shortly before the opening of the legislature for a "game of golf" and it seems plausible that Howe had agreed to the terms mentioned, since Bourne now asked him to reserve one of four specified chairmanships for his friend, Dr. A. C. Smith.<sup>2</sup> However, in the Republican caucus Fulton received a large majority, and the "Citizens' Ticket" Republicans were on hand voting for him. L. B. Reader of Umatilla County was endorsed for the speakership. The Republican caucus favorites had no trouble defeating their Democratic rivals when the houses were organized on January 14, 1901.<sup>3</sup>

<sup>1</sup>Bourne to Charles E. Ladd, November 8, 1900, Bourne Papers.

<sup>2</sup>Bourne to W. A. Howe, January 8, 1901, Bourne Papers.

<sup>3</sup>Klamath Falls Express, January 17, 1901; Astoria Herald, January 19, 1901; Eugene Oregon State Journal, January 19, 1901.

Although Reeder's election as Speaker of the House was thought to be a Corbett victory, Fulton's complete domination of the Senate appeared to suggest the defeat of Corbett. "The enthusiasm for Corbett, if enthusiasm it can be called, has the ring of a paid puff in a grafting newspaper," said the Pendleton East Oregonian.<sup>1</sup>

The ruling faction's policy in the distribution of Senate clerkships was severely criticized.<sup>2</sup>

The senatorial caucus of the Republicans presented a different prospect from that of the caucuses on organization. Senator McBride's friends favored a viva voce vote in the caucus, and wanted the method of balloting settled before the caucus call was signed. Corbett wished to leave the procedure to the decision of the majority in the caucus.<sup>3</sup> On January 11, 1901 it was reported that a paper was being circulated and signed among the McBride men. It was an agreement to decline to enter a caucus unless the entire Republican membership was present and participating. It was also reported that the agreement specified voting by voice and was to be binding when signed by eighteen. The signers at that time numbered about twelve. The next day the report was that the "Federal Brigade" asserts there will be no caucus on the senatorship.<sup>4</sup>

<sup>1</sup>Editorial, January 18, 1901.

<sup>2</sup>Pendleton East Oregonian, January 25, 1901; Portland Weekly Dispatch, January 17, 1901; Klamath Falls Express, January 24, 1901; Oregonian, January 16, 1901, p. 4; January 18, 1901, p. 4.

<sup>3</sup>Oregonian, January 6, 1901, p. 6.

<sup>4</sup>Oregonian, January 11, 1901, p. 8; January 12, 1901, p. 8; See also Medford Mail, January 4, 1901.



Representative A. R. Mattoon of Douglas County said he had received a special visit from an emissary of the McBride group, who tried to get his signature on the no-caucus agreement. He had refused to sign it because he was interested in securing a capable senator and believed there were a hundred in Oregon who could serve well.<sup>1</sup> Democrats in the legislature were disturbed over the possibility of a defection in their ranks because of the heavy pressure the McBride group was putting upon them.<sup>2</sup>

#### The Battle in the Legislature

Senator McBride arrived in Salem on January 13 and set up headquarters at the Willamette Hotel. Mr. Corbett arrived, with Mrs. Corbett, on the fifteenth, and also established headquarters at the Willamette. Mr. Mitchell came on Wednesday morning, January 16, to " . . . aid in any proper way in my power the re-election of my friend Senator McBride."<sup>3</sup> Among the others who moved to Salem for the session was Jonathan Bourne, Jr., who worked actively throughout the session to promote the interests of Corbett.<sup>3</sup>

It was also noticed that several of the prominent and less prominent federal officeholders were present in Salem, but the roll

<sup>1</sup>Oregonian, January 13, 1901, p. 1.

<sup>2</sup>Oregonian, January 12, 1901, p. 8.

<sup>3</sup>Oregonian, January 16, 1901, p. 4; January 17, 1901, p. 4. Bourne to A. E. Palmer, February 2, 1901, Bourne Papers.



call of the "Federal Brigade" continued to show some important absentees.<sup>1</sup>

Toward the end of the first week of the session a Republican caucus call was being freely signed in Salem. The only condition in the call was that it should be binding when signed by a majority of the legislature. The manner of voting was to be left to a decision of the caucus.<sup>2</sup>

On Monday, January 21, the senatorial caucus was attended by thirty-eight Republicans, but since forty-six were required to elect a Senator no action was taken, except to plan a second gathering for Wednesday evening to which the "minority" were invited.<sup>3</sup> The first ballot in the houses was taken January 22, with twenty-eight votes for Corbett, twenty-five for William Smith, the Democratic nominee, nineteen for McBride, and eight for Hermann. George H. Williams, C. W. Fulton, H. C. George, F. A. Moore, and T. C. Taylor received one or two votes each. After the second caucus on Wednesday had failed to receive a reply from the supporters of McBride, and since the vote in joint session of the houses was unchanged, the Republican majority (Corbett men) offered the minority (McBride supporters) the concession that they would agree to a viva voce vote in caucus.<sup>4</sup> The elimination of Mr. Corbett as a candidate was proposed by minority members as the only basis on which they

<sup>1</sup>Oregonian, January 15, 1901, p. 1. See also Oregonian, January 12, 1901, p. 8, for a roll of the "Federal Brigade."

<sup>2</sup>Pendleton East Oregonian, January 18, 1901.

<sup>3</sup>Oregonian, January 22, 1901, p. 1.

<sup>4</sup>Oregonian, January 25, 1901, p. 4; Eugene Oregon State Journal, January 26, 1901; February 2, 1901.

would agree to join in a caucus.<sup>1</sup> Mr. Corbett, interviewed at his home, refused to withdraw in the interest of harmony as he had done two years before. He made no criticism of the "Citizens' Ticket" members because they were not pledged to a candidate.<sup>2</sup> Rumors of McBride's intention to withdraw and of Mitchell's willingness to be a candidate preceded the presentation of a report to the majority caucus by its investigating committee that the minority Republicans would not enter a caucus or aid the majority in electing a senator.<sup>3</sup>

At this point straws which indicated a change in the wind appeared. Speaker Reeder shifted his support to Corbett, explaining later to McBride that he had learned that McBride's following did not expect him to be elected, but expected a fusion of Democrats and the Republican minority to elect Mitchell.<sup>4</sup> The Medford Mail viewed Reeder's vote for Corbett as a large size bombshell thrown into McBride's camp, and reported joy in southern Oregon over the fact.<sup>5</sup> Senator McBride gained the vote of A. S. Dresser, joint representative of Clackamas and Multnomah Counties, offsetting the numerical loss of Reeder, but not its

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<sup>1</sup>Oregonian, January 31, 1901, p. 4.

<sup>2</sup>Oregonian, January 30, 1901, p. 8; Portland Weekly Dispatch, January 31, 1901.

<sup>3</sup>Ibid.; and Oregonian, January 27, 1901, p. 4; February 1, 1901, p. 3; February 6, 1901, p. 4; Eugene Oregon State Journal, February 9, 1901.

<sup>4</sup>Oregonian, February 7, 1901, p. 4; Portland Weekly Dispatch, February 14, 1901; Pendleton East Oregonian, February 8, 1901.

<sup>5</sup>Medford Mail, February 8, 1901.

psychological effect. It might even be doubted that Dresser's accession was a gain, for he was soon widely publicized as a traitor to Corbett. The Oregonian printed a facsimile of the pledge signed by Dresser and expressed doubt concerning his motives, commenting, "a trading and trafficking politician like Mr. Dresser, posing on the purity of his motives is not an impressive moral spectacle."<sup>1</sup> The Tacoma News was quoted on the incident:

Mr. Dresser of Clackamas County must have felt undressed after the dressing down addressed to him in the Oregonian. But there is no redress for Dresser. The violation of a written pledge is a very nasty charge and Mr. Dresser's explanation is one that simply does not explain. A traitor in politics deserves no sympathy.<sup>2</sup>

About the same time it was rumored that the friends of Harvey W. Scott were attempting to induce him to allow his name to be introduced as a candidate.<sup>3</sup> Mitchell was now known to be contacting the Democratic leaders in an effort to secure the endorsement of a Democratic caucus. Chairman J. J. Whitney pointed out that a Democratic minority could not be bound by a majority vote in the caucus, since no Democrat could be read out of his party for refusing to vote for a Republican.<sup>4</sup> On Saturday, February 9, 1901, George W. McBride withdrew from the contest

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<sup>1</sup>Oregonian, (Editorial) February 22, 1901, p. 6; also Oregonian, February 7, 1901, p. 4; February 21, 1901, p. 1; February 22, 1901, p. 4.

<sup>2</sup>Portland Weekly Dispatch, March 14, 1901.

<sup>3</sup>Oregon City Courier Herald, February 8, 1901, p. 7.

<sup>4</sup>Oregonian, February 6, 1901, p. 4; February 9, 1901, p. 4. See communication from J. J. Whitney in Eugene Oregon State Journal, April 27, 1901.

and his followers cast their votes for George H. Williams. There were twenty-one members not voting or paired, but the vote stood: Corbett, twenty-five; Williams, twenty; Smith, nineteen; Hermann, four. Senator McBride's consent to withdraw was obtained by a committee composed of R. A. Booth, Dr. William Kuykendall, J. N. Williamson, and one or two others. Mr. Mitchell was present at least part of the time.<sup>1</sup>

The scene now began to change more rapidly. Corbett's vote rose until the twelfth of February when he had thirty-two votes. Binger Hermann became the beneficiary of the opponents of Corbett on a few ballots, receiving their twenty-nine votes on the twelfth. R. D. Inman, who was exerting himself to keep the Democrats away from Mitchell, received twenty-six votes on the same day.<sup>2</sup>

Harvey W. Scott's name was broached by the Pendleton East Oregonian, a Democratic paper, on February 15. Its theory was that if an eastern Oregon man could not be chosen the Democrats and Populists should join in choosing the best man for the place. A victory for Stephen A. Lowell, the eastern Oregon candidate, on the last day of the session, was thought to be a possibility by the Astoria Herald.<sup>3</sup>

<sup>1</sup>Oregonian, February 10, 1901, p. 1; Astoria Herald, February 16, 1901. Pendleton East Oregonian, February 15, 1901, stated that ex-Governor Penney advised Democrats to vote for Williams.

<sup>2</sup>Oregonian, February 13, 1901, p. 4; February 14, 1901, p. 4; February 16, 1901, p. 4; Astoria Herald, February 23, 1901; Medford Mail, February 15, 1901; Eugene Oregon State Journal, February 16, 1901; Klamath Falls Express, February 21, 1901.

<sup>3</sup>Pendleton East Oregonian, February 15, 1901; Astoria Herald, February 16, 1901.

The papers of February 19 carried accounts of two significant developments. One was the signing of an "ironclad agreement" by thirty-two Republicans to vote for no one else but Henry W. Corbett until the end of the session. This had been supplemented by an ultimatum to the minority Republicans charging them with the responsibility for failure to elect a Senator if that was the outcome. This agreement had been arranged by Jonathan Bourne, Jr.<sup>1</sup> The other development was an alleged "deal" between Mitchell, Walter F. Matthews, and those Democrats who were willing to agree, calling for the support of Mitchell as a candidate on the one hand, and, on the other, the rewriting of the Portland charter to guarantee the Democrats two of the three places on the Board of Police and Fire Commissioners. The Democrats publicly admitted their willingness to vote for the charter on one condition, that they have two places on the Board, and said nothing about an agreement to vote for a specific senatorial candidate. M. J. Malley, L. T. Peery, and P. L. Willis were the three men chosen by the Multnomah delegation to be named in the new charter as Police and Fire Commissioners.<sup>2</sup>

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<sup>1</sup>Oregonian, February 19, 1901, p. 1. Also, Letters of Bourne to B. F. Hulkey, February 26, 1901, Frank Williams, March 1, 1901, W. A. Howe, March 2, 1901, and the twenty-eight members who signed and kept the agreement, March 2 and March 4, 1901, Bourne Papers.

<sup>2</sup>Oregonian, February 19, 1901, p. 1; February 20, 1901, p. 6; February 23, 1901, p. 1. Pendleton East Oregonian, February 15, 1901: "There are three things which should be taken out of the hands of the legislature—the election of United States Senator, county seat fights, and city charters. The time of the session is half occupied by these three questions. Let the people settle these matters in their own way and at their own expense."

Mitchell's Victory and Public Reactions

With adjournment set for Saturday, February 23, 1901 the stage was ready for the fireworks. At 10:45 P. M. the chairman declared a recess. During the twenty minutes which followed he conferred with Senator Brownell, while the Mitchell managers rustled votes.

When Senator George C. Brownell's name was called, on the twenty-first ballot, he responded with a "skyrocketing address" in which he nominated John H. Mitchell: as "prince of men, grand citizen, man of loving personality, intellect and force, fit to stand with the great leaders of the Republican party, like Oliver P. Morton and James G. Blaine." Long cheers followed his address and were repeated after President Charles W. Fulton had spoken in praise of Mitchell.<sup>1</sup> Although H. W. Corbett maintained his lead on this and the three following ballots, the margin was slight. On the twenty-fifth ballot of the day the support of eleven Democrats and the changing of a few Republican votes gave Mitchell the necessary forty-six votes for election.<sup>2</sup>

Senator Mitchell arrived at the Perkins Hotel, Portland, tired from handshaking and loss of sleep. Later in a speech to five hundred guests at a Portland Commercial Club reception, he said, in part:

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<sup>1</sup>Oregon City Courier-Herald, March 1, 1901, p. 6.

<sup>2</sup>Pendleton East Oregonian, March 1, 1901; Oregonian, February 24, 1901, p. 1; Oregon City Courier-Herald, March 1, 1901, p. 6; Klamath Falls Express, February 28, 1901; See also George H. Haynes, The Election of Senators (New York: Henry Holt and Company, 1906), p. 45.

I am a Republican, as you all know, in politics, but I dare to say, and I don't care who knows it, that I owe much to the Democrats, and I go to Washington to represent, so far as I am able, the whole people of the state, irrespective of party.<sup>1</sup>

The Oregonian accepted Mitchell's election by the aid of Democrats as evidence of close approximation to each other of Democratic and Republican principles.<sup>2</sup> However, there were others who were less philosophic about the outcome. George Ogle wrote from Molalla:

Republicans should now be proud; at last they are represented in the United States senate by the two most noted corruptionists in Oregon, while the rest of us must be consoled by the certainty that at least they can never elect worse ones.<sup>3</sup>

Mr. Ogle's opinion should be contrasted with that of the Klamath

Falls Express:

Without doubt the legislature did the right thing at the last moment—elected the best statesman and the most brilliant senator who has ever represented Oregon at Washington. He is an industrious legislator, watchful of the interests of his constituents and an honest man.

The bitter taunts of Mitchell's foes followed him to Washington, D. C. Since the Senate had delayed adjournment in order to permit

<sup>1</sup>Oregonian, February 25, 1901, p. 10; March 2, 1901, p. 10. Pendleton East Oregonian, March 8, 1901. In his Portland Commercial Club speech Mitchell also favored an open river from Lewiston to the sea and denied that he was allied with the railroads in opposition to the Nicaragua canal.

<sup>2</sup>Oregonian, (Editorial) February 24, 1901, p. 6.

<sup>3</sup>Letter of George Ogle to the Editor, Oregon City Courier-Herald, March 8, 1901, p. 6. An almost unnoted incident was the disbanding of the Populist party in Oregon, which occurred the day before Mitchell's election. Oregon City Courier-Herald, March 22, 1901, p. 4.

<sup>4</sup>Klamath Falls Express, February 28, 1901.

Mitchell to be sworn in, it was explained by Anthony Noltner, a Democratic editor of Portland, that Hanna knew the cost of Mitchell's election and feared that delay might bring to light facts which would cause the Senate to refuse to seat him.<sup>1</sup>

Mr. Mitchell was given a choice seat in the Senate chamber, not being required to sit in the "Cherokee strip" on the Democratic side where new members usually were seated.<sup>2</sup>

In a press release given out shortly after Mitchell's victory Mr. Corbett had said:

The Republican party of the state has been sold by Mr. Mitchell to the democrats of Portland for a few offices to be delivered under contract to the faithful for their votes for senator. How far this contract can be executed and fulfilled is yet to be demonstrated.<sup>3</sup>

His foresight was vindicated by events which followed more quickly than even he may have surmised, when Governor T. T. Geer vetoed the Portland Charter bill, in which the control of Portland's fire and police commission had been allotted to the Democrats. Many bitter criticisms of this veto were made by political leaders of the Mitchell group, including Walter P. Matthews, "father of the charter"; and Senator Mitchell, who said: "I regret the veto not only in behalf of the people of Multnomah County, but in behalf of Governor Geer." Edward Killfeather

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<sup>1</sup>Portland Weekly Dispatch, March 21, 1901; Eugene Oregon State Journal, March 30, 1901.

<sup>2</sup>Medford Mail, March 8, 1901. See poem "When John H. Took His Seat," Eugene Oregon State Journal, March 30, 1901.

<sup>3</sup>Pendleton East Oregonian, March 1, 1901; Eugene Oregon State Journal, March 2, 1901.



read the riot act to the Democratic clientele of Pat Powers' place.

I think Democracy got a bill of green goods. Powers should have called the county committee together and invited Judge Lynch. I don't think Mitchell ever intended to deliver the goods. They buncoed us in good shape, . . .<sup>1</sup>

The Woodburn Independent said:

Senator Mitchell promised the passage of the Portland Charter bill, but not that the Governor would approve of it. The democrats did not look far enough ahead; Senator Mitchell did.<sup>2</sup>

O. F. Paxton expressed the opinion that the bill for the charter was enrolled and passed in such a manner as to create grave doubts of its validity. H. W. Corbett thought the Governor had acted very properly, and Governor Geer disclaimed all knowledge of any "deal" between Democrats and Republicans, explaining that the likelihood of a test in the courts was the best reason for the veto.<sup>3</sup> Jonathan Bourne, who regarded the senatorial contest as "The best political fight I ever made," wrote to Theodore Cameron, expressing approval of the Governor's veto of the charter bill, and to the twenty-eight faithful members of the "Confidential 32 Protective Agreement" (who had agreed to vote only for Corbett) asking their permission to publish the signed agreement as a means of demonstrating that the Republican majority were right in

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<sup>1</sup>Oregonian, March 2, 1901, p. 8; Eugene Oregon State Journal, March 16, 1901.

<sup>2</sup>Quoted by A. Noltner in the Portland Weekly-Dispatch, March 11, 1901.

<sup>3</sup>Oregonian, March 2, 1901, p. 8; March 3, 1901, pp. 4 and 6. See Pendleton East Oregonian, March 8, 1901, for the charter veto message.

declining to accept the "dictation of the minority."<sup>1</sup> Upon receiving unfavorable replies from four of the signers of the agreement Bourne dropped the plan. When requested by Corbett to return the original signed agreement to him he agreed to do so, requesting Corbett to destroy it.<sup>2</sup>

The circumstances of Mitchell's victory were not unobserved throughout the nation. The Springfield (Massachusetts) Republican said:

The Republicans of Oregon have failed to elect an unquestioned representative of their own political faith, when in full control of the state. . . . The result will, at least, unfavorably affect Republican opinion in that part of the country respecting the present method of electing United States Senators.<sup>3</sup>

The irony of this situation lies in the fact that Mitchell himself had long been an advocate of popular election of United States Senators.<sup>4</sup>

Mitchell in previous Senate terms had served on the Committee on Privileges and Elections. It was known that he intended to introduce a bill proposing an amendment to the Constitution providing for the election of United States Senators by the votes of qualified electors. It

<sup>1</sup>Bourne to Theodore Cameron, March 8, 1901; Bourne to L. J. Adams and twenty-seven others, March 2, 1901 and March 4, 1901, Bourne Papers.

<sup>2</sup>Letters of Bourne to M. E. Thompson, S. E. Joseph, B. F. Milkey, and G. L. Hawkins, March 6 and 7, 1901. Bourne to H. W. Corbett, April 9, 1901, Bourne Papers.

<sup>3</sup>Quoted by the Oregonian, March 4, 1901, p. 4. See also Mitchell's letter to the Editors of Outlook (April 20, 1901), quoted in Eugene Oregon State Journal, May 4, 1901.

<sup>4</sup>John H. Mitchell, "Election of Senators by Popular Vote," Forum, XXI (June, 1896), 385-391.

was learned in mid-December that he had been kept off the Committee on Privileges and Elections because of his position in favor of popular election. The note he had received from Senator Hoar requesting him to serve on the Judiciary Committee well depicts the conservative viewpoint regarding the proposal. Senator Hoar said:

Do not understand me as writing this letter with any idea of flattery in mind. All good men have their limitations, and the Lord in his infinite wisdom has permitted you to favor the election of Senators by the people. If he shall, in his good time, allow you to be converted to the sound doctrine on that question, I do not believe, to use Milton's phrase, that

' . . . a better Senator e'er held  
The helm of Rome, when gowns, not arms, repelled  
The fierce Epirot and the Afric bold.'

I am, with high regard, faithfully yours,

George F. Hoar.<sup>1</sup>

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<sup>1</sup> Pendleton East Oregonian, November 29, 1901. Oregonian, November 10, 1901, p. 2; December 2, 1901, p. 1; December 18, 1901, p. 1.

CHAPTER III

REFORM FORCES AT WORK

The Legislature of 1901

There has been no intention to convey the impression that the Oregon legislature devoted its time exclusively to the election of Senators. While the activities of caucuses and the lobbying and buttonholing in the interests of candidates were distractions which caused the business of state to suffer, it did not come to a standstill, except for the "hold-up" of 1897. The legislature of 1901 found time to consider the usual types of business and in addition there were several attempts to enact measures designed to improve electoral procedure.

The intention of State Senator Franklin Pierce Mays to introduce a bill in the 1901 legislature providing for the expression of the people's preference among the candidates for United States senator has been referred to. In a statement regarding the bill when the draft was first first given to the press Mays said:

This measure will inform the legislature, unequivocally, when the people of Oregon prefer for Senator. I would like to be able to compel the legislature, by means of the measure, to vote for the person the people prefer, but this cannot be done, as it would conflict with the Federal law. The nearest approach that can be made is to have the legislature distinctly understand

who the people want, and if the members are in earnest in their declarations . . . there will be no difficulty in the matter.

Mays had the honor of introducing his bill as Senate Bill No. 1 on January 15. On Friday the 25th of January (the day on which the Corbett group agreed to a viva voce vote in senatorial caucus) the Mays bill passed the Senate.<sup>2</sup> It had been passed in a form requiring nomination by convention, but was amended in the House to permit nominations by any of the regular methods recognized by law. In this form it was approved (shortly before the Corbett group signed its "ironclad agreement" and the Portland Charter was rewritten). Thus it was possible for a senatorial candidate to be nominated by a convention, by a petition or by an assembly of electors, and have his name printed on the general election ballot.<sup>3</sup> After the close of the 1901 legislature little was said of the Mays law until the time for the state conventions of 1902 approached. Mays had then become dissatisfied with the law, as passed, and was considering an amended form of the law allowing voters to write in their preferences on the general election ballot, with the result to be canvassed by the legislature.<sup>4</sup>

<sup>1</sup>Oregonian, January 8, 1901, p. 7.

<sup>2</sup>Oregonian, January 26, 1901, p. 4. Oregon, General Laws of 1901, pp. 143-144.

<sup>3</sup>George H. Haynes, The Election of Senators (New York: Henry Holt and Company, 1906), p. 145. Oregonian, September 30, 1902, p. 10. Oregon City Courier-Herald, February 15, 1901, p. 8; March 1, 1901, p. 1.

<sup>4</sup>Oregonian, January 31, 1902, p. 8. This proposal was not again discussed.

Early in 1902 there was a quickening of interest in the proposal for a constitutional amendment authorizing election of United States senators by direct vote of the people which coincided with the action of the House of Representatives in support of a resolution to that effect. This was the fourth time the House had approved the plan.<sup>1</sup> The Socialist party of Marion County resolved that "We are in favor of electing the President, the Senators and the Supreme court by a direct vote of people, and that the President shall not be eligible for a second consecutive term."<sup>2</sup> The Federated Trades Council of Portland unanimously adopted a resolution favoring the election of United States Senators by direct vote of the people, authorizing its secretary to notify the Oregon congressional delegation of its action.<sup>3</sup> The concluding thought of the Oregonian's editorials on this theme was that the Senate will not act, therefore the only alternative is to act through the state legislatures.<sup>4</sup>

The interest of Edward Bingham, C. M. Morgan, and C. E. Lockwood in the study and publicizing of primary reform measures has been noted, as well as the pledges of legislative candidates in the election of 1900 to work for the enactment of a direct primary law. Before a month of the legislative session had passed there were ten bills pending concerning

<sup>1</sup>Oregonian, February 12, 1902, p. 6; February 14, 1902, p. 2; March 15, 1902, p. 10; March 23, 1902, p. 4. Pendleton East Oregonian, February 14, 1902; March 14, 1902; Salem Capital-Journal, March 13, 1902.

<sup>2</sup>Salem Capital-Journal, March 13, 1902.

<sup>3</sup>Oregonian, March 15, 1902, p. 10.

<sup>4</sup>Oregonian, February 12, 1902, p. 6; March 23, 1902, p. 4.

elections. Morgan's proposals had been incorporated in Senate Bill 65 and House Bill 188. Bingham's plan was introduced as Senate Bill 194 and House Bill 307. Both of these were truly direct primary bills. Lockwood's, Senate Bill 74 and House Bill 175, and two other bills were simply proposals for the regulation of primary elections at which the delegates to county conventions were to be elected. The other bills were proposed amendments to the general election law.<sup>1</sup> The Senate Committee on Elections, composed of J. B. Hart of Multnomah, Dr. William Rylandall of Lane, and A. C. Marsters of Douglas, held hearings on the Bingham, Morgan and Lockwood bills on the 12th and 13th of February, 1901. The authors were given an opportunity to present the case for their respective bills. Bingham favored a bill which would permit nominations to be made by convention, by a committee of electors, by petition, or by direct primary. He argued against the constitutionality of the Morgan bill, comparing it to a California statute which had recently been declared void by the courts on the ground that it permitted interference in the affairs of a party by persons who were not members of the party. Bingham said the Morgan plan would tend to destroy parties. He was heard until 11:30 P. M. on Tuesday, the 12th, and the committee then promised Mr. Morgan the right to defend the constitutionality of his measure. Morgan and the others appeared again at 1:30 P. M. on Wednesday, but Morgan's defense was cut short with the explanation that

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<sup>1</sup>E. W. Bingham, Letter to the Editor, Oregonian, February 11, 1901, p. 5.

if his bill applied to the whole state it would not be favorably reported. After giving Mr. Lockwood a hearing the committee informed Mr. Bingham that it would recommend the Lockwood bill. Bingham returned to Portland the next day, disillusioned, but determined to carry on the fight for a direct primary law by creating sentiment in its favor, by securing pledges from candidates, and by organizing a Direct Primary League.<sup>1</sup>

A compromise form of the Morgan bill was worked out and it passed the legislature on February 22, 1901, one day after the passage of the Lockwood act. The compromise was in the abandonment of the requirement that it be compulsory for the whole state. It made the holding of direct primaries compulsory in counties having 50,000 inhabitants and optional in all other counties. It was a form of open primary, with the names of persons seeking nomination arranged in party columns on a single ballot. Registration was necessary, but not a declaration of party affiliation. If the ballot was marked in more than one column the votes were to be counted only in the column where the voter had marked the most candidates.<sup>2</sup>

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<sup>1</sup>Oregonian, February 15, 1901, p. 1. Mr. Hunt had said in the Oregonian in response to its question "are you in favor of primary reform?" "Yes, every member of the 'citizens ticket' is pledged to the Bingham bill, or a better one." Oregonian, November 19, 1900, p. 1.

<sup>2</sup>Ernest Christopher Meyer, Nominating Systems Direct Primaries vs. Conventions (Madison, Wisconsin: State Journal Printing Company, 1902), pp. 226-235. Oregonian, February 20, 1901, p. 10; February 25, 1901, p. 4; March 15, 1901, p. 3.



The Lockwood law provided for the election of delegates to conventions in cities of over ten thousand inhabitants. The county clerk was required to designate a day known as primary day, not less than sixty days before the general election. Any political party which had cast five per cent of the votes at the general election next preceding might participate in the primary. The primaries were concurrent for all parties using this method, but each party set the date for its convention and was required to advertise this date one week before the primary. The primary tickets were to be designated by the county clerk as "regular ticket" (the one filed by the central committee), "independent ticket No. 1," and if others were filed later, "independent ticket No. 2," and so on, in the order of filing. The judges and clerks of the general election served for the primaries also. All general election rules concerning ballots, poll and registry books, and canvassing the vote were to apply. The convention of delegates, elected thus, was to provide for the maintenance of a party organization by electing one committeeman from each precinct or district. The convention also nominated local candidates and elected delegates to the state convention. When organized, the county central committee could select a managing or executive committee, and transfer its powers to this smaller committee.<sup>1</sup>

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<sup>1</sup> Mayer, op. cit., pp. 227-230. Oregonian, September 17, 1901, p. 1.  
Charles E. Bellinger and William W. Cotton, The Codes and Statutes of Oregon (San Francisco: Bancroft-Whitney Company, 1902), pp. 976-981.  
A. 1901, pp. 317-328.

The Primary Laws in the Courts

The new primary laws were not well understood and were believed to be mutually contradictory. The Oregonian said: "It will require a Philadelphia lawyer to unravel the tangle which the recent legislature made of primary and general election laws."<sup>1</sup> The Salem Journal was quoted: "No court but will commit them to the limbo of madhouse law-making, and putting them into effect would condemn those who drafted them to the violent ward."<sup>2</sup>

This no doubt had reference to the test case which had begun in the state circuit court on May 25. Hanley H. Holmes was made the defendant in a suit for an injunction to prevent him as Clerk of the County Court of Multnomah County from putting the acts into effect. The suit was brought against Holmes by William M. Ladd, Fred H. Page, Finlay McKercher, and John Bain. Wallace McCamant and E. W. Bingham were the plaintiffs' attorneys. George E. Chamberlain, as district attorney, handled the defense, aided by Judge C. H. Carey, C. E. Lockwood, and Charles M. Morgan. Judges Alfred F. Sears, John B. Cleland, and Melvin C. George heard the case presented. Arguments<sup>3</sup> were concluded on June 24, with Judge Carey taking the leading role for the defense.

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<sup>1</sup>Oregonian, April 11, 1901, p. 10.

<sup>2</sup>Oregon City Courier-Herald, June 7, 1901, p. 4.

<sup>3</sup>Oregonian, May 26, 1901, Sec. 2, p. 1; June 2, 1901, p. 8; June 23, 1901, p. 24; June 25, 1901, p. 8. Ladd v. Holmes, 40 Oreg. 169 (1901).

When the decision was announced, it declared that the Morgan act was unconstitutional and the Lockwood act was upheld.<sup>1</sup> An appeal was made to the state Supreme Court, which set the date for hearing, October 31, advancing the case out of its order.<sup>2</sup>

Wallace McCamant carried the whole burden of the complaint before the Supreme Court, with Judge Carey and C. E. Lockwood again defending the Lockwood law.<sup>3</sup>

The Supreme Court's unanimous decision, written by Justice Charles E. Wolverton, reaffirmed the decision of the lower court declaring the Morgan law invalid and sustaining the Lockwood law.<sup>4</sup>

In estimating the political significance of the decision the Oregonian commented:

It is settled that we may have—and we do have—a law for regulation and control of primary elections. . . .

In Portland, especially, this decision means much. It means that there may now be a primary election. It means that there may be some approach to ascertainment of the popular will. Hitherto tickets have been made, as was the Republican ticket of 1900, by not above three men, and nobody else permitted a word. It was the revolt from this usurpation that beat the Republican ticket that year; and they who led the revolt justify it by

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<sup>1</sup>Oregonian, September 17, 1901, p. 1, 6, 8. This news was completely obscured outside Portland by the accounts of McKinley's assassination which filled the papers.

<sup>2</sup>Oregonian, October 15, 1901, p. 4.

<sup>3</sup>Oregonian, November 1, 1901, p. 4. See Wallace McCamant, "Primary Elections," The Pacific Monthly, November-December 1901, pp. 258-262.

<sup>4</sup>Oregonian, November 26, 1901, p. 1. Ladd v. Holmes, 40 Oreg. 167 (1901).

presentation of this primary election law, under which there will be at least some approximation to fairness in making nominations.<sup>1</sup>

### Initiative and Referendum

The big battle on the initiative and referendum had come in the late nineties, and by 1901 and 1902 the benefits were being received from the program of education which its advocates had carried through.

A delegation of Populists, including John C. Young of Baker County, W. S. U'Ren of Clackamas County, and Frank Williams of Jackson County, had appeared at Salem during the 1901 legislative session to urge the submission of the proposed amendment to the electorate. After the accomplishment of this objective and before the end of the legislative session the Populist party was officially disbanded.<sup>2</sup> During this legislative session there was a proposal for a constitutional convention which was favored by several of the influential leaders of the bench and bar in Portland.<sup>3</sup> Advocates of the Initiative and Referendum amendment were inclined to regard this as a move to defeat their program of direct legislation. The Non-Partisan Direct Legislation League was being reorganized during November, 1901. Its president, O. C. Sherman, had

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<sup>1</sup>Oregonian, Editorial, November 26, 1901, p. 6.

<sup>2</sup>Oregonian, January 17, 1901, p. 4; Oregon City Courier-Herald, March 22, 1901, p. 4. A movement of leading Populists into Republican ranks was noted (Astoria Herald, May 24, 1902), and became the basis for an appeal for Republican votes for Initiative and Referendum.

<sup>3</sup>Oregonian, February 12, 1901, p. 8. Also Pendleton East Oregonian, March 22, 1901.

moved out of the state but an influential successor was discovered in the venerable statesman George H. Williams, then a candidate for Mayor of Portland.<sup>1</sup> Frank Williams, of Ashland, and William S. U'Ren, of Clatsop County, were among the most active public advocates of the adoption of the amendment, addressing public gatherings during the months before the issue was decided in June 1902. Most political party platforms and many newspapers also gave their endorsement to the reform and assisted its enactment. Senator Mitchell, by letter in the press, gave public endorsement.<sup>2</sup>

#### Factional Strife in the Election of 1902

Nineteen hundred two was the year of a gubernatorial election. There was only one name mentioned among the Democrats with any great amount of hopefulness. That was the name of George E. Chamberlain, incumbent district attorney of Multnomah County, and one who had served as the first Attorney General of Oregon, during the administration of Sylvester Pennoyer.<sup>3</sup>

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<sup>1</sup>Oregonian, November 17, 1901, p. 10; May 11, 1902, p. 8. Carey, op. cit., I, 539. Paul F. Culbertson, "A History of the Initiative and Referendum in Oregon," Unpublished Ph. D. Thesis, Department of History, University of Oregon, 1911, p. 67.

<sup>2</sup>Eugene Oregon State Journal, March 22, 1902; April 19, 1902; Pendleton East Oregonian, April 18, 1902; Oregonian, February 5, 1902, p. 8; March 21, 1902, p. 8; May 11, 1902, p. 8; Culbertson, op. cit., pp. 52, 68-69.

<sup>3</sup>Oregonian, July 16, 1901, p. 10; Pendleton East Oregonian, November 8, 1901.

In the Republican camp there were many names bruited about. The Astoria Herald predicted the election of H. W. Corbett as governor, soon after his defeat by Mitchell.<sup>1</sup> Governor Geer was a man who had a strong following in the rural areas. Judge Stephen A. Lovell, William Furnish, and C. A. Johns were leaders of eastern Oregon who were under discussion. Phil Metschan, William H. Calk, and Owen Summers were prospective candidates allied with the Mitchell forces. Metschan was a former state treasurer. Calk was the Judge of Multnomah County. The idea was even suggested that State Senator Charles W. Fulton, of Clatsop County, might decide to run for Governor, rather than United States Senator.<sup>2</sup>

Judge Lovell's chances of nomination under a convention system were probably eliminated by the statement he made in September, 1901, giving as his first principle: "The enactment of such a primary election law, mandatory and applicable to the entire state as would minimize the power of boss and machine and restore control to the people; this to be supplemented by a rigorous corrupt practice act."<sup>3</sup>

Governor Geer's veto of the Portland charter had reduced his political stock to zero as far as the Mitchell wing of the party was concerned. He was thought to be acting in cooperation with Joseph Simon, but steadfastly tried to keep the Simon label from being pinned on him.

<sup>1</sup>March 22, 1901; October 26, 1901.

<sup>2</sup>Oregonian, May 27, 1901, p. 1; September 8, 1901, Sec. 1, p. 1; January 22, 1902, p. 4; Pendleton East Oregonian, June 7, 1901.

<sup>3</sup>Oregonian, September 8, 1901, Sec. 1, p. 1; Pendleton East Oregonian, September 13, 1901; September 20, 1901.

by his opponents.<sup>1</sup> Geer was thinking of making a race for the Senatorship if the state Republican convention overlooked him in naming a candidate for Governor. Much depended on the results of the primaries in Multnomah and Marion Counties, where the strength of Simon and Geer would be tested. There was little doubt about Fulton's strength in Clatsop County. The outcome of the Umatilla County primaries proved Mr. Furnish stronger there than his rival, Judge Lovell.<sup>2</sup> Soon thereafter Geer's strength in Marion County was revealed by his victory in the primaries and convention.<sup>3</sup>

An intimation of a distant gathering storm was seen in the request of President Theodore Roosevelt, in December, 1901, that all federal officeholders resign their posts in party organizations. Previously such requests had been made by presidents, but Roosevelt's record with the Civil Service Commission was remembered, and it conveyed the impression that he probably meant what he said. This brought to mind the fact that John Morgan, Collector of Customs at Coos Bay, and C. E. Harmon, Postmaster at Grants Pass, were serving as members of the Republican State Central Committee. District Attorney John H. Hall, on December 9, posted Attorney-General Knox's order to all officials

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<sup>1</sup> Astoria Herald, January 31, 1903; Pendleton East Oregonian, November 1, 1901; January 24, 1902.

<sup>2</sup> Oregonian, July 15, 1901; February 25, 1902, p. 12; March 13, 1902; Pendleton East Oregonian, February 28, 1902; March 14, 1902.

<sup>3</sup> Oregonian, March 14, 1902; March 27, 1902.

and employees of the Department of Justice requesting the severance of their connections with party organizations.<sup>1</sup>

Oregon Democrats visualized their first opportunity to present a united front since 1890. If the Gold Democrats, the Bryan Democrats, the stay-at-home Democrats, and the Populist Democrats could be solidified behind an outstanding personality, victory seemed remotely possible. The reorganization of the state central committee of the Democratic Party effected in July, 1901 was thought to be in the interests of finding that leader. R. S. Sheridan resigned his chairmanship in favor of Samuel White of Baker City, a close personal friend of George E. Chamberlain, and like Chamberlain a son of the "old South."<sup>2</sup> The Democrats were warned that

Whatever aid the democrats of Portland give the Mitchell gang is that much toward uniting the federal and state republican machine. If the Mitchell gang gets away with this county it will control the state and will have possession for a long time to come. Nothing but an honest and straight fight can prevent such a calamity.<sup>3</sup>

It has been often asserted that "patronage is the oil of political machines." If so, the threat of a breakdown was the imminent prospect before the Simon faction of the Republican party. The advent of John H. Mitchell in Washington had been accompanied by expressions of hope

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<sup>1</sup>Oregonian, December 9, 1901, p. 10; December 10, 1901, p. 12.

<sup>2</sup>Oregonian, July 16, 1901, p. 10; cf. Pendleton East Oregonian, October 18, 1901; and January 24, 1902.

<sup>3</sup>Anthony Noltner in Portland Weekly Dispatch, February 27, 1902.



that Oregon's delegation would work in harmony. "Bury the hatchet" was the advice given the two Senators.<sup>1</sup> However, the two months preceding the conventions of 1902 brought clashes over patronage. Joseph Simon, convinced that he was not sharing in federal patronage on an equality with Mitchell, carried on a long fight against the confirmation of George W. Bibeo as receiver of the Oregon City land office.<sup>2</sup>

"The election of Mitchell in 1901 was marked by a surprise to the people of Oregon in that it was accepted with good grace by Harvey W. Scott, the veteran editor of the Oregonian, his political and personal enemy during a bitter warfare of thirty years duration," says T. T. Coer in his later reminiscences.<sup>3</sup> Still there were others who carried on the vindictive battle and asked the voters to "shelve both factions."<sup>4</sup>

From Salem came the complaint:

Would not the Republicans of the state do better to adopt the clean, wholesome, businesslike program of Marion County?

Should the Portland Senatorial factional fight that debauches our legislatures be extended to every department of our state

<sup>1</sup>Oregonian, Editorial, March 11, 1901.

<sup>2</sup>Portland Weekly Dispatch, May 2, 1901; October 21, 1901; January 16, 1902; Oregon City Courier-Herald, November 22, 1901, p. 1; November 25, 1901, p. 1; Pendleton East Oregonian, October 18, 1901; Oregonian, August 17, 1901, p. 1; October 9, 1901, p. 1; November 7, 1901, p. 8; January 10, 1902, p. 1; January 11, 1902, p. 1; January 22, 1902, p. 1; February 7, 1902.

<sup>3</sup>T. T. Coer, Fifty Years in Oregon (New York: The Neale Publishing Company, 1912), p. 162. See also Harrison R. Kincaid's editorial "Strange Combinations," Eugene Oregon State Journal, March 29, 1902.

<sup>4</sup>Anthony Holtzer, Portland Weekly Dispatch, March 13, 1902.

administration? . . .

The Portland politicians, even the Port of Portland commission, are permeated by a coarse consuming selfishness, egotism and smart-aleckism that is distressing to the close observer of the public pulse and bodes little good to the commonwealth.<sup>1</sup>

March 15, 1902 was the date announced by the Multnomah county clerk as the first primary day under the new Lockwood Law.<sup>2</sup> The selection of judges and clerks was complicated by the fact that the county court, which had the power of appointment, was divided between the two factions. Judge W. M. Calk's sympathies were favorable to the Mitchell men, while the two commissioners were Simon-ites.<sup>3</sup>

In October, 1901, the city and county committee of the Multnomah Republicans had been reorganized, in which process Dr. O. P. S. Plummer and Willis Duniway had become its chairman and secretary, replacing Donald Mackay and Graham Glass, Jr. The reorganization included selection of a vice chairman, assistant secretary, treasurer, and an advisory committee of fifteen members, composed of one person from each Portland ward and four additional from the county outside Portland. The committee resolved " . . . that the Republican primaries be conducted with absolute fairness and the convention be free and open

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<sup>1</sup>Editorial in Salem Capital-Journal, February 13, 1902.

<sup>2</sup>Oregonian, February 27, 1902, p. 1.

<sup>3</sup>Oregonian, December 27, 1901, p. 8; December 31, 1901, p. 12; January 10, 1902, p. 12; January 11, 1902, p. 10; January 18, 1902, p. 6; January 22, 1902, p. 1; January 23, 1902, p. 12; February 13, 1902, p. 10; February 14, 1902, p. 12; March 8, 1902, pp. 8 and 11; March 11, 1902, p. 8; also Pendleton East Oregonian, March 22, 1901.

to every Republican desiring to seek a nomination at the hands of the Republican party.<sup>1</sup>

The Multnomah Republican independents began their drive to win control of the party with an invitational meeting under the guidance of Judge Charles H. Carey and United States District Attorney John H. Hall, on February 28, 1902. As described by the reporter:

Republicans who wear no collar met last night to devise ways and means for putting an end to Bossism and corrupt machine rule. Organization was effected and plans were formulated to secure full registration of all voters for participation in primary and election.<sup>2</sup>

Judge C. H. Carey explained:

In sending out invitations to attend this meeting, we represent no faction and no candidate. We invited here all who think, as we do, that the time has come to overthrow Boss rule in this city.

John H. Hall said:

I rejoice that we have at last secured a primary law that will give us opportunity to go to the polls, vote for delegates of our choice and have the votes counted. If we get a fair count we should support the majority.<sup>3</sup>

Judge Carey appointed five men in each precinct to urge the voters to register and vote in the primaries, and warned that failure to elect people who approve of the new primary law would result in its repeal by the next legislature.<sup>4</sup>

<sup>1</sup>Oregonian, October 13, 1901, p. 1.

<sup>2</sup>Oregonian, March 1, 1902, pp. 1 and 8.

<sup>3</sup>Oregonian, March 1, 1902, pp. 1 and 5. (Italics mine.)

<sup>4</sup>Oregonian, March 6, 1902, p. 11.

The Multnomah Republican Central Committee and Advisory Committee met on March 6 and placed the power of setting the convention date and preparing a list of candidates for the primary ballot in the hands of a managing committee composed of O. P. S. Plummer, F. A. Bailey, and Edward Holman. It was acknowledged by the Chairman that the candidates would be Simon men. Both Republican and Democratic regular tickets were filed on March 10. The independent tickets were filed later.<sup>1</sup>

On March 15, 1902, the first primaries to be conducted under the Lockwood Law were held and the Independent Republicans were victorious over the Simon regular party candidates, electing ninety-five of the one hundred sixty-two delegates to the county convention.<sup>2</sup>

Democrats were accused of participating in the Republican primaries.

The Dispatch said:

The contest which was to decide the mastership of the republican party in this county, virtually the state, was fought out in this city last Saturday, resulting, so far as the Republicans are concerned, in turning over both to the mercy of the 'reform' element headed by such well known political saints as Mitchell, Scott (recently re-united), Jack Matthews, Mays, Hunt, Carey, Willis, Ike Patterson and others. To this result the 'Mitchell democratic contingent' contributed its full strength and is entitled to the full credit for this result, as much so as it is for landing the chief in the senate. . . .<sup>3</sup>

Senator Mitchell interpreted the result of the primaries to mean the

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<sup>1</sup>Oregonian, March 7, 1902, p. 7; March 11, 1902, p. 1; March 13, 1902, p. 11.

<sup>2</sup>Oregonian, March 17, 1902, p. 10.

<sup>3</sup>Portland Weekly Dispatch, March 20, 1902. See also the Oregonian, March 16, 1902, p. 4.

overthrow of the close political organization which had dominated the politics of the county and, in great measure, of the state, for several years. He thought it would give the Republicans generally a voice in the selection of candidates.<sup>1</sup>

On March 19 the Independent Republicans organized the county convention, named the delegates to the state convention and the legislative candidates, and authorized a committee of seven to select the members of the county central committee.<sup>2</sup> With this convention the regulars became the "outs" and the "Independents" became the regulars. As one commentator stated it: "The regular republicans were shut out at the start and given to understand that there was a new deal as well as dealer."<sup>3</sup>

In Astoria the victory of the Independents over the Simon group was described as a victory for the principle of a united party and interpreted to mean that Senator Simon would be eliminated from state politics. For this result the credit was assigned to the Oregonian.<sup>4</sup>

Since the convention's work was not completed on the nineteenth, a second meeting was called, for March 27. In this meeting the work was finished, except for a few places left vacant to be filled by the central

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<sup>1</sup>Oregonian, March 17, 1902, p. 1.

<sup>2</sup>Pondleton East Oregonian, March 21, 1902.

<sup>3</sup>Portland Weekly Dispatch, March 20, 1902.

<sup>4</sup>Astoria Herald, March 22, 1902.

committee. Most of the delegates of the Simon group refused to participate but filed a protest against the actions and methods of the majority.<sup>1</sup> In the complaint filed by the minority is this sentence:

The wrong we complain of is not that you made a slate, not that you are a machine, so much as that you violated your solemn promise to the people that you would never have a machine or make a slate.

The Oregonian commented that the protest was reasonable, but would have more force if it came from people who were less noted for their own machine methods.<sup>2</sup>

The essential difference between Democracy and Republicanism was proclaimed on banners in the Democratic party gathering held on March 22: Under Democracy the sovereign power resides "in the people collectively," under Republicanism the sovereign power resides "in the representatives elected." Invitations went out to the eight hundred Democrats who registered and voted as such in the primaries, from Chairman H. B. Adams and Secretary W. N. Gatens. The meeting was an old-fashioned political love-feast and rally.<sup>3</sup> Before the Democratic county convention, which met in Eagles Hall on April 3, there were reports of an attempted fusion of the disaffected Republicans with the Democrats. This meeting performed the usual convention duties of naming delegates

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<sup>1</sup>Oregonian, March 28, 1902, p. 1.

<sup>2</sup>Oregonian, March 28, 1902, p. 10, and Editorial, p. 6. See editorial "Portland Politics," Eugene Oregon State Journal, April 5, 1902.

<sup>3</sup>Oregonian, March 22, 1902, p. 8; March 23, 1902, p. 17.

to state and congressional conventions and naming a central committee. Steps toward fusion with Republicans were then taken, and plans for a caucus on April 12, and an adjourned session of the convention on April 19 were made.<sup>1</sup> The plan was carried through and a fusion ticket composed of Democrats and Simon Republicans was put in the field.<sup>2</sup> The Democratic county and city committee then elected Alex Sweek Chairman and John B. Ryan secretary.<sup>3</sup> At about the same time Charles H. Carey, as chairman of the Republican city and county committee, selected his managing committee of fifteen.<sup>4</sup>

In the Republican state convention, held in Portland on April 2, Governor Gear's name was not presented as a candidate for Governor. A move to switch his following to the support of Harry Ankony of Jackson County was too late to check the bandwagon parade toward William J. Purvish of Umatilla County, who had received the approval of the Multnomah caucus on the previous night. The convention passed by the opportunity to name a candidate for United States Senator, but declared itself in favor of the popular election of United States Senators and

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<sup>1</sup>Oregonian, April 4, 1902, p. 8.

<sup>2</sup>The Astoria Herald, April 12, 1902, warned Multnomah Democrats against the proposed fusion with Simon forces: "Joe Simon is at this juncture a good man to have upon the other side. He is one with whom no one can afford to be associated politically."

<sup>3</sup>Oregonian, April 1, 1902, p. 11; April 13, 1902, p. 9; April 17, 1902, p. 1 and p. 6; April 22, 1902, p. 14; April 23, 1902, p. 6. Portland Weekly Dispatch, April 17, 1902; and April 24, 1902.

<sup>4</sup>Oregonian, April 22, 1902, p. 1.



asked the legislature to extend the Lockwood primary law to the entire state.<sup>1</sup> A Democratic appraisal of the convention maintained that:

Never in the history of Oregon politics was there a convention convened so completely and thoroughly set up by a faction, not against the opposite party, but a faction of its own organization, nor has there ever been less regard shown by a majority to a minority. . . . Every aspirant had to bear the Mitchell brand, countersigned by Jack Matthews, the chief of the Multnomah county ring. This ring dictated and bossed the whole job.<sup>2</sup>

Walter F. (Jack) Matthews became the chairman of the State Republican Central Committee as the result of the 1902 state convention. He selected his secretary, H. C. Smith, and set up headquarters in a suite of five rooms in the Benson building. There was close coordination with the Multnomah committee, as Matthews was chosen by Judge C. H. Carey on the County Managing Committee of fifteen.<sup>3</sup>

The Democratic state convention met in Forrester's Hall, Portland, April 10-11, 1902. George E. Chamberlain was nominated for the governorship. C. E. Wood, Portland attorney and writer, was named as a candidate for United States Senator. Samuel White, of Baker, continued as chairman of the state Central Committee.<sup>4</sup> Resolutions adopted near the

<sup>1</sup>Oregonian, April 2, 1902, p. 1; April 3, 1902, pp. 1 and 11; Pendleton East Oregonian, April 4, 1902.

<sup>2</sup>Portland Weekly Dispatch, April 10, 1902. See also the Salem Weekly Capital-Journal, August 28, 1902; September 11, 1902. Judge Lowell of Pendleton declared his support of Chamberlain. Pendleton East Oregonian, April 25, 1902.

<sup>3</sup>Oregonian, April 15, 1902, p. 10; April 22, 1902, p. 1; Astoria Herald, April 5, 1902.

<sup>4</sup>Astoria Herald, April 12, 1902; Pendleton East Oregonian, April 11, and April 18, 1902.



convention's close gave the central committee the power to name the temporary officers of the next convention, with the understanding that they should not be made the permanent officers. The central committee was also to act as a credentials committee for the temporary organization of the convention.<sup>1</sup>

The general election of June 2, 1902 resulted in a victory for the Republicans in every state office except the governorship, captured by George E. Chamberlain, the former state Attorney-General and Multnomah County District Attorney.<sup>2</sup> In the Portland mayoralty contest George H. Williams defeated the Democratic candidate H. D. Inman. The legislature chosen consisted of twenty-one Republicans, three Democrats, three Citizens, one Citizens-Democratic-Peoples-Union, and one Democratic-Peoples-Union in the Senate; with forty-eight Republicans, eleven Democrats, and one Citizens ticket member in the House of Representatives. Governor T. T. Geer received the popular endorsement for a seat in the United States Senate, and the Republicans elected to Congress were T. H. Tongue and J. N. Williamson. The Initiative and Referendum constitutional amendment was approved by 62,024 votes to 5,668.<sup>3</sup>

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<sup>1</sup>Oregonian, April 11, 1902, p. 1; April 12, 1902, p. 1; April 13, 1902, p. 16; Eugene Oregon State Journal, April 19, 1902.

<sup>2</sup>Pendleton East Oregonian, June 6, 1902.

<sup>3</sup>Oregonian, June 3, 1902, p. 1; June 4, 1902, p. 6; June 27, 1902; Portland Weekly Dispatch, June 5, 1902; June 12, 1902; July 3, 1902; Oregon Blue Book, 1919-50, p. 251.

Gains and Losses

The revolution which occurred in the Oregon Republican Party Organization in 1902 was certain to have important results, as it brought two men of great force and determination to the head of the party: Walter F. (Jack) Matthews, chairman of the State Central Committee, and ex-municipal Judge Charles H. Carey, head of the Multnomah County Central Committee. Matthews had managed the campaign of the Citizens' legislative ticket in 1900 and had helped rewrite the Portland charter during the legislature of 1901. He had also managed the Republican state and Multnomah county campaigns in 1902, resigning as assistant postmaster of Portland to become chairman of the state committee. On June 27, 1902, he was appointed United States Marshal for Oregon. Before its adjournment on the following day the Senate confirmed the appointment, which had been made on the recommendation of Mitchell and Tongue without the approval of Simon and Moody. On July 1, 1902 Matthews took over the duties of his new office without resigning as head of the state committee. A Democrat, who did not underestimate Matthews, warned those Democrats who had by their votes for Senator Mitchell made possible Matthews' rise to power: "Matthews in two years will fix things so that it will take a revolution to dislodge him and his gang, and as he will have command of all the executive offices by that time he will be in a condition [sic] to defy all opposition."<sup>1</sup>

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<sup>1</sup> Portland Weekly Dispatch, July 3, 1902; Oregonian, June 28, 1902, p. 1; July 2, 1902, p. 7; February 20, 1901, p. 6 (continued next page)

The general replacement of Portland political jobholders under the new administration was believed to be the work of Matthews, and before the end of the year 1902, a move was on foot to force his withdrawal from the chairmanship of the state committee. Inquiry by the Department of Justice brought Matthews' reply that he had placed his resignation in the hands of the secretary and that it would be acted upon at the next meeting. Joseph Simon pointed out that the committee would not meet until called together by Matthews.<sup>1</sup>

The changes which were brought about in party organization by the application of the Lockwood law in the 1902 elections were in essence only the substitution of one group of leaders for another. The regulation of primaries in only one county of the state did not go very far in the direction of popular government. It was problematical whether the legislature, nominated and elected as it was, would provide a genuine direct primary law which would be approved by the courts. But there was some hope in the fact that 1902 had witnessed the adoption by the people of the constitutional amendment authorizing direct legislation through the initiative and referendum. After the election of 1902 there was a public demand for a special session of the legislature to make

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At the same time, Isaac L. Patterson was re-appointed and confirmed as Collector of Customs.

<sup>1</sup>Portland Weekly Dispatch, August 21, 1902; Salem Weekly Capital-Journal, December 25, 1902.

the referendum operative.<sup>1</sup> This was answered by an opinion of Attorney General Blackburn, who ruled that the amendment was in effect, and persons might now avail themselves of its benefits, without the legislature prescribing a mode of procedure other than that contained in the amendment itself.<sup>2</sup> The clarification of several points in procedure was, however, accomplished by an act of the 1903 legislature.<sup>3</sup>

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<sup>1</sup>Other demands concerned an appropriation for the Lewis and Clark exposition and the flat salary law for state officials. Oregonian, June 7, 1902, pp. 1 and 10.

<sup>2</sup>Oregonian, October 25, 1902, p. 4.

<sup>3</sup>The General Laws of Oregon, 1903 (Salem, Oregon: J. R. Whitney, State Printer, 1903), pp. 211-219.

CHAPTER IV

THE ELECTION OF CHARLES W. FULTON, 1903

The Early Prospects

Among those whose names were mentioned as possible candidates for the United States Senate in 1902-1903 were Charles W. Fulton, George McBride, Joseph Simon, Harvey W. Scott, Jonathan Bourne, Jr., and Solomon Hirsch.<sup>1</sup> Harvey Scott's newspaper did not mention him as a candidate. That was left to other editors and political leaders.<sup>2</sup> For a while it was thought that Senator Mitchell was desirous of having Fulton run as a candidate for the governorship, so that Solomon Hirsch might have a chance to become Senator. However, before the legislature of 1903 assembled George E. Chamberlain had been elected Governor, and Solomon Hirsch was dead.<sup>3</sup>

An editor in Fulton's home town estimated his chances as good, because he had friends in Eastern and Southern Oregon and the hold-over

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<sup>1</sup>Oregonian, March 22, 1901, p. 6; May 13, 1901, p. 1.

<sup>2</sup>Portland Weekly Dispatch, November 11, 1901; December 26, 1901; Oregon City Courier-Herald, November 15, 1901, p. 4; Pendleton East Oregonian, November 1, 1901; March 21, 1902; Eugene Oregon State Journal, March 29, 1902.

<sup>3</sup>Portland Weekly Dispatch, November 11, 1901. Eugene Oregon State Journal, December 26, 1902; Oregonian, December 16, 1902, p. 1.

senators were favorable to him. Scott and Simon were now believed to be so opposed to each other that either would allow Fulton to win before letting the other one be elected. The charge that Simon, Geer, and Moody had made a combination to control the state convention was made.<sup>1</sup>

The Clatsop County convention endorsed C. W. Fulton as a candidate for United States Senator and nominated him as a candidate for state senator at the same time.<sup>2</sup>

Fulton's intention to try for the Senatorship was taken for granted and had been often mentioned by the press before this definite statement was made, on the eve of the Republican state convention of 1902.<sup>3</sup> Referring to the prospect of action by the convention, Mr. Fulton said:

I am a candidate for United States Senator and it is well known that I have been favorable to the adoption by the Republican convention of the provisions of the Mays act. I am told that the convention is not likely to nominate a candidate for Senator, because the interests of other candidates, or of friends and associates of other candidates are supposed by them to be jeopardized. I regret that the matter has taken this shape and that it has been supposed by anybody that I have been pressing this enterprise from any personal motive. It seems to me that the plan is just as fair for one as for another, and I shall refrain from pushing its adoption by the convention solely because I am a candidate for Senator. If no candidate is nominated by the convention I do not consider that my prospects are in any way dimmed by its action or non-action.<sup>4</sup>

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<sup>1</sup>Astoria Herald, March 22, 1902. See also Pendleton East Oregonian, February 11, 1902; March 7, 1902.

<sup>2</sup>Astoria Herald, March 29, 1902.

<sup>3</sup>Pendleton East Oregonian, November 8, 1901; Oregonian, January 16, 1902, p. 4; February 10, 1902, p. 1; April 1, 1902, p. 10.

<sup>4</sup>Oregonian, April 1, 1902, p. 10.

As previously noted, the Republican convention did not take action to nominate a candidate for United States Senator.

On January 31, 1902, the Democratic State Central Committee had decided to nominate a candidate for United States Senator at the state convention and let it be known that fusion was frowned upon.<sup>1</sup> The Pendleton East Oregonian had called upon the Democrats of the state to allow the people to vote for their choice for United States Senator, saying: "In Kentucky, the people vote for United States Senators, and the Oregon Democrats may well inaugurate the plan here."<sup>2</sup>

The proceedings of the Democratic convention as described in the Oregonian are of interest as the first example in Oregon history of the nomination of a candidate for the United States Senate by a state major party convention. For that reason the newspaper account is quoted in full:

When the hour for reconvening arrived there were but few delegates in their places. The chairman announced that the business in order was the nomination of a candidate for United States Senator, and asked the pleasure of the convention.

Lark Bilyeu, of Lane, moved that no nomination be made, but that the matter be left to the Democrats in the next legislature. The motion was seconded, but a question was raised as to a quorum being present and the motion was withdrawn.

Bilyeu then moved that the naming of a candidate for Senator be referred to the State Central Committee, but when a point of order was raised he withdrew this motion also.

R. G. Smith of Josephine, made an address of the eagle screaming style, and closed by naming J. E. Lathrop of Umatilla County for senator. Lathrop responded in a humorous vein, indicating that

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<sup>1</sup>Oregonian, January 31, 1902, p. 1.

<sup>2</sup>Pendleton East Oregonian, February 7, 1902.

he did not take the matter seriously. When the levity had subsided, A. F. Flegel, of Multnomah, placed before the convention the name of C. E. S. Wood, of Portland. This name was seconded by F. W. Osburn, of Lane, A. M. Smith, of Clatsop, F. V. Holman, of Portland, J. E. Lathrop of Umatilla, Sam White of Baker, and Walter M. Pierce of Umatilla. On motion of Holman the nomination of Wood was made by acclamation.<sup>1</sup>

In the same convention a statement favoring the election of senators by direct vote of the people was approved.<sup>2</sup>

By this time there was talk of Governor Geer's candidacy for the position of Senator. Soon he was stating that he felt inclined to retire from politics permanently when he considered the harvest of calumny reaped by men like Mitchell, Dolph, Simon, and Corbett.<sup>3</sup> However, petitions were soon circulated for Geer and when the sample ballots appeared they bore the names of Geer and Wood as the Republican and Democratic candidates for United States Senator. In the general election Geer received 44,857 votes to 32,627 for Wood.<sup>4</sup> This, to many, did not settle the question, as discussion of the other candidates went on and new names were brought out. Malcolm A. Moody, who had been sidetracked for J. N. Williamson by the convention of the second congressional district, was finishing his term in the lower house. His name

<sup>1</sup>Oregonian, April 12, 1902, p. 11.

<sup>2</sup>Klamath Falls Express, April 17, 1902.

<sup>3</sup>Oregonian, April 7, 1902, p. 1; April 10, 1902, p. 10. Astoria Herald, April 12, 1902.

<sup>4</sup>Oregonian, April 25, 1902, p. 11; May 5, 1902, p. 2. Portland Weekly Dispatch, May 1, 1902. Salem Weekly Capital-Journal, January 22, 1903.



received favorable mention, but the object of this may have been to divert strength from Geer, rather than to elect Moody.<sup>1</sup> Little was mentioned in the press concerning Jonathan Bourne as a candidate, but the Salem Journal remarked that "as long as it is a buy and sell Mr. Bourne is as eligible as any other man who will participate in the fashionable game."<sup>2</sup> That Bourne intended to become a candidate is now definitely known, but his strategy called for keeping his candidacy under cover until the proper moment.<sup>3</sup> He wrote to S. W. Fordyce:

My name will probably not be mentioned until the session has been running two or three weeks—a prolonged fight. You will understand in case you see no election of senator at the first week's balloting that this is part of my programme and clearly to my advantage.<sup>4</sup>

#### The Effect of the Nays Law on the Campaign

Governor Geer's candidacy, his letter-writing campaign, and the question of calling a special session of the legislature to enact the promised flat salary law, to vote an appropriation for the Lewis and Clark Exposition, and to settle questions about the operation of the initiative and referendum, were major topics of discussion during

<sup>1</sup>Oregonian, June 5, 1902, p. 6; December 19, 1902, p. 10.

<sup>2</sup>Salem Weekly Capital-Journal, August 21, 1902.

<sup>3</sup>Bourne to H. W. Corbett, December 22, 1902; Bourne to S. W. Fordyce, January 10, 1903, Bourne Papers.

<sup>4</sup>Ibid.

the summer and fall of 1902.<sup>1</sup> Governor Geer at length decided not to call a special session of the legislature, thus settling one question, but the discussion of his candidacy went on.

Late in September, 1902, Geer dispatched letters to some Republicans in the legislature setting forth the basis for his claim to the office:

My only object in writing this letter is to call your attention to the fact that I have not announced myself as a candidate for United States Senator, but that I accepted the request of 3000 voters of Oregon to allow my name to go on the ticket, in order that the people might have an opportunity to vote on the question, and that having the courage to do so, and having invited all others to have equal courage, and thus decide the matter, and having been nominated for that position by an overwhelming vote of my party at an election where the people showed that if they did not like a candidate they did not vote for him—a privilege that is always open to every voter—I trust to receive your cheerful support for the reason that, with an opportunity to vote for me or not, 96 per cent of the Republicans of the state have declared me to be the Republican nominee of the party. . . .<sup>2</sup>

Geer's claim made him the object of cartoon caricature, and the basis for his claim was challenged by a Multnomah legislator, who pointed to the original intent of the Mays bill, which had required nomination by convention as introduced in the Senate. He acknowledged that the House amendments made it possible to nominate by petition or by assembly, but regarded these as checks on the first method. "The

<sup>1</sup>Oregonian, June 7, 1902, p. 1; June 17, 1902, p. 6; June 29, 1902, p. 12; September 30, 1902, p. 10; October 12, 1902, p. 6; October 25, 1902, p. 4; November 5, 1902, p. 6; November 7, 1902, p. 10; November 8, 1902, p. 1; December 26, 1902 (Editorial); December 28, 1902, p. 1; January 5, 1902, p. 8. Salem Weekly Capital-Journal, September 18, 1902; October 30, 1902; November 13, 1902; December 25, 1902. Portland Weekly Dispatch, June 12, 1902; June 19, 1902; July 10, 1902. Pendleton East Oregonian, June 20, 1902.

<sup>2</sup>Oregonian, September 30, 1902, p. 10.

framers of the law did not intend that a merely accessory part of the bill should be the only active part, as has come to pass in Mr. Geer's case.<sup>1</sup> Geer's actual chance of being elected by the legislature was appraised by a political bystander as follows:

The fact that Governor Geer has about the same number of votes for United States senator as that cast for the two Republican candidates for congress is no indication of his election. Had he received every vote in Oregon the gang which has control of the legislature would pay no regard to it. Even F. P. Mays, the author of the bill will ignore it. We shall have a practical illustration of the Mitchell's gang [sic] sincerity in its profession in favor of electing senators by the people.<sup>2</sup>

Geer later recognized that the Mitchell Republicans had gathered the Mays bill in the legislature of 1901 in order to force Senator Simon to face a popular vote in 1902, believing that his reputation as a political boss would result in a popular defeat which would lessen his chances of election by the legislature. Simon's failure to seek the office in 1903 made the law of no value to its authors.<sup>3</sup> However, at this time Geer was attempting to secure a popular vindication, after being censured by the Republican convention, and his public utterances were full of hope. He had avoided active campaigning before the general election of 1902 in order that his popular vote might be unsolicited, but his opponents regarded his inactivity as proof of sulkiness over his

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<sup>1</sup> Ibid.

<sup>2</sup> A. Maltner in Portland Weekly Dispatch, June 12, 1902.

<sup>3</sup> T. Geer, Fifty Years in Oregon (New York: The Heale Publishing Company, 1912), p. 477.

failure to receive the nomination for a second term as Governor.<sup>1</sup> One hopeful sign for Governor Geer was the indication that differences between Republican managers might cause one or more of them to throw support to him. Someone else was bound to be disappointed at his own failure to receive political backing and might join forces with Geer.<sup>2</sup> Geer's contention that the legislature could not elect one of its own members (Fulton) to the United States Senate was rejected by Joseph Simon because in this case the United States Constitution would take precedence over the state's regulations. But Simon thought that the legislature was morally bound to respect the Governor's claim because of the voters' expression of preference for him.<sup>3</sup> When pressed for an answer, by a Portland reporter, as to his opinion of the Mays law, Mr. Fulton responded:

You may say this: I favor nominations for Senator by two methods; first, at party conventions, and second at the polls. As the law stands now the individual voter cannot nominate his own candidate.<sup>4</sup>

This, together with Mr. Fulton's statement at the time of the state convention, may mean that the decision to forego the opportunity to nominate a senatorial candidate in that convention was not his own. There were undisclosed reasons for that decision. Probably one of them was the feeling that party unity in the general election would be

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<sup>1</sup>Ibid., p. 478; cf. Astoria Herald, June 7, 1903; June 14, 1903; January 31, 1903.

<sup>2</sup>Salem Weekly Capital-Journal, September 18, 1902.

<sup>3</sup>Oregonian, December 28, 1902, p. 1.

<sup>4</sup>Oregonian, January 6, 1903, p. 10.

achieved to a greater degree if the senatorial question was not injected into that campaign. The desire to have the legislature free to make up its mind according to the prospects and inducements which might be visible at that time may be another. Possibly the inter-city rivalry which existed between Portland and Astoria (Fulton's home) prevented Mr. Fulton from being endorsed for Senator by the convention. No final answer to this question seems acceptable, but a recognition of the fact that some Portland interests were not enthusiastic over Mr. Fulton's candidacy will clarify the events to follow.

The attitude of another political leader concerning the Mays Law is of interest in view of his later record. At this time there is no evidence that Jonathan Bourne knew of the Mays Law or that he regarded the popular endorsement of forty-five thousand votes received by Governor Cox in any way binding upon the legislators. His conversion to that doctrine must have come later, for he was now laying plans to become Oregon's Senator. During the heat of the 1901 senatorial contest Bourne had decided that he would never again enter the political arena

... unless I decide to make a fight for the U. S. Senatorship for myself, which while possible, is not at all probable, and I believe it would be far wiser to buy a place on Buzzard's Bay, own a 25-ft. catboat, join several golf clubs and spend the rest of my days in attempting to get all the healthy pleasure possible out of life.<sup>1</sup>

Evidently, with the approach of another legislature Buzzard's Bay lost

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<sup>1</sup>Bourne to George H. Cox, February 17, 1901, Bourne Papers.

its attractiveness, for Bourne was now soliciting help from his friends and business associates, preferring the indirect approach of a request to one of his own friends to use his influence with this friend or that partner of a member of the legislature to secure his support for Bourne's candidacy.<sup>1</sup>

Some of the persons contacted through Bourne's letters were residents of other states whose influence he considered an important asset to his candidacy. One such letter is illustrative of the type of backing sought:

Remembering your previous many kind offers to pull such strings as you could to assist me, I now write to ascertain whether you are personally close to Mr. Harriman or Mr. Cornish. If close to either of these gentlemen I would greatly appreciate it if you would use your influence with them to have them instruct the local representatives or managers here of their railroad interests to render me all possible assistance in the way of influence in securing my election. Should this be done and the assistance be real and specific I shall of course, be not only appreciative of your efforts but of such assistance as they may render and be glad if elected to reciprocate to the extent of my ability.<sup>2</sup>

Bourne wrote to H. W. Corbett reminding him of his efforts to elect Corbett in 1901 and asking for the fulfillment of the promise then made by Mr. Corbett to assist Bourne if the latter should be a candidate to succeed Senator Simon. He asked Corbett to inform Senators Croisan, Daly, Mulkey, McGinn, Meyers, Johnston and Steiwer and

<sup>1</sup>Bourne to S. W. Fordyce, December 11, 1902; January 10, 1903; Bourne to Charles E. Ladd, December 26, 1902; January 2, 1903; Bourne to H. W. Corbett, December 22, 1902; February 8, 1903; Bourne to F. Tillman, Jr., February 8, 1903.

<sup>2</sup>Bourne to S. W. Fordyce, January 10, 1903, Bourne Papers.

Representatives Hahn, Gill, Hawkins, and Miles of Corbett's preference for Bourne as a candidate. Farrar and Hobson were two others whose aid he was asked to solicit if his relations with these two were such as to permit it. Bourne promised to reciprocate for any such service rendered.<sup>1</sup>

Bourne was interested in avoiding the turbulence which might result from the appointment of a new postmaster in Portland during the fight over the senatorship. His file contains copies of telegrams sent to John H. Mitchell by George C. Brownell and by Bourne himself requesting delay in making the appointment.<sup>2</sup> Delay was considered essential to the election of Brownell as President of the Senate. Bourne's protege for Speaker of the House was Frank Davey of Marion County, to whom he gave frequent advice by letter and whom he often called to Portland for conferences. E. M. Croisan of Salem was another whose aid was sought in bringing these plans to fruition.<sup>3</sup>

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<sup>1</sup>Bourne to H. W. Corbett, December 22, 1902, Bourne Papers. What appears to be a copy of Corbett's reply (done on the same typewriter as other letters in Mr. Bourne's letter-books) reads as follows: "Yours of the 22nd inst. is duly received. Contents noted. I have already taken up the matter of which you write. I cannot say that I have any pledges in reference to the matter. As opportunity offers, I shall take occasion in other directions to comply with your request, as far as practical." H. W. Corbett to Jonathan Bourne, Jr., December 23, 1902, Bourne Papers.

<sup>2</sup>George C. Brownell to John H. Mitchell, December 17, 1902; Bourne to John H. Mitchell, January 5, 1903, Bourne Papers.

<sup>3</sup>Bourne to Frank Davey, October 1, 1902, October 8, 1902, October 23, 1902, October 31, 1902, November 8, 1902, November 24, 1902, December 26, 1902, January 5, 1903; Bourne to E. M. Croisan, July 16, 1902, October 1, 1902, October 11, 1902, October 16, 1902, October 31, 1902, December 6, 1902, December 11, 1902, December 18, 1902, December 26, 1902, January 3, 1903; Bourne Papers.



Bourne, as a lobbyist and campaign manager, had been noted for his lavish hospitality. This campaign was to be no exception, for he wrote to the managers of the Eldridge Block in Salem reserving rooms, a dining hall, and kitchen equipment to accommodate from twenty-four to thirty people, specifying that it must be in readiness by January 8.<sup>1</sup> From the elaborateness of his preparations one might easily conclude that Mr. Bourne's hope for election in 1903 did not rest upon a popular endorsement.

The possibility of interest shifting to a late entrant was visible in the feelers that were put out by the friends of Binger Hermann and R. A. Booth.<sup>2</sup> Hermann's difficulties with the administration, growing out of his administration of the Land Office and his conflict with conservationists, were believed likely to reduce his prospects. His candidacy, if pushed, would draw strength from both Geer and Fulton, but more from the latter. Bourne was aware of the probability of Mr. Booth's being a "tentative candidate."<sup>3</sup>

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<sup>1</sup>Bourne to Mrs. W. G. Westacott, December 22, 1902, Bourne Papers; see also Astoria Herald, January 17, 1903.

<sup>2</sup>Oregonian, November 7, 1902, p. 10; December 29, 1902, p. 2; January 1, 1903, p. 42.

<sup>3</sup>Bourne to H. R. Kincaid, January 8, 1903, Bourne Papers.



Organization of the Legislature

George C. Brownell was not a candidate for the United States Senate, but was unique in his ability to work with the diverse interests which a senatorial election attracted to the capital. He had been very frank with his constituents when he announced his candidacy for re-election to the state senate:

Since experience has proven that our United States Senators are under obligations to the members of the legislature for their official position and must make their peace with capital before they can be elected, I believe that the only remedy for this evil is to make United States Senators answerable only to the people by whom they should be elected.

He further enlightened the picnickers at Sandy on that August afternoon in 1901 by declaring:

I have been a member of the Oregon Senate for eight years, and I can say that no bill was ever gotten through the Legislature during that time on its merits.

Trading, wire-pulling and combinations were the methods he described to his Clackamas County auditors that day.<sup>1</sup> Mr. Brownell was probably well qualified to enlighten his friends. It was stated by the Salem Capital-Journal that Brownell and Porter, his running mate, had made a specialty of getting control of senate committees on corporations. Their bills to tax or regulate corporations were all defeated or pigeonholed. It was asserted that Brownell prefers the railroad chairmanship again to any federal appointment or state office.<sup>2</sup>

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<sup>1</sup>Oregonian, August 25, 1901, Part 2, p. 1.

<sup>2</sup>Salem Capital-Journal, (Editorial), February 20, 1902; Eugene Oregon State Journal, February 1, 1902.

Jonathan Bourne thought well of Brownell's "vast experience in legislative matters . . . his conservatism and ability to protect business interests against injurious legislation."<sup>1</sup>

Brownell's acceptability to Bourne and also to Charles W. Fulton made possible his election as President of the Oregon Senate in 1903. This was accomplished although the Multnomah delegation had previously voted to support Dr. A. C. Smith. In the first caucus Brownell and Smith each polled eleven votes, but the tie was broken in favor of Brownell in the second caucus. The Oregonian commented that Brownell must be good to win over Dr. A. C. Smith, and later asserted:

It was done by a combination of the most diverse interests that were ever assembled for any common political purpose. Brownell had behind him Senator Mitchell, Mr. Fulton, Mr. Bourne and himself, and it is suspected that Senator Simon inclined his ear graciously to his appeal for favorable consideration. Governor Gear too is thought to have not given Senator Brownell a stone when he asked for bread.<sup>2</sup>

L. T. Harris of Eugene was elected Speaker of the House. Frank Davey of Marion had received seventeen votes, to fifteen apiece for Harris and B. L. Eddy in the first caucus. Several ballots failed to give anyone more than nineteen votes, with twenty-four necessary to win. The second caucus broke the deadlock and formal organization of the

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<sup>1</sup>Bourne to Charles E. Ladd, January 2, 1903, Bourne Papers.

<sup>2</sup>Oregonian, January 8, 1903, p. 1; January 13, 1903, p. 6; January 19, 1903, p. 1. See also Salem Weekly Capital Journal, January 15, 1903; Astoria Herald, January 17, 1903; Eugene Oregon State Journal, January 10, 1903.

House followed.<sup>1</sup> The victory of Harris must be regarded as Fulton's first decisive gain since Multnomah had decided to support Eddy and Bourne was backing Davey.<sup>2</sup> Bourne was given some satisfaction by the appointment of W. A. Howe as chairman of the Ways and Means Committee in the Senate.<sup>3</sup>

Governor Geer, in his last official message to the Oregon legislature, took a clear-cut stand on the issues at stake. He argued that the direct nominating system had everything in its favor. He then referred to the passage of a law providing for a direct vote on candidates for United States Senator. The law, he said, was enacted in obedience to a general demand from people and press. It was carefully revised during its passage and enacted by an almost unanimous vote. This first attempt at the popular vote for United States Senators was being watched with interest in many states. Prompt observance of the law would encourage its adoption in other states, would "prove the sincerity of our protestations in favor of popular elections of Senators" and render repetitions of former unsatisfactory experiences impossible.<sup>4</sup>

<sup>1</sup>Oregonian, January 11, 1903, p. 1; January 13, 1903, pp. 1 and 6; Salem Weekly Capital-Journal, January 15, 1903. Eugene Oregon State Journal, January 17, 1903.

<sup>2</sup>Oregonian, January 8, 1903, p. 16; Bourne to Frank Davey, January 5, 1903, Bourne Papers; Astoria Herald, January 17, 1903.

<sup>3</sup>Oregonian, January 20, 1903, p. 4.

<sup>4</sup>Biennial Message of Governor T. T. Geer to the Twenty-Second Legislative Assembly, January 14, 1903, Senate Journal (Salem, Oregon: J. R. Whitney, State Printer), 1903, p. 50; George H. Haynes, The Election of Senators (New York: Henry Holt and Company, 1906), pp. 115-117; Oregonian, January 15, 1903, p. 11.

Governor George E. Chamberlain, on receiving the oath of office from Chief Justice Moore, delivered his first message to the legislature. In it he expressed the hope that needed legislation would not be obstructed by a contest over the senatorial election as had happened on previous occasions, laying stress on the Initiative and Referendum as a remedy.<sup>1</sup> The atmosphere of the occasion was perhaps more subdued than usual because of the news from the nation's capital of the sudden death of Oregon's congressman, Thomas H. Tongue.<sup>2</sup> The vacancy in Oregon's delegation thus created had an immediate bearing upon the senatorial election. Ringer Hermann was returning to Oregon, and, as it turned out, became Mr. Tongue's successor. Since he had been a prospect for the senatorship it is safe to assume that the necessity of choosing to press his claim for that post or to organize his forces for the special Congressional election removed one of the rivals from the senatorial contest.<sup>3</sup>

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<sup>1</sup>Inaugural Address of Governor George E. Chamberlain to the Twenty-second Legislative Assembly, January 14, 1903, Senate Journal (Salem, Oregon: J. R. Whitney, State Printer), 1903, Appendix, p. 33; Oregonian, January 15, 1903, pp. 1 and 12.

<sup>2</sup>Salem Capital-Journal, January 15, 1903; Oregonian, January 12, 1903, pp. 1 and 6; Astoria Herald, January 17, 1903; January 21, 1903. Ex-Governor Geer has related how Mr. Tongue had been physically overtaxed by a climb on "Wisard Island" in Crater Lake during an outing with the Governor and Will G. Steel about four months previous to his death. T. T. Geer, Fifty Years in Oregon (New York: The Neale Publishing Company, 1912), pp. 487-488.

<sup>3</sup>Oregonian, January 12, 1903, pp. 1, 4, 6; April 10, 1903, p. 1; Salem Weekly Capital-Journal, February 26, 1903; June 4, 1903; June 19, 1903, p. 7.

### The Final Deadlock

There was the usual difference of opinion on the question of a Republican caucus on the senatorial election. Fulton's plan was to have forty-six members sign a caucus agreement with twenty-four of that number sufficient to nominate in the caucus. The Marion County Republican convention had recommended that all Republicans should attend a caucus and a three-fourths vote should nominate. A Salem editor proposed that all Republican legislators should attend a caucus, with no signed agreement, and let the majority vote nominate. However, Geer maintained that the general election majority which he had received made him a caucus nominee.<sup>1</sup>

The newly elected presiding officers of the houses had both declared themselves favorable to a caucus. Bourne was hopeful that the number of signers for the caucus call would not be more than thirty, when he wrote to B. F. Mulkey and congratulated him on his refusal to sign the call.<sup>2</sup> On January 14 the Oregonian noted that progress on Fulton's caucus call came to a standstill, with something over twenty signatures. It was predicted that the balloting in the legislature would open with thirty for Fulton, twenty for Geer, and seventeen for C. E. S. Wood,

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<sup>1</sup>Salem Weekly Capital Journal, December 25, 1902; January 8, 1903; Eugene Oregon State Journal, December 20, 1902; January 10, 1903.

<sup>2</sup>Oregonian, January 7, 1903, pp. 8, 10; January 8, 1903, p. 10; Bourne to B. F. Mulkey, December 24, 1902, Bourne Papers.

which was a fairly accurate forecast.<sup>1</sup> One of the major uncertainties was the stand which the Democrats in the legislature would take on the Hays law. Their candidate, C. E. S. Wood, had, like Geer, avoided making a fight for popular endorsement before the June election. He also may have alienated some of his own party by his strong criticism of the personal and defamatory campaign which they were waging against Mr. Furnish, the Republican gubernatorial candidate. Wood believed in a campaign on principles, favoring what the Republicans called the "scuttle" policy in the Philippines.<sup>2</sup>

Wood now wrote to the Democratic leaders advising the Democrats in the legislature to vote for Geer for Senator on the strength of his majority vote in the June election.<sup>3</sup> The Democrats decided not to take Wood's advice, saying that the Hays act was designed as a guide for action by the parties in making their selection for senator and that party lines should not be obliterated by statute.<sup>4</sup>

The legal procedure for the election of Senators called for a separate ballot in the two houses and a joint ballot on the day following.

<sup>1</sup>Oregonian, January 14, 1903, p. 1; January 22, 1903, p. 1; Salem Weekly Capital-Journal, January 22, 1903. The Eugene Oregon State Journal, January 24, 1903, reported the vote: Fulton, twenty-eight; Geer, twenty; Wood, eighteen; scattering, twenty-one; not voting, three.

<sup>2</sup>Oregonian, May 28, 1902, p. 4.

<sup>3</sup>Oregonian, January 20, 1903, p. 1; Salem Weekly Capital-Journal, January 22, 1903. There was a rumor that the Democrats would support Geer in exchange for his aid in filling Tongue's seat with a Democrat. Ibid.

<sup>4</sup>Oregonian, January 20, 1903, p. 1.

If no majority was obtained on the first joint ballot there would be a joint ballot each succeeding day until a majority was obtained, or until adjournment. The balloting in the separate houses took place on Tuesday, January 20, 1903. In the House of Representatives, when Speaker L. T. Harris called for nominations, Representative Frank Davey of Marion County arose and reminded the House that under the law it was required that the popular vote for United States Senator be canvassed by the Speaker in the presence of the House. He demanded compliance with the law. The Speaker said that although there was a law, it did not require the canvassing of the vote before nominations. Mr. Davey then seconded ". . . the nomination of the man who was placed in nomination last June in the most sacred manner that is known to the electors of the state. . .," naming Geer and reviewing the Mays Law. His remarks were frequently applauded. J. W. Phelps, of Morrow and Umatilla, then nominated C. W. Fulton as the man who was generally demanded by the people. After that, Representative Galloway, Democrat, of Yamhill County, placed in nomination C. E. S. Wood. After commenting on the Mays Law as an agency for the people to express their choice for United States Senator, he made a humorous hit by remarking, "When Democrats elect Democratic representatives they don't expect them to vote for Republican senators, but God only knows what they will do."<sup>1</sup>

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<sup>1</sup>Salem Weekly Capital-Journal, January 22, 1903. The Oregonian reported his remarks differently: "When the people elect Democratic senatorial electors they expect them to vote for the Democratic candidate for Senator. But," paused the Yamhill gentleman, "when the people elect Republican senatorial electors, God only knows what they expect them to do." January 21, 1903, p. 1.

In the joint session of January 21, at the request of Representative Davey, Chief Clerk Jennings announced the popular vote cast in June (Geer, 44, 857; Wood, 32, 627). Senator B. F. Milkey presented Geer's name for the senatorship:

He discussed human rights and popular suffrage, carefully developing an argument to show that the peoples choice for United States Senator should be elected by the Legislature. 'Every Republican who votes for Geer' he said 'will vote for a principle as eternal as ever principles are. The safe thing for any man to do is to obey the dictates of the people if he knows what they are, and in this instance it has been absolutely demonstrated.'<sup>1</sup>

In the past legislation had been sacrificed, deadlocks had occurred, and the state had been denied full representation. "The example would be far reaching as accomplishing a change throughout the country in the manner of electing United States Senators." He stressed Geer's qualifications also in recognition of the fact that the man as well as the principle must be discussed. The address was received with applause.<sup>2</sup>

Representative B. L. Eddy in nominating C. W. Fulton conceded the value of government by the people. He doubted the wisdom of departing from the manner of electing United States senators as prescribed by the constitutional convention. . . . Defects had shown themselves, he said, in the present system of electing senators. It was one thing to detect imperfection and another to remedy the same. . . . The action of the legislature of the State of Oregon, with reference to the United States senatorship, was by no means final or compulsory, to the extent that the constitution is altered to conform thereto. He charged that no attempt was made to place Geer's name before the Republican state convention for the nomination and a place on the ballot. He further charged that under the plan adopted by Geer to have his name

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<sup>1</sup>Oregonian, January 22, 1903, p. 1.

<sup>2</sup>Salem Capital Journal, January 22, 1903.



placed on the ballot, no other Republican could have had his name placed on the ballot. It was not right that any one man should usurp to himself the whole use of the title 'Republican.' The vote received by Mr. Gear, claimed the speaker, does not represent the Republican party, and the only significance of the vote is that of an advisory value. He questioned the advisability of seriously considering the candidacy of a man to the high office who might not be in accord with his party. The voters of Tillamook County, concluded the speaker, did not consider that he was bound to abide by the popular vote for Senator under the circumstances.<sup>1</sup>

After two weeks of balloting there had been little change in the numerical strength of the three leaders. Milton A. Miller, Democrat, of Linn County had proposed a memorial to Congress favoring popular election of United States Senators; the Croisan bill for a direct primary law was being considered by the Senate Committee on Elections; newspapers again had suggested Harvey W. Scott as a worthy candidate for the United States Senate; and one of Geer's supporters, Squire Farrar, of Salem, had shifted from Geer to Fulton, back to Geer, and then to Fulton again.<sup>2</sup> When B. F. Mulkey had criticized Farrar President George Brownell had taken the floor to say:

I wish to take issue with the Senator from Folk, on the assumption that the vote cast for T. F. Geer was in the nature of a nomination. On the ballot last June were two candidates for Senator and when 45,000 people voted for Geer, that ballot meant that they preferred T. F. Geer rather than a Democrat. That was what the vote said and that was what it meant. You can't have a choice from among Republicans, when only one Republican is on the ticket.<sup>3</sup>

<sup>1</sup>Salem Weekly Capital-Journal, January 22, 1903.

<sup>2</sup>Oregonian, January 29, 1903, p. 1; February 7, 1903, p. 6; Salem Weekly Capital-Journal, January 29, 1903.

<sup>3</sup>Oregonian, February 7, 1906, p. 6.

The long week-end which some of the legislators "enjoyed" at the end of the first week's session was caused by a Willamette River flood which delayed their return to the capital. Senator Fulton took a hand in blocking the move for another week-end recess when he prevented a division and an appeal from the decision of the chair on January 30. He also adopted the practice of staying away from the joint sessions, thus reducing by one the number required to elect. The support being given him by Hermann's followers was taken as the sign of a deal for mutual helpfulness in securing the Senate seat for Fulton and the vacant seat in the House for Hermann. Fulton's vote was now thirty-four, with sixteen for Geer, and seventeen for Wood.<sup>1</sup>

The aloofness of the Multnomah delegation from both Geer and Fulton was noticeable. No votes had been cast for Jonathan Bourne but he had been early recognized as "the only avowed candidate from Multnomah," and his helpfulness in making Brewell the Senate president was common knowledge.<sup>2</sup> Bourne was not able to secure the full support of the Multnomah delegation. There was speculation in the minds of influential Portlanders over Bourne's course if he should not receive that support. Would he throw his support to Fulton if Multnomah did not

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<sup>1</sup>Oregonian, January 30, 1903, p. 1; February 2, 1903, p. 1; February 5, 1903, p. 1. On Monday, January 26, Fulton's vote had fallen to twenty-one with twenty-five absent. Astoria Herald, January 31, 1903.

<sup>2</sup>Oregonian, January 19, 1903, p. 1. For further evidence of Bourne's aid to Brewell see letters of Bourne to Frank Davy, October 31, 1902; Bourne to B. P. Hulley, January 3, 1903; Bourne to Charles E. Ladd, January 2, 1903; Bourne to John H. Mitchell, January 5, 1903; Bourne to J. M. Keene, January 7, 1903; Bourne Papers.

stand with him? There was also an attempt by one of Bourne's friends to contact Jack Matthews with the object of securing his backing for Bourne.<sup>1</sup> When the Astoria News asked: "What is Jonathan Bourne's Game?" two other papers supplied their opinions. The Salem Weekly Capital-Journal said:

Jonathan Bourne is a factor in the political game at Salem not to be despised. He has a following of about ten votes that are absolutely loyal to him. Mr. Bourne's game is a waiting game, so far as tactics are concerned. Personally, considered as a possible candidate, Mr. Bourne plays a more ancient game--the game of loyalty to his friends. . . . Mr. Bourne's social qualities, his kindness of heart, his Monte Cristo reputation, his recognized ability as a manager of men, and equally potent as a destroyer of combinations--makes him a formidable factor in the situation.

The Oregonian said:

There is no very great mystery about Mr. Bourne's policy, though there is doubt about the extent and efficiency of his operations. He is planning to be the last hour candidate. He then proposes a campaign that will eliminate everybody else as a candidate including Mr. Fulton and Mr. Geer, and one that will cause the shattered forces to rally around the nucleus of votes he has all along been conceded to have.<sup>3</sup>

That these two opinions represent the facts of the case one may easily see from Mr. Bourne's letters. He was very anxious to receive word from Mr. Fordyce in St. Louis concerning the prospect of aid from Mr. Harriman or Mr. Cornish and was still hopeful of success at the time of the last entry on that matter.<sup>4</sup> He wrote to W. B. Dennis concerning

<sup>1</sup>"Charles" to "Jonathan," January 15, 1903, Bourne Papers. This contact may not have been authorized by Bourne.

<sup>2</sup>Salem Weekly Capital-Journal, February 12, 1903.

<sup>3</sup>W. B. P. in the Oregonian, February 11, 1903, p. 4.

<sup>4</sup>Bourne to S. W. Fordyce, January 10, 1903; January 17, 1903 (wire and letter), Bourne Papers.

his interest in the establishment of a United States Bureau of Mines.<sup>1</sup> Bourne also tried to win the support of R. A. Booth, lumberman and state senator by contacts through influential business men, and associates of Booth.<sup>2</sup>

Bourne, evidently tiring of his week-end trips to Portland that he might have the services of his secretary in his correspondence, called John C. Young from Baker City to Salem, sending one hundred dollars in expense money along with Young's regular salary check.<sup>3</sup> This evidently made it easier for Bourne to carry on his campaign, but it closes the record for the historian until after the fight is over, when we find him explaining to friends:

As I found that I was only able to count absolutely upon thirty-three votes and as it required forty-five to insure election, I decided after consultation with my friends on the ground that it was for the best interests of us all not to have my name placed in nomination. While unsuccessful in my efforts at this time, I believe that the fight made by my friends and myself has placed me in a very strong position to succeed Senator Mitchell four years hence, or earlier should his present precarious condition of health result, as many of his intimate friends think it will, in a vacancy.<sup>4</sup>

One may safely conclude, with little fear of contradiction, that Jonathan Bourne's game was a waiting game.

<sup>1</sup>Bourne to W. B. Davis, January 17, 1903, *Ibid.*

<sup>2</sup>Bourne to F. Tillman, February 6, 1903; February 25, 1903; Bourne to H. W. Corbett, February 6, 1903; Bourne Papers.

<sup>3</sup>Young, a former Populist leader, was now employed by Bourne in connection with his mining and political interests.

<sup>4</sup>Bourne to F. Tillman, Jr., February 25, 1903, Bourne Papers.

On January 31 it was reported in the Astoria Herald that Fulton had tried and failed in his effort to secure the help of Harvey W. Scott. Scott was said to have previously promised Fulton to aid him if the time should come when his help would elect Fulton. Scott, through his influence with several of the Multnomah men, was considered able to elect Fulton. In the opinion of this paper the long fight had settled down to the question of whether Fulton or Bourne would be more acceptable to the Multnomah delegation.<sup>1</sup>

On February 1, Bourne addressed an invitation to Mr. A. L. Mills, Portland banker, asking him to come to Salem for a two-day visit, adding, "You can render me great assistance by so doing."<sup>2</sup> Whether Mills accepted or not has not been ascertained; but the casting of thirteen votes for A. L. Mills by the Multnomah delegation on February 6 may be regarded as a significant break in the contest. It marked a trend toward unification of the Multnomah group which was carried further when seventeen of the nineteen Multnomah men cast their votes for George H. Williams on February 13.<sup>3</sup> On February 17 nine Multnomah men "took the bit in their teeth" by voting for ex-Governor Gear.<sup>4</sup> This provoked the first genuine excitement of the session, but it was interpreted as a bit

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<sup>1</sup>Astoria Herald, January 31, 1903.

<sup>2</sup>Bourne to A. L. Mills, February 1, 1903, Bourne Papers.

<sup>3</sup>Oregonian, February 7, 1903, p. 4; February 11, 1903, p. 4.

<sup>4</sup>Oregonian, February 18, 1903, p. 1. They were Holman, Myers, McGinn, Cobb, Gill, Hudson, Hutchinson, Nottingham, and Reed.

of strategy which did not forecast a victory for Gear. Fulton sought to make capital of it by the comment that: "It is a departure from the Multnomah declaration that they will not vote for any but a Multnomah man. It releases any Multnomah man to vote for any candidate outside Multnomah." Gear said: "I am pleased to see it, of course. If it keeps on for two days longer, I shall be elected."<sup>1</sup>

The next day Fulton succeeded in securing Senate approval of a motion to set adjournment time for midnight on Friday, February 20, and resisted the House's demand for another day.<sup>2</sup> The necessity of having another Senator in Washington due to the illness of Mitchell, the death of Tongue, and the general need for party harmony were stressed by the Capital-Journal, which described as anarchistic the policy of rival cities and rival factions threatening to adjourn before they would let the other side elect a senator.<sup>3</sup>

#### The Deadlock Broken

The Oregonian's editorial on the day before adjournment may be described as an attempt to pour oil on troubled waters. Both Fulton and Gear were complimented on the manner of conducting their campaigns. The legislature was credited with passing many bills that were of benefit to the state and of accomplishing all the purposes for which it had met except the election of a Senator.<sup>4</sup>

<sup>1</sup>Ibid.      <sup>2</sup>Oregonian, February 19, 1903, p. 1.

<sup>3</sup>Salem Weekly Capital-Journal, February 19, 1903.

<sup>4</sup>Oregonian, February 19, 1903, p. 8.



The final afternoon and evening of the legislative session drew many curious onlookers. People who were politically uninformed were willing to sit twelve hours in a narrow seat in the balcony which hardly permitted a change of position. Some of the men and boys who could not find seats stood on the narrow ledge at the top of the vainscoting about five feet above the floor and clung to the ornamental work on the wall, to avoid falling. No one was admitted inside the bar except by ticket.<sup>1</sup>

Geer's vote had risen to thirty on the thirteenth ballot of the day. On the fourteenth ballot Dr. A. G. Smith of Portland, nominated Harvey W. Scott in a stirring speech. Dan Malcrkey seconded the nomination. B. F. Malkey eulogized Scott. On the seventeenth ballot Scott ran up to twenty-nine and Fulton to thirty-five.<sup>2</sup> Victory for Fulton came at twelve minutes after midnight, with the clock stopped at twelve. At three minutes past midnight Nottingham made the first break from the Multnomah delegation to Fulton. Banks, Fisher, and Jones followed. Jones was the forty-sixth man, as Fulton had gained votes from other counties too.<sup>3</sup> The eighteenth ballot of the day gave Fulton forty-six, Scott twenty-one, G. E. S. Wood seventeen, T. P. Geer three, Hume one, Hermann one. When the result was announced Fulton was lifted on the shoulders of friends and carried to the rostrum for an acceptance speech. Astoria received the news with a celebration that continued

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<sup>1</sup>Oregonian, February 21, 1903, p. ii.

<sup>2</sup>Salem Weekly Capital-Journal, February 26, 1903.

<sup>3</sup>Astoria Herald, February 26, 1903.

after three A. H., and Portland planned a reception for the winner at the Portland Commercial Club. Harvey Scott pledged cooperation " . . . in all your work for the welfare of Oregon. . . ." in a telegram to Senator Fulton.<sup>1</sup>

The events which led up to the nomination of Harvey W. Scott have been the subject of much controversy. The Salem press reported that a conference of sixteen Gear members of the legislature was held on Friday afternoon. They were asked to line up for Harvey Scott. Three of them--Judd, Davey, and Simmons--would not desert Gear. Hobson, Kay, and Croisan would not support Scott as they wanted a younger man. It was claimed that Scott's followers hoped to secure the sixteen Gear votes through the influence of Bourne, but Bourne could not deliver, and only nine of Gear's votes went to Scott.<sup>2</sup> Bourne, in his later correspondence with Mr. Scott, reminded him of an agreement negotiated by wire between Scott and Bourne through the help of H. B. McGinn, T. B. Wilson, and W. M. Ladd. This purported agreement provided that in exchange for Bourne's aid Mr. Scott would pledge Bourne all Federal patronage coming to Scott as Senator, would help to elect Bourne as Mitchell's successor, would give Bourne the leadership of the Republican

<sup>1</sup>Oregonian, February 21, 1903, p. 1; Salem Weekly Capital-Journal, February 26, 1903. Haynes, op. cit., p. 147. Astoria Herald, February 20, 1903, claimed that K. Nottingham had not made his break to Fulton the Marion delegation would have voted for Mr. Scott on the next ballot. See also Klamath Falls Express, February 26, 1903; and Eugene Oregon State Journal, February 26, 1903.

<sup>2</sup>Salem Weekly Capital-Journal, February 26, 1903.



party in Oregon, assuring him the chairmanship of the state and county central committees and the support and cooperation of both committees, and would pay Bourne twenty-five thousand dollars towards his expenses.<sup>1</sup>

In the summer of 1902 Mr. Scott had denied the accusation made by the Salem Journal that he had gone to Washington and made a deal with Mitchell, Hanna, and probably Roosevelt, to have Matthews made marshal and for Scott to have the Portland delegation in the senatorial fight. He said at that time that he had no desire to be Senator.<sup>2</sup> At least three times after the election of Fulton the editorial columns of the Oregonian carried Mr. Scott's denial of any ambition to become a United States Senator; and after Lincoln Steffens had publicized the deal mentioned by Bourne in his letter Mr. Scott termed the story "a sorry fabrication."<sup>3</sup> But probably the most characteristic comment he made was his remark at the time when a successor to John H. Mitchell was being sought in 1905. "It has not been a consuming desire of his [Scott's] life to step down from the editorship of the Oregonian to an

<sup>1</sup>Bourne to Harvey W. Scott, March 8, 1906, Bourne Papers. Lincoln Steffens claimed that the twenty-five thousand dollars was to reimburse Bourne for money previously paid out to hold his loyal following together. Lincoln Steffens, Upbuilders (New York: Doubleday Page and Company, 1909), p. 324. See Appendix.

<sup>2</sup>Oregonian, July 4, 1902 (Editorial).

<sup>3</sup>Oregonian, February 21, 1903, p. 8; November 21, 1905, p. 8; February 22, 1908, p. 8. W. S. U'Ren later suggested that Scott sue the editors of the American Magazine and Medford Tribune, if he denied the charge. Salem Weekly Capital-Journal, March 19, 1908, p. 9.

ordinary place in the U. S. Senate.<sup>1</sup>

Reverting again to the winner of the long senatorial contest of 1903, we find Mr. Fulton promising to work for a two-million-dollar appropriation for the Lewis and Clark exposition, for improvement of the Columbia River to The Dalles and a deep ship channel from Portland to the sea, for locks at Celilo Falls, for improvement of coast harbors, and for free commercial intercourse with the Philippines. Small irrigation projects should be left to private enterprise under the Carey Act, but the government should care for the large ones.<sup>2</sup>

Senator Mitchell was gratified over Fulton's election and assured the public that Fulton would represent the whole state rather than his local area alone.<sup>3</sup> He escorted Mr. Fulton to the Senate chamber at the time he was sworn in on March 5, going out against the advice of his nurse and experiencing a high temperature as a result of the exertion.<sup>4</sup> It was predicted that greater harmony would now prevail within the Oregon delegation and that Mr. Mitchell would do all he could to secure desirable committee places for Mr. Fulton.<sup>5</sup>

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<sup>1</sup>Oregonian, November 21, 1905, p. 8.

<sup>2</sup>Oregonian, February 24, 1903, p. 1.

<sup>3</sup>Oregonian, February 22, 1903, p. 1.

<sup>4</sup>Salem Weekly Capital-Journal, March 5, 1903; Oregonian, March 6, 1903, p. 2.

<sup>5</sup>Oregonian, March 6, 1903, p. 6.

In Oregon the discussion of Fulton's victory and of the "slaughter-  
ing" of the Mays Law continued. There were charges of corruption against  
Fulton's followers, which, like the "Bourne-Scott deal," did not receive  
great publicity until 1908-09, when Mr. Fulton was again a candidate.<sup>1</sup>

Ex-Governor Geer took a parting shot at the Democrats, saying:

In the past the Democrats have twice elected a Republican can-  
didate for the Senate who had no popular vote back of him, but this  
time refused to support the only man who has ever been indorsed for  
that position by the people of Oregon.<sup>2</sup>

Analysis of the 1903 legislature's work shows that it passed more  
bills and appropriated more money than its predecessor. One of its  
laws—providing a ten-hour work day for women—was to be the subject of  
a famous case in the United States Supreme Court.<sup>3</sup> Laws having a bear-  
ing on elections were passed. Orton's H. B. 226 provided that the polls  
at primary elections were to be open from 8:00 A. M. to 7:00 P. M., the  
same as for general elections. Shelley's H. B. 206 called for the use  
of the Australian ballot in city elections. S. B. 198, by Hunt and  
Marsters, was vetoed by Governor Chamberlain. It made a change in the  
ballot form, authorizing the party column ballot on which a voter could  
vote a straight ballot by placing his "X" in the circle at the head of

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<sup>1</sup>Salmon Weekly Capital Journal, February 26, 1903; Oregonian,  
April 18, 1903, p. 10; September 9, 1903, p. 12; October 10, 1905, p. 11;  
January 25, 1908, p. 1; April 11, 1908, p. 10. C. P. Connolly, "Senate  
Undesirables, Fulton of Oregon," Colliers, XLI, 11 (April 4, 1908).

<sup>2</sup>Oregonian, April 18, 1903, p. 10.

<sup>3</sup>Oregonian, March 1, 1903, p. 6; March 23, 1906, p. 4; February 25,  
1908, p. 1.

the column. The Governor thought that the people were satisfied with the present form of ballot and that the change would make the use of corrupt influence in elections easier. Williamson's S. B. 104, providing for primary elections in cities of one thousand population, passed the Senate only. The Croisan Bill was another attempt to secure the direct primary in Oregon, but the account of its defeat in the state Senate belongs in the next chapter.<sup>1</sup>

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<sup>1</sup>Oregonian, February 23, 1903, p. 6; February 26, 1903, p. 5; Salem Weekly Capital-Journal, March 5, 1903.

CHAPTER V

THE DIRECT NOMINATION OF CANDIDATES

There were men in Oregon, as elsewhere, who looked upon electoral reforms as a menace to political parties. No doubt there were also advocates of the direct primary in Oregon, as elsewhere, whose disillusionment concerning political parties inspired the hope that they had discovered a substitute for parties—a way to allow the collective wisdom of the electorate to suggest the names of the ideal candidates for office. Neither this fear nor this hope were borne out by the events accompanying the enactment of the direct primary law in 1904. Those citizens who formulated the initiative measure, who circulated the petitions by which it was placed upon the ballot and appealed to their fellow citizens for an affirmative vote were realists as well as idealists.

Criticism of the convention system was rife in 1903. The opinions of people in other states and the experiments with new primary laws which were then in progress received publicity in Oregon. California's direct primary law had been rejected by the courts, but other states were more fortunate in their experience. Minnesota enacted a statewide, mandatory primary law in 1901, Mississippi in 1902, and Wisconsin in 1903. To attempt to explain Oregon's progress toward a direct primary

law by the work of Oregon leaders alone would be an unfortunate mistake. The work and successes of people in other states helped to create a favorable opinion in Oregon. The views of a prominent Tacoma Republican concerning the convention system and its shortcomings were given full publicity by a Salem paper in January 1903:

The primary system is direct. The delegate system is indirect. In the latter the voter makes the caucus, the caucus the primary, the primary the delegate, the delegate the convention, the convention the candidate—much on the plan of 'the house that Jack built.' The system is open to abuses because so many independent causes, conditions, motives and influences may come between the voter and the ultimate result of the convention.

Why should not the voter vote direct for the candidates of his choice?

The further power is removed from the voter, the source of power, the more likely it is to be changed, misdirected or corrupted.<sup>1</sup>

The Oregonian had earlier called attention to the difference between the regulation of primaries to select delegates and the direct primary. "What is proposed in Oregon and is now practiced in Minnesota and many southern states is a final nomination of candidates by the people at the primary polls. To this device the machines are stubbornly opposed and to compass its defeat they will evidently use all means within reach. . . .<sup>2</sup> The necessity of making a declaration of party affiliation was a feature of the Minnesota, Oregon, and Massachusetts laws which opponents of the plan cited to discredit the

<sup>1</sup>Frederick H. Murray, in Salem Weekly Capital-Journal, January 22, 1903.

<sup>2</sup>Oregonian, September 16, 1902, p. 6; March 7, 1902, p. 6; March 17, 1902, p. 4; April 2, 1902, p. 6; May 1, 1902, p. 6; July 7, 1902, p. 6.

idea.<sup>1</sup> However, the Wisconsin law passed in 1903 successfully incorporated the principle of the "open primary" which the courts of California and Oregon had previously declared unconstitutional. Opinion on the merits of "open" vs. "closed" primary was divided, some states favoring one, some the other as the movement progressed.<sup>2</sup>

### The Croisan Bill

The initial move toward the introduction of a bill for a direct primary law in the legislature of 1903 was made at Salem. About fifty prominent citizens, members of all parties, signed a paper favoring the organization of a direct nomination league.<sup>3</sup> A meeting of the league was called for Saturday afternoon, April 26, 1902, in Marion Square, "if the weather be favorable." The call mentioned the fact that both major party platforms approved in Marion County conventions had approved direct nominations.<sup>4</sup> The Salem Statesman theorized that:

Republicans would rally around the nominees they made by their own votes directly more enthusiastically than they would about candidates named by bosses and machines. The Republican party needs a direct primary for its own protection and owes it to itself to provide for one at the next session of the legislature.<sup>5</sup>

<sup>1</sup>Oregonian, October 14, 1903, p. 6.

<sup>2</sup>The "open primary" rendered the declaration of party affiliation unnecessary by providing the registered voter with a ballot containing the names of candidates of all parties and affording him the opportunity to choose which party he would support in the secrecy of the voting booth.

<sup>3</sup>Oregonian, April 18, 1902.

<sup>4</sup>Oregonian, April 20, 1902, p. 6.

<sup>5</sup>Quoted by Portland Weekly Dispatch, April 24, 1902.

By early November a draft of the league's direct primary bill had been completed by a committee composed of Senator E. H. Croisan, Colonel E. Hofer, W. T. Slater, R. J. Hendricks, and H. J. Judah. The political make-up of the committee should have raised it above the suspicion of factionalism, since there were two Republicans, one Democrat, one Socialist, and one independent voter. Two of its members, Hofer and Hendricks, were editors. The outline of the bill was presented to a number of mass meetings, and it received favorable newspaper publicity.<sup>1</sup>

The bill which Senator Croisan introduced in the legislature of 1903 defined a political party as "an association of electors who, by their ballots or joint action, cooperate to control or influence the Government in some matter of public policy, or who unite to elect one or more individuals to public office."<sup>2</sup> It differed from the Lookwood law, which it would have repealed, by providing for the actual nomination of candidates in primary elections to be held seven weeks before the general elections, and it applied to the entire state. It specified that no faction should be permitted to monopolize the generic name of a political party, that each faction, association, group, or convention should adopt an identifying prefix to be printed on the official ballot,

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<sup>1</sup>Oregonian, November 9, 1902, p. 6; Salem Weekly Capital-Journal, February 12, 1903. Senator Croisan was a former superintendent of the reform school who, because of his opposition to T. T. Geer in the 1898 election, had been removed, soon after Geer's inauguration. He later made peace with Geer and was regarded as a liaison agent between the Simon and Geer forces during the 1902 election. Oregonian, February 3, 1902, p. 2.

<sup>2</sup>Oregonian, January 11, 1903, p. 16.



that expenses would be paid from the fees of thirty dollars to fifty dollars collected from each of the candidates as a filing fee, and that no one whose name appeared on the primary ballot might have it entered on the official election ballot except as chosen in accordance with the act, unless there was a vacancy. If a vacancy occurred after the primary it would be filled by the campaign or party committee or by a mass convention. Australian ballot election methods would prevail in the primaries, the candidates to be grouped by the county clerk, and listed by parties on ballots which would be uniform in color for the same party. The requirement of thirty days' residence in the precinct was to be met by those who cast their ballots in the primary election, in order to discourage the colonizing of voters; but, voting on the affidavits of freeholders was permitted. Apparently, the plan would have permitted the holding of conventions and nomination of candidates by conventions, but those who were nominated in this manner were to be clearly identified by the prefixes used on the official ballot. In some respects the bill incorporated the features of a plan formulated by Edward W. Bingham, of Portland.<sup>1</sup>

On Friday, February 6, the Croisan bill came to a vote in the Senate and lacked but one vote of passing, in spite of an adverse report by the Committee on Elections, composed of Senators Steiwer, Mays, and Harpers. Speeches by Brownell, Hunt, Croisan, and Farrar

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<sup>1</sup>Oregonian, November 9, 1902; January 11, 1903; Salem Weekly Capital-Journal, February 12, 1903.

avored the passage of the bill. Marsters, who spoke against it, said that the bill was carefully worded in the interests of the political rounder and sharp politician. Brownell, who left the president's chair to speak for the bill, claimed that it was in accord with the principle of "government of, by and for the people," that it would purify politics and provide a better administration of public affairs.<sup>1</sup>

The Oregonian interpreted the close vote in the Senate as a sign of hope that the amendment and extension of the present law could be accomplished, noting the opinion of Edward Bingham that the fees to be collected under the Croisan bill were an unconstitutional feature. The editor thought "It would not be creditable to the legislature to leave the present primary situation unchanged."<sup>2</sup>

On Monday, February 9, 1903, the Senate reconsidered the vote on the Croisan bill and by a decisive vote sent it to the judiciary committee, where its opponents were to be given a hearing. Dr. William Ruyterdall, A. C. Marsters, and F. P. Mays each criticized features of the bill, avoiding an attack upon the principle of direct nomination. Mays said the members were voting their sentiments on direct nomination without understanding the terms of the bill, that if they studied the bill they would not vote for it. Marsters questioned Brownell's motives in favoring the bill, charging that the bill favored the direct politician and claiming that Brownell's reputation along that line showed

<sup>1</sup>Oregonian, February 7, 1903, p. 6.

<sup>2</sup>Oregonian, February 8, 1903, p. 6 (Editorial).

his qualifications to be outstanding.<sup>1</sup> During the last week of the legislature Senator Croisan made a motion to call his bill back from the Judiciary committee. When it was before the Senate the opposition, realizing that they must go on record if it came to a vote, sent it back to the committee. Senator William Kuykendall, of Lane County, was the opposition leader.<sup>2</sup>

Editor E. Hofer, of the Salem Weekly Capital Journal, who had been a member of the committee which drafted the Croisan bill, wrote several flaming editorials. He branded the corrupted primary "the political crime of the century," reminded the Republican legislature that the Republican platform had recognized the need for a direct primary law and that a Republican governor had twice asked for the enactment of a direct nomination law. He continued:

The people have never demanded that the Lockwood law as operated in Portland should be extended over the whole state, or even to cities of three thousand people. The people are demanding direct nomination of candidates and direct election of candidates for the United States Senate and if the legislature does not [sic] give them direct nomination the people will have to go [sic] after it without the legislature.<sup>3</sup>

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<sup>1</sup>Oregonian, February 10, 1903, p. 4; Salem Weekly Capital Journal, February 12, 1903.

<sup>2</sup>Salem Weekly Capital Journal, February 19, 1903. The Oregonian reported that Croisan's motion to have the Judiciary committee ordered to report the bill was defeated, but Senator Fulton, a member of that committee, intimated that the committee would report the bill with a statement of its views. February 19, 1903, p. 4.

<sup>3</sup>Salem Weekly Capital Journal, February 12, 1903; February 19, 1903.

Senator Marsters, in urging the defeat of the Croisan bill, had informed the Senate that there was another bill to extend the present primary law to all the larger towns of the state.<sup>1</sup> This bill passed the Senate and seemed certain of passage in the House, but in the scramble of the last two days and the culmination of the long senatorial deadlock it was elbowed aside.<sup>2</sup>

Undaunted by the defeat of the Croisan bill, the Marion County Direct Nomination League continued to hold meetings and Mr. Hofer continued his editorial tirade. Meetings were held at Jefferson (March 6), Aumsville (March 21), and Macleay (March 26), in which both Republicans and Democrats expressed their indignation at the way primaries were conducted by both parties.<sup>3</sup> At Macleay, Mr. Hofer went over the arguments for direct nominations, which had been a hobby with him for years, and Mr. Ford, a Salem lawyer and large property owner, revealed the methods of bosses in securing the nomination of slates of candidates.<sup>4</sup> Later in the year with the approach of the municipal election in Salem, Deputy District Attorney John H. Mollary made a successful plea before the Republican City Committee for the direct nomination of aldermanic candidates. He was confident that if the people were given a direct vote without the intervention of any delegates, or convention, or managing

<sup>1</sup>Oregonian, February 10, 1903, p. 4.

<sup>2</sup>Oregonian, February 23, 1903, p. 6.

<sup>3</sup>Salem Weekly Capital-Journal, March 26, 1903; April 2, 1903.

<sup>4</sup>Ibid.

committees they would select men who could be elected and who would do their duty.<sup>1</sup> The use of this plan, and the ensuing victory of the Salem Republicans over the Citizens' Ticket, was convincing evidence that the common excuse for bolting a party, used so often by those who felt that their defeat was the work of a ring, could be eliminated if the direct primary were adopted.<sup>2</sup>

### The Special Congressional Election of 1903

If proof of the abuses and irresponsibility of the convention system were needed, it was furnished by the election of Ringer Hermann to fill the post left vacant by the death of Thomas H. Deague in 1903. The first congressional district of Oregon then included all Oregon counties west of the Cascade Mountains, except those bordering on the Columbia River, and extended east of the Cascades in the southern part of the state.<sup>3</sup> It thus included the major forest areas of the state. Hermann as Commissioner of the General Land Office had not given full cooperation to the conservation policies of the Roosevelt administration, and his differences with Secretary of the Interior Ethan Allen Hitchcock had led to reports and rumors concerning his release as early as the

<sup>1</sup>Ibid., November 12, 1903.

<sup>2</sup>Oregonian, (Editorial) February 1, 1904, p. 6; Salem Weekly Capital Journal, January 7, 1904, p. 2; February 4, 1904, p. 2.

<sup>3</sup>Charles B. Hollinger and William W. Cotton, The Codes and Statutes of Oregon (San Francisco: Bancroft-Whitney Company, 1902), II: 808.

beginning of McKinley's second term.<sup>1</sup> Most of the news out of Washington concerning Hermann between that time and his departure from the Land Office on January 31, 1903 was of an unfavorable sort.<sup>2</sup> There were charges of land frauds, inefficiency of subordinates in the commissioner's office, and payrolls padded with relatives. Finally, the great increase in the number of applications for timber lands in western states caused Secretary E. A. Hitchcock to take action, over the commissioner's head, to suspend action on all timber land entries in Oregon, Washington, and California until investigations were completed.<sup>3</sup> Roosevelt's theory regarding the power of the President to reserve the public land was subjecting him to much criticism in the West. Perhaps that may explain the willingness of opponents of the forest reserve policy to return to Congress a man who had just been forced out of office under a cloud of suspicion. However, our concern here is with the political situation in the first congressional district, rather than the merits of the conservation movement.

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<sup>1</sup>Oregonian, March 29, 1901, p. 1.

<sup>2</sup>Portland Weekly Dispatch, January 24, 1901; Oregonian, February 21, 1901, p. 1; February 28, 1901, p. 4; October 21, 1901, p. 1; November 29, 1902, p. 8; December 4-6, 1902; December 14, 1902, p. 3; December 30, 1902, p. 1; Madford Mail, January 2, 1903. Salem Weekly Capital-Journal, January 8, 1903; January 15, 1903; Eugene Oregon State Journal, January 3, 1903.

<sup>3</sup>Oregonian, December 13, 1902, p. 4. See also October 29, 1902, p. 1; October 31, 1902, p. 1; November 19, 1902, p. 1; and Salem Weekly Capital-Journal, October 30, 1902 and December 18, 1902.

When Mr. Hermann arrived in Oregon he was non-committal regarding future plans.<sup>1</sup> The senatorial election was then in progress and he was considered a probable candidate. He offered no opposition to the election of Senator Fulton, and there was a rumor of an agreement between the two for an exchange of support.<sup>2</sup> Hermann had as his rivals for nomination by the Republican convention Claud Gatch, of Marion County, W. I. Vavter, of Jackson County, and Percy R. Kelly of Linn County, with B. L. Eddy of Tillamook as a probable compromise candidate.<sup>3</sup> George C. Brownell had received the endorsement of the Clackamas County convention for the office, but it was expressly understood that he could use the Clackamas County votes only to secure his own nomination.<sup>4</sup> Gatch was assured the united support of the Marion delegation, by agreement with his strongest rival, Frank Davey.<sup>5</sup> Percy R. Kelly, the favorite son of Linn County by decision of its convention, denied the claim that he was only in the congressional campaign to further his interests as a candidate for the United States District Attorneyship and

<sup>1</sup>Oregonian, February 7, 1903, p. 16; February 9, 1903, p. 12; Medford Mail, February 6, 1903.

<sup>2</sup>Oregonian, March 30, 1903, p. 2; Eugene Oregon State Journal, February 26, 1903; March 7, 1903.

<sup>3</sup>Salem Weekly Capital-Journal, February 26, 1903; April 9, 1903; Oregonian, February 23, 1903, p. 1; March 30, 1903, p. 2; March 31, 1903, p. 16; April 4, 1903, pp. 4-5; April 7, 1903, p. 5; April 9, 1903, p. 1; Medford Mail, February 27, 1903; March 20, 1903; April 3, 1903.

<sup>4</sup>Oregonian, March 29, 1903, p. 5; April 5, 1903, p. 1.

<sup>5</sup>Oregonian, March 25, 1904, p. 4; April 4, 1903, p. 4.



expressed his determination not to withdraw. Brownell, however, had long been regarded as an aspirant for the District Attorneyship and was reported, on the eve of the convention, to be trying to deliver his Clackamas delegation to Hermann.<sup>1</sup> Pre-convention predictions gave Hermann seventy votes, with eighty-seven necessary for nomination. Gatch was conceded forty, Kelly twenty, Vester eighteen, Brownell seventeen, and eight were not pledged.<sup>2</sup>

When the convention assembled at Eugene on April 9 Dr. T. W. Harris, as Chairman of the District Central Committee, called the meeting to order and eulogized the late congressman, T. H. Tengue. He called for nominations for the permanent chairmanship and recognized his son, L. T. Harris, in preference to B. L. Eddy of Tillamook. L. T. Harris nominated George C. Brownell. The chairman ruled in favor of Brownell (who held the proxy of Reed, of Douglas County) over T. B. Kay's protest that Brownell was not a delegate and by the instructions of his county convention he could not hold a proxy. Eddy nominated S. B. Huxton of Washington County. The vote resulted in Brownell's election as chairman.<sup>3</sup>

About 7:00 P. M., following a strenuous afternoon, it seemed that Hermann could not be nominated. Chairman Brownell left the convention,

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<sup>1</sup>Oregonian, April 7, 1903, p. 5; April 9, 1903, p. 1.

<sup>2</sup>Oregonian, April 8, 1903, p. 16; Eugene Oregon State Journal, March 28, 1903.

<sup>3</sup>Oregonian, April 10, 1903, p. 1; Salem Weekly Capital-Journal, April 16, 1903; Eugene Oregon State Journal, April 11, 1903.



accusing his delegation of treachery for failing to aid Hermann. He went to his hotel and went to bed. Hermann also went to his hotel. The inability of Hermann's opponents to submerge their differences and unite behind one of their number explains the turn of events which sent messengers scurrying to the hotels with the word that the convention was coming back to Hermann. At 11:25, with Brownell and Hermann again in the convention hall, the last vote of the twenty-fourth ballot was counted and Hermann was declared nominated with ninety-five votes. Gatch had seventy-two votes and Kelly nine.<sup>1</sup> Brownell's desertion of the convention when Hermann's cause appeared to be lost was believed to have ended his chance for the post of United States District Attorney, soon to be vacated by John H. Hall. The opportunism in Brownell's nature was adequate to the occasion. He described his leaving the convention as "the shrewdest political move ever made in Oregon." He avowed his previous knowledge of the fact that turning the convention over to Hermann's opponents would precipitate a fight in their midst. If he could not have the appointment for himself he expected that his law partner, J. U. Campbell, would be appointed deputy district attorney.<sup>2</sup>

The Democratic State Central Committee had called its convention for the nomination of a congressional candidate at Albany, April 4, 1903. The convention was to choose an executive committee to conduct

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<sup>1</sup>Oregonian, April 10, 1903, p. 1; Salem Weekly Capital Journal, April 16, 1903; Medford Mail, April 17, 1903.

<sup>2</sup>Oregonian, April 15, 1903, p. 10.

the campaign in harmony with the State Central Committee. The county committees were given discretionary power to elect the convention delegates or call primaries.<sup>1</sup> When the delegates assembled A. B. (Evan) Reames, of Jacksonville, was the strongest candidate, and confidence was manifest in the ranks of the delegates, whose current phrase was, "If we can't beat Hermann we can't beat anybody." J. K. Weatherford, of Albany, was convention chairman and Reames was nominated on the first ballot with sixty-seven votes against thirty-two for John A. Jeffrey of Marion County, six for Kaiser, and one for Galloway.<sup>2</sup> Governor Chamberlain soon gave an interview in which he appraised Reames' chances as good, because of the wide dissension among Republicans over Hermann's nomination. He did not say whether Hermann was right or wrong, but that he was persona non grata with the administration.<sup>3</sup>

Ex-Governor Geer predicted a victory for Hermann. Percy H. Kelly, who ran third in the Eugene convention, took the stump for the ex-commissioner also. Colonel E. Hofer, of Salem, the exponent of direct nomination, joined the Hermann bandwagon, speaking at Eugene on May 12 and Oakland May 23. He said that Hermann was standing for the settlers of the West against the gigantic corporations, which were back of the whole forest reserve policy, because they were in a position to have

<sup>1</sup>Oregonian, March 19, 1903, p. 10; Salem Weekly Capital Journal, March 26, 1903.

<sup>2</sup>Oregonian, April 11, 1903, p. 1; April 12, 1903, p. 1; Eugene Oregon State Journal, April 18, 1903; Medford Mail, April 17, 1903.

<sup>3</sup>Oregonian, April 17, 1903, p. 4.

the reserves thrown open for their benefit at a later time.<sup>1</sup> Hermann, speaking at Ashland, Salem, and Oregon City, claimed that there was not a spot on his record.<sup>2</sup> Senator Fulton took his part in the Hermann campaign, by a speech at Ashland.<sup>3</sup> Two strokes of propaganda which were said to have "spiked the Democrats' best gun" were accomplished in the closing weeks of the campaign. A letter received by John H. Mitchell from Thomas H. Carter, President of the National Louisiana Purchase Exposition Commission, was forwarded by Mitchell to Dr. F. W. Harris, chairman of the First Congressional District Committee and used by newspapers in western Oregon. Carter made the claim that Roosevelt was not hostile to Hermann. Mitchell made the assertion that this letter insured Hermann's election.<sup>4</sup>

The strategy which made Brownell's "shrewdest political move" look like the fumbling of a child was enacted by Hermann himself when Theodore Roosevelt appeared in Oregon. During the last fifty miles of the trip to Portland, Hermann rode on the presidential train. When the President appeared alone on the rear platform of the presidential car

<sup>1</sup>Oregonian, April 18, 1903, p. 10; May 4, 1903, p. 4; Salem Weekly Capital Journal, May 14, 1903; Eugene Oregon State Journal, May 16, 1903.

<sup>2</sup>Oregonian, May 8, 1903, p. 5; May 10, 1903, p. 5; May 15, 1903, p. 4. W. I. Vantor, whom Hermann had defeated in the Eugene convention, sponsored Hermann in southern Oregon rallies. Medford Mail, May 15, 1903.

<sup>3</sup>Oregonian, May 24, 1903; Medford Mail, May 8, 1903; May 22, 1903.

<sup>4</sup>Salem Weekly Capital-Journal, May 11, 1903; Oregonian, May 13, 1903, p. 1; May 14, 1903, p. 16; May 30, 1903, p. 16.

to speak to a crowd at the Portland depot Hermann managed to appear at the President's side just at the moment when a press photographer snapped a picture. This picture was printed in the same edition of the Oregonian which carried the story of the President's speech in Portland, and later reprinted with the caption "The picture that elected Hermann."<sup>1</sup> Throughout the campaign the Oregonian had maintained editorial silence, but this one picture was believed to have answered the claim that Hermann was persona non grata with the administration.

The election on June 1, 1903 gave Ringer Hermann 15,313, A. B. Reames 13,042, J. W. Ingle 1,900, and W. P. Elmore, 1,449, yielding him less than a majority of the votes cast. The public was apathetic and a light vote was cast. Several counties were carried by the Democrats, among them Clackamas County, the stronghold of George C. Brownell.<sup>2</sup>

#### Organized Promotion of the Direct Primary

Returning to the narrative of events in the movement for a direct primary law in Oregon with a clearer idea of the type of politics against which the advocates of direct primaries were directing their attack, we learn that a group of prominent citizens of Multnomah and Clackamas Counties had signed an agreement on June 13, 1903, to form a league and

<sup>1</sup>Oregonian, May 22, 1903, p. 1; S. A. D. Pater and Horace Stevens, Looters of the Public Domain (Portland: Portland Printing House, 1906), p. 387; Madford Mail, May 29, 1903.

<sup>2</sup>Oregonian, June 2, 1903, p. 1; June 5, 1903, p. 1; Madford Mail, June 5, 1903; Salem Weekly Capital-Journal, June 4, 1903; June 13, 1903; Eugene Oregon State Journal, June 6, 1903.

work for the enactment of a direct primary nomination law. Constitutional amendments were also sought which would:

- (1) give cities the power to make their own charters, and amendments thereto;
- (2) prevent the use of the emergency clause except when necessary to preserve peace, health, or safety;
- (3) extend the Governor's power of veto and the referendum power to single items of appropriation bills except state officials' salaries and maintenance of state institutions at the capitol; and
- (4) allow salaries of state officials to be increased or decreased by law.

The initiative was to be the method of enacting this legislation; the fund was expected to amount to two thousand dollars, to be raised by a ten-dollar membership fee collected from each member. The original agreement was signed by thirty-eight citizens of Multnomah County and eighteen from Clackamas County. It was not to be binding until signed by two hundred persons.<sup>1</sup>

Before a permanent organization of the league was formed the plans of its founders were brought to a standstill by a decision of the Multnomah County circuit court, invalidating the initiative and referendum amendment. The basis for the decision was that five other amendments to the constitution were pending at the same time that the initiative and referendum amendment was enacted.<sup>2</sup> The decision was appealed to the Supreme Court by R. R. Duniway, and by early October L. A. McNary's

<sup>1</sup>Oregonian, December 28, 1903, p. 10. The list of members presents some interesting contrasts in personalities and occupations; Salem Weekly Capital Journal, January 7, 1904, pp. 2, 6.

<sup>2</sup>Oregonian, July 3, 1903, p. 1; Kadderly v. Portland, 44 Or. 118 (December 1903).

brief was ready to be filed.<sup>1</sup> The Supreme Court reversed the decision on the ground that the previous amendments, which were held to be pending, had lapsed because of the failure of the legislature to submit them to the people. If they were still pending, it would give the legislature the power of indefinitely postponing amendments.<sup>2</sup> This decision gave impetus to the organization of the "Direct Nomination League," which the amorphous organization became with the decision to postpone action on all the projected amendments until the direct primary law was passed.<sup>3</sup> The editor of the Oregonian, who was one of the original thirty-eight members of the League in Multnomah County, wrote of his objections to the use of the initiative to pass measures which could be secured through the legislature, but noted that the direct primary law could not be passed through the legislature because of the opposition of the party bosses. "It is against the interests of the political machine to take the power to select candidates out of its hands. Hence the people must do it direct. The initiative affords the only way."<sup>4</sup>

Before the formal organization of the Direct Nomination League the press announced the death of Edward W. Bingham, whose work had helped

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<sup>1</sup>Oregonian, July 26, 1903, p. 24; October 2, 1903, p. 10.

<sup>2</sup>Oregonian, December 21, 1903, p. 1; See also December 4, 1903, p. 1; Kaehlerly v. Portland, 44 Or. 118 (December 1903)

<sup>3</sup>Oregonian, December 28, 1903, p. 10; January 13, 1904, p. 12. (So long as the constitutionality of the initiative and referendum was in doubt its use seemed inadvisable.) The Dalles Chronicle, January 6, 1904.

<sup>4</sup>Editorial, December 29, 1903, p. 6.

to secure the Australian ballot and the registration law, and who had persistently worked for the adoption of a direct primary law. He had been ill for several weeks at the Good Samaritan Hospital, so that it is unlikely that he had any part in the preparation of the new measure, which was outlined in the press soon after his death on January 1, 1904. That his work was an inspiration to others, who profited by his successes and mistakes, must be admitted by all. Joseph N. Teal said:

"E. W. Bingham was the kind of man that is typified by the just, unselfish lawyer. He would fight cases for years when he thought his clients were in the right, and put an immense amount of labor in a contest for which he would never be repaid."<sup>1</sup>

With a membership list of two hundred and a draft of a direct primary law in readiness, the executive committee of the proposed Direct Nominations League met on January 12, 1904, to form a permanent organization. As a result of this meeting A. L. Mills became president and W. S. U'Ren secretary of the League. Since the direct primary bill was forty-nine printed pages in length, it was thought best to avoid confusing the voters with other proposed amendments. The bill proposed to abolish nominating conventions and require officials from United States Senators to constables to be nominated directly by the people. The circulation of petitions in every section of the state would be undertaken so that the measure might be placed upon the ballot for the

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<sup>1</sup>Oregonian, January 2, 1904, p. 9. Ideas from Bingham's earlier direct primary bills were incorporated in the initiative measure.



June election.<sup>1</sup> President A. L. Mills appointed a committee to consider proposed changes in the bill, and a more simplified document was the result, less than one-third the length of the Australian ballot and registration laws. W. S. U'Ren gave a summary of salient points in the bill:

1. All political parties casting twenty-five per cent of the vote of the state make their nominations at primary elections without conventions;
2. Each party has a separate ballot;
3. The names of all candidates for nomination by the party, including United States Senator, are printed on the ballot;
4. The primary elections are concurrent for all parties subject to the law;
5. The regular election boards will preside;
6. A petition of two per cent of the party vote, distributed in a certain number of precincts and counties, is necessary to place names on the ballot;
7. Voters must register party affiliation at the time they register citizenship in order to participate in primary elections;
8. They are given only the ballot of their own party;
9. Smaller parties may nominate by conventions, and independents by petition;
10. Every party is given the sole and exclusive right to the use of its party name;
11. Primaries are held forty-five days before the general election.<sup>2</sup>

The circulation of petitions presented a problem since the time for filing petitions was short. At a meeting of Femina Grange of Clackamas County a member of each subordinate grange in the county was appointed

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<sup>1</sup>Oregonian, January 6, 1904, p. 4; January 8, 1904, p. 10; January 13, 1904, p. 12.

<sup>2</sup>Oregonian, January 20, 1904, p. 14. (The Bingham, Morgan, Lockwood and Marion County bills; as well as the Minnesota, Maryland, and Wisconsin laws, contributed ideas for the Oregon law.) A similar summary of the law appeared in the Ashland Tidings June 2, 1904. The Salem Weekly Capital Journal voiced the common belief that the Oregon direct primary was the work of one man, W. S. U'Ren, May 12, 1904, pp. 2, 7.



to circulate petitions in his neighborhood. The grange organizations throughout the state gave considerable aid in the circulation of petitions.<sup>1</sup> In Portland those who wanted to sign petitions were requested by a notice in the papers to go to the county clerk's office or the office of C. E. Lockwood in the Breeden building. Members of the Direct Nomination League also assisted with the circulation of petitions. Lockwood reported that the League was paying six canvassers, and that two hundred names a day were being added to the petitions in the county clerk's office alone.<sup>2</sup> It was noted at the capital that some of the petitions filed for initiative measures were only waste paper, because of the lack of verification of signatures, but those filed by the Direct Nomination League were in better shape and suffered the smallest number of errors.<sup>3</sup> Petitions with more than eight thousand names were filed on time, but the opportunity to file a brief for the measure had passed.<sup>4</sup>

#### Party Organization in the Election of 1904

The coalitions by which electoral reforms were promoted in Oregon afford instances of unusual combinations. After noticing the part played by Senator Mitchell in previous senatorial elections and his

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<sup>1</sup>Oregonian, January 20, 1904, p. 6.

<sup>2</sup>Oregonian, January 26, 1904; February 1, 1904, p. 1.

<sup>3</sup>Oregonian, February 4, 1904, p. 6.

<sup>4</sup>Oregonian, February 6, 1904, p. 7.

helpfulness in assisting the return of Binger Hermann to Congress, it may afford the reader no little surprise to learn that Senator Mitchell was among the original thirty-eight men who formed the nucleus of the Clackamas and Multnomah County Direct Nomination Leagues less than two weeks after the election of Hermann.<sup>1</sup> More singular is the statement of W. S. U'Ren, at a later time, that it took thirteen lawyers to frame the Direct Primary law and that Senator Mitchell had put the fine finishing touches on "Statement Number One."<sup>2</sup> The anomaly may be accounted for by the fact that Mitchell was a man of striking personality and great popular appeal who, no doubt, believed that his chances for election by the people directly were at least as good as the chance of election by the legislature. He introduced another proposal for direct election of Senators in the next session of Congress.<sup>3</sup> Judge John B. Waldo saw ominous possibilities in the direct primary, and believed that he detected in the initiative measure evidences of machine origin.<sup>4</sup> The integral connection between the movement for direct election of Senators and the direct nomination of candidates was becoming apparent to some of the advocates of popular government in Oregon. The Mays Law of 1901 had not been observed by the legislature of 1903

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<sup>1</sup>Oregonian, December 28, 1903, p. 10.

<sup>2</sup>Oregonian, March 6, 1908, p. 12.

<sup>3</sup>Oregonian, May 2, 1904, p. 3.

<sup>4</sup>Salem Weekly Capital Journal, May 19, 1904, pp. 1, 12; August 7, 1905, p. 6; Eugene Oregon State Journal, May 21, 1904.

because the men who composed that body were nominated and elected by a process which gave them a feeling of immunity from the consequence of disregarding a popular expression of preference. The indignation which greeted their contempt for the people's mandate was greater than they had anticipated--a circumstance which led the authors of the Direct Primary law to include in it a clause which placed before the candidates for the legislature the alternative of declaring that they would always vote for the candidate for United States Senator who received the majority of the people's votes, or admitting by their failure to do so that they would not be bound by the result of the popular ballot.<sup>1</sup>

Although the men who might be regarded as aspirants for the senatorship at the next election (Mitchell, Scott, Bourne, Chamberlain) were listed as charter members of the Direct Nomination League, the absence from the list of men who directed the state and county central committees was a significant circumstance. During the political campaign which paralleled and to some extent overshadowed the fight for a direct primary law Charles H. Carey made the assertion that "There has been much said pro and con in the newspapers about various subjects discussed in this campaign, and yet after all, there is but one question--whether Senator Mitchell shall have the holdover State Senators and the Republican organization, or whether Mr. Simon and his friends shall have them."<sup>2</sup>

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<sup>1</sup>Cf. Allen H. Eaton, The Oregon System (Chicago: A. C. McClurg and Company, 1912), p. 94. Cf. Hillsboro Independent, May 6, 1904.

<sup>2</sup>Oregonian, March 16, 1904, pp. 8, 16.

When the Multnomah County Republican Central Committee met in January, 1904, the press noted the fact that the last meeting of the committee had been in April, 1902, and jestingly referred to the county headquarters as the "barracks of the Mitchell organization in the Sherlock Building."<sup>1</sup> The bitterness of factional rivalry was repeatedly called to public attention throughout the campaign. The accusations and counter-accusations of C. H. Carey and Joseph Simon furnished evidence of boss control.<sup>2</sup> The boycotting of the Lincoln Day banquet, sponsored by the Young Republican Club of Portland, because a certain member of the opposite faction had the honor of responding to the main toast, revealed a bit of spleen.<sup>3</sup> The Taxpayer's League's "smelling committee" investigated charges of payroll padding in the Multnomah County sheriff's and city engineer's offices.<sup>4</sup> The statement by "Independent Republicans" that Jack Matthews [State Chairman] "wants Carey in the Senate but the greatest obstacle they have to overcome is the forty mill tax," was one of the milder accusations confronting the newspaper reader on the eve of the county primaries. The discovery that compulsory campaign assessments were being collected from officeholders in the sheriff's

<sup>1</sup>Oregonian, January 15, 1904, p. 10.

<sup>2</sup>Oregonian, January 21, 1904, p. 5; January 23, 1904, p. 16; January 24, 1904, p. 16; March 9, 1904, p. 16; March 10, 1904, p. 16; March 11, 1904, p. 16; March 12, 1904, p. 16; March 13, 1904, p. 28; March 14, 1904, p. 12; March 15, 1904, p. 16; March 16, 1904, p. 6; Salem Weekly Capital Journal, March 10, 1904, p. 5; The Dalles Chronicle, March 19, 1904.

<sup>3</sup>Oregonian, February 12, 1904, p. 16; February 13, 1904, pp. 1, 16.

office was followed by Sheriff Storey's failure to gain renomination by the Multnomah County Republican convention. His immediate rage, and revelation of the amounts which he and his assistants had been assessed for campaign purposes by the group which had jettisoned him furnished interesting reading matter and became the basis for editorial and homiletic discourses on the evils of boss control.<sup>1</sup>

The substitution of Whitney L. Boise for Judge Charles H. Carey as chairman of the Multnomah County Republican Central Committee did not mean the retirement of Judge Carey from politics. He was especially vigorous in denouncing those members of the Multnomah County delegation to the convention of the second congressional district, who had announced that they would support J. N. Williamson for Congressman only if he was able to defeat Moody in eastern Oregon counties: "Any delegate who disobeys the instruction of his county convention is a traitor. He will be a political outcast thereafter and forever damned. Live it down? No, sir, never. . . ."<sup>2</sup> Williamson's victories in eastern Oregon and in the convention were said to have been influenced by Multnomah County's early declaration in favor of his re-election-- another instance of the dominant influence of Multnomah County in state and congressional elections.<sup>3</sup> Simultaneously with Williamson's

<sup>1</sup>Oregonian, March 22, 1904, p. 16; March 23, 1904, p. 16; March 24, 1904, p. 10; March 30, 1904, p. 6 (Editorial); April 4, 1904, p. 6; Salem Weekly Capital Journal, March 24, 1904, p. 5.

<sup>2</sup>Oregonian, April 2, 1904, p. 14; also March 31, 1904, p. 16; March 25, 1904, p. 10.

<sup>3</sup>Oregonian, April 7, 1904, p. 14; April 11, 1904, p. 6; April 14, 1904, p. 1; cf. The Dalles Chronicle, April 6, 1904; June 1, 1904.

renomination Binger Hermann was renominated in the first congressional district convention at Salem. Factors in his victory were the large number of personal friendships he had built up in past years, remarkably good organization work done by Senator A. G. Marsters of Douglas County (who had led the fight against the direct primary law in the previous legislature), and the withdrawal of L. T. Harris of Eugene, who was Hermann's chief rival.<sup>1</sup> One of the delegates to the Salem convention was heard to say as he left the convention hall: "We have nominated Binger Hermann, but it will be lucky if he is not indicted before he is elected."<sup>2</sup> This anecdote from a Democratic paper needs to be compared with the accounts in Republican papers, most of which seemed to take Hermann's renomination for granted and to fall readily in line with the party's leadership in support of him.<sup>3</sup>

R. M. Veatch was Hermann's Democratic opponent. In a campaign speech at Oregon City, in which he assailed Hermann, he was heckled by former Surveyor-General Henry Meldrum. Meldrum tried to draw A. R. Greene, investigator of land frauds, into the argument. When Greene verified Veatch's statements as "practically correct" Meldrum became abusive and interpreted Greene's presence as an attempt by Secretary

<sup>1</sup>Oregonian, April 14, 1904, p. 1. Marsters was defeated in June. Oregonian, January 14, 1905, p. 12.

<sup>2</sup>Oregon City Courier, April 22, 1904.

<sup>3</sup>Salem Weekly Capital Journal, March 10, 1904, p. 2; March 31, 1904, p. 5; April 14, 1904, pp. 1, 12; April 28, 1904, p. 2. Eugene Oregon State Journal, May 28, 1904; Klamath Republican, April 7, 1904; The Dalles Chronicle, April 16, 1904.

of the Interior Hitchcock to elect a Democratic congressman from Oregon.<sup>1</sup> Another example of inefficiency or dishonor in public office during this campaign concerned the alleged irregularities in the Portland post office accounts, which were held to be sufficient cause for the replacement of Postmaster F. A. Bancroft.<sup>2</sup> The Democratic organization, lacking possession of the public offices, was less plagued by suspicions and accusations than the Republican, but can hardly be said to have been more harmonious.<sup>3</sup>

In the general election of June 6, 1904, the Republican party candidates ran true to form in making a clean sweep of the important offices. Frank A. Moore defeated Thomas O'Day for Supreme Judge. Representatives Hermann and Williamson were re-elected. J. W. Bailey was elected Dairy and Food Commissioner over his Democratic opponent, S. M. Douglas. The Republican plurality for the state was, in round numbers, twenty-four thousand. The legislature was to be composed of seventy-three Republicans, one Independent Republican, and sixteen Democrats. This outcome shows that however critical of party leaders the editors and reformers might be, the voters were still inclined to accept the proffered ticket.<sup>4</sup>

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<sup>1</sup>Oregonian, May 24, 1904, p. 4; Salem Weekly Capital Journal, May 26, 1904, p. 8.

<sup>2</sup>Oregonian, May 11, 1904, p. 5; May 13, 1904, p. 14; May 17, 1904, p. 14; May 19, 1904, p. 1; Hood River Glacier, June 9, 1904.

<sup>3</sup>Oregonian, February 11, 1904, p. 14; February 13, 1904, p. 16.

<sup>4</sup>The Dalles Chronicle, June 8, 1904; June 11, 1904; June 15, 1904; Tillamook Headlight, June 30, 1904; Roseburg Review, June 13, 1904; Hood River Glacier, July 7, 1904 (complete official returns); Oregonian, June 8, 1904, p. 5.



The Issue Before the Voters

One of the first questions raised concerning the plans of the Direct Nomination League grew out of the attack on the constitutionality of the initiative and referendum amendment. Apprehension that the submission of more than one amendment at a time would render them all unconstitutional was waved aside by W. S. U'Ren, who pointed out that the Direct Primary law was not a constitutional amendment. He said the courts would have to decide concerning the other amendments which were being submitted, but was certain that the people had the power to submit amendments. Since the initiative and referendum amendment was the last expression of the will of the people, any previous provision of the constitution in conflict with it would have to yield.<sup>1</sup>

Arguments against the direct primary were not hard to discover. Donald McKay, former chairman of the Multnomah County and City Republican Central Committee, thought that since the duties of county and city officials are prescribed by law and they are required to give bonds, it makes no difference how they are elected. He had found that men who wanted to go to the legislature were either incompetent or had some personal motive for seeking the position. He did not think that representative business men would try to secure the legislative nominations under the Direct Primary law.<sup>2</sup>

<sup>1</sup>Oregonian, January 19, 1904, p. 6; January 20, 1904, p. 6.

<sup>2</sup>Oregonian, February 3, 1904, p. 14. The Salem Weekly Capital Journal thought that if the proposed law went so far as to abolish party conventions it would be unworkable. February 4, 1904, p. 2; February 11, 1904, p. 2; April 21, 1904, p. 6; May 12, 1904, p. 2; May 26, 1904, pp. 2, 6. The Dalles Chronicle viewed the elimination of conventions as a desirable move. April 30, 1904; May 14, 1904; May 25, 1904; June 4, 1904.

The position of the parties regarding the Direct Primary law was important. U'Ren made the statement in Salem that "If the political bosses defeat the direct primary in the conventions, their action will make the people all the more determined to enact the law at the polls next June. It will take more work but the result will be the same.

...<sup>1</sup> He later advocated the law before the resolutions committee of the Republican convention, where he was supported by A. L. Mills and John Gill, but the plank was not allowed to go into the platform.<sup>2</sup> The Democratic convention declared itself "emphatically in favor of the primary election law now pending before the people."<sup>3</sup>

At a Socialist rally in Alisky Hall, Portland, a Seattle Socialist editor voiced opposition to the primary law, because it had elsewhere practically legislated the Socialists off the tickets and made it possible for anyone who declared himself to be a Socialist to get into the party. A. McFadden attempted to convince the Oregon Socialists that the type of primary law proposed in Oregon would not be objectionable.<sup>4</sup>

T. J. Cleeton, a Portland attorney of Republican faith, returned from eastern Oregon just before the election, reporting that he had

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<sup>1</sup>Oregonian, March 17, 1904, p. 6; February 6, 1904, p. 7. The Dalles Chronicle regretted the failure of the Wasco County Republican Convention to endorse the Direct Primary, March 26, 1904.

<sup>2</sup>Oregonian, April 15, 1904, pp. 1, 10. See Hillsboro Independent, April 29, 1904, for the Republican platform.

<sup>3</sup>Oregonian, April 20, 1904, pp. 1, 8; Salem Weekly Capital Journal, April 28, 1904, p. 9.

<sup>4</sup>Oregonian, June 5, 1904, p. 2.

heard no discussion of the primary law and believed that eastern Oregon did not feel the need of it. He discounted the chances of the law for approval in the election. In contrast is the statement of the Lake County Examiner that: "Regardless of the hardship the proposed law works on the newspaper, the papers all over the state are recommending the law. . . ." The Dalles Chronicle is another newspaper east of the Cascades which favored the reform, but it is a fact that one can look through many volumes of newspapers without finding a mention of the law, except in the election returns.<sup>1</sup>

Although overshadowed by other contests and issues the direct primary was publicized and its merits evaluated. It was claimed that it would necessitate the appeal to the intelligence and conscience of the voter and would lessen the influence of corruption funds and party discipline. It was predicted that it would obviate the necessity of accepting, as part of a slate, candidates who would not be approved except for their alliance with the candidate for United States Senator.<sup>2</sup> The fact that under the convention system the political boss makes the ticket and offers the voter a choice between equally unsatisfactory alternatives was cited as proof of "the system's" irresponsibility.<sup>3</sup>

<sup>1</sup> Oregonian, June 6, 1904, p. 14; Lakeview Lake County Examiner, June 2, 1904; The Dalles Chronicle, April 6, 1904.

<sup>2</sup> Oregonian, Editorials, March 17, 1904, p. 8; and March 28, 1904, p. 6.

<sup>3</sup> Oregonian, April 4, 1904, p. 6 (Editorial). The Morning Astorian replied: "The Present System is Good Enough." Editorial, May 5, 1902, p. 2.

The direct primary was also advocated as another desirable step in the evolution of election laws which would give each voter an equal power in the selection of candidates, would still recognize government by and through political parties, and would accomplish the election of United States Senators by the votes of the people. The use of the direct primary elsewhere was successful and was expanding. C. E. Lockwood called attention to Hennepin County, Minnesota; Detroit and Grand Rapids, Michigan; Baltimore, Maryland; Crawford County, Pennsylvania; the southern states; and the Salem, Oregon municipal elections as examples of successful application of direct primaries. He quoted Pope's essay on government:

Be not the first by whom the new is tried;  
Nor yet the last to lay the old aside.<sup>1</sup>

It was to be expected that imperfections and loopholes would be discovered in the law, but the people would demand amendments to make it as nearly perfect as could be.<sup>2</sup> The naive expectation of a political miracle was rejected in an editorial in the Oregonian, which we quote, in part:

Step by step the processes of self government have been ameliorated. The Australian Ballot has enfeebled terrorism by taking from the tyrant the power to know how his victim votes. Registry laws have discouraged corruption by the facility with which the fraudulent voter is identified. Primary reform has advanced far enough to give the rank and file an actual as well as a theoretical participation in the machinery of nomination, and will doubtless advance farther.

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<sup>1</sup>Oregonian, May 2, 1904, p. 8.

<sup>2</sup>Oregon City Courier, May 27, 1904; Salem Weekly Capital Journal, April 21, 1904, p. 6.

But not one or all of these ameliorations of the governmental process have imparted a single resource of political power to the powerless nor detracted a single equipment from the capable. What they do is to compel the able politician to work in new ways. Instead of sending thugs to the polls, he hustles the respectable citizen to the registration desk. Instead of buying votes at the polls, he addresses his appeal to the public interest and intelligence.

If there are separate elections he must compass a way to win them. If there are direct primaries, he must evolve methods of getting the most votes for his candidates. The depressing thing about all these real or fancied reformatory undertakings is the exaggerated expectation of an overturn by which the strong shall be made weak and the weak strong.

There is no royal road to power. There is no law to equalize the difference between the amateur and the professional in politics. Results are to him who knows their price and is willing to pay it. That price is not ambition alone, but consists in comprehensive organization, knowledge of human nature, the application of experience to present perplexity, and incessant application to measures and men. Thus equipped one can cheerfully give his adversary his choice of weapons. Party machines continue to maintain themselves under the laws the reformers have made. That they will continue to do this is to be conceded. That law will compel them to do it with steadily increasing wisdom and probity is to be hoped.<sup>1</sup>

#### The Enactment of the Direct Primary Law

Three ballot measures were before the voters in the general election of June 6, 1904. Of these the one of greatest public interest was the local option liquor law, permitting counties and municipalities to prohibit the sale of liquor. The Direct Primary law ran second in interest. The need for the adoption of the amendment creating the

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<sup>1</sup>Oregonian (Editorial), May 17, 1904, p. 6. For optimistic viewpoints see Another Republican's letter to the Editor, Roseburg Review, March 21, 1904, and other responses, May 12, 1904; cf. Medford Mail, June 3, 1904.

office of state printer was so generally accepted that it was hardly a controversial measure. On the morning of election day the Oregonian predicted passage of the direct primary law and state printer amendment, but regarded the fate of the local option law as doubtful. The vote in favor of the establishment of the office of state printer was 45,334, with a negative ballot of 14,031. The local option amendment squeezed by with a vote of 43,316 to 40,198. Of the 99,315 Oregon voters who participated in the election 56,205 cast their ballots in favor of the direct primary law, and 16,354 opposed it. This means that 26,756 or more than one-fourth of those who voted were so apathetic or uninformed that they did not vote on the measure. The total vote gave a safe majority to the law, and there was no county in which the affirmative vote did not exceed the negative vote; however, in Benton, Clatsop, Harney, Klamath, and Lake Counties less than a majority of the electors cast votes for the law. The greatest number of negative votes were cast in Multnomah, Marion, and Lane counties. In no other county were more than a thousand votes cast against the law. In Curry, Lake, and Wheeler Counties, there were fewer than a hundred votes against the law, in each.<sup>1</sup>

Governor George E. Chamberlain proclaimed the local option and direct primary laws in full effect on June 25, 1904, and at that time men who were in a favorable position to appraise public opinion said that

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<sup>1</sup>Oregonian, June 6, 1904, pp. 1, 2; June 8, 1904, p. 5; Salem Weekly Capital Journal, June 30, 1904, p. 8; Oregon Blue Book (1949-50), 251. See Appendix.

scarcely one in a hundred of the voters had ever read both of the measures clear through. County clerks had a sufficient supply of the laws to give each voter a copy, but few persons had studied them.<sup>1</sup> The authors of the bill were concerned that its provisions should be well understood and W. S. U'Ren gave out a lengthy interview explaining in lucid terms the procedure to be followed by candidates for office, and the effects of the law upon party organizations.<sup>2</sup>

We have noticed the attempts of persons of varied political beliefs to secure the enactment of direct primary laws in two sessions of the Oregon legislature, and the invalidation of the first direct primary law passed in Oregon by the state Supreme Court. The amendment which made possible direct legislation opened the door for reform. The account reveals that among the early proposals were some which aimed to bring party organization under complete control of the voters and others which would have left parties practically as free as before. The direct primary law which was passed in 1904 did not aim to destroy political parties. It specifically recognized parties and attempted to define their rights. It did not abolish conventions, but reduced the number of their legal functions. Like other political innovations

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<sup>1</sup>Oregonian, June 26, 1904, p. 1. See General Laws of Oregon, 1905, pp. 7-40 for the text of the Direct Primary Law. Salem Weekly Capital Journal, June 9, 1904, p. 2; June 23, 1904, p. 6; Eugene Oregon State Journal, October 1, 1904.

<sup>2</sup>Oregonian, September 18, 1904, p. 6; Salem Weekly Capital Journal, July 14, 1904, p. 6. Legal questions remained to be settled by the courts, which will be taken up in connection with the use of the law in the 1905 municipal election in Portland.



the direct primary did not prove to be a permanent corrective for the abuses permitted or encouraged by party organizations. As soon as the foes of reform could discover ways of circumventing the direct primary they proceeded to do so.<sup>1</sup> As long as the reform element was sufficiently alert to discover and correct defects in the new procedure, the machine politicians were obliged to continually revise their tactics to keep up with the innovations.

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<sup>1</sup>See James D. Barnett, Forestalling the Direct Primary in Oregon (New York: Ginn and Company, 1912), Reprint from Political Science Quarterly, XXVII, No. 4.

## CHAPTER VI

### THE POLITICAL CRISIS OF 1905

There were two main phases of the political crisis of 1905 in Oregon. More properly, it might be said that there were two simultaneous crises, arising from different causes, each presenting a threat to the continued control of Oregon politics by the dominant faction of the Republican party. One crisis was created by the victory of the Democrats in the Portland Mayoralty election of 1905. The other crisis was brought to a head more gradually by a series of investigations, indictments, and convictions of prominent persons in Oregon, but its climax came during the same week that Harry Lane was installed as Portland's Democratic mayor when United States Senator John H. Mitchell was convicted by a federal court in Portland on a charge of complicity in land frauds. One crisis revealed the party's need for a careful study of the operation of the direct primary law and the revision of tactics and strategy. The other created the problem of recovering lost prestige and finding leaders to replace the discredited and departed ones.

That the political developments of this era, with their striking contrast between reform and dishonor, received an unusual amount of attention outside Oregon, may be due in part to the Lewis and Clark

Centennial Exposition which, opening in Portland on June 1, 1905, attracted thousands of tourists from the nation at large. Senator Mitchell had introduced a bill in Congress asking for a \$2,125,000 appropriation for the exposition.<sup>1</sup> Harvey W. Scott had visited President Theodore Roosevelt in the interests of the exposition.<sup>2</sup> Senators Mitchell and Fulton had exercised their oratorical powers to induce Congress to pass the appropriation bill, which was enacted after being reduced to \$475,000.<sup>3</sup> United States Marshall Walter F. (Jack) Matthews had been appointed disbursing agent for the appropriation, and the checks were written at his headquarters in the Portland Post Office building.<sup>4</sup> Henry W. Corbett had been head of the exposition commissioners until his death on March 31, 1903. Corbett's position was then filled by Henry W. Goode. The first of June, 1905, marked the opening of the exposition.<sup>5</sup>

#### The Legislature of 1905

When the Oregon Legislature assembled in January 1905, the fight which developed in the Senate between the supporters of E. V. Carter,

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<sup>1</sup>Oregonian, November 11, 1903.

<sup>2</sup>Oregonian, December 8, 1903.

<sup>3</sup>Oregonian, April 9, 1904.

<sup>4</sup>Oregonian, November 3, 1904, p. 8.

<sup>5</sup>Oregonian, June 1, 1905; Astoria Herald, June 3, 1905.

Jackson County Republican, and Dr. William Kuykendall of Lane County gave an early demonstration of the bitterness which was to mark the rivalries of that year. Carter was a personal friend of Kuykendall, but the announcement of his candidacy for the Senate presidency drew to his support a coalition of Democrats and the anti-Mitchell, anti-Kuykendall elements in the Senate.<sup>1</sup> Dan Malarkey, of Portland, was the strongest compromise candidate, but the victory of A. L. Mills, also of Portland, over Thomas B. Kay, of Salem, in the House Republican caucus prevented the naming of another Multnomah County man for the Senate presidency.<sup>2</sup> Mills had received the support of the southern Oregon candidate, W. I. Vawter, after it was apparent that he could not win.<sup>3</sup> Dr. Kuykendall's strength in the contest for the Senate presidency was accurately forecast by the attendance at the Senate Republican caucuses. Fifteen men went into his caucus at the Willamette Hotel on Sunday evening, January 8, 1905. The ten Republicans who had united to support Carter remained out of the opening session of the Senate until a quorum was secured without them, entering just in time to prevent Kuykendall's immediate election. The Senate was deadlocked for fifty-five ballots. Carter's ten supporters asked the

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<sup>1</sup>Oregonian, December 15, 1904, p. 8; December 27, 1904, p. 1.

<sup>2</sup>Malarkey later said that he had acquiesced in Jack Matthews' request to wait until 1907, so that Mills could have the speakership in 1905. Oregonian, November 28, 1906, p. 10.

<sup>3</sup>Oregonian, January 7, 1905, p. 1; January 10, 1905, p. 1; Salem Weekly Capital Journal, January 12, 1905, p. 3.

five Democrats to name any other Republican than Kuykendall. "We'll keep fighting until hell freezes over, and then fight on the ice," each camp had said;<sup>1</sup> but Carter gave up the fight when it was discovered that neither Nottingham nor Brownell could draw enough votes from Kuykendall to be elected by the Carter coalition. Squire Farrar, of Marion County, was persuaded to change to Kuykendall, so that there would be no permanent deadlock and interruption of legislation. On the final ballot all Republicans voted for Kuykendall.<sup>2</sup>

Measures of political importance considered by the 1905 legislature included the "straight party ballot" veto; amendments to the registration law; the proposal for limitation and publicity of election expenditures by candidates and party organizations; a resolution for a memorial to Congress requesting an amendment to the Constitution authorizing election of United States Senators by the people; the proposal for a convention to revise the state constitution; and amendments to the direct primary law. The Senate refused to pass the straight party ballot bill over Governor Chamberlain's veto. The memorial to Congress concerning popular election of Senators was defeated by the Oregon Senate after it had passed the House. Most of the other proposals for electoral reforms were quietly put to sleep. The Brownell bill for a constitutional convention was defeated, fourteen to thirteen,

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<sup>1</sup>Oregonian, January 10, 1905, p. 1; of Salem Weekly Capital Journal, January 12, 1905, p. 3.

<sup>2</sup>Oregonian, January 11, 1905, p. 1; Eugene Oregon State Journal, January 14, 1905; Salem Weekly Capital Journal, January 12, 1905, p. 6.

in the Senate.<sup>1</sup> The Governor had recommended the limitation of campaign expenditures and the requiring of itemized statements of expenses to be filed as public records.<sup>2</sup> A bill incorporating this plan was passed by the House with only three negative votes, but did not pass the Senate.<sup>3</sup>

#### Application of the Direct Primary to Municipal Elections

The attempts to amend the direct primary law were concerned with a very controversial problem which arose in the application of the law to municipal elections. Portland had previously held its municipal elections concurrently with the general state elections, but its new charter incorporated the reform feature of separate municipal elections based on the hope that it would prevent city offices from being used as "pawns on the political chessboard."<sup>4</sup> After the decision to hold city elections biennially in June of the odd-numbered years there was a sentiment favoring abandonment of the plan on the theory that changing city officials during the Lewis and Clark Exposition would be unwise. But the charter was not revised, and June 5, 1905 remained the

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<sup>1</sup>Oregonian, January 17, 1905, p. 6; January 19, 1905, p. 6; February 2, 1905, p. 6; Oregon City Courier, January 20, 1905, p. 4; February 10, 1905, p. 1; Salem Weekly Capital Journal, January 26, 1905, pp. 2, 10; February 2, 1905, pp. 2, 5, 6, 8.

<sup>2</sup>Message of Governor George E. Chamberlain to the Oregon Legislature, Oregon Senate Journal, 1905, Appendix, p. 39.

<sup>3</sup>Oregon House Journal, 1905, p. 764.

<sup>4</sup>Oregonian, April 17, 1904, p. 4; April 18, 1904, p. 12; March 10, 1902, p. 10; March 19, 1905, p. 9.

election date.<sup>1</sup>

It was the city of Salem which first called attention to an apparent inconsistency in the direct primary law. The law required the political parties casting twenty-five per cent of the vote in cities of two thousand inhabitants to nominate candidates by the direct primary. It also required those who voted in the primary election to be registered as members of a political party. Those citizens who had registered before the election of 1904 had not registered their party affiliation and there seemed to be no authority for the opening of registration books before the time set for registration in 1906.<sup>2</sup> The primary laws of 1891 and 1901 had been repealed by the direct primary law of 1904, and some regarded this as a last opportunity to return to the nineteenth-century nominating methods before the direct primary law took effect. Others thought that the legislature should amend the direct primary law in order to correct the defect.<sup>3</sup> Thomas G. Greene, who was a member of the Direct Nomination League, put the matter to a test by calling at the office of Multnomah County Clerk Fields and asking to have his party affiliation added to his registration. The clerk declined, but informed Greene that if he wished to bring a mandamus proceeding, Fields would abide by the

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<sup>1</sup>Oregonian, April 18, 1904, p. 12.

<sup>2</sup>Oregonian, September 21, 1904, p. 1; Salem Weekly Capital Journal, September 22, 1904, p. 8; October 6, 1904, p. 10; November 17, 1904, pp. 6, 10.

<sup>3</sup>Oregonian, September 21, 1904, pp. 1, 4; September 22, 1904, pp. 1, 5.

decision of the circuit court, rather than appeal the case to the State Supreme Court. If there was no suit, the clerk said he would be guided by public opinion, but was not disposed to open up the old registration unless the majority favored it.<sup>1</sup>

Attorney General Crawford gave the opinion that the direct primary law would not be operative until 1906, therefore city elections before that time might be held under the old election forms.<sup>2</sup> Senator Fulton was quoted by the press as being of the opinion that the requirement of a registration of party affiliation was unconstitutional.<sup>3</sup> C. E. Lockwood answered Fulton's charge and clarified the situation by showing that parts of the new law which he himself had written and a provision in the Portland charter brought the two into agreement by requiring the county clerk to open registration for the city and presidential elections and to furnish the precinct register to the judges and clerks at municipal elections.<sup>4</sup> Mayor George H. Williams, whose legal opinions were respected because of his former service as United States Attorney General, did not see how the present primary law could be reconciled with the secrecy of the ballot provided under the Australian ballot law. He saw no way to hold elections under the direct primary law before the next registration in 1906. The new law gave the county clerk no

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<sup>1</sup>Oregonian, September 23, 1904, p. 12.

<sup>2</sup>Oregonian, September 25, 1904, p. 1.

<sup>3</sup>Oregonian, September 25, 1904, p. 1; September 27, 1904, p. 8.

<sup>4</sup>Oregonian, September 28, 1904, p. 11; February 19, 1905, p. 16.



authority to put candidates' names on the ballot except those nominated according to its provisions. Nominations were to be made by petition, but no one could sign a petition except a registered member of the party. The only way out seemed to be to hold elections without using the direct primary method, asking the legislature to ratify the results of the elections afterwards. Since the incumbents would hold their offices until their successors had qualified there would be no danger of a failure of government.<sup>1</sup> The common attitude of politicians was described by an Oregonian reporter:

No politician has a well-defined idea of what procedure will be followed or of how the direct primary law is going to work out, but it may be said for the politicians in general that they predict failure. Their common opinion is that, while the Legislature might well repeal the act, it will not do so, and that the most the lawmakers will do will be to touch the act gingerly.<sup>2</sup>

With the attorney-general standing by his opinion that the direct primary law would not be operative until 1906, various city administrations prepared to hold elections with that opinion as a guide. There were those who favored amending the law so that it could apply to the 1905 city elections. One plan was to remove the necessity for registration of party affiliation for the 1905 primaries. This idea was introduced in the legislature by Representative Capron, of Multnomah County on January 16, 1905, but the bill was withdrawn the following

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<sup>1</sup>Oregonian, September 30, 1904, p. 10.

<sup>2</sup>Oregonian, December 5, 1904, p. 5.

day.<sup>1</sup> The other proposal was to authorize new registration before the municipal elections. Huntley, of Clackamas County, introduced the U'Ren bill on January 17. It provided for opening registration books for twenty days before elections in towns where the law applied. Another feature permitted electors to change registration of party for a municipal election and again for a general election at the next registration. A third section specified that Government officers who would be away from their county at the time of registration were to be exempted from the registration requirement.<sup>2</sup> To be effective for the Portland election, the bill would have required passage with the emergency clause. U'Ren's opposition to the indiscriminate use of the emergency clause led him to oppose its use for this purpose. He was obliged to deny accusations that he was now working with the Portland machine to delay the operation of the direct primary law. In his opinion an emergency was a foreign invasion, flood, fire, riot, insurrection or rebellion, requiring immediate drastic action. The present situation did not fit that description, he thought.<sup>3</sup>

Huntley's bill (House Bill 152) passed the House on February 6.<sup>4</sup>

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<sup>1</sup>Oregon House Journal, 1905, pp. 120, 176; Oregonian, December 5, 1904, p. 5; January 17, 1905, p. 6; January 22, 1905, p. 7.

<sup>2</sup>Oregon City Courier, January 20, 1905, p. 3; Oregonian, January 18, 1905, pp. 6, 8; Oregon House Journal, 1905, p. 191.

<sup>3</sup>Oregonian, January 21, 1905, p. 7; January 17, 1905, p. 6; January 18, 1905, p. 8.

<sup>4</sup>Oregon House Journal, 1905, p. 891. Oregonian, February 8, 1905, p. 6.

It was favorably reported in the Senate on February 16 by the Committee on Privileges and Elections, which is the last entry in the Senate Journal concerning the Huntley bill. Presumably it was lost in the shuffle of last-week legislation.<sup>1</sup>

The long controversy was ended by a friendly suit in the state circuit court of the Multnomah district. N. A. King was the plaintiff in a suit to enjoin the county clerk from purchasing registration books and incurring the expenses of registering voters. The plea was that the law only authorized the clerk to register those persons who had not previously registered or who had changed their residence. The demurrer was based on the contention that the facts did not constitute sufficient cause for a suit. County Clerk Fields was officially indifferent to the outcome and allowed District Attorney John Manning to defend. C. E. Lockwood offered to assist Manning. City Attorney L. A. McNary had filed the suit, after consultation with other city officials.<sup>2</sup> By the decision, which was announced by Judge M. C. George on March 4, 1905, the direct primary law was held to be effective for the Portland election of 1905. A new registration of voters was authorized, to be held between March 15 and April 14. May 6 was the election date.<sup>3</sup>

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<sup>1</sup>Oregon Senate Journal, 1905, p. 943.

<sup>2</sup>Oregonian, February 23, 1905, p. 7; February 25, 1905, p. 12.

<sup>3</sup>Oregonian, March 5, 1905, p. 9; Salem Weekly Capital Journal, March 9, 1905, pp. 2, 8.

The Portland Municipal Election of 1905

When the registration books closed on April 14 there were six times as many registered Republicans as Democrats. Of a grand total of 12,114, those who claimed to be Republicans numbered 10,254, leaving the 1,638 Democrats far in the minority.<sup>1</sup>

A clause in the direct primary law which required the election of new central committees by the voters in the primaries, rather than by a convention, was a cause of concern to the leaders of both parties.<sup>2</sup> The usual Democratic strategy of waiting until after the Republican convention to pick weak spots in the Republican ticket for an all-out attack was also spoiled by the necessity under the new law of nominating at the same time as the Republican party.<sup>3</sup> Political clubs played a prominent part in the campaign. The Republicans were divided into the New Deal Republican Club, the Republican Club of Portland, and the Young Men's Republican Club.<sup>4</sup> The Democrats had a Multnomah Democratic Club and a Young Men's Democratic Club.<sup>5</sup> There was also a Municipal Association working for electoral reform and civic improvement.<sup>6</sup> Soon there

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<sup>1</sup>Oregonian, April 15, 1905. There were charges that Democrats were registering as Republicans; Oregonian, April 3, 1905, p. 11; April 16, 1905, p. 24. The vote was expected to be increased by voters who would be "sworn in." Oregonian, May 3, 1905, p. 10; May 5, 1905, p. 10.

<sup>2</sup>Oregonian, March 8, 1905, p. 16; April 21, 1905, p. 10.

<sup>3</sup>Oregonian, March 23, 1905, p. 8.

<sup>4</sup>Oregonian, March 18, 1905, p. 11; March 21, 1905, p. 8; March 27, 1905, p. 12; March 28, 1905, p. 11; March 30, 1905, p. 16.

<sup>5</sup>Ibid., and March 23, 1905, p. 8; March 30, 1905, p. 10.

<sup>6</sup>Oregonian, March 21, 1905, p. 8.

were a Glafke Club, Albee Club, and Rowe Club which had been organized by the supporters of these aspirants for the Mayoralty.<sup>1</sup>

A conference of the New Deal Republicans, the Republican Club, the the Young Men's Republican Club, and the Glafke Republicans which met on April 15 was torn asunder by discord.<sup>2</sup> Mayor Williams soon announced that he would have no "clique, club nor machine;" that he was a candidate before all the Republicans and would leave it to them.<sup>3</sup> However, Williams did consent to address the Young Men's Regular Republican Club which had endorsed him and invited him to speak to its members.<sup>4</sup>

The chief object of the New Deal Republican Club seemed to be the control of the new central committee; at least it did not endorse a Mayoralty candidate.<sup>5</sup>

With such a variety of candidates and clubs one would hardly expect to find a clear-cut issue in the campaign, but one was provided by the activity of the ministerial association, the municipal association, and other reform groups. As early as 1903 these groups had started gathering evidence for a war on gambling, vice, and saloons. On the last Sunday in October, 1903, a dozen ministers preached blistering sermons

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<sup>1</sup>Oregonian, April 9, 1905, p. 10; April 12, 1905, p. 10; April 19, 1905, p. 16; April 24, 1905, p. 11; April 26, 1905, p. 11.

<sup>2</sup>Oregonian, April 17, 1905, p. 10.

<sup>3</sup>Oregonian, April 19, 1905, p. 10.

<sup>4</sup>Oregonian, May 4, 1905, p. 10.

<sup>5</sup>Oregonian, April 7, 1905, p. 9; April 14, 1905, p. 9; April 24, 1905, p. 11.

on the gambling situation.<sup>1</sup> Mayor Williams ordered the games closed between December and February, but the Municipal Association's committee expressed doubt concerning the probability of his orders' being enforced.<sup>2</sup> George H. Howell preferred charges against Chief of Police Hunt and demanded an investigation of police affairs.<sup>3</sup> Multnomah County Sheriff Tom Word began a series of raids on gambling "joints."<sup>4</sup> A citizens' meeting called in December, 1904, in advocacy of municipal reform, ended in an uproar.<sup>5</sup> In January 1905, Mayor George H. Williams and other officials were indicted for failure to enforce statutes concerning gambling. Williams spoke of the indictment, which was dismissed within the week, as "spitework."<sup>6</sup>

Sermons by J. Whitcomb Brougher on "The Mayor of Sodom," by Rabbi Stephen S. Wise on "The Reign of Lawlessness in the Land," and by H. C. Shaffer on "Public and Official Purity" received notice from the press during the war on the "open town" element.<sup>7</sup>

<sup>1</sup>Oregonian, September 28, 1903, p. 12.

<sup>2</sup>Oregonian, October 9, 1903, p. 14.

<sup>3</sup>Oregonian, October 10, 1903; March 17, 1904.

<sup>4</sup>Oregonian, July 19, 1904 to November 11, 1904; et seq.

<sup>5</sup>Oregonian, December 19, 1904, p. 1.

<sup>6</sup>Oregonian, January 5, 1905, p. 14; January 6, 1905, p. 9; January 8, 1905, p. 1; Eugene Oregon State Journal, January 7, 1905; January 14, 1905; Astoria Herald, January 14, 1905.

<sup>7</sup>Oregonian, March 28, 1904, p. 12; February 18, 1905, p. 10; March 20, 1905, p. 9.

Mayor Williams and the city council settled upon a license system as a satisfactory way of controlling the gambling situation. The Municipal Association endorsed H. Russell Albee for Mayor, but the strong campaign made on behalf of W. B. Glafke divided the support that Albee might have otherwise received.<sup>1</sup> In the series of articles on Mayoralty candidates published by the Oregonian H. R. Albee was described as the "one man in the city council who couldn't be bought."<sup>2</sup> Fred T. Merrill, another member of the city council, was an avowed "open town" candidate, but he too made a profession of personal honesty by facing the city council with a charge that the votes of its members had been bought.<sup>3</sup>

Democrats were afforded the choice between Dr. Harry Lane and George H. Thomas. Thomas, identified with the "closed town" forces, had been foreman of the jury which indicted George H. Williams.<sup>4</sup> Lane was a grandson of General Joseph Lane, who had been the first territorial governor in Oregon and running mate of Breckinridge in the election of 1860. Harry Lane, like his grandfather, was a fighter in politics. He insisted that the Democrats must work together before he would agree to be a candidate and refused to declare a platform before he

<sup>1</sup>Oregonian, March 19, 1905, p. 9; March 20, 1905, p. 14; April 1, 1905, p. 14; April 17, 1905, p. 10.

<sup>2</sup>Oregonian, April 1, 1905, p. 14.

<sup>3</sup>Oregonian, May 4, 1905, p. 1; also March 21, 1905, p. 8; May 5, 1905, p. 9; April 3, 1905, p. 10.

<sup>4</sup>Oregonian, March 19, 1905, p. 9; March 22, 1905, p. 11.

was nominated.<sup>1</sup> The Socialists had a candidate in John W. Schrader, a carpenter.<sup>2</sup> The Prohibitionists nominated B. Lee Paget for Mayor, using the convention method of nominating, since they, like the Socialists, had not sufficient numerical strength to use the direct primary.<sup>3</sup>

The primary election was held on May 6, 1905. The Republican ballot was well filled with the names of office-seekers, while many blank spaces appeared on the Democratic ballot.<sup>4</sup> The Democratic nomination went to Dr. Harry Lane, who received 698 votes against 248 for George H. Thomas. Mayor Williams received the plurality nomination with 3,071 Republican votes. H. R. Albee had 2,007, W. B. Glafke 1,796, H. S. Rowe 852, Fred T. Merrill 817, and S. H. Cooper forty-nine.<sup>5</sup> Only sixty-five per cent of the registered Republican vote was cast. Williams carried thirty-eight of the fifty-eight precincts, Albee twelve, and Glafke six. Williams' chief strength was on the west side of the Willamette River, and that of Albee and Glafke on the east side, although Albee managed to carry three west side precincts.<sup>6</sup> Dr. Lane's

<sup>1</sup>Oregonian, March 19, 1905, p. 9; March 23, 1905, p. 8; March 30, 1905, p. 10; March 31, 1905, p. 10; April 8, 1905, p. 14; April 10, 1905, p. 7.

<sup>2</sup>Oregonian, April 22, 1905, p. 10.

<sup>3</sup>Oregonian, April 30, 1905, p. 1.

<sup>4</sup>Oregonian, April 21, 1905, p. 10.

<sup>5</sup>Oregonian, May 10, 1905, p. 16. Eugene Oregon State Journal, May 13, 1905.

<sup>6</sup>Oregonian, May 7, 1905, p. 1.



platform, announced immediately after his nomination was assured, was a candid and sincere statement of his purposes. Williams, when asked for his platform, replied: "This is my platform. I shall follow the policy that my judgment dictates and do what I can to promote the material and moral welfare of the city, as I said when I announced that I would be a candidate for renomination." He made it clear that he expected the rival Republican candidates to abide by the wish of the party and support his candidacy.<sup>1</sup>

General comments on the first test of the direct primary showed disappointment with the small vote, surprise at the failure of the reform element to win the Republican nomination, and belief that a period of prolonged use would provide a more adequate test than a single election. W. S. U'Ren thought that each party had chosen its strongest candidate. A. L. Mills stressed the importance of defeated candidates' realizing that they were beaten in good faith and that they should abide by the result. Thomas G. Greene compared the number who participated in the primaries with the much smaller number who would have participated in party conventions. C. E. S. Wood remarked that the people cannot be compelled to take an interest in politics, and unless they do they must expect to submit to the rule of the politicians. He, too, thought that the direct primary did as good a job of picking candidates as a convention would have done.<sup>2</sup> W. B. Glafke and H. S. Rowe announced that

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<sup>1</sup>Oregonian, May 7, 1905, pp. 1, 11.

<sup>2</sup>Oregonian, May 8, 1905, p. 10.

they would support Mayor Williams. H. R. Albee said he would not be an independent candidate but could not say what his supporters would do. George H. Thomas agreed to support Lane if his stand on law enforcement was unequivocal.<sup>1</sup>

The Municipal Association now announced its support of Dr. Harry Lane and took the lead in the formation of a "Citizens Ticket," with Lane at the head.<sup>2</sup> The Oregonian warned that "If Dr. Lane shall be elected we will have a Democratic Mayor, and a Democratic Governor, and the nucleus of a powerful organization will have been formed that may change the entire political outlook of both city and state."<sup>3</sup> The appeal to the intellect was supplemented by the talent of the cartoonist and rhymester. One of the cartoons ridiculing the Democratic candidate pictured in caricature District Attorney John Manning, Sheriff Tom Word, Governor Chamberlain, and candidate Harry Lane as a barber shop quartet. Beneath the cartoon this rhyme appeared:

John, and Tom, and George are three  
 Jolly singers--count em--see?  
 Now they're asking Handsome Harry  
 To come in and help 'em carry  
 On the Democratic tune;  
 He will try to join in June;  
 If he does he may regret.  
 Very shortly  
 Such a courtly  
 Demo-Bunkocrat Quartet!<sup>4</sup>

<sup>1</sup>Oregonian, May 7, 1905, p. 1.

<sup>2</sup>Oregonian, May 9, 1905, p. 10; May 11, 1905, p. 8; May 16, 1905, p. 14; May 18, 1905; May 21, 1905, p. 10.

<sup>3</sup>Oregonian, (Editorial), May 11, 1905, p. 6; May 20, 1905, p. 8; May 25, 1905, p. 8.

<sup>4</sup>Oregonian, May 23, 1905, p. 10.

Dr. Lane had professed a desire for a campaign free from vindictiveness, but his opponent's attack on Lane's record as superintendent of the state asylum caused him to attack Williams' city administration with solid body blows.<sup>1</sup>

Mayor Williams relied heavily on an appeal to the doctrine of party regularity to hold the disintegrating support of the Republican ticket together. In doing so he evidently underestimated the popular support which the direct primary system had acquired. He made clear his idea of the obligations of defeated candidates:

Now if this nomination amounts to nothing, if it imposes no obligation upon the Republicans of this city to support the candidate nominated, then this primary law is a farce and a failure. That primary election cost the city of Portland \$3800. . . . if things remain just as they were without this primary election, if nobody is bound by what took place at that time then this primary act might as well be repealed and we might as well go back to the old system of nominating by conventions, which did not cost the city one cent. . . .<sup>2</sup>

The last week of the campaign was filled with what the Oregonian termed a "slanderous" attack on Mayor Williams.<sup>3</sup> This paper also asserted that Lane was receiving financial aid in his campaign from Democrats in towns throughout the state, which would render plausible its theory that a state and city Democratic machine was in process of formation.<sup>4</sup>

<sup>1</sup>Oregonian, May 21, 1905, p. 10.      <sup>2</sup>Oregonian, May 23, 1905, p. 1.

<sup>3</sup>Oregonian, June 1, 1905, p. 16; June 2, 1905, p. 20; June 3, 1905, pp. 9, 11; June 4, 1905, p. 1.

<sup>4</sup>Oregonian, May 29, 1905, p. 12; May 31, 1905, p. 8.

The central committees of both parties were organized on May 11, as the law required. Elmer P. Colwell became chairman and George H. Hill secretary of the Republican City Central Committee. The corresponding positions in the Democratic organization were filled by John Van Zante and Bert E. Haney. The Republican committee contained some men from the Rowe and Glafke clubs, but most of them were supporters of Williams. Whitney L. Boise, Chairman of the old city and county committee, warned that the new city central committee had no right to become a part of the County Committee.<sup>1</sup>

Registration statistics showed twenty-two per cent more persons registered than for the county and state election of 1904. Those who wished to vote without previous registration were now required to have their affidavits prepared in the presence of the election judges rather than before any notary public. This and Sheriff Word's threat to arrest illegal voters, reinforced by the presence of many deputy sheriffs in the North End, may account for the fact that few voters were sworn in.<sup>2</sup>

Dr. Harry Lane's large vote on the east side of Portland helped him to win the election with a plurality of nine hundred twenty-eight votes. His vote on the west side ran three hundred short of George H. Williams' vote. One Democrat was elected to the city council.<sup>3</sup> Lane was immediately

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<sup>1</sup>Oregonian, May 9, 1905, p. 10; May 12, 1905, p. 10.

<sup>2</sup>Oregonian, May 28, 1905, p. 11; June 5, 1905, p. 1; June 6, 1905, p. 8.

<sup>3</sup>Oregonian, June 5, 1905, p. 1; Eugene Oregon State Journal, June 10, 1905; The Dalles Chronicle, June 7, 1905.

besieged by a swarm of job-hunters and the feeling soon arose within the Democratic party that Lane was not sufficiently cooperative in rewarding members of his party with appointments. He moved slowly at first but did not hesitate to make removals when he thought it necessary.<sup>1</sup>

Perhaps the most important result of the election of Lane was the change in the attitude of those conservative Republicans who had previously favored the direct primary. It had been their hope that the divisions, which were the cause of minority factions' bolting the party on previous occasions, would be quieted by the expression of the popular will in the primary election, depriving the losing faction of a valid excuse for bolting the ticket. What had happened was a shock to their faith in the merits of the new law. The large number of candidates had so divided the vote that the primary nominee had only thirty-five per cent of the total. While he received the support of many more Republicans in the general election than he had in the primary, his total vote was only sixty-four per cent of the number of voters who had participated in the Republican primaries. This indicated a disaffection of large proportions and showed that the direct primary was not necessarily a cure for the disunity produced by factionalism. Williams, even before the election, had made up his mind that the direct primary law, far from doing away with party legislation, went to the other extreme and made party politics necessary for its operation.<sup>2</sup> The

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<sup>1</sup>Oregonian, June 7, 1905, p. 1; June 8, 1905, p. 11; June 27, 1905, p. 5; June 29, 1905, p. 16; August 12, 1905, p. 8; September 25, 1905, p. 10.

<sup>2</sup>Oregonian, May 30, 1905, p. 14.

editor of the Oregonian questioned the sincerity of the Democrats, who claimed that there was no partisan issue in the election of a Mayor of Portland: "The most important political office in the state is the office of Mayor of Portland and none know it better than those who are trying to get it through disclaimers of partisanship."<sup>1</sup> The Pendleton Tribune discounted the reform aspect of the victory, saying that the Democrats played the political game more skilfully than their rivals by gathering in the disgruntled politicians.<sup>2</sup>

However, the disillusionment was not so complete that those who bewailed the defeat of Mayor Williams were unwilling to give the direct primary another chance. Groping for an understanding of the attitude behind the deed, the editor of the Oregonian brought forth a suggestion:

It is indeed natural and proper to manifest resentment against the 'political machine.' There comes a time often when the arrogance, selfishness and dishonesty of the boss deserve rebuke. But there is a time and a place to do it, and that time and place are at the primary. . . .

If the Republican voter had any protest to record, he should have appeared at the primary. If there were any party quarrels to be settled . . . a boss to be downed . . . a machine to be routed, a ring to be broken, it should have been at the primary. . . .<sup>3</sup>

#### The Oregon Land Fraud Trials

It is difficult to fathom the political significance of the Oregon land fraud trials which reached their climax during the summer of 1905,

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<sup>1</sup>Oregonian, Editorial, June 5, 1905, p. 6.

<sup>2</sup>Quoted by the Oregonian, June 10, 1905, p. 8.

<sup>3</sup>Oregonian, Editorial, June 6, 1905, p. 6.

but no history of the period can disregard their effects. Senator Mitchell's conviction was not an isolated event. It was the culmination of a series of investigations, indictments, and convictions which had begun with minor characters and moved up the scale to involve the most influential public officials and party leaders. The astounding revelations made by Prosecutor Francis J. Heney must have shaken the structure of party organization to its foundation.

The four years since the return of John H. Mitchell to Washington had witnessed the establishment of a firm control over the Republican party organization by the man who had made his election possible. Mitchell's success in shutting Joseph Simon out of the control of federal appointments had been a factor in the eclipse of Simon as a political leader.<sup>1</sup> The close relationship between the Republican state central committee and the Multnomah County central committee, which was established during the 1902 campaign, continued. There were, it is true, rumors of dissatisfaction within the organization because of the firm grip which "Jack" Matthews retained upon the throttle of the machine. Matthews had been ineligible for an official position with the party organization since he became the United States Marshal for Oregon on July 1, 1902. He was succeeded by Frank C. Baker as chairman of the state central committee in July, 1903, but this did not end his influence in party affairs. His indefinite tenure as head of

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<sup>1</sup>Oregonian, March 31, 1903, p. 1; April 2, 1903; April 3, 1903, Editorial, "The Comedy of Politics"; March 17, 1904, p. 8; Salem Weekly Capital Journal, April 9, 1903.

the eleven-man managing committee appointed by Multnomah County Chairman Charles H. Carey gave him opportunities for conferences with Baker and Carey.<sup>1</sup>

Dissension within the Oregon congressional delegation and with the administration at Washington concerning federal appointments in Oregon was a frequent topic of discussion in 1903 and 1904. Traditional attitudes concerning the interpretation and enforcement of federal statutes pertaining to the disposal of public lands were being challenged by the popularizing of conservation of natural resources as a public policy. The Secretary of the Interior, E. A. Hitchcock, was scrutinizing the records of land offices, and the abruptness with which some of the local land office personnel in Oregon were removed from office caused no little consternation.<sup>2</sup> When J. W. Knowles, who had been removed from his post as register of the La Grande land office by Secretary Hitchcock, was later appointed a member of the Republican

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<sup>1</sup>Oregonian, April 25, 1903; May 6, 1903, pp. 14, 16; May 14, 1903, p. 16; June 13, 1903, p. 14; June 23, 1903, p. 10; June 24, 1903, p. 14; June 25, 1903, p. 10; July 5, 1903, p. 10; July 16, 1903, p. 6; August 7, 1903, p. 14; September 9, 1903, p. 7; October 16, 1903, p. 14; Salem Weekly Capital Journal, July 16, 1903; July 30, 1903.

<sup>2</sup>Oregonian, March 8, 1903, p. 1; July 7, 1903, p. 14; August 21, 1903, p. 1; August 23, 1903, p. 10; August 29, 1903, p. 1; September 1, 1903, p. 1; September 3, 1903, p. 8; September 6, 1903, p. 1; September 7, 1903, p. 12; September 8, 1903, p. 1; September 23, 1903, p. 1; September 25, 1903, p. 1; October 13, 1903, p. 1; October 16, 1903, p. 14; October 24, 1903, p. 16; December 13, 1903, p. 1; December 16, 1903, p. 1; December 23, 1903, p. 1; February 20, 1904, p. 6; March 3, 1904, p. 1; April 22, 1904, p. 1; April 23, 1904, p. 1; Salem Weekly Capital Journal, March 12, 1903. An editorial in the Eugene Oregon State Journal, June 3, 1905, gave a general discussion of the effect of "senatorial courtesy" on public service.



state central committee it became clear that the tension between the state organization and the administration of Theodore Roosevelt was mounting.<sup>1</sup>

The federal appointment which aroused the greatest amount of public conjecture was the choice of a successor for United States District Attorney John H. Hall. Late in 1902 the Salem Weekly Capital Journal had begun printing a series of lengthy letters and editorials concerning the charges made by Joseph Schell, a Catholic priest, against several prominent Republicans, but particularly against District Attorney Hall. Schell accused Hall of shielding men who were engaged in perpetrating gigantic timber land steals.<sup>2</sup> It was publicly conceded that Hall would not be re-appointed, but Mitchell on his return to Oregon in May, 1903, had stated that Hall would remain in office for a little while longer.<sup>3</sup> The inability of the Oregon delegation to agree on a successor to Hall was periodically announced as the reason for inaction until November, 1903, when the delegation announced its decision to let Hall remain at his post until the completion of the land fraud trials.<sup>4</sup>

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<sup>1</sup>Oregonian, July 31, 1903, p. 14; October 24, 1903, p. 16; The Dalles Chronicle, May 11, 1904; November 30, 1904.

<sup>2</sup>Salem Weekly Capital Journal, August 21, 1902; September 11, 1902; December 4, 1902; December 18, 1902; January 1, 1903.

<sup>3</sup>Oregonian, April 20, 1903, p. 12; May 14, 1903, p. 16; May 16, 1903, p. 10.

<sup>4</sup>Oregonian, November 8, 1903, p. 2.

A marked difference of opinion had arisen concerning the forest reserve policy in Oregon. Senator Mitchell, before leaving for Washington in September, 1903, had said: "The people of the West are not against reserves, but they oppose the reserve policy that is carried to an extreme. In Oregon, for example, the policy is run wild."<sup>1</sup> This statement was made after the Oregonian had printed a map of Oregon showing the proposed reserves under the headline "Losing Its Land: One Fourth of the Area of State Tied Up."<sup>2</sup> On October 6, 1903, Gifford Pinchot, the leading protagonist of forest conservation in the United States, spoke in Portland, claiming that the policy of reserving public lands was for the greatest possible benefit to the greatest number vitally affected. He explained that reserves were created to determine the relative worth of various lands. Senator Fulton was chairman of the meeting which Pinchot addressed; and voiced his opposition to the creation of reserves in western Oregon, except after the timber had been cut, when the government should regulate the new growth. Pinchot replied that the result would be to turn billions of feet of lumber into the hands of great corporations, which was against public policy.<sup>3</sup> Fulton, before entraining for the nation's capital, reiterated that he was not against forest reserves, but was against the unreasonable

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<sup>1</sup>Oregonian, September 8, 1903, p. 1.

<sup>2</sup>Oregonian, September 7, 1903, p. 4.

<sup>3</sup>Oregonian, October 7, 1903, p. 16.

reserve policy, because of "lieu land" evils and violation of individual privileges.<sup>1</sup> After arrival in Washington he appeared before the Public Lands Commission to advocate modification of the reserve policy and amendment of the statutes.<sup>2</sup>

Representative Binger Hermann was less restrained than Senator Fulton, and somewhat less constructive. He described the charges emanating from the General Land Office as "dastardly, malicious slander."<sup>3</sup>

The indictment by the federal Grand Jury of Miss Marie Ware, Horace G. McKinley, Stephen A. D. Puter, and Mrs. Emma L. Watson in connection with fraudulent entries on public lands created a sensation in Oregon.<sup>4</sup> The placing of charges against Asa B. Thompson

<sup>1</sup>Oregonian, October 8, 1903, p. 16. Worthless land included in the forest reserve was being exchanged for valuable timber land outside under the "lieu land" clause.

<sup>2</sup>Oregonian, December 30, 1903, p. 1; Canyon City Blue Mountain Eagle, February 10, 1905. The Public Lands Commission was composed of W. A. Richards, Commissioner of the General Land Office, F. H. Newell, Chief Engineer of the Reclamation Service, and Gifford Pinchot, Forester, United States Department of Agriculture. It was commissioned by President Theodore Roosevelt to study the operation of the land laws and recommend changes. John Ise, United States Forest Policy (New Haven: 1920), pp. 150-151. See also Senate Document 189, Fifty-eighth Congress, Third Session; and Senate Document 154, Fifty-eighth Congress, Third Session.

<sup>3</sup>Oregonian, October 30, 1903.

<sup>4</sup>Oregonian, October 28, 1903, p. 14; October 30, 1903, p. 10; November 8, 1903, p. 16; April 3, 1904, p. 1; Salem Weekly Capital Journal, December 8, 1904, pp. 4, 6; Albany Weekly Herald, December 1, 1904; December 8, 1904; Ashland Tidings, December 5, 1904; December 8, 1904; Klamath Republican, December 8, 1904; The Dalles Chronicle, November 23, 1904; Astoria Herald, January 7, 1904; Eugene Oregon State Journal, December 3, 1904; December 10, 1904.

and Henry Meldrum, former land office employees, carried the implication that a "housecleaning" had begun. Thompson was acquitted, and unsuccessfully appealed for reinstatement. Meldrum was convicted.<sup>1</sup>

As the land fraud trials progressed it became apparent that the administration at Washington attached but small importance to the recommendations of the Oregon delegation in Congress. When Francis J. Heney, of San Francisco, a lawyer skilled in the prosecution of land cases, was appointed as assistant to United States District Attorney John Hall in preference to Dan Malarkey of Portland, the reaction of Hall and Senator Fulton was quite unfavorable.<sup>2</sup> The reappointment of John Hall was even more mystifying, since both Mitchell and Fulton affirmed that they had not recommended Hall for reappointment. Mitchell left Portland for Washington soon after receiving word of Hall's reappointment.<sup>3</sup>

As assistant prosecutor Heney gained familiarity with the evidence in the land fraud cases and with the political situation in Oregon, he began to take the leading role in the prosecution. More rapid progress was the result. The confessions of S. A. D. Puter and Mrs. Emma Watson implicated Senator Mitchell and Binger Herman.<sup>4</sup> State Senator

<sup>1</sup>Oregonian, March 8, 1903, p. 1; December 2, 1903, p. 10; December 5, 1903, p. 10; December 30, 1903, p. 1; April 11, 1904; The Dalles Chronicle, January 2, 1904; Medford Mail, December 25, 1903; April 15, 1904; Lakeview Lake County Examiner, April 21, 1904.

<sup>2</sup>Oregonian, November 30, 1903, p. 12; December 7, 1903, p. 1; December 14, 1903, p. 10; December 30, 1903, pp. 1, 5; Eugene Oregon State Journal, November 19, 1904; Astoria Herald, January 7, 1905.

<sup>3</sup>Oregonian, November 14, 1904, p. 14; November 15, 1904, p. 12; December 25, 1904, p. 1.

<sup>4</sup>Oregonian, December 19, 1904, p. 1; Salem Weekly Capital Journal, December 22, 1904, p. 3; Roseburg Review, December 1, 1904; Medford Mail, December 23, 1904.

F. P. Mays was indicted on a conspiracy charge.<sup>1</sup> The intention of the government to secure the indictment of Senator Mitchell and Representatives J. W. Williamson and Binger Hermann became known as they returned to Portland in December, 1904.<sup>2</sup> Following the appearance of Mitchell, Hermann, Walter F. Matthews, George C. Brownell, and Henry Meldrum before the Grand Jury, indictments were returned against all except Matthews.<sup>3</sup> At the same time that Mitchell and Hermann were indicted John Hall was removed from the District Attorneyship, at Mr. Heney's request; and a few days later F. J. Heney was appointed to that position.<sup>4</sup> Hall was also indicted, but his trial and conviction did not occur until 1908.<sup>5</sup>

<sup>1</sup>Oregonian, December 22, 1904, p. 1; December 23, 1904, p. 11; Salem Weekly Capital Journal, December 22, 1904, p. 5; The Dalles Chronicle, December 24, 1904; Roseburg Review, December 28, 1904.

<sup>2</sup>Oregonian, December 23, 1904, p. 1; December 25, 1904, p. 13; Salem Weekly Capital Journal, December 29, 1904, pp. 1, 2; Eugene Oregon State Journal, December 17, 1904; December 24, 1904; Ashland Tidings, December 22, 1904; The Dalles Chronicle, December 21, 1904; December 28, 1904; December 31, 1904; Roseburg Review, December 22, 1904; Medford Mail, December 23, 1904; Hillsboro Independent, December 23, 1904.

<sup>3</sup>Oregonian, December 29, 1904, p. 1; December 30, 1904, p. 1; December 31, 1904, p. 1; January 1, 1905, p. 1; Oregon City Courier, December 30, 1904, p. 1; February 3, 1905, p. 1; Eugene Oregon State Journal, December 31, 1904; Albany Weekly Herald, December 29, 1904; Astoria Herald, February 4, 1905.

<sup>4</sup>Oregonian, January 1, 1905, p. 1; January 8, 1905, p. 9; January 10, 1905, p. 10; Eugene Oregon State Journal, January 7, 1905; Salem Weekly Capital Journal, January 5, 1905, p. 2. Canyon City Blue Mountain Eagle, January 6, 1905.

<sup>5</sup>Oregonian, February 7, 1908, p. 10; February 8, 1908, p. 1; February 9, 1908, p. 1; Canyon City Blue Mountain Eagle, February 17, 1905.

Mr. Heney had expected to find that Binger Hermann was the chief offender, but as the facts were brought to light the interest centered upon Senator Mitchell.<sup>1</sup> Hermann's destruction of thirty-six letter books containing approximately five hundred letters apiece was one of the charges against him in one of the three trials in which he was a defendant. His defense was that they were not public records but private correspondence. In this, as in the other cases, he was acquitted.<sup>2</sup> Senator Mitchell was pronounced guilty by verdict of the jury on the night of July 3-4, 1905. The first incriminating evidence had been furnished by S. A. D. Puter, who said that Mitchell had received a bribe of two thousand dollars from him for expediting the issuance of patents for fraudulently located land claims. Later A. H. Tanner, Mitchell's law partner, whose first appearance before the grand jury in the Krebs case had been an attempt to clear Mitchell, admitted his perjury, during the trial.<sup>3</sup> Mitchell's appeal for a new trial was denied and he was sentenced to pay a fine of one thousand dollars and

<sup>1</sup>Oregonian, February 20, 1905, p. 1.

<sup>2</sup>Oregonian, February 5, 1905; March 4, 1905, p. 1; March 11, 1905, p. 1; February 14, 1905; The Dalles Chronicle, November 18, 1905.

<sup>3</sup>Salem Weekly Capital Journal, February 16, 1905, p. 3; June 29, 1905, pp. 1, 3; Oregonian, June 23, 1905; July 4, 1905, p. 8; July 6, 1905, pp. 2, 3, 8; September 7, 1906; Stephen A. D. Puter and Horace Stevens, Looters of the Public Domain (Portland, Oregon: Portland Printing House, 1908), pp. 58, 174-176, 227, 302; Astoria Herald, February 18, 1905; June 17, 1905; July 1, 1905; Oregon City Courier, July 7, 1905, p. 1; Eugene Oregon State Journal, July 15, 1905; Canyon City Blue Mountain Eagle, February 17, 1905.

serve six months in jail.<sup>1</sup>

During the course of the land fraud investigations there were intimations that Walter P. Matthews was retiring from politics. These reports were greeted with skepticism.<sup>2</sup> More serious were the charges made by Mr. Heney that Matthews was not doing his duty as marshal in the land fraud prosecutions; which were followed by the investigation of Matthews' official conduct and his removal from office.<sup>3</sup>

Public reaction to the results of the land fraud trials was varied. One reaction was based on the conclusion that a complete change in the personnel of party and government leaders in Oregon was needed.

A United States Senator indicted, convicted and sentenced to a term in the Multnomah County Jail; three state senators indicted; a United States District Attorney removed from office and placed under indictment; a United States marshal, the political boss of the state, fired out of office for betrayal of his trust. . . . All of these Republicans and installed in office at the expense of the people and the public morals. No wonder the people want a new deal, a new crowd and a change in politics.<sup>4</sup>

<sup>1</sup>Oregonian, July 16, 1905; July 26, 1905; Oregon City Courier, July 28, 1905, p. 1. An appeal to the Supreme Court was prepared by ex-Senator John M. Thurston but the death of John H. Mitchell prevented its being heard. Oregonian, August 24, 1905, p. 1; December 9, 1905, p. 1; Eugene Oregon State Journal, December 16, 1905; Canyon City Blue Mountain Eagle, July 21, 1905; July 28, 1905.

<sup>2</sup>Oregonian, February 26, 1905, p. 1; February 27, 1905, p. 1; February 28, 1905, p. 16.

<sup>3</sup>Oregonian, March 1, 1905; March 3, 1905, p. 1; March 9, 1905; March 22, 1905; March 24, 1905, p. 11; March 25, 1905, p. 11; May 14, 1905, p. 1; May 26, 1905, p. 10; Eugene Oregon State Journal, April 1, 1905; Salem Weekly Capital Journal, January 5, 1905, p. 6; Canyon City Blue Mountain Eagle, May 19, 1905.

<sup>4</sup>Oregon City Courier, June 1, 1906, p. 1. The omission of the fact that both of Oregon's congressmen were also indicted is not explained. See Eugene Oregon State Journal, September 30, 1905, for a report of Congressman J. N. Williamson's conviction.



The Harmony Movement in the Republican Party

A movement for the harmonizing of the differences within the Republican party took the form of a call issued in September, 1905 by Frank C. Baker, as chairman of the Republican State Central Committee, to its members.

You are respectfully requested to meet the other members of the Republican State Committee in Portland, Thursday the 12th of next month; and you will please invite a goodly number of representative Republicans of your county to come and take part in the reunion; and should there be in your county aspirants for state or district office, invite them also to be in attendance and participate.<sup>1</sup>

Mr. Baker gave assurance that the meeting was intended to promote party peace and harmony rather than to serve as a state convention before the primaries. He stated that no attempt would be made to nullify the letter or spirit of the Direct Primary law.<sup>2</sup> Many other party leaders deemed steps toward party unity imperative, but the opinion about the direct primary law was divided. James Withycombe had suggested a Republican State Convention for the adoption of a platform, but not the nomination of candidates. Senator Fulton and others favored a convention to recommend candidates for primary nominations and proclaim a party platform. O. H. Carey thought that the new primary law should be given a fair trial, but considered it necessary to devise a plan by

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<sup>1</sup>Oregonian, September 5, 1905, p. 16; Eugene Oregon State Journal, October 7, 1905.

<sup>2</sup>Oregonian, September 6, 1905, p. 9; Salem Weekly Capital Journal, August 11, 1905, p. 2; October 5, 1905, p. 2



which the supporters of the individual candidates at the primary election would give united support to the candidate finally selected.

T. T. Geer said:

The hope of the primary law is in the fact that when the people nominate a man for any office there will be no disposition to charge unfairness and that he may receive the entire party vote. The conference should earnestly advocate this idea, not forgetting that one of the objectives of the people in enacting the primary law, plainly set out in its preamble, is to secure a popular vote for candidates for United States Senator, to be afterward observed, of course, by the State Legislature. . . .<sup>1</sup>

A second letter of invitation from Frank C. Baker to leading Republicans defined the purpose of the meeting called for October 12, 1905: " . . . To take the initiative in maintaining a public sentiment that will influence Republicans to support our primary nominees, and to discuss proposed amendments to the State Constitution and other public questions if deemed advisable. . . ."<sup>2</sup> Many letters approving the purpose of this meeting appeared in the newspapers, but A. W. Lamb, of Yencalla, said:

I hardly feel that it would be of use, and in fact I think I can be of little use to the party under the new law. I have been able to do some service under the old plan--knew how to work in primary or convention--but have a mind to let the men who were foolish enough to frame the direct primary law do their own rustling. I never heard the law advocated here except by a sort of cross between a Pop and Socialist.<sup>3</sup>

<sup>1</sup>Oregonian, June 21, 1905, p. 6; July 16, 1905, p. 24; September 17, 1905, p. 14; September 25, 1905, p. 5.

<sup>2</sup>Oregonian, October 1, 1905, p. 9.

<sup>3</sup>Oregonian, October 2, 1905, p. 13; October 9, 1905, p. 5.

State Senator E. W. Haines of Washington County and State Chairman Frank C. Baker were mentioned as prospects for the post of permanent chairman of the "Peace Conference." It was Frank Davey of Marion County who was elected Chairman. W. D. Fenton's resolution calling for county and state conventions for the ratification of primary candidates and promulgation of party principles was carried "with a loud whoop." Honest observance of the primary law and correction of its defects by the next legislature were approved. Wallace McCamant's proposal of an endorsement of Roosevelt's crusade for civic righteousness was passed, although A. C. Marsters, of Douglas County, had objected in the resolutions committee. Roosevelt's diplomatic triumphs were extolled in the resolutions. There was no discussion of candidates on the floor of the conference, nor of land frauds or convicted statesmen. Most of those in attendance were sympathetic to the Fulton-Carey school of politics, but of the few "Simon stalwarts" present Wallace McCamant, who represented Multnomah County on the Resolutions Committee, was the leader.<sup>1</sup>

The editor of the Oregonian noted the prospect for harmony in an editorial which portrayed the evils of the old system in politics and the basis for present optimism.

That system or method consisted in the efforts of individuals under a very able but immoral leadership, that sought only its own ends—not the common good or the weal public—through control

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<sup>1</sup>Oregonian, October 11, 1905, p. 16; October 13, 1905, pp. 1, 8, 10, 11; Salem Weekly Capital Journal, October 19, 1905, pp. 4, 8.

of the action of the Republican party. Where it has landed the party the present exigency tells all of us. The verdict of juries, recently recorded, makes an end of the old system. Not that there is more knowledge of its iniquities than there was before. But there is legal proof; and it goes without saying that they who have corrupted and debauched the Republican party and have brought it to its present condition of weakness, humiliation, division and disgrace will control it no longer. . . . It is this system now to be terminated, that has divided the Republican party of Oregon. With its termination there will be harmony of course; for there will be no basis for further dissension. . . . There will be no difficulty in securing harmony now, since harmony will naturally follow the course of politics, pursued on a decent and moral basis.<sup>1</sup>

The Republicans' harmony movement was impeded, if not blocked, by the demands which were made in early November for the resignation of Senator Mitchell and Congressmen Hermann and Williamson; men whose influence as Oregon's representatives had been destroyed by the land fraud trials. Various political and business leaders publicly demanded their resignation, and the Portland Board of Trade approved Judge Seneca Smith's resolution asking for their resignations.<sup>2</sup> Senator Mitchell was clinging to his one hope, the possible favor of the United States Supreme Court, and refused to resign his seat. He did resign all committee responsibilities shortly before his death, which occurred on December 8, 1905 as the result of hemorrhage following a dental operation. Binger Hermann was bold enough to enter Congress in January, 1906, in defiance of those who had demanded

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<sup>1</sup>Oregonian, Editorial "Now for Harmony," October 13, 1905, p. 8.

<sup>2</sup>Oregonian, October 31, 1905, p. 8; November 1, 1905, p. 1; November 2, 1905, p. 8; November 7, 1905; The Dalles Chronicle, November 11, 1905; November 18, 1905.

his resignation.<sup>1</sup> Governor Chamberlain appointed John M. Gearin, a Portland lawyer and a Democrat, to the post left vacant by Mitchell.<sup>2</sup> The vindictiveness toward Mitchell which had been manifested by the press was for the moment relaxed. The Oregon City Courier voiced a prophecy still unfulfilled:

Other men and other times may properly weigh the worth to Oregon of her distinguished statesman. This is not the time.

When passing years have tempered a popular wrath and when the deeds of their leader of men, good and evil, have taken their rightful place in history, then let some pen, charitable and kindly record the story of his eventful career.<sup>3</sup>

The United States Senate ignored all previous precedent in the case of the death of John H. Mitchell. The vice-president did not appoint the usual committee to attend the funeral. Senator Fulton's resolution was not presented. Senator Mitchell's desk was not veiled in mourning, as was the usual practice.<sup>4</sup>

<sup>1</sup>Oregonian, November 2, 1905, p. 1; December 6, 1905, p. 2; December 8, 1905, p. 1; December 9, 1905, p. 1; December 23, 1905, p. 1; January 14, 1906, p. 1; January 17, 1906, p. 4; Eugene Oregon State Journal, December 16, 1905.

<sup>2</sup>Oregonian, December 14, 1905, pp. 8, 10; Salem Weekly Capital Journal, December 14, 1905, pp. 1, 2, 3, 5; The Dalles Chronicle, December 16, 1905.

<sup>3</sup>Oregon City Courier, December 15, 1905.

<sup>4</sup>Oregon City Courier, January 12, 1906, p. 1. A friend of Mitchell has charged that the Heney-Burns prosecution was a scheme to "get" Mitchell, which was instituted by Roosevelt. Differences between Mitchell and Roosevelt over the Panama Canal are said to have motivated Roosevelt. See William H. Galvani, "Recollections of J. F. Stevens and Senator Mitchell," Quarterly of the Oregon Historical Society, XLIV, (September, 1943): 313-326. This explanation over-simplifies the account. A concise factual review of Mitchell's career is found in the Dictionary of American Biography. Also see Oregonian, February 12, 1905, p. 25.

Upon Senator Charles W. Fulton fell the responsibility of representing the state of Oregon at the nation's capital. It was a heavy load for one man to carry, and the differences which arose between Fulton and the President over the forest reserve policy and over federal appointments added to his difficulties. In early December the newspapers spoke of Fulton's "break" with Roosevelt.<sup>1</sup> The unpopularity of the conservation movement in western states, and Fulton's personal following, made him still a formidable figure in Oregon's political arena.

The able leadership and popularity of Oregon's Democratic Governor George E. Chamberlain were factors in the threat which that party now presented. However, the divisions among the Multnomah County Democrats were serious and prevented a united front. The coalition with the Municipal Association which had helped elect Lane was breaking up. One of the Democratic clubs in Multnomah County was at work to bring about the defeat of Democratic Sheriff Tom Word. Differences arose between Mayor Harry Lane and District Attorney Manning over the prosecution of the Milwaukee Club, which had been raided by the Portland police department. These weaknesses in party strength were somewhat offset by the fact that at the year's end Oregon had acquired a Democratic Senator,

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<sup>1</sup>Oregonian, May 23, 1905, p. 1; May 24, 1905, p. 4; August 14, 1905, p. 14; October 4, 1905, p. 11; October 9, 1905, p. 8; October 30, 1905, p. 7; October 22, 1905, p. 8; Oregon City Courier, December 8, 1905, p. 4; Astoria Herald, February 25, 1905; The Dallas Chronicle, November 25, 1905; December 9, 1905; December 30, 1905.

John M. Gearin, who would serve until the legislature met in 1907.<sup>1</sup>

A review of the "year of tumult" reveals: the unexpected outcome of the Portland municipal election stemming from the failure of the direct primary to heal old fissures within the Republican party; the culmination of a series of prosecutions of politically prominent men in the conviction of Senator Mitchell; the attempt in the "peace conference" of October 12, 1905, to safeguard the Republican party against the threat of division, while conforming to the regulations of the direct primary law; and the appearance of other rifts in the party, due to the refusal of discredited leaders to relinquish their posts. The Democratic party had gained control of two additional important offices, but had not been able to weld its various parts into a powerful political machine. The year ended with a crucial test in prospect for the direct primary in 1906. In that year the new method of nominating candidates would be used throughout the entire state and the first test of the law's provision for popular nomination of United States Senators would be made.<sup>2</sup>

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<sup>1</sup>Oregonian, September 9, 1905, p. 11; September 18, 1905, p. 7; September 20, 1905, p. 11; September 25, 1905, pp. 10, 13; September 26, 1905, p. 10; September 29, 1905, p. 12; October 16, 1905, p. 11; October 30, 1905, p. 8; November 3, 1905, p. 1; November 16, 1905, p. 16; November 19, 1905, p. 1; November 23, 1905, p. 1; November 27, 1905, p. 9; December 11, 1905, p. 10; December 26, 1905, p. 11.

<sup>2</sup>The list of instructions for compliance with the provisions of the Direct Primary law, prepared by the Secretary of State and Attorney General, is of interest. See "Directions for Election," The Dalles Chronicle, December 30, 1905.

## CHAPTER VII

### THE ELECTION OF JONATHAN BOURNE, JR., 1907

Although the circumstances of Senator Mitchell's death had been unforeseen, the precariousness of his state of health was common knowledge during the last years of his life.<sup>1</sup> It is not surprising, then, that many aspired to be his successor.

#### Available Candidates

Among the Democrats the names of R. D. Inman, Joseph N. Teal, J. K. Weatherford, James H. Raley, C. E. S. Wood, and Jefferson Myers were mentioned, before Governor Chamberlain selected John M. Gearin to serve until the 1907 legislature exercised its prerogative of choosing a Senator for the few remaining weeks of Mitchell's term, and electing a Senator for the full term beginning March 4, 1907.<sup>2</sup> The same person might be chosen for both short and long terms, but the chance that a Democrat would be elected was not very great. Therefore, the Democrats

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<sup>1</sup>Medford Mail, February 6, 1903; February 13, 1903; The Dalles Chronicle, December 9, 1905.

<sup>2</sup>Oregonian, December 9, 1905, p. 1; December 10, 1905, p. 8; December 12, 1905, p. 9; December 13, 1905, p. 1; December 14, 1905, pp. 8, 10.



continued to give Mr. Gearin their support and to hope for a division in the Republican ranks.

Among the Republicans believed to be interested were: T. T. Geer, T. B. Wilcox, W. D. Fenton, Dr. A. C. Smith, H. W. Goode, Jonathan Bourne, Jr., Stephen A. Lowell, Malcolm A. Moody, Judge L. R. Webster, Fred W. Mulkey, H. M. Cake, and E. L. Smith. A Portland paper announced on December 1, 1905 that Jonathan Bourne was a candidate and was willing to let the "people's choice" decide the question. Bourne considered the announcement premature, and stated in his private letters during the month of December that he was chiefly interested in securing the enforcement of the Primary law and had not definitely decided to be a candidate.<sup>1</sup> Ex-Governor Geer resisted the efforts of his friends to persuade him to run for the office. As a poor man he feared that it would take all his salary to live in Washington; also, he feared that the legislature would not elect him even if he received the popular majority, after what had happened in 1902-1903.<sup>2</sup>

H. M. Cake of Portland became a candidate in February, 1906, and soon made known his belief that the primary law should receive full recognition and faithful application at the coming primaries.<sup>3</sup>

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<sup>1</sup>Oregonian, December 1, 1905, p. 11; Bourne to C. W. Ebley, December 1, 1905; Bourne to Ralph Baggaley, December 6, 1905, Bourne Papers; Eugene Oregon State Journal, December 23, 1905. The Dalles Chronicle, November 25, 1905; Salem Weekly Capital Journal, December 21, 1905; February 22, 1906.

<sup>2</sup>Oregonian, August 22, 1905, p. 6.

<sup>3</sup>Oregonian, February 18, 1906, p. 8; March 2, 1906, p. 10; Salem Weekly Capital Journal, February 22, 1906, p. 5; March 1, 1906, p. 3; March 29, 1906, p. 5.



Stephen A. Lowell, of Pendleton, having received assurance of support from people throughout the state, made announcement of his candidacy in early March; and his announcement was followed by that of E. L. Smith, of Hood River. Lowell favored the direct election of Senators, while Smith said he was in favor of the principle of the primary law, that the people should make the nomination themselves.<sup>1</sup>

In early January Bourne became an avowed candidate, having canceled his plans for his usual winter of golf at Del Monte.<sup>2</sup> It was reported that Bourne intended to make a campaign against the "Matthews' machine," independent of the old factional entanglements.<sup>3</sup>

F. W. Mulkey filed as a candidate for the short term ending March 4, 1907.<sup>4</sup>

#### Divergent Attitudes

One of the bothersome questions confronting the parties was how to insure united support for the candidates nominated in the primary election. Apprehension on this matter caused the Republican Club of Portland to adopt a resolution pledging support only to those who

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<sup>1</sup>Oregonian, March 8, 1906, p. 6; March 11, 1906, p. 8; Salem Weekly Capital Journal, March 1, 1906, p. 2; April 5, 1906, p. 6.

<sup>2</sup>Bourne to D. J. Lawton, January 9, 1906; Bourne to James Colquhoun, January 19, 1906; Bourne to Stanley A. Easton, November 21, 1905; Bourne to Ralph Baggaley, December 6, 1905, Bourne Papers.

<sup>3</sup>Oregonian, December 28, 1905, p. 9.

<sup>4</sup>Oregonian, January 6, 1906, p. 10.

agreed to give their support to the winner of the primary contest.<sup>1</sup> Another fear was based on the idea that Democrats would try to raid the Republican primaries by writing in the names of Republicans on their own ballots. This was proved groundless by W. S. U'Ren's explanation that the tally sheets for the two parties were separate, and any Republicans whose names were written on Democratic ballots would have these votes counted for them as Democratic candidates, and not added to their Republican totals.<sup>2</sup> Socialists were warned that it was not honorable for them to register as Democrats or Republicans, and those who did so would be debarred from the Socialist county convention.

"The principle of allowing the members to nominate their candidates direct has been used for years in the Socialist party and they need not try and help the Republicans and Democrats to drive out their grafters," said Claude S. Howard, secretary of the Clackamas County Local of Socialists.<sup>3</sup>

Democrats met the problem of lining up party members behind candidates with a "mass meeting" in Portland, March 7, 1906. There were approximately one hundred fifty present, mostly from Multnomah County. Walter M. Pierce, of Umatilla County, started the only fight by his motion to "invite" candidates. C. E. S. Wood had written the resolutions

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<sup>1</sup>Oregonian, December 10, 1905, p. 14; December 14, 1905, p. 11; (Editorial) November 29, 1905, p. 8.

<sup>2</sup>Oregonian, December 24, 1905, p. 8; Oregon City Courier, December 29, 1905, pp. 3-4.

<sup>3</sup>Oregon City Courier, February 9, 1906, p. 8.

which were adopted by the "mass meeting." They declared adherence to the purposes and principles of the direct primary law; recommended Statement Number One to all candidates for the legislature; favored publicity of election contributions and expenditures; appealed for a constitutional amendment requiring the election of Senators by direct vote of the people; and requested the re-districting of the state to provide for better local representation in the legislature.<sup>1</sup> The Democrats were given a merciless "ribbing" by the Oregonian in an editorial entitled "A Triumph of Metonymy":

To sum up, this 'meeting' is a clever and amusing attempt to evade the primary law, or set it aside for the Democratic party, while insisting that others must adhere to it or fall under the accusation of wishing to 'restore boss rule.' The meeting has given us the Democratic state ticket, for the primaries and for the general election. Let us take off our hats to the smooth skill of our Democratic prestidigitateurs! They have, however, held the bossiest convention ever held by any party in Oregon. Their beautiful metonymy, -- 'meeting' for 'convention,' 'invitation' for 'nomination,' must make our old Republican bosses who sometimes have done or tried to do things, green with envy. In their minds, however, there is undoubtedly a distinction between a meeting and a convention; for while the members of a convention are chosen by their fellow party men, the members of a meeting like this one are chosen by themselves; and since their device is based upon an inner conviction of pre-eminent fitness for high political functions, the collective wisdom of a mass meeting must far surpass that of a convention.<sup>2</sup>

The proposal to "invite" local candidates provoked a quarrel in the Multnomah Democratic Club. Finally a resolution was passed that the

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<sup>1</sup>Oregonian, March 8, 1906, pp. 1, 10; Oregon City Courier, March 16, 1905, p. 5.

<sup>2</sup>Oregonian, March 9, 1906, p. 8.

club would support at the primaries only such candidates as pledged themselves to abide by the result of the primaries.<sup>1</sup>

"Statement Number One" became the paramount issue of the 1906 election. Among the arguments which had been advanced for the support of the Direct Primary law in the election of 1904, was the idea that it would accomplish the election of United States Senators by vote of the people, as legislative candidates would give their pledges to vote for the people's choice and would redeem their pledges.<sup>2</sup> As the time for the test drew near it was realized that the only way to insure this outcome was by pressure of public sentiment, since the legislative candidates had the option of signing "Statement One" or "Statement Two," or no statement at all. The wording of Statement One was:

I further state to the people of Oregon, as well as to the people of my legislative district, that during my term of office, I will always vote for that candidate for United States Senator in Congress who has received the highest number of the people's votes for that position at the general election next preceding the election of a senator in Congress, without regard to my personal preference.

Statement Two read:

During my term of office I shall consider the vote of the people for United States Senator in Congress as nothing more than a recommendation which I shall be at liberty to wholly disregard if the reason for doing so seems to me to be sufficient.<sup>3</sup>

<sup>1</sup>Oregonian, March 10, 1906, p. 10; March 31, 1906, p. 10.

<sup>2</sup>Oregonian, May 2, 1904, p. 8. Eugene Oregon State Journal, October 7, 1905, quoted the Baker City Maverick in opposition to the idea.

<sup>3</sup>General Laws of Oregon, 1905, p. 19. Also in Burton J. Hendrick, "How the Oregon Democracy Working under the Direct Primary Has Destroyed the Political Machine," McClures, XXXVII, October, 1911, p. 507. Cf. Salem Weekly Capital Journal, January 4, 1906, p. 4; January 25, 1906, p. 5; February 15, 1906, pp. 2, 6.

The year 1906 was the occasion when popular respect for legislative bodies reached low ebb. The Oregon City Courier commented on the state of public opinion:

There is a sort of disease that has gained quite a hold on the body politic of Clackamas County. It is a morbid conviction that legislatures are composed almost entirely of boodlers and grafters.

This doctrine is preached daily on the streets of Oregon City. Here the editor proceeded to point out the insidious effect of the doctrine upon the youth who hear it proclaimed, and concluded: "We are not degenerates. We must not tolerate the preaching of this doctrine of degeneracy without raising a voice against it."<sup>1</sup>

An example of the viewpoint described may be found in an editorial of the Salem Weekly Capital Journal:

There is graft, venality and corruption on the side of the old way of electing Senators. The office is put up at bargain and sale, raffled off to the highest bidder, the greatest corruptionist. This is the rule, not the exception. Nine times out of ten it is money and patronage that carries the day, instead of honor and principle.<sup>2</sup>

The year 1906 was also the year in which President Theodore Roosevelt, in laying the cornerstone of the office building of the House of Representatives, referred to the authors of the literature of exposure as "muckrakers."<sup>3</sup>

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<sup>1</sup>Oregon City Courier, February 2, 1906, p. 4. See editorial in the Portland Oregon Daily Journal, March 5, 1908, p. 9.

<sup>2</sup>January 11, 1906, p. 2; cf. Oregonian, November 6, 1905, p. 14; January 7, 1906, p. 6.

<sup>3</sup>Oregonian, April 15, 1906, p. 1.

One example of muckraking then appearing in the Cosmopolitan Magazine was David Graham Phillips' series of articles on the "Treason of the Senate."<sup>1</sup> The editors of The Arena and Leslie's Weekly also stated their belief in the direct election of Senators.<sup>2</sup> That muckraking had its constructive aspect was the contention of Dr. Stephen S. Wise, then in Portland. Dr. Wise believed that Roosevelt's address was not an indictment of the muckrake,

... the honest and necessary use of which Roosevelt, brave and honest, would be the last to deprecate. What the corrupt wish is to abolish the muckrake altogether. Let it not be assumed that the man with the muckrake finds joy in his task. It is pleasanter to gaze at the stars, but it is often more useful and helpful and necessary to rake away the muck. Epaminondas did not scorn to fill the office of chief scavenger in his city, and Plutarch, speaking of a similar lowly office, declares, "This service, I say, is not for myself; it is for my country."<sup>3</sup>

A more recent appraisal of muckraking contends that:

In national politics muckraking was allied with the whole liberal movement, which, in the years prior to 1914, made a vigorous fight for the democratization of Congress, the conservation of natural resources, and the restriction of big business. In the achievements of this movement muckraking undoubtedly played a large part; it opened the eyes of the middle classes, and it furnished reformers with all sorts of weapons.<sup>4</sup>

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<sup>1</sup>Cosmopolitan, XL, XLI, XLII, March through November, 1906.

<sup>2</sup>Trixie J. Johnson, "Muckraking in the United States between 1902-1912," unpublished Master's thesis, Department of History, University of Oregon, 1935, pp. 56, 58, 128-132.

<sup>3</sup>Quoted from Stephen S. Wise address, "Hysteria and Public Morals," Oregonian, April 29, 1906, p. 24.

<sup>4</sup>Cornelius C. Regier, The Era of the Muckrakers (Chapel Hill, North Carolina: University of North Carolina Press, 1932), p. 119.

Looters of the Public Domain was one of Oregon's chief contributions to this "literature of exposure." The authors were Stephen A. D. Puter, self-styled "king of the Oregon land fraud ring," and Horace Stevens, who collaborated with Puter in producing an amazing account of official delinquency and intrigue, which supplemented the testimony in the land fraud trials. Although the book did not appear on sale until 1908 the public was informed of its general contents in advance of publication, while Puter was still an inmate of the Multnomah County jail. The damaged prestige of several Oregon political leaders can be traced to the testimony of Puter in his trial, and in his book.<sup>1</sup>

One might ask whether the adherence of the many candidates for the legislature to the pledge contained in Statement One in 1906 was a matter of principle or expediency. Certainly there were those who fought for the principle, and assuredly it was the expedient thing for the candidate to do in order to advance his interests. A mass meeting of Democrats at Eugene adopted a resolution stating: "We will withhold our support from all legislative candidates who do not subscribe to statement one of the direct primary law."<sup>2</sup> The Multnomah County Democratic Central Committee adopted a platform containing this resolution:

We favor the election of United States Senators by the direct vote of the people, and we declare that the true intention of the present law, allowing the people of Oregon to vote in nomination of

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<sup>1</sup>Stephen A. D. Puter and Horace Stevens, Looters of the Public Domain (Portland, Oregon: Portland Printing House, 1908); Oregonian, (Editorial) September 8, 1906; May 23, 1908, p. 11.

<sup>2</sup>Oregonian, February 25, 1906, p. 5.



a United States Senator is to accomplish this purpose, and that whoever receives the majority vote of the people of this state ought, in effect, to be considered as elected by the people to that office and that the state legislature ought to execute this mandate of the people without any other consideration whatever.

The Oregon Labor Party on three separate occasions approved the principle of Statement One in terms as emphatic as those of the Eugene Democrats.<sup>2</sup>

Opinion was not unanimously favorable to the unqualified use of Statement One. It was suggested that the literal interpretation of the statement was inharmonious with the object of the primary law; that it was not compulsory under the constitution; that strict adherence to the letter of the statement would ignore or set aside party, and that placing major emphasis on Statement One as an issue obscured more important issues such as the regulation of public utility corporations by the state.<sup>3</sup>

The case of J. E. Hedges, an Oregon City Democrat and candidate for the legislature, illustrates the rising tide of public sentiment favorable to Statement One. In early February his reasons for opposition to signing the pledge were given to the press. He did not believe in the value of a pledge made by a person who will promise anything to obtain

<sup>1</sup>Oregonian, March 10, 1906, p. 10.

<sup>2</sup>Oregonian, February 19, 1906, p. 14; March 27, 1906, p. 16; April 16, 1906, p. 9.

<sup>3</sup>Oregonian, (Editorial) February 17, 1906, p. 8; (Editorial) February 21, 1906, p. 8; (Editorial) March 29, 1906, p. 6; (Editorial) April 3, 1906, p. 8; April 4, 1906, p. 10; April 5, 1906, p. 9; April 7, 1906, pp. 8, 14.



office. He foresaw the possibility of nominating Senatorial candidates who were unfit for the office and he would not want to be bound to vote for such men. By early March Mr. Hedges had discovered that party sentiment overwhelmingly favored Statement One, and applied for permission to file another petition incorporating the pledge. At the same time he appealed to the voters to be careful in their choice of candidates for United States Senator.<sup>1</sup>

Two months before the primary election a list of the Multnomah County candidates for the legislature showed eleven who subscribed to Statement One, eight who promised to vote for the Republican choice, and two who were not pledged. A month later it was noted that all Umatilla County Democratic candidates for the legislature had signed the pledge, but only one Republican had signed it without reservations. Two others had signed with modifications, but most Republicans had refused to sign.<sup>2</sup>

John M. Gearin, who was a candidate to succeed himself in the United States Senate, did not think that the primary law would force a Republican legislature to elect a Democrat or vice versa, as primary elections are binding only within the respective parties.<sup>3</sup> H. M. Cake, who was regarded by many as the leading Republican candidate, contented himself with the inoffensive statement in his platform that he favored amending

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<sup>1</sup>Oregonian, February 7, 1906, p. 6; Oregon City Courier, February 9, 1906, p. 1; March 2, 1906, p. 1; March 9, 1906, p. 1.

<sup>2</sup>Oregonian, February 20, 1906, p. 10; March 25, 1906, p. 10.

<sup>3</sup>Oregonian, April 15, 1906, p. 3. Gearin later changed his opinion. Oregon City Courier, May 11, 1906.

the Constitution to allow the direct election of United States Senators.<sup>1</sup>

Judge L. R. Webster saw in the primary law two purposes. The first purpose was to provide a new method of nomination of candidates for office by the various parties. A second purpose was to enable the people to vote directly for United States Senators. Explaining the second purpose, he said that the parties each nominate a candidate in the primaries who run against each other in the general election. The one who receives the greater vote is elected, but the ratification of the election is to be made later by the legislature. Those who take the pledge pledge to support the one elected by the people, not the one nominated by their party. This viewpoint was flatly contradicted by the editor of the Oregonian, who maintained that the only legal election was that which occurred in the legislature.<sup>2</sup>

Senator Fulton opposed the idea that a Republican legislature could be bound to elect a Democrat as Senator under the law. He tried to prove that the voters understood that the expression of their choice for Senator was simply a nomination, when they voted for the primary law in 1904. He further stated that the Mays Law of 1901 was still in force and others could file after the primaries. W. S. U'Ren answered Senator Fulton by stating that the popular vote was an "instruction," and that the people might wish to elect a United States Senator from one party and a legislature from the opposite one, the same as they

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<sup>1</sup>Oregonian, April 15, 1906, p. 13.

<sup>2</sup>Oregonian, February 20, 1906, p. 14.

sometimes elect a Governor from a different party than that of which the legislature is composed. The May's Law, in his opinion, had been superseded by Section Eleven of the Primary law, concerning exclusive use of the party name.<sup>1</sup>

#### Mr. Bourne's Campaign

With such varying interpretations of the Direct Primary law, and much public apathy and ignorance, an educational campaign was believed to be the only method of making sure that Statement Number One was not disregarded in the same manner that the legislature of 1903 had disregarded the Hays law.

The transformation of Jonathan Bourne, Jr., scion of wealth, corporation stockholder, mining promoter, and machine politician, to a man-of-the-people, anti-trust candidate, crusader-for-civic-righteousness, and political scientist, was a result of the need for a candidate whose qualifications included a large reserve of cash and the willingness to take a chance. Mr. Bourne possessed both of these requisites and others in addition. His previous opportunism was easily discernible, but the idealism in his nature was known to at least one of the progressives in Oregon. In a letter to his sister Bourne spoke of a friend "who has been really the leader in this State of reform and remedial legislation."

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<sup>1</sup>Oregonian, April 8, 1906, p. 5; April 13, 1906, p. 10.

This friend in the course of a visit with Bourne remarked: "Jonathan, I had rather see you go to the Senate than any other man in the State, but I know you can't make it." Bourne replied that he had no intention of ever entering politics again. Some ten days later the friend called again with the request that Bourne consent to run for the United States Senate, and was reminded of his previous statement that Bourne could not win. He replied:

I have concluded that you are the only man in the State that can make a fight and enforce the spirit as well as the letter of the Direct Primary Law and while I do not think you can possibly be elected yourself, I think you are a big enough man to sacrifice yourself for a principle that you believe in.

Bourne's letter continues:

I told him that I considered that a very high compliment, would talk the matter over with my wife and give him my decision in a couple of days. I talked with Lillian, who has been very averse to my entering politics again; told her about the law; told her that I thought I could make a fight which would assist in its enforcement and that by spending \$5000.00 in a campaign of education I could agitate and educate the people so that they would enforce the law, though I myself would probably be defeated, as I would array against me the most powerful interests in the State, who preferred the selection of some man who would be their servant and tool rather than a servant of the people themselves. Lillian said it was perfectly agreeable to her for me to make the fight for the principle, so I started in and first sent out 9000 circular letters to people whom I deemed to be interested in the enforcement of the law, . . . I have just completed sending out 125,000 'appeals' and postal cards similar to the enclosed, endeavoring to reach every voter in the State. This has cost about \$6000.00. I expect to spend as much more before the campaign is over, but all in legitimate expenses, printing bills, U. S. postage and clerical hire. I had for a number of weeks fourteen stenographers and four mailing clerks at work, but am greatly encouraged at the returns coming in; I think we shall win on the principle and in effect force every man to be elected to the legislature to divest himself of any right in the choice of a senator other than a ratification of the peoples choice as expressed in the June election. If we are successful in this fight, I shall feel that I have assisted in accomplishing the enforcement

of a law that will be of more benefit not only to this State but the country at large, than any other law today on our statute book.

The supposition that W. S. U'Ren was the friend who persuaded Bourne to become a candidate may be incorrect, but there is other evidence suggesting that conclusion besides his description of the man as "the leader in this State of reform and remedial legislation." A close collaboration between U'Ren and Bourne began in November, 1905, shortly before Bourne's candidacy was tentatively announced. Bourne in one of his letters to W. S. U'Ren acknowledged receipt of a copy of the Primary Election law, and U'Ren's index. He said that he had not yet read the law but hoped to soon and requested U'Ren to "jot down a skeleton of the main points you would cover in an open letter addressed to each voter of the State, giving me the benefit of your views as to what the leading questions are today and your convictions on same." U'Ren was a frequent caller at Bourne's office, at least throughout the campaign and the first year of Bourne's term in the Senate. He was often asked for advice on political and legal matters. Another friend whose advice was sought frequently was John C. Young, former Populist leader, who at this time was employed by Bourne in connection with his mining interests. Bourne wrote to Young in early December, 1905, asking for

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<sup>1</sup>Bourne to Emily H. Bourne, January 20, 1906, Bourne Papers; cf. Bourne to J. N. Williamson, December 14, 1905; Bourne to S. W. Fordyce, January 12, 1906; Bourne to H. R. Kincaid, January 16, 1906, for information on printed matter sent to voters, with postal cards to be signed and returned by those who favored the election of the "people's choice"; also, Oregonian, January 13, 1906, p. 9.

his views on the primary election law and the attitude of citizens in eastern Oregon toward this law.<sup>1</sup> U'Ren's closeness to Bourne was soon noted by the Oregon City Courier, as was also his prediction that Mr. Bourne would receive the nomination as a result of his postal card canvas. However, U'Ren was said to consider Bourne's candidacy secondary to the principle that the people should elect the Senator.<sup>2</sup>

In answer to a critic of the Direct Primary law Bourne wrote:

Replying to your criticism that 'this is an expensive piece of foolishness conceived by disgruntled politicians who could not hope to get recognition in a regular nominating convention,' I infer that you are not familiar with conditions incident to the enactment of the law. It is estimated that this method of nominations will not cost half as much as our old system of nominations. The men identified with the direct primary nomination league of Oregon refute your charge of 'disgruntled politicians.'

Here Bourne named ten prominent citizens and concluded: "I believe if you will give some time and study this law you will change your opinions regarding the same."<sup>3</sup>

Bourne expressed the belief that Oregon would take the lead and other states would follow until sufficient United States Senators were elected in this manner by the people to secure the passage of an amendment to the United States Constitution enabling the people to elect Senators directly.<sup>4</sup>

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<sup>1</sup>Bourne to W. S. U'Ren, November 27, 1905; Bourne to John G. Young, December 6, 1905; December 16, 1905, Bourne Papers.

<sup>2</sup>Oregon City Courier, February 2, 1906, p. 1.

<sup>3</sup>Bourne to C. B. Cannon, December 18, 1905, Bourne Papers.

<sup>4</sup>Bourne to J. A. Finch, December 18, 1905, Bourne Papers.



Bourne wrote to Robert M. LaFollette, enclosing a letter to Theodore Roosevelt which he asked LaFollette to deliver in person. In these letters he outlined the Oregon political situation, described the Oregon primary election law, and asked for any assistance which they could give. He did not ask for personal support for his candidacy, but the use of influence for the enforcement of the law. Bourne requested Roosevelt to have Francis J. Heney, prosecutor in the land fraud cases, call upon him, as he could assist materially in enforcing the law.<sup>1</sup> In the letter to Senator LaFollette the hope was expressed that other states would follow Oregon's lead.

In a letter to Senator John M. Gearin, his Democratic opponent, Bourne described his own campaign as

. . . an entirely novel one and wholly one of education—printers ink, governmental postage, clerical hire; about \$7000.00 every time you reach the people, but no money for individual assistance or support, wet nursing, nor commercial converts, or detective espionage on the doubtful brethren; whatever support you get is that of brain and heart and none of the pocket. I like it and I think the people will.<sup>2</sup>

Nevertheless, it would be a mistake to conclude from these assertions that Bourne had laid aside all the arts of the politician. He kept in touch with the newspapers of the state, and his two-column advertisements became a very familiar sight. In the Oregon City Courier of March 23 appeared his platform, together with his picture and a

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<sup>1</sup>Bourne to Theodore Roosevelt, February 1, 1906; Bourne to Robert M. LaFollette, February 2, 1906; Bourne Papers.

<sup>2</sup>Bourne to John M. Gearin, March 1, 1906, Bourne Papers.

biographical sketch. His platform read:

Republican politics,  
 Amending national constitution for people's election of United  
 States Senators,  
 Publicity political campaign expenses,  
 National control of corporations in interstate commerce,  
 Rigid exclusion of Asiatic coolie labor; good wages make good citi-  
 zens,  
 Legal limitation labor hours for safety on railroads,  
 Parcels post, including rural delivery,  
 Pure food laws,  
 Liberal appropriations for Panama Canal, coast defenses, river and  
 harbor improvements, including Columbia, Willamette Rivers,  
 Coos, Yaquina and other Harbors, Calilo canal, government  
 canal at Oregon City,  
 Fair share of irrigation fund for Oregon,  
 Loyal support of successful candidates,  
 Rigid enforcement of Statement One,  
 Roosevelt for second elective term,  
 I will support President Roosevelt's determination that justice be  
 done all men.

In an effort to secure the support of the Oregonian Mr. Bourne  
 wrote to its editor, Harvey W. Scott, reminding him of the agreement  
 which he claimed to have made at Scott's request during the 1903 session  
 of the legislature. By this agreement Scott was to have Bourne's sup-  
 port in 1903 and would reciprocate by giving Bourne his support in  
 various ways, should Bourne be a candidate in 1906 and 1907. Bourne  
 now impressed upon Scott the idea that he could add to his own already  
 high reputation by advocating the signing of Statement One by candidates  
 for the legislature. It is not noticeable that this appeal produced any

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<sup>1</sup>Oregon City Courier, March 23, 1906, p. 1; March 30, 1906, p. 1;  
 April 13, 1906, p. 1; April 20, 1906, p. 4; also Salem Weekly Capital  
Journal, March 15, 1906, p. 2 (Editor's views, p. 7); March 29, 1906,  
 p. 6.



marked change in the editorial policy of the Oregonian during the primary election campaign.<sup>1</sup>

Mr. Bourne wrote to men interested in the development of Oregon's mineral resources, stressing the importance of having a mining man in the Senate to work for legislation which would be of benefit to the mining interests of the state.<sup>2</sup> The aid of employers of labor was requested in order to secure the votes of their employees.<sup>3</sup> Increased support through increased Republican registration was sought by requesting non-partisans and Democrats to register as Republicans.<sup>4</sup> The general appeal for harbor improvement in Bourne's platform was supplemented in personal letters in which he promised that any influence he could exercise would be used in securing the most liberal possible appropriations for such harbors and rivers as warranted federal assistance in their improvement.<sup>5</sup>

Since Bourne openly maintained the position of working for the enforcement of the primary election law first and his own candidacy second,

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<sup>1</sup>Bourne to Harvey W. Scott, March 8, 1906, Bourne Papers. (See Appendix.)

<sup>2</sup>Bourne to E. S. McComas, March 15, 1906; Bourne to F. T. Glisan, March 15, 1906; Bourne to C. H. Munroe, December 18, 1905; Bourne Papers; cf. Salem Weekly Capital Journal, April 19, 1906, p. 6.

<sup>3</sup>Bourne to Emil Melzer, January 20, 1906; February 5, 1906; Bourne to E. W. Backus, February 26, 1906, Bourne Papers.

<sup>4</sup>Bourne to E. S. McComas, March 15, 1906; Bourne to F. W. Wyatt, March 24, 1906, Bourne Papers.

<sup>5</sup>Bourne to C. W. Tower, March 2, 1906, Bourne Papers.

it was natural for him to assist the candidates for legislative positions who signed Statement One. Personal letters to friends and candidates show that he was giving advice to candidates and receiving reports which informed him of the stand taken by candidates in their local districts.<sup>1</sup> An invaluable aid to Bourne was the influence of W. S. U'Ren and his law partner Chris Schmabel in Clackamas County. Said the Oregon City Courier:

It is reasonably certain that every candidate for legislative honors will declare his intention of voting for the peoples choice for United States Senator, and W. S. U'Ren, who is directly responsible for the enactment of the primary law, is personally urging all legislative candidates to make themselves plain on this point.<sup>2</sup>

George C. Brownell's attempt to ride into office again on the Statement One platform, even after his indictment in the land fraud cases, was watched with interest. He was renominated by the Republicans, but was defeated in the general election by J. E. Hedges, Democrat, who had tardily climbed on the Statement One bandwagon.<sup>3</sup>

<sup>1</sup>Bourne to E. Hofer, February 2, 1906; Bourne to J. D. Simmons, December 4, 1905; Bourne to W. A. Howe, February 1, 1906; Bourne to B. F. Mulkey, April 30, 1906; Bourne to Frank Davey, April 30, 1906; Bourne to I. H. Bingham, May 4, 1906, Bourne Papers.

<sup>2</sup>Oregon City Courier, February 2, 1906, p. 4; May 11, 1906, p. 4; May 25, 1906, p. 4.

<sup>3</sup>Oregon City Courier, December 22, 1905, p. 4; December 29, 1905, p. 4; February 2, 1906, p. 4; February 9, 1906, p. 1; March 2, 1906, p. 1; March 9, 1906, p. 1; April 27, 1906, p. 1; June 8, 1906, p. 1; Bourne to George C. Brownell, June 8, 1906, Bourne Papers; Salem Weekly Capital Journal, February 1, 1906, p. 2; October 4, 1906, p. 10; October 18, 1906, p. 2.

Especially in Multnomah County, the idea of a modified form of Statement One found favor with a considerable proportion of Republican candidates for the legislature. Said Albert B. Ferrera:

I believe the constitution should be amended so that the people shall by direct vote elect the United States Senator. I favor the enactment of laws protecting political parties from mountebanks and backsliders of recent conversion. If I am elected I will vote for the people's choice for United States Senator if he be a Republican, and I deem impertinent he who opposed the election of William McKinley and now seeks the Senatorship through the Republican party.<sup>1</sup>

In Multnomah County, also, a heated dispute was generated by the effort to elect what was termed "Bourne's slate" to the legislature. W. E. Burke, described by the press as "Bourne's campaign manager," sent out a letter listing thirteen legislative candidates who had signed Statement One and who were working together. Fifteen candidates whose names were not included in the letter united in opposition to the Bourne-backed candidates. Some of these were signers of Statement One.<sup>2</sup> Soon an advertisement by the "Independent Candidates for the Legislature" condemned Bourne's action in organizing a slate, making himself a boss, and financing a campaign to elect his slate, after he had appealed to the public to support Statement One as a means of ridding the state of machines and bosses. This brought from Mr. Bourne a declaration:

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<sup>1</sup>Oregonian, March 26, 1906, p. 7.

<sup>2</sup>Oregonian, March 29, 1906, p. 8. The platforms of the two groups were similar in most respects.

No legislative candidate in the state is pledged to vote for me as a candidate for United States Senator, but Statement #1 Legislative candidates on the contrary are pledged always to vote for the persons whom the people select in the general June elections as their choice for United States Senators in Congress, without regard to the legislator's individual preference. If this be a slate it is the people's slate for a principle and not for an individual. . . .

The rejoinder to this was:

Bourne claims no other interest than the election of Statement One men, but he omitted six or seven Statement One men when he prepared his circular.

The election of the Bourne slate means the creation of a new political machine of the old stripe.<sup>1</sup>

Bourne now addressed another open letter to the voters exposing the tricks of some candidates, such as the omission of the word "always" from the Statement One pledge. He listed thirteen who had signed the full statement in Multnomah County and gave his full backing to them. He charged that no other candidate had spent a dollar nor an hour to sustain or enforce the primary law or the people's power to choose the United States Senators. He claimed that he had spent thousands in legitimate ways to educate the people concerning Statement One. He had spent money for legitimate advertising in newspapers but had been villainously abused by some to whom he refused to pay a subsidy. He promised to support the people's choice even if he were not the one.<sup>2</sup>

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<sup>1</sup>Oregonian, April 2, 1906, p. 8; April 5, 1906, p. 2; April 6, 1906, p. 14; April 10, 1906, p. 9.

<sup>2</sup>Oregonian, April 15, 1906, p. 31.

The day before this letter appeared in the Oregonian Mr. Bourne had addressed the following letter to one of his political friends in Salem:

My dear Senator:

Yours of the 13th received. Regret that it is impossible for me to comply with your request unless you make some contingent on success. I feel that I have reached my limit in the campaign of education in the interests of the people. My postage and printing bills will run over \$20,000.

I suggest that you arrange your working organization so that if the ticket you name is nominated and if I receive 40% of the Republican vote then you can depend on me for the \$500 you want, contingent on those results. Your workers I think will work harder for contingent and you will probably secure better results by this arrangement.

With best wishes,

Very sincerely yours,

Please return this letter when read.<sup>1</sup>

The strategy used in Linn County illustrates the varied character of Bourne's backers. On March 3, 1906, Bourne had written to James M. Kyle, at Albany:

P. S. In strictest confidence have just phoned Crofton, who is secretary of the wholesale liquor association of this State and he has agreed to telephone Mr. Neis, President of the Albany Brewing Co., to the effect that you as my friend would call on him and Crofton will request Neis to help you select a strong Statement #1 legislative ticket for Linn County. Show this letter to no one, and destroy as soon as read, but call on Mr. Neis and I think you will find that he will render all possible assistance in enabling you to select and get out a strong Statement #1 legislative ticket.

Yours,

P. S.—2 Since dictating the above have had a talk with Mr. Neis. He asked me to request you to call at the Albany Brewery tomorrow at 10:30 to meet him and Mr. Wilson. Mr. Neis agrees to help you all he can to select a good legislative ticket for Linn Co. Den't

<sup>1</sup>Bourne to E. M. Croisan, April 14, 1906, Bourne Papers.

wait for Russ Wyatt but call on Neis and Wilson and work with them towards getting a full ticket with Statement #1 unqualified filed as soon as possible. Kindly return this letter in your next to me.

Yours,

J.<sup>1</sup>

There is no further evidence in Bourne's correspondence of the success or failure of this contact. Mr. Kyle was a constant caller at Bourne's office during the period before the assembly of the 1907 legislature and became somewhat of a nuisance. Miss Ida M. Arneson, who was Mr. Bourne's office secretary in Portland and who managed much of Bourne's business during his absence, made reports to Mr. Bourne of her suspicions regarding the loyalty of Mr. Kyle to Bourne's interests.<sup>2</sup>

#### The Primary Election

Topics of discussion on the eve of the first state-wide primary election related to the weather, the registration of voters and the cost of the new method of nominating candidates. In rural areas if the weather on election day was suitable for outdoor work the vote would probably be small. The reluctance of voters to declare their party affiliation when registering had now been replaced by the belief that registering under false colors was perfectly proper and was a useful form of political strategy. There were reports from the Willamette Valley and southern

<sup>1</sup>Bourne to James M. Kyle, March 3, 1906, Bourne Papers.

<sup>2</sup>James M. Kyle to Bourne, August 16, 1906; November 23, 1906; Ida M. Arneson to Bourne, November 30, 1906; December 12, 1906; December 14, 1906; December 15, 1906; December 19, 1906; December 24, 1906; January 21, 1907; January 26, 1907; February 5, 1907, Bourne Papers.



and eastern Oregon that long-time Democrats had registered as Republicans. Marion County registration of Republicans had been augmented from thirty-two hundred to forty-two hundred during the past six years and the Democratic registration had fallen. Yet, this was a period of rapid growth in Oregon's population; and the sincerity of a man's motives in changing his party affiliation could be discovered only by his future course of action.<sup>1</sup>

There was amazement at the amounts of money being spent by candidates for advertising, but people were reminded that the cost of earlier elections was not insignificant, especially Senatorial elections. The philosophical good humor of ex-Governor Geer has given us a picture of the transition in campaign methods, as seen by an unsuccessful candidate:

Evidently great questions confronting the American people are to be decided by public servants whose countenances, as they beam from the billboard or fencepost, make the most irresistible impression on the untutored voter. A walk down one of our principal streets or in the country suggests the arrival of Barnum's circus—including many of the probable somersaults which are really to come. And some of our newspapers have their columns as firmly closed against every candidate who has not made some kind of a contract with them as though barred. . . .<sup>2</sup>

With such a stage and such a play it would seem that nothing but an "act of God" would divert the Oregon voter's attention from the great issues of the Oregon primary election, set for April 20, 1906. Then,

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<sup>1</sup> Oregonian, April 16, 1906, p. 9; Oregon City Courier, January 19, 1906, p. 10.

<sup>2</sup> Oregonian, April 17, 1906, p. 10; April 22, 1906, p. 8; cf. Salem Weekly Capital Journal, April 19, 1906, p. 12.

on April 17, 1906 the city of San Francisco was devastated by earthquake and fire, which pushed the election out of the Oregon newspaper headlines. For the time, the election became of secondary importance to Jonathan Bourne, while he vainly sought telegraphic reassurance of the safety of his wife, who was in the San Francisco area. When word of her safety was finally received his expressions of joy, in telegrams dispatched to eastern relatives, revealed how unimportant the winning of a Senatorial election could be to a distraught man. The Oregon press predicted that the catastrophe would tend to increase the rural vote, because the farmers would go to the polls for the double purpose of voting and learning the latest news about the earthquake. Yet, the vote was not as large as expected.<sup>1</sup>

Early returns from the election of April 20, 1906 gave the lead to H. M. Calk in the race for the Republican Senatorial nomination. There was never any doubt that John M. Gearin would be the Democratic candidate. Reports from the upstate counties gave Bourne a better chance, but such a small one that the papers on April 22 carried the news that Bourne had conceded the victory to Mr. Calk. Stephen A. Lowell was in third position. Bourne gave Mr. Calk assurances of support in the June election.<sup>2</sup>

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<sup>1</sup>Oregonian, April 18, 1906, p. 1; April 20, 1906, p. 11; Salem Weekly Capital Journal, April 19, 1906, p. 1; April 26, 1906, p. 1.

<sup>2</sup>Oregonian, April 21, 1906, p. 1; April 22, 1906, p. 1; April 26, 1906, p. 1.



While James Withycombe and Governor Chamberlain were receiving congratulations on their nomination by the Republican and Democratic parties as candidates for Governor, and the fact was noted that forty-two Republicans who had signed Statement One had been nominated for positions in the legislature, Mr. Bourne wrote to a friend:

It looks now as if we had won on the law, but I have been defeated in the nomination by probably 1000 votes. I could have won easily if I had bought votes but did not buy a single vote believing that people did not have to be bought to vote for their own interests—a mistaken theory in Oregon as far as towns are concerned. I carried the country by a handsome plurality but lost here in Portland. However I am not at all discouraged or sore over the defeat and not very greatly disappointed.<sup>1</sup>

Other winners among the Republican candidates, who, unlike the Republican gubernatorial candidate, James Withycombe, were all successful in the general election, were: Frank W. Benson, for Secretary of State; George A. Steel, for Treasurer; Robert Eakin, for Supreme Judge; J. H. Ackerman, for Superintendent of Public Instruction; Willis Duniway, for State Printer; A. M. Crawford, for Attorney-General; O. P. Hoff, for Labor Commissioner; W. C. Hawley, for Representative in Congress from the First District; and W. R. Ellis, for Representative in Congress from the Second District; F. W. Mulkey, for short term in the United States Senate.<sup>2</sup>

Suddenly those watching the returns from rural areas realized that Mr. Bourne still had a chance to win. Returns were slow in arriving from

<sup>1</sup>Oregonian, April 21, 1906, p. 1; April 23, 1906, p. 1; April 24, 1906, p. 1; Bourne to Stanley A. Easton, April 23, 1906, Bourne Papers.

<sup>2</sup>Oregonian, April 23, 1906, p. 1.

distant counties and outlying precincts of the larger counties, but those which had been tabulated had hammered down Cake's lead to four hundred eighteen votes.<sup>1</sup> The next morning's paper reported "the greatest political surprise sprung in Oregon in many a year," when nearly complete returns gave Bourne a plurality of four hundred twenty-six.<sup>2</sup> The state's leading newspaper gave Mr. Bourne belated assurance of support and credited him with educating the voters as to the exact method of using Statement One, and conducting a campaign with personal vigor and great skill and efficiency.<sup>3</sup> The official canvass gave:

Bourne . . . . .	12,877
Cake . . . . .	12,252
Lowell . . . . .	7,055
Smith . . . . .	6,383
Watson . . . . .	4,241

Bourne's plurality was six hundred twenty-five.<sup>3</sup> Mr. Cake had carried Linn, Marion, Multnomah, Polk, Sherman, Tillamook, Umatilla, Wasco, Washington, and Yamhill Counties. His plurality in Multnomah County was

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<sup>1</sup>Oregonian, April 25, 1906, p. 7; Cake 11,652, Bourne 11,234; Salem Weekly Capital Journal, April 26, 1906, p. 12.

<sup>2</sup>Oregonian, April 26, 1906, p. 1; Bourne 12,535, Cake 12,119; Salem Weekly Capital Journal, May 3, 1906, p. 2.

<sup>3</sup>Oregonian, May 4, 1906, p. 6. Democratic candidates for state offices were: Gearin for U. S. Senator; Chamberlain for Governor; Galloway for Congressman from the First District; Graham for Congressman from the Second District; Sroat for Secretary of State; Matlock for Treasurer; Hailey for Supreme Judge; Taylor for State Printer; Miller for Attorney-General. Mr. Gearin sought the office of Senator for both long and short terms.

2,065. A Democratic paper quipped:

Did you ever notice that Jonathan ran best in the remote counties where he is least known? That's where the individual letter gag did its best work. But they won't stand for it again.

Inconsistently the same paper gave Chris Schuebel credit for obtaining the large majority in Clackamas County which made up a large part of Bourne's loss in Multnomah County.<sup>1</sup>

#### The General Election Campaign

Governor George E. Chamberlain, as a Democratic nominee, opened his campaign for re-election at Mt. Angel on April 26. He said that under the direct primary, if the people get the wrong kind of officers it is their own fault. As to the election of Senators he noted that conventions in nearly all states had asked for a constitutional amendment providing for election by direct vote of the people. However, Oregon had been one of the first states to put this declaration to practical test. He believed that the legislature should accept the people's vote as its instructions and whatever the politics of the winner might be, he should be elected by the next legislature.<sup>2</sup>

Standing room was at a premium when James Withycombe opened his campaign for the governorship in Corvallis, on May 8. "The Direct Primary

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<sup>1</sup>Schuebel had canvassed the county for Mr. Bourne, and Statement One. Oregonian, April 30, 1906, p. 9; Oregon City Courier, May 11, 1906, pp. 1, 4; Bourne 1,407 and Cake 440 in Clackamas. Oregon City Courier, April 27, 1906, p. 1

<sup>2</sup>Oregonian, April 27, 1906, p. 6; see also Editorial, p. 8.

law has come to stay," said Mr. Withycombe. "It imposes burdens upon the candidates greater than those of the convention system, but it also lodges political power with the voters, where it rightfully belongs. I believe the law will be increasingly popular with the people, and, while some changes in detail may prove to be desirable in the light of experience, the plan of nominating public officers by direct vote of the people must not be disturbed."<sup>1</sup>

Mr. Bourne had sent a lengthy message to State Secretary E. R. Bryson, to be read at the Corvallis Republican rally.<sup>1</sup> But Mr. Bourne preferred the printed "address to the voters" as a means of contacting his public, and in it he construed his nomination to be due to his advocacy of the primary law and to his platform. He was firmly convinced that the absolute success of the Statement Number One plan of conferring upon the people the power to choose their United States Senators was of infinitely greater importance and value to the people of Oregon and the nation than the election of himself or any other individual. Concerning the obligation of the legislature, he thought the Republican party expected the legislature to elect the winner of the June contest as unanimously as that body is required to canvass the vote and ratify the choice of the people for governor.<sup>2</sup> Similar views had been accepted by

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<sup>1</sup>Oregonian, May 9, 1906, p. 1; Bourne to E. R. Bryson, May 8, 1906, Bourne Papers; see Salem Weekly Capital Journal, January 11, 1906, for Withycombe's platform; January 18, 1906, p. 1; May 10, 1906, p. 12.

<sup>2</sup>Oregonian, May 10, 1906, p. 1.

Senator Gearin, who stated in Washington, D. C.:

If Bourne receives a majority of the votes cast in June for senator, he will be entitled to and should be given every Democratic vote in the legislature. If I receive a majority over Bourne, the Republicans should vote for me, and I believe they will do so.<sup>1</sup>

W. S. U'Ren noted the healing of the factional differences in the Republican party as one of the good signs for a better order of politics in Oregon. U'Ren's optimism was premature. Before the month was over Bourne was writing to one of his men: "a very bitter and dirty fight is being made against me. The State will soon be flooded with a lot of anonymous literature accusing me of nearly every crime in the calendar." He attributed these accusations to the old political bosses and business interests.<sup>2</sup> At the same time a committee appointed by the Municipal Association of Portland to investigate charges against him concerning maintenance of headquarters in Salem in 1897 and 1903 and "the use of dissolute women, drunkenness and debauchery to influence and corrupt legislators" made its report. Bourne was cleared of these charges, but the committee made no endorsement of any candidate for the office.<sup>3</sup>

Mr. Bourne's revelation of a plan to overthrow the primary law by supporting Mr. Gearin in the general election and then refusing to elect

<sup>1</sup>Oregon City Courier, May 11, 1906, p. 1. Contradictory statements appeared in the Oregonian, May 25, 1906, p. 11.

<sup>2</sup>Oregonian, May 13, 1906, p. 8; May 10, 1906, p. 1; May 17, 1906, p. 6; May 20, 1906, p. 1; May 22, 1906, p. 11; Bourne to T. W. Wyatt, May 25, 1906, Bourne Papers.

<sup>3</sup>Oregonian, May 22, 1906, p. 11; May 25, 1906, p. 11; Salem Weekly Capital Journal, May 31, 1906, p. 8.

him in the legislature because he was of the opposite party was in part substantiated by anonymous circulars mailed from Portland saying: "The defeat of Bourne in June will not deprive Oregon of a Republican United States Senator, for the Legislature, being Republican, will elect a Senator who belongs to that party."<sup>1</sup> Bourne's sincerity was questioned by a Democratic paper in an appeal designed for the ears of those voters whom he was reaching through his circular letters.

What will Jonathan Bourne, with his silk hat and kid gloves hobnobbing with the other millionaire Senators in Washington— what will he care for the deluded followers of W. S. U'Ren and Chris Schuebel who largely made it possible for him to reach a place for which he is not in any respect or particular fitted. . . . He has much in common with the aristocratic set . . . — but Oregon needs men of other stuff at Washington.<sup>2</sup>

The post of chairman of the Republican State Central Committee had been vacated by Frank C. Baker in late March, 1906.<sup>3</sup> G. A. Westgate was elected to head the new committee, in preference to John B. David and George A. Steel. Westgate, proprietor of the Albany Herald, had the backing of James Withycombe, nominee for the governorship. Mr. Bourne found Westgate a satisfactory compromise.<sup>4</sup> One of the committee resolutions read:

<sup>1</sup>Oregonian, May 20, 1906, p. 1; May 28, 1906, p. 8.

<sup>2</sup>Oregon City Courier, May 25, 1906, p. 4.

<sup>3</sup>Oregonian, March 26, 1906, p. 4.

<sup>4</sup>Oregonian, April 29, 1906, p. 11; May 7, 1906, p. 8; Oregon City Courier, May 11, 1906; May 18, 1906, p. 1; Bourne to J. S. Van Winkle, May 2, 1906, Bourne Papers; Salem Weekly Capital Journal, May 3, 1906, p. 9.

Resolved, that the first trial in Oregon of the direct primary law and of Statement No. 1 thereof proves it to have been the means of recording the people's will in the choice of candidates for public office, and the Republican party claims the credit therefor. The nominees so chosen are men of integrity, courage and ability who deserve and are entitled to receive the loyal, cordial and enthusiastic support of every Republican elector in the state.<sup>1</sup>

Early returns of the general election of June 4, 1906, showed a Republican victory in all state and congressional offices except the governorship, with some doubt as to the outcome of the race between Governor George E. Chamberlain and James Withycombe.<sup>2</sup>

Final returns showed large Republican majorities except for three offices. Jonathan Bourne's lead over John M. Gearin was 3,121. W. C. Hawley defeated W. V. Galloway by 3,780 in the First Congressional District, and George E. Chamberlain was returned as Oregon's Democratic governor by a lead of 2,494.<sup>3</sup> Fred W. Mulkey received the popular endorsement for the short term in the Senate, by a substantial majority.

Bourne regarded his victory as of more than local importance, believing that a method of bringing the Senate close down to the people and holding it to strict accountability was being demonstrated.<sup>4</sup>

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<sup>1</sup>Oregonian, May 2, 1906, p. 10; Salem Weekly Capital Journal, May 10, 1906, p. 6.

<sup>2</sup>Oregonian, June 5, 1906, p. 1; Salem Weekly Capital Journal, June 7, 1906, p. 5.

<sup>3</sup>Oregonian, June 19, 1906, p. 1.

<sup>4</sup>Oregonian, June 8, 1906, p. 10; Bourne to C. H. Smith, July 8, 1906; Bourne Papers.

Of the eight constitutional amendments and measures passed by the voters five had been proposed by the People's Power League, of which W. S. U'Ren was the active leader. These were a law prohibiting free passes on railroads; and four constitutional amendments: requiring the referendum on any act calling a constitutional convention; giving cities sole power to amend their charters; authorizing regulation of the state printer's compensation by law; and applying the initiative and referendum to local, special, and municipal laws.<sup>1</sup>

#### Organization of the Legislature

Warnings of future trouble began to reach Bourne's ears, but this did not deter him from leaving Oregon en route to Washington, D. C. in mid-summer.<sup>2</sup> Bourne's leisurely course took him into Canada and New England before he set up headquarters in Washington. His Portland office was maintained by his able secretary Miss Ida M. Arneson, with the intermittent assistance of John C. Young, who guarded Bourne's political interests. Occasional visitors at the Portland office were W. S. U'Ren, George A. Steel, James M. Kyle, and W. E. Burke. The last two of these men professed to be as loyal to Bourne's interests

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<sup>1</sup>Oregon City Courier, February 9, 1906, p. 1; Oregon Blue Book, 1949-50, p. 251.

<sup>2</sup>Eugene Morning Register and Grants Pass Observer, quoted by Oregonian, June 7, 1906, p. 8; also, Bourne to John Gill, June 7, 1906; Bourne to H. R. Kincaid, June 19, 1906; J. M. Kyle to Bourne, August 16, 1906, Bourne Papers.



as the rest but never enjoyed Miss Arneson's complete confidence.<sup>1</sup> Kyle made a business of running down leads on the activities of Bourne's opponents, which seemed to center around Jack Matthews' headquarters.<sup>2</sup>

Miss Arneson had informed Bourne in September of hearsay concerning a move to get the railroads to put up a "big sack" and boost F. W. Mulkey for the long term as well as the short one, later discarding Mulkey in favor of a dark horse. Another report, that petitions were being circulated requesting the release of legislators from their pledge to support the people's choice, was also relayed to Mr. Bourne in Providence, Rhode Island.<sup>3</sup> W. F. Matthews' activity on behalf of legislators hostile to Bourne in the contest for control of the state legislature was noted by the press.<sup>4</sup> Delay in the organization of the legislature to give time for circulation of petitions was part of the strategy. Miss Arneson reported a rumor that Matthews had thirty-one

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<sup>1</sup>See letters of Ida M. Arneson to Bourne, September 22, 1906; November 24, 1906; November 26, 1906; November 30, 1906; December 4, 1906; December 12, 1906; December 15, 1906; December 19, 1906; December 21, 1906; December 24, 1906; January 14, 1907; January 19, 1907; January 26, 1907; February 5, 1907; February 16, 1907, Bourne Papers.

<sup>2</sup>Ida M. Arneson to Bourne, November 25, 1906; November 28, 1906; November 30, 1906; December 14, 1906; December 18, 1906; Jim [Kyle] to Bourne, November 23, 1906, Bourne Papers.

<sup>3</sup>Arneson to Bourne, September 22, 1906; October 18, 1906; October 26, 1906; Ibid.; Oregonian, November 28, 1906, p. 10.

<sup>4</sup>Oregonian, November 28, 1906, p. 10; December 10, 1906, p. 9; January 10, 1907, p. 8 (Editorial); November 17, 1906, p. 10.

thousand dollars to be used to defeat Haines and Davey, principally Haines.<sup>1</sup>

Mr. Bourne had arranged for conferences with Senator E. W. Haines and Representative Frank Davey before his departure from Oregon.<sup>2</sup> He did not publicly endorse anyone for the Senate Presidency or for Speaker of the House, instructing Miss Arneson to tell his friends that it was impossible to take any hand in the organization contest.<sup>3</sup> Mr. Davey was particularly emphatic in his denial of having received assurances of help from Mr. Bourne.<sup>4</sup> Had it not been for the incident of Mr. Davey's disappearance and the publicity given to the episode in the press, it might not have become as apparent as it is that Bourne's preference for the Speakership was Frank Davey, of Salem, and no other.<sup>5</sup> Mr. Davey was previously thought to have the lead over W. I. Vawter, of

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<sup>1</sup>Arneson to Bourne, January 15, 1907, Bourne Papers; cf. Portland Oregon Daily Journal, January 7, 1907, p. 28, hereafter cited as Oregon Journal.

<sup>2</sup>Bourne to Frank Davey, April 30, 1906; May 2, 1906; Bourne to E. W. Haines, June 14, 1906, Bourne Papers. There were similar requests for conferences with numerous other Oregon legislators.

<sup>3</sup>Arneson to Bourne, January 10, 1907, in which she quotes his telegram of January 7, 1907, Bourne Papers; see also Oregonian, December 5, 1906, p. 6.

<sup>4</sup>Oregonian, January 3, 1907, p. 4.

<sup>5</sup>Oregonian, January 7, 1907, p. 1; January 8, 1907, p. 10; January 10, 1907, p. 7; Ida M. Arneson to Bourne, January 4, 1907; January 5, 1907; January 6, 1907; January 10, 1907; January 14, 1907, Bourne Papers; Helen J. Poulton, "The Progressive Movement in Oregon," unpublished Ph. D. thesis, Department of History, University of Oregon, 1949, pp. 46-47.

Jackson County, W. H. Chapin, of Multnomah County, and B. F. Jones, of Polk County. He had received the support of the Marion County delegation in late October, and subsequently visited Portland and eastern Oregon to advance his campaign. When he called at the office of Mr. Bourne, in late December, he was given one hundred dollars by Miss Arneson on account of expenses. After leaving Bourne's office he disappeared for a few days, and the publicity given the fact that he was known to be inebriated did his chance for election to the Senate presidency no good.<sup>1</sup>

In the Senate's organization E. W. Haines' rivals were Dan Malarkey and C. W. Hodson, both of Multnomah County.<sup>2</sup> In late November G. A. Steel upon whom Bourne relied to line up support for Haines was worried, and appealed to Bourne to return to Oregon. By mid-December Steel was confident of victory for Haines and he assured Bourne that his presence in Oregon would not be required.<sup>3</sup> The inability of F. P. Mays to take his seat in the Oregon Senate, because of his indictment in the land fraud cases, reduced the number required to elect a presiding officer in the Senate. When Dan Malarkey threw his support to Haines there was no longer any uncertainty over the outcome.<sup>4</sup>

<sup>1</sup>Oregonian, September 21, 1906, p. 7; October 23, 1906, p. 16; October 29, 1906, p. 13; January 7, 1907, p. 1; January 8, 1907, p. 10; Oregon Journal, January 1, 1907, p. 8; January 7, 1907, p. 1; January 8, 1907, p. 11; January 10, 1907, p. 15; January 12, 1907, p. 2; Salem Weekly Capital Journal, January 3, 1907, p. 9; Arneson to Bourne, December 27, 1906; January 17, 1907, Bourne Papers.

<sup>2</sup>Salem Weekly Capital Journal, October 25, 1906, p. 2.

<sup>3</sup>Ibid., December 20, 1906, p. 9; Ida M. Arneson to Bourne, November 26, 1906; December 15, 1906; January 1, 1907, Bourne Papers.

<sup>4</sup>Oregonian, June 24, 1906, p. 10; (continued on next page)

The Republican caucuses were held on Sunday evening, January 13, 1907. Senator Haines had thirteen Senators in his camp, with the prospect of another late arrival being added. Twenty-six men went into the Frank Davey caucus at 10:00 P. M. Some of those whom Mr. Vawter had counted upon were among the twenty-six. Consequently, E. W. Haines and Frank Davey were elected Senate President and Speaker of the House of Representatives on the first ballot, January 14, 1907.<sup>1</sup> It was noted that for the first time in many years an Oregon legislature began its sessions in circumstances that permitted immediate and exclusive attention to business.<sup>2</sup>

#### The Legislature's Action

Governor George E. Chamberlain's biennial message to the legislature called attention to the need for prompt action on the election of United States Senators. Noting the fact that a majority of the legislature had pledged to vote for the choice of the people, he said:

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December 19, 1906, p. 10; January 4, 1907, p. 2; January 9, 1907, p. 5; January 13, 1907, p. 24; Oregon Journal, January 4, 1907, p. 6; January 11, 1907, p. 4; January 13, 1907, p. 14; Arneson to Bourne, November 30, 1906; January 1, 1907, Bourne Papers. F. P. Mays was sentenced to four months in jail and fined ten thousand dollars. Oregonian, May 4, 1907, p. 1.

<sup>1</sup>Oregonian, January 13, 1907, p. 24; January 14, 1907, p. 3; January 15, 1907, p. 1; Salem Weekly Capital Journal, January 17, 1907, p. 3; Oregon Journal, January 14, 1907, p. 1; Portland Evening Telegram, January 14, 1907, p. 1.

<sup>2</sup>Oregonian, January 15, 1907, p. 8; Oregon Journal, January 15, 1907, p. 8.

But whether they did or not, the people have expressed their choice for the important office, and their wishes should be respected and obeyed, and the gentlemen who have been nominated by the people ought to be elected unanimously. . . . I suggest that this be done as soon as the Legislature is organized, so that the work of the session may proceed, and the time which has heretofore been devoted to this purpose may be given to legislation vitally affecting the welfare of the state.<sup>1</sup>

The press noted that Democrats who wished to set a precedent of value to them, if George E. Chamberlain should secure the popular endorsement in 1908, intended to vote for Mulkey and Bourne. Other rock-ribbed Democrats were reluctant to do so.<sup>2</sup>

Predictions were made that the Senatorial election would be a tame affair without the last-minute suspense, the sensational changing of ballots at the last moment, uncertain addresses which might end with one name or another, and the great demonstration at the end of a long-drawn-out contest.<sup>3</sup>

At twelve o'clock noon, January 22, 1907, Fred W. Mulkey was elected to succeed John M. Gearin as United States Senator. Jonathan Bourne, Jr. was then elected for the full term beginning March 4, 1907. There was no opposition to Mulkey among the members present in either house. Bourne was opposed by Representatives L. T. Reynolds and G. F. Rodgers of

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<sup>1</sup>Oregonian, January 16, 1907, p. 10; Oregon Journal, January 15, 1907, pp. 1, 4; Salem Weekly Capital Journal, January 17, 1907, pp. 6, 8. Message of George E. Chamberlain, Governor of Oregon, to the Twenty-fourth Legislative Assembly, Regular Session, 1907 (Salem Oregon: J. R. Whitney, State Printer, 1906), pp. 3-4. Also quoted in Messages and Documents, 1907-1908, I, 3.

<sup>2</sup>Oregonian, January 22, 1907, p. 6; cf. Oregon Journal, January 10, 1907, p. 6.

<sup>3</sup>Oregonian, January 18, 1907, p. 6.

Marion County who cast their votes for Judge F. A. Moore; also by Representative J. H. Settlemier of Marion, who voted for Mulkey for the long term. Four Senators cast votes for Judge R. S. Bean. They were: R. A. Booth, of Lane County, J. A. Laycock of Grant, T. J. Miller of Linn and Marion, and N. Whealdon of Wasco.<sup>1</sup>

The legal procedure of holding a joint assembly of the House and Senate was carried through on the following day. The reading of the journal of the election in each house was followed by President Haines' declaration that Mulkey and Bourne were elected. Senator Mulkey made a short speech:

In any but a personal sense my election is of little moment; the manner in which the election was brought about, however, is of importance. Oregon, under its primary election law and the provisions of Statement No. 1 of that law, has elected a United States Senator by popular vote and without constitutional codifications. It must be the concern of all of us that the people of this state and their representatives in the Legislature never recede from this advanced position. When the other states of the Union follow Oregon's lead the effect upon National legislation will be instant and beneficial.<sup>2</sup>

Bourne, as Senator-elect, expressed his appreciation by a message from his office in Washington, D. C.:

The efficacy of this new method of selecting United States Senators rests wholly upon the public opinion that demands that United States Senators shall be elected by popular vote. . . .

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<sup>1</sup>Oregon House Journal, 1907, p. 81; Senate Journal, 1907, pp. 88-89; Oregon Journal, January 22, 1907, pp. 1, 6; Portland Evening Telegram, January 22, 1907, pp. 1, 8; Oregonian, January 23, 1907, p. 1; Salem Weekly Capital Journal, January 24, 1907, p. 5.

<sup>2</sup>Oregonian, January 24, 1907, p. 6; Oregon Senate Journal, 1907, pp. 104-105; Oregon Daily Journal, January 23, 1907, p. 1.

Oregon has evolved a plan by which people may select their own United States Senators, and the Legislature through the pressure of public opinion as well as the inclination of the individual members, be forced to elect the candidate that the people have selected.<sup>1</sup>

In a telegram to the Oregon Legislature Bourne envisioned the adoption of the new plan by all the states, enabling them to select and elect United States Senators "without violation of or amendment to the Federal Constitution."<sup>2</sup>

Two interpretations of the first test of Statement One of the Direct Primary Law are of interest because of their contrast. The editorial columns of the Oregonian expressed the most favorable view of the outcome that it printed at any time previously or subsequently:

Seldom has a body of public men given a firmer demonstration of loyalty to American principles than the Oregon Legislature gave in ratifying promptly and decisively the popular election of Senators Mulkey and Bourne. By doing this they have acknowledged the fundamental truth upon which our institutions rest, namely, that all power resides ultimately in the people, and that whenever the people choose to exercise their power directly it is their right to do so. Our legislators have also acknowledged with noble fidelity to fact and reason that, high as their duties may be, they are but the servants or agents of the people, and that the popular mandates expressed under the forms of law are binding obligations upon all public officials. We may therefore say without undue insistence upon its importance that ratification by the Oregon Legislature of the popular choice of our Senators marks an epoch in the development of free institutions.<sup>3</sup>

A less roseate view of the event was that of Allen H. Eaton, who served in the Oregon legislature during the Progressive Era:

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<sup>1</sup>Oregonian, January 23, 1907, p. 1.

<sup>2</sup>Oregonian, January 24, 1907, p. 6; Senate Journal, 1907, p. 105.

<sup>3</sup>Oregonian, Editorial, January 23, 1907, p. 8.



Mr. Bourne, who had affiliated at times with the Democrats, occasionally with the Populists, and again with the Republicans, and who had participated in former legislative holdups, was not satisfactory to the Republicans of the state but was regarded as a sort of accidental choice. His election, however, was largely due to the fact that he saw early the possibilities of manipulation in the Oregon Primary Law and took advantage of them. . . .<sup>1</sup>

Two statesmen of national renown visited Oregon and observed with keen interest the operation of Statement One. Robert M. LaFollette came early to "put his shoulder to the wheel." Speaking in Portland, he said:

I understand that the people of Oregon have declared themselves against the election of United States Senators by the legislature. I have been reliably informed that there is a movement on foot to undermine and destroy that declaration of the people of this state, and that there is a political boss in Portland who is interviewing the Senators and Representatives to influence them not to abide by the will of the people and that petitions will be circulated to be signed by constituents releasing their Senators and Representatives from their promises. Beware, I say, if you strike down this principle. Be on your guard. . . .<sup>2</sup>

William J. Bryan, an interested observer at Salem during the legislature's election of Mulkey and Bourne, was moved to congratulate the Oregon legislature in these words:

You submitted this question of Senatorial election to your people; the people voted on it, and as I understand it, when the

<sup>1</sup>Allen H. Eaton, The Oregon System (Chicago: A. C. McClurg and Company, 1912), p. 95; cf. Quarterly of the Oregon Historical Society, VIII: 97, March, 1907; "Notes and News" for another contemporary view. A recent appraisal is in Helen Jean Foulton, The Progressive Movement in Oregon, unpublished Ph. D. thesis, Department of History, University of Oregon, 1949.

<sup>2</sup>Oregonian, November 17, 1906, p. 10. The remark about "a political boss in Portland" was interpreted by the Oregonian as a reference to Jack Matthews.



legislature met, the Democrats, as well as the Republicans, felt themselves bound by the vote of the people, and cast their vote for the man who had been selected by the people for those positions. I want to congratulate you for this step; I want to thank the members of my party for voting for Republicans, when the people at large had declared that Republicans were their choice for those positions. I wish we had this in every state. . . .<sup>1</sup>

While at work on the Statement Number One approach to popular election of Senators Oregon was not indifferent to the possibility of reaching that goal by other means. Oregon was represented in the conference held in Des Moines, Iowa, December 5 and 6, 1906, for discussion of ways and means to secure an amendment to the Federal Constitution giving the people the right to elect United States Senators by direct vote. C. E. S. Wood, of Portland; Bert Huffman, of Pendleton; Boswell Shelley, of Hood River; Herman Wise, of Astoria, and V. G. Cozad, of Canyon City were the members of Oregon's delegation.<sup>2</sup> The inspiration for this meeting was in a suggestion of Governor Albert B. Cummins of Iowa, to the Iowa legislature. A joint resolution authorized the Iowa governor to invite the governors of the other states to send delegations; and in response to his invitation sixteen states sent delegations and many other governors expressed approval of the plan. The convention strongly urged Congress to submit the proposed amendment for approval of the states. A local effect was the inclusion in Iowa's primary election law, passed in 1907, of a clause authorizing the nomination of

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<sup>1</sup>Oregonian, January 25, 1907, p. 7. Salem Weekly Capital Journal, January 31, 1907, p. 10. Bryan later proposed the Oregon plan in Nebraska. Oregonian, November 16, 1908, p. 1.

<sup>2</sup>Oregonian, December 2, 1906, p. 1.

Senators by direct primaries.<sup>1</sup>

The Interstate Senatorial Amendment Conference adjourned December 6, 1905, after completing a permanent organization to work for an appeal to Congress from the thirty-seven state legislatures which would meet during the winter. Congressman F. B. Strode, of Nebraska, was President of the convention. W. R. Ellis, Oregon Congressman, became a member of the executive committee headed by Thomas Cheshire, of Des Moines.<sup>2</sup>

The Oregon Legislature of 1907 used the time it might have spent in a long-drawn-out Senatorial contest to consider among various and sundry proposals a number which related to electoral reforms.

Proposals for abolishing the corrupt use of money in elections and other corrupt practices were incorporated in a bill presented by Representative C. G. Huntley, of Clackamas County, which was under consideration at the time when Congress passed the bill prohibiting corporations from making contributions of money to influence the outcome of an election.<sup>3</sup>

The Corrupt Practices bill was killed by indefinite postponement, but many of its features later appeared in an initiative measure submitted to the voters in the general election of 1908.<sup>4</sup>

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<sup>1</sup>Dan E. Clark, History of Senatorial Elections in Iowa, Ph. D. thesis, University of Iowa, 1910 (Iowa City, Iowa: 1912), pp. 248-250.

<sup>2</sup>Oregonian, December 5, 1906, p. 2; December 6, 1906, p. 3; December 7, 1906, p. 1.

<sup>3</sup>Oregonian, January 16, 1907, pp. 5, 11; January 17, 1907, p. 8; January 22, 1907, p. 2; Oregon City Enterprise, January 25, 1907, p. 1; House Journal, 1907, pp. 27, 75, 94, 199, 299.

<sup>4</sup>Oregonian, February 7, 1907, p. 6; February 13, 1907, p. 6; April 22, 1907, p. 4.

Other bills considered in 1907 dealt with the recall of elected public officials, reapportionment of representation in the State Legislature, the use of voting machines in elections, and a constitutional amendment to change the time of general elections from June to November.<sup>1</sup>

Senator A. A. Bailey, of Multnomah County, introduced two bills designed to modify the Direct Primary Law. One would have permitted the holding of conventions before the primaries to choose candidates whose names would be placed in competition with those who filed their name by petition; the other would have changed the form of Statement One, pledging the signer to always support that candidate for United States Senator who received the highest vote of his party.<sup>2</sup> There were loud protests against the Bailey bills and they were allowed to die.<sup>3</sup>

There was some doubt that the removal of the senatorial contest from the legislature improved the general quality of its legislation. The Oregonian termed the upper house "a slaughter-pen for bills against the rich man," and stated that the privileges which the corporations were accustomed to enjoy were left unimpaired. Except for the railroad

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<sup>1</sup>Oregonian, February 4, 1907, p. 6; February 16, 1907, p. 6; January 25, 1907, p. 5; February 22, 1907, p. 6.

<sup>2</sup>Oregonian, January 12, 1907, p. 5; January 24, 1907, p. 5; February 7, 1907, p. 5; February 9, 1907, p. 6; Senate Journal, 1907 pp. 103, 134, 273, 405.

<sup>3</sup>Oregonian, January 27, 1907, p. 6; February 13, 1907, p. 6; Oregon Journal, February 9, 1907, p. 7, 8; February 14, 1907, p. 6.

commission bill, no measure was enacted which displeased the corporations.<sup>1</sup> W. S. U'Ren thought that some good bills were defeated because of lack of time to become acquainted with them. In spite of the swapping and trading of the last week or ten days, he thought the members worked hard, did more good work, and enacted less foolish or vicious legislation than any previous legislature.<sup>2</sup>

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<sup>1</sup>Oregonian, February 24, 1907, p. 4; February 25, 1907, p. 6; cf. Salem Weekly Capital Journal, March 28, 1907, p. 7; Oregon Journal, January 21, 1907, p. 1; February 25, 1907, p. 6.

<sup>2</sup>Oregon City Courier, March 1, 1907, p. 1; cf. Oregon Journal, February 24, 1907, pp. 6, 21.

## CHAPTER VIII

### THE ELECTION OF GEORGE E. CHAMBERLAIN, 1909

A tacit assumption had pervaded the thinking of the opponents of direct nomination during the campaign which resulted in the election of Jonathan Bourne, Jr. This assumption was the idea that when the hour of election approached the Legislature would be free to act in disregard of the popular mandate, as it had done in elevating Charles W. Fulton to Senatorial rank in 1903. Because of this belief the necessity of a strenuous campaign before the people in 1906-1907 had not been realized. The importance of the public campaign in 1908-1909 was not to be underrated.

#### Candidacies before the Primary Election

Senator Charles W. Fulton as the incumbent United States Senator was logically a candidate for re-election. His difference with President Roosevelt regarding federal appointments in Oregon and the establishment of forest reserves had brought him a measure of prominence which increased his usefulness to Theodore Roosevelt's foes.<sup>1</sup> His vituperative responses

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<sup>1</sup>Oregon City Courier, December 8, 1905, p. 4; Oregonian, December 2, 1905; December 6, 1905, p. 2; December 7, 1905, p. 10; December 24, 1905, p. 1; October 10, 1906, pp. 6, 12; January 25, 1907, p. 2; February 26, 1907, p. 1; March 5, 1907, p. 1; see also (continued on next page)

to the attacks on his integrity made by Senator Robert M. LaFollette, by Secretary E. A. Hitchcock, and by Collier's Magazine had shown him to be a self-reliant man--one who believed in himself, and typified the rugged qualities of the westerner.<sup>1</sup>

The contrasts between Senator Fulton and Senator Bourne were heightened by his statement that he would not ask any candidate for the legislature to pledge himself on Statement Number One or make any other pledge regarding election of United States Senator; as well as his intention to tour the state to learn the wishes and needs of the people. Fulton's explanation of the reason for his decision not to campaign during the month before election--that he was not anxious to spend the savings of twenty-five years in a single campaign--was a move which would capitalize on his humble origin and tend to dissociate his name from "big business."<sup>2</sup>

However, Fulton's climb to political prominence had been accomplished through the aid of that political element which had been discredited by

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Theodore Roosevelt, An Autobiography (New York: The Macmillan Company, 1913), pp. 391-393, 440; Salem Weekly Capital Journal, April 4, 1907, p. 2; September 12, 1907, p. 9; January 2, 1908, p. 10; Oregon Journal, February 24, 1907, p. 10.

<sup>1</sup>Editorial, Oregon City Courier, July 27, 1906; November 23, 1906; Oregonian, July 24, 1906, p. 16; November 11, 1906, p. 8; November 17, 1906, p. 10; November 18, 1906, p. 4; December 5, 1906, p. 1; December 11, 1906, p. 4; "Fulton of Oregon," Collier's, XXXVIII, December 8, 1906, pp. 20-21; Salem Weekly Capital Journal, March 14, 1907, p. 8.

<sup>2</sup>Oregonian, March 22, 1907, p. 12.

the revelations of the land fraud trials, and with whose backers Fulton was still associated in the public mind. That "Jack" Matthews was still a force in politics, and that Mr. Fulton conferred with him in his visits to Portland, were known facts.<sup>1</sup> A confidential report to Senator Bourne contained the opinion:

Fulton is going to have a hard time to win either the nomination or the election. If Fulton doesn't come out fair and square for the law Direct Primary and Statement No. 1 he will contribute very materially towards changing the political complexion of Oregon, provided Roosevelt is not renominated. Chamberlain will certainly be a blatant champion of Statement No. 1, and there is a widespread independent feeling for Roosevelt as first choice, Bryan second.<sup>2</sup>

Later the same agent, in forwarding a speech of Fulton's, containing his platform, explained: "His position on Statement No. 1 is disingenuous. While professing indifference to it, he proceeds to argue it out of court, and raises against it the most powerful objection possible to be raised—special pleading."<sup>3</sup>

The tendency of opponents of direct primaries, and of some who favored the primary law, was to regard Statement Number One as a rider which was not a true part of the law. This was countered by the strategy of resubmitting "the Statement" as a separate issue in the election of 1908 in the form of an instruction to the legislature. W. S. U'Ren

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<sup>1</sup>Oregonian, February 4, 1907, p. 12; Ida M. Arneson to Bourne, March 27, 1907; John C. Young to Bourne, August 19, 1907; December 6, 1907; Bourne Papers.

<sup>2</sup>John C. Young to Bourne, May 24, 1907, Bourne Papers. See Chapter VII for Statement Number One.

<sup>3</sup>John C. Young to Bourne, August 31, 1907, Bourne Papers.

was the author of an initiative measure which he believed could not be challenged in court because it was simply an instruction which had no penalty except the threatened displeasure of the voters.<sup>1</sup>

This plan met with the hearty approval of John C. Young, who was Senator Bourne's official secretary, and who remained in Portland for months during 1907 keeping him in close touch with the political trends. However, U'Ren's decision to become a candidate for the United States Senate was disapproved by Young, as it would be disastrous to U'Ren's "health, pocket, career, and influence."<sup>2</sup>

The plan for U'Ren to become a candidate, with the support of Francis J. Heney and Lincoln Steffens, evidently resulted from a conference U'Ren had with Heney in San Francisco in the summer of 1907. U'Ren's announcement of his candidacy was delayed until February 25, 1908, but Steffens' articles in the American Magazine and Heney's verbal barrage against Fulton had preceded his announcement. With the publication of the information Steffens had secured concerning the alleged agreement between Jonathan Bourne, Jr. and Harvey W. Scott at the close of the Senatorial contest of 1903, Scott's opposition became implacable.<sup>3</sup>

<sup>1</sup>John C. Young to Bourne, June 19, 1907; August 22, 1907; September 19, 1907, Bourne Papers.

<sup>2</sup>John C. Young to Bourne, April 29, 1907; May 24, 1907; July 12, 1907, Bourne Papers.

<sup>3</sup>John C. Young to Bourne, July 9, 1907; July 26, 1907; July 30, 1907; August 6, 1907; August 15, 1907; August 22, 1907; December 6, 1907; May 20, 1908, Bourne Papers; Lincoln Steffens, "U'Ren the Law Giver," American Magazine, LXV (March 1908), 527-540; Oregonian, January 5, 1908, pp. 1-2; January 17, 1908, p. 1; (continued on next page)



Scott was thought to be favorable to the election of Theodore B. Wilcox as Senator.

The furor aroused by the patronage feud between Senators Fulton and Bourne over the latter's attempt to secure the confirmation of U'Ren's law partner Chris. Schuebel as United States District Attorney for Oregon, was another circumstance preventing pacification of the rivalries in the camp of the Oregon Republicans, until agreement on the name of John McCourt, of Pendleton, was reached.<sup>1</sup> The incident proved that although Mr. Fulton could not control the distribution of patronage, he could carry on effective opposition to those appointments which were disapproved by his friends.

After securing the adoption of a Senate resolution directing that the Department of Justice begin court proceedings to force railroads to fulfill the terms of their land grants, and after making another verbal attack on President Roosevelt, Senator Fulton returned to Oregon to

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January 28, 1908, p. 1; January 29, 1908, pp. 1, 4, 5; January 30, 1908, p. 1; February 23, 1908, p. 1; Oregon Journal, January 5, 1908, p. 1; January 24, 1908, p. 1; February 21, 1908, p. 1; February 22, 1908, p. 5; February 23, 1908, p. 1; March 22, 1908, p. 8; April 2, 1908, pp. 5, 7; Salem Weekly Capital Journal, January 9, 1908, p. 5; February 27, 1908, p. 3.

<sup>1</sup>Oregonian, January 4, 1908, p. 1; January 8, 1908, pp. 1, 5; January 12, 1908, p. 1; January 16, 1908, p. 1; February 4, 1908, p. 1; February 27, 1908, p. 11; February 28, 1908, p. 4; March 6, 1908, p. 1; March 18, 1908, p. 3; Ida M. Arneson to Bourne, January 9, 1908; January 25, 1908; February 1, 1908; February 3, 1908; February 5, 1908; W. S. U'Ren to Bourne, February 11, 1908; Bourne Papers; Oregon Journal, March 3, 1908, p. 1; March 5, 1908, p. 1; March 6, 1908, p. 6; March 7, 1908, p. 1.

answer the charges which Mr. Heney had levelled at him.<sup>1</sup>

Concerning the election of Senators, Mr. Fulton said:

The only public utterance I have ever given on the subject was in a speech I delivered at Corvallis last summer in which I said that, being a candidate for re-election, I did not deem it my duty to attempt to instruct candidates for the legislature as to their duty in that regard; that in my judgment whether a candidate should or should not subscribe to Statement No. 1 is a matter that must be left to the individual conscience of each candidate. If he feels that he can subscribe to it conscientiously well and good, I do not advise him against it. On the other hand, if he feels that he cannot, it is for him to determine, and I do not think it would be proper for me to insist that he should adopt one course or another.

It is sufficient, I think, for me to say that I am and have been all my life an earnest advocate of the election of Senators by the people, and I shall support that proposition whenever and wherever the occasion shall arise. . . .<sup>2</sup>

In certain quarters there was a belief that the game of the Anti-Statement Number One group was to back Fulton, then "knife" him, by securing an Anti-Statement Number One Legislature and selling the Senatorship to the highest bidder.<sup>3</sup>

<sup>1</sup>Oregon Journal, January 29, 1908, p. 1, quoted Heney: "Fulton handled Mitchell's sack in 1897." Fulton denied the charge, February 22, 1908, p. 1; Oregonian, February 21, 1908, p. 12; February 23, 1908, p. 1; March 21, 1908, p. 1; April 6, 1908, p. 5. Analysis of Mr. Heney's charges and Mr. Fulton's defense would be an undertaking of considerable magnitude. Their chief significance is that Heney forced Fulton to abandon his intention to avoid campaigning in Oregon before the primaries. Salem Weekly Capital Journal, February 27, 1908, p. 3.

<sup>2</sup>Oregonian, March 26, 1908, p. 12; Oregon Journal, March 13, 1908, p. 1; March 14, 1908, p. 9; March 25, 1908, p. 6; March 26, 1908, p. 10; March 27, 1908, p. 6; April 3, 1908, p. 10; April 8, 1908, p. 8; April 14, 1908, p. 11.

<sup>3</sup>Salem Weekly Capital Journal, March 19, 1908, p. 9; Oregon City Courier, March 13, 1908, p. 4.

Between the extremes of Fulton and U'Ren the most promising candidate in the Republican field was H. M. Cake. There was a report that Fred W. Mulkey would run again, but after his visit with Senator Bourne in Washington, evidently for the purpose of securing his aid, there was no further publicity about Mulkey's Senatorial aspirations.<sup>1</sup> Mr. Cake called at Senator Bourne's Portland office to discover whether Bourne intended to help Fulton in his campaign. Mr. Young defined Bourne's position as being unable to aid any one Statement Number One candidate as against another. Cake approved of this stand and expressed a feeling that he would fall heir to Bourne's following of the previous campaign, unless U'Ren entered the field; since Mulkey was "cutting no ice."<sup>2</sup> A little later Miss Arneson sized up the situation in a message to Bourne:

My own judgment would be that with Fulton, Mulkey and Cake in the field Cake would win the nomination; though it would be surer if another candidate with Fulton's views would come out; he has the advantage of being the only one on his side of the fence and the ablest man. Geer, I should think would be a good man with which to split Fulton's vote. I grow more and more convinced that it is useless for you to hope to ever gain Fulton's loyal friendship—if he has any. In him you are handling quicksand. With the three above candidates in the field it would be impossible for U'Ren to win. (He could undoubtedly make a combination with Cake on his legislative measures and they could render each other aid in that way, but I don't think Cake could be made to withdraw and support U'Ren for Senator.)<sup>3</sup>

<sup>1</sup>Oregonian, June 14, 1907, p. 12; February 19, 1908, p. 1; John C. Young to Bourne, April 29, 1907; September 10, 1907; September 12, 1907; Ida M. Arneson to Bourne, September 12, 1907; September 24, 1907, Bourne Papers.

<sup>2</sup>John C. Young to Bourne, September 10, 1907, Bourne Papers.

<sup>3</sup>Ida M. Arneson to Bourne, September 24, 1907, Bourne Papers.

In considering the candidacy of H. M. Cake it is necessary to realize the importance in politics of his brother W. M. Cake, former Judge of Multnomah County. As chairman of the Multnomah County Republican Central Committee Judge Cake had advocated the Direct Primary law, but stressed also the need for party harmony and the principle that the minority should abide by the decision of the majority. Instead of party conventions he had advocated decision on candidates first in the precincts, with later action by the ward organizations, which should then pass on recommendations to the central committee.<sup>1</sup>

Another plan was described in a letter to Senator Bourne by John C. Young. This was the idea of a convention of Republican clubs, which he said was favored by [A. A.] Bailey, [C. W.] Hodson, and Harvey Scott. Young saw danger in the fact that the Anti-Statement Number One and anti-Roosevelt interests would be able to use the Republican Clubs in Portland as "beacon lights" for the rest of the state.<sup>2</sup> In the same letter the idea that opposition forces were placing inducements before H. M. Cake was expressed:

Three weeks ago Cake was red hot to take the field as a champion for Statement No. 1 and for Teddy. But he seems to have seen a new light; They have been baiting him with [Congressman W. R.] Ellis' shoes, or top place at Salem. He hesitates. One means a sacrifice of dignity; the gift of the other is necessarily so distant as to be uncertain. If he doesn't go in as champion of Statement No. 1 and Teddy, he will be beaten; if he does the "Oregonian," the anti-Teddy, and the anti-Primary law interests

<sup>1</sup>Oregonian's account of W. M. Cake's address to the South Portland Republican Club; Oregonian, February 28, 1907, p. 16; cf. Oregon Journal, March 2, 1908, p. 6.

<sup>2</sup>John C. Young to Bourne, October 28, 1907, Bourne Papers.

threaten him with defeat. He doesn't know where the h—l. [sic] he is at. Out of it all I believe we shall crystallize the situation for both the law and Roosevelt. No question in the world about the boys in the trenches all being that way, if we can only give them the proper lead. But can we? The papers and the politicians are all against.<sup>1</sup>

In January, 1908, H. M. Cake announced himself as a candidate for the United States Senate, saying that he would adhere to the direct primary nominating plan and not meddle with the legislature.<sup>2</sup> Any hope Mr. Cake may have had that his advocacy of the Direct Primary law would result in its acceptance by the united forces of Republicanism was blasted by the rejoinder of C. W. Hodson to Cake's speech at the Union Republican Club smoker. Cake had suggested that if the primary law needed revision it ought to be done by the legislature. Hodson said he would not vote for anyone who subscribed to Statement Number One in the primaries. He would vote for Republicans. As to amendment, he said they were warned during the last legislature to keep hands off that "holy law." Mr. Hodson's influence in Multnomah County politics made his viewpoint significant.<sup>3</sup>

Senator Bourne lent his influence to the support of Statement Number One and denounced its opponents in a fifteen-hundred-word circular mailed to every voter in Oregon. He ridiculed the idea that the primary was destroying party organizations; although he credited it with eliminating the boss and his machine from control of the party, and excluding United

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<sup>1</sup>Ibid.

<sup>2</sup>Oregonian, January 24, 1908, p. 11; January 26, 1908, p. 8.

<sup>3</sup>Oregonian, January 30, 1908, p. 7; February 1, 1908, p. 11.

States Senatorships from the auction block at Salem. He concluded: "In Oregon the key to continued triumph for Republican party principles, in the rule of the sovereign people as exemplified in Lincoln and Roosevelt, is the perpetuation of our primary election laws and Statement No. 1."<sup>1</sup> At the same time Senator Bourne was being informed that the Republicans seemed to be hypnotized by the idea that Chamberlain was going to win in June no matter who the Republicans put up. The "Matthews crowd" were reported to be asking their candidates to sign a statement pledging their support to "the people's choice provided he is a Republican." The effect of this would be to release them from any pledge if Chamberlain was the people's choice and it would also blast Cake's hope of election if he received the Republican nomination and lost to Chamberlain in June.<sup>2</sup>

This was the state of affairs when W. S. U'Ren, on February 25, 1908, chose to announce himself a candidate for the United States Senate. Publicity for the four legislative proposals initiated by the People's Power League had called attention to his prominent role in the fight for electoral reforms.<sup>3</sup> He had very recently stated that he was not a

<sup>1</sup>Oregonian, February 14, 1908, p. 5. "Address" is given in full in Salem Weekly Capital Journal, February 27, 1908, p. 9; cf. Portland Evening Telegram, January 25, 1908, p. 1; March 10, 1908, p. 3.

<sup>2</sup>Ida M. Arneson to Bourne, February 13, 1908, Bourne Papers; cf. Portland Evening Telegram, March 12, 1908, p. 15.

<sup>3</sup>Oregonian, April 29, 1907, p. 5; January 12, 1908, p. 10; February 5, 1908, p. 6. Officers of the Peoples Power League at this time were Ben Selling, President; G. M. Orton, Vice-President; B. Lee Paget, Treasurer; W. S. U'Ren, Secretary. Oregonian, February 16, 1908, p. 9. Oregon Journal, February 26, 1908, p. 3.



candidate and declined to favor any individual, preferring to work for a Statement Number One legislature. "The all important question is not who shall be the Senator but who shall select the Senator, the people or the politicians," was his viewpoint at the end of January.<sup>1</sup> It may be possible to prove that Mr. U'Ren did not intend to remain in the race until the finish, but it is difficult to see how he expected to win against the opposition he faced. A fair case may be made for the idea that he filed as a candidate in order to force Mr. Calk to take a stronger stand for the Direct Primary Law and Statement Number One, or to force him to withdraw in favor of a stronger candidate. It is clear that Mr. U'Ren was not in perfect agreement with Mr. Bourne, as he did not share Bourne's hero-worship of Theodore Roosevelt.<sup>2</sup> None of the reports Bourne received from his Portland office expressed any enthusiasm for Mr. U'Ren's candidacy or any hope for his success as a candidate; one even suggested a decline in his popularity with the Granges.<sup>3</sup> The attempt to install U'Ren's law partner as United States District Attorney had backfired; and the Oregonian was lampooning U'Ren's reform

<sup>1</sup>Oregon City Enterprise, January 31, 1908, p. 1; and Editorial; Oregon Journal, February 22, 1908, p. 5.

<sup>2</sup>John C. Young to Bourne, August 22, 1907; August 26, 1907; September 10, 1907, Bourne Papers; Salem Weekly Capital Journal, March 5, 1908, p. 1.

<sup>3</sup>John C. Young to Bourne, April 29, 1907; May 24, 1907; September 10, 1907; September 19, 1907; Ida M. Arneson to Bourne, September 12, 1907; September 24, 1907; February 13, 1908; February 25, 1908; March 3, 1908; March 7, 1908; March 8, 1908, Bourne Papers. Oregon Journal, March 5, 1908, p. 5, reported the Granges "solid for people's law," March 10, 1908, p. 6; March 19, 1908, p. 13.

legislation with a facetious appeal that U'Ren should get up an initiative proposal for recall of court decisions.<sup>1</sup>

After failing twice in his effort to engage Judge Stephen A. Lowell as an opponent, U'Ren issued an open letter challenging George H. Williams to a public debate in Portland, and setting forth the following proposition: It is the duty of every candidate for the legislature to sign Statement Number One as it is written or in this form:

I further state to the people of Oregon that I will obey the instructions they give on the first day of June by their vote on the following bill:

Be it enacted by the people of the State of Oregon:

Section 1 -- That we, the people of the State of Oregon hereby instruct our Representatives and Senators in our Legislative Assembly, as such officers, to vote for and elect the candidates for United States Senator from this state who receive the highest number of votes at our general elections.

Mr. Williams declined U'Ren's invitation to debate, as he considered the taking of the statement entirely optional under the law. He objected to the use of Lincoln's name in publicity favorable to Statement Number One, for he had known Lincoln personally as an uncompromising party man. Williams defined the purpose of the primary law as the nomination of candidates by the people in their primary capacity instead of by conventions. The regulation or control of elections was not its purpose.<sup>2</sup>

U'Ren's next move was the announcement of his platform as a candidate. It contained fifteen planks, among which are these statements:

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<sup>1</sup>Ida M. Arneson to Bourne, February 3, 1908; February 8, 1908; Oregonian, February 6, 1908, p. 8; February 17, 1908, p. 8.

<sup>2</sup>Oregonian, February 23, 1908, p. 8; Oregon Journal, April 5, 1908, p. 5.



The people have the right to instruct the legislature, . . .  
 Will support only Statement Number One candidates, . . .  
 Initiative and Referendum amendment to the United States Constitution, . . .  
 Direct election of United States Senators, with power to recall public officers . . .  
 Limitation of campaign expenditures . . .  
 Enactment of laws by majority, not plurality.

Other planks dealt with the tariff, government services, economic problems, and the second elective term for Roosevelt.

In accompanying statements he made known that he thought Senator Bourne would support his candidacy, although it had been announced without his knowledge. With eleven hundred dollars in his purse he was prepared to battle for the nomination. Fulton, in U'Ren's opinion, was influenced by Standard Oil and its corporate allies. Cake was described as a compromiser who had not opened his mouth to speak for election of Senators by the people since January 30.<sup>1</sup>

Immediately Mr. U'Ren's personal and political career were under attack by Thomas B. Kay, of Salem; by J. D. Stevens, a Socialist leader who had once been U'Ren's friend; by Mrs. Sophronia M. Lewelling, the widow of U'Ren's benefactor, Seth Lewelling; and by the editors and cartoonists. Opportunities to debate were more plentiful.<sup>2</sup>

<sup>1</sup>Oregon City Enterprise, February 28, 1908, p. 1; Oregonian, February 25, 1908, p. 6; Oregon Journal, February 26, 1908, p. 3.

<sup>2</sup>Oregonian, February 26, 1908, p. 8; February 28, 1908, p. 6; February 29, 1908, p. 8; March 5, 1908, p. 8, editorial; March 6, 1908, p. 4; March 7, 1908, pp. 8, 10; March 9, 1908, p. 4; March 10, 1908, p. 6; March 11, 1908, p. 4; March 13, 1908, p. 1 (cartoon), p. 16.

One of the public meetings at which Mr. U'Ren was debating J. T. Fording, ended abruptly after each man had spoken ten minutes when someone "spilled" a bottle of vile-smelling chemicals. U'Ren was subduing his opponent handily at the time of the interruption. U'Ren made the statement that it took thirteen lawyers to frame the Direct Primary law and that Senator Mitchell had put the fine finishing touches on Statement Number One. He also expressed his views on the story of an agreement between Jonathan Bourne and Harvey W. Scott, contained in a recent American Magazine article.<sup>1</sup>

H. M. Cake, on February 29, 1908, announced a platform of principles in which he approved the primary law and favored Statement Number One, because of the abuses of the old system, and because it accomplished the same result as a constitutional amendment for direct election of Senators.<sup>2</sup>

Cake's announcement coincided with the Multnomah County Republican Convention. The official acts of this convention do not reveal the whole story. The rival groups which struggled for control of the convention were each only partially successful. A convention which elects as permanent chairman the president of the People's Power League (Ben Selling), and puts through a resolution condemning Statement Number One, is hard to comprehend unless one sees that each of these acts is a

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<sup>1</sup>Oregonian, March 6, 1908, p. 12; Oregon Journal, March 2, 1908, p. 8; March 6, 1908, p. 4.

<sup>2</sup>Oregonian, March 1, 1908, p. 10.

victory for one of the opposing factions. The resolution favoring direct primaries and a constitutional amendment providing for direct election of United States Senators were passed, as well as the restriction that every candidate for party favor should, before the primaries, be requested to sign a pledge, to be prepared by the county and city central committee, that he would at the June election support the nominees of the Republican party. The denunciation of Statement Number One was coupled with the instruction to Republican members of the legislative assembly to vote for the Republican voters' choice for United States Senator.<sup>1</sup> Other Republican meetings in Lane, Douglas, Yamhill, and Marion Counties either repudiated Statement Number One or favored the Republican voters' choice pledge. In Clackamas County Chris Schmebel secured an endorsement of Statement Number One by the Republican Central Committee.<sup>2</sup>

The form of pledge to be signed by candidates for the legislature divided the Multnomah Republicans opposing Statement Number One into two rival camps. The faction led by C. M. Idleman, W. M. Davis, and Max G. Cohen was satisfied with the "Republican voter's choice" pledge approved in the county convention. C. W. Hodson, A. A. Bailey, S. C. Beach, and Sig Sichel were leaders of a group which pledged to vote for "the people's choice for United States Senator if he is a Republican," insisting that this complied with the convention's

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<sup>1</sup>Oregonian, March 1, 1908, pp. 1, 9; Salem Weekly Capital Journal, March 5, 1908, p. 9; Oregon Journal, March 1, 1908, pp. 1, 10.

<sup>2</sup>Oregonian, March 1, 1908, p. 6; March 5, 1908, p. 6; March 15, 1908, p. 6; March 16, 1908, p. 4; Oregon Journal, March 2, 1908, p. 14.

instructions. After Mr. U'Ren had withdrawn from the Senatorial contest the Hedson group of legislative candidates expressed its willingness to support the Republican nominated in the primaries.<sup>1</sup>

U'Ren had issued an open letter to H. M. Cake, in which he proposed that both of them withdraw from the race. He suggested Judge Thomas A. McBride, Ben Selling, Theodore B. Wilcox, and I. H. Bingham as possible candidates. Mr. Cake was surprised but declined to withdraw.<sup>2</sup>

In this crisis Senator Bourne's office secretary had dispatched to him the following appeal for aid:

If you could only be here for a few days and give a few directions Statement No. 1 would be saved. You would be able to handle Mr. Cake. Either induce him to get out of the way or drill. At present it would take very little for Fulton and the enemy to win him. Westgate too leans that way. Neither of them believe in the principle. The fight being made against it is intensely bitter, and your efforts lose in effectiveness from the distance they have to travel. The cause is worthy of the recognition of Providence, so it is to be hoped that He will lend aid.<sup>3</sup>

Soon there were hints in the press of Mr. U'Ren's intention to withdraw from the race and the following interpretation:

The history of U'Ren's political associations in this state has been that of converting every situation, sometimes sacrificing personal official aspirations, to the support of certain measures

<sup>1</sup>Oregonian, March 10, 1908, p. 4; March 11, 1908, p. 10; March 12, 1908, p. 10; March 13, 1908, p. 16; March 15, 1908, p. 8; Oregon Journal, March 11, 1908, p. 6; March 12, 1908, p. 6; March 14, 1908, p. 15; March 25, 1908, p. 9.

<sup>2</sup>Salem Weekly Capital Journal, March 5, 1908, p. 1; Oregon City Courier, March 6, 1908, p. 1; Oregonian, March 4, 1908, p. 6; Ida M. Arneson to Bourne, February 29, 1908; Marcy 7, 1908; March 8, 1908, Bourne Papers; Oregon Journal, March 4, 1908, p. 8.

<sup>3</sup>Ida M. Arneson to Bourne, March 4, 1908, Bourne Papers. See the Oregon Journal, March 7, 1908, p. 2, for reprint of circulars used by opponents of the direct primary.

in which he was interested. . . . Judging from his past political record, the Clackamas County "lawgiver" is expected to . . . make such deals as he may deem helpful to his cause. . . .<sup>1</sup>

Therefore it was no great surprise, in the midst of the campaign of vituperation being waged against Mr. U'Ren, for the public to learn of his decision to withdraw in order that Mr. Cake might have a better prospect for success in the primaries. He explained that when he became a candidate, on February 25, no candidate for Senator was saying anything about Statement Number One. Mr. Cake had refused to withdraw, believing that he could win against the wealthy men and politicians who were exerting themselves to defeat the people's selection of United States Senators and a Statement One legislature. The effective campaign Mr. Cake was now making for Statement Number One made it a duty to withdraw and support him.<sup>2</sup>

Mr. U'Ren continued his public appearances on behalf of the measures of reform sponsored by the Peoples Power League. In a debate with George W. Stepleton he gave what may be considered an epitome of his political philosophy: "My sole purpose in this life is to secure for the people the direct control of the government and every officer in it."<sup>3</sup>

<sup>1</sup>Oregonian, March 8, 1908, p. 9.

<sup>2</sup>Oregonian, March 13, 1908, p. 10; Salem Weekly Capital Journal, March 19, 1908, pp. 7, 9; Oregon Journal, March 12, 1908, pp. 1, 10 gives the full text of Mr. U'Ren's letter; March 13, 1908, p. 10; March 15, 1908, p. 8; Editorial, "Senator by Proxy," June 1, 1908, p. 6

<sup>3</sup>Oregon Journal, March 13, 1908, p. 10.

Miss Arneson regretted U'Ren's unconditional withdrawal and told of his departure for eastern Oregon. She also told of the efforts of Thomas McCusker to persuade Ben Selling to run for the Senatorship. She was displeased to find that while Cake was talking for Statement Number One his managers were talking "Republican voters choice."<sup>1</sup> Shortly thereafter a Statement Number One legislative ticket was launched in Multnomah County with Ben Selling at its head, as a candidate for the state Senate, and plans for a statewide ticket were formulated.<sup>2</sup> Throughout the state, it was reported, only sixty-six of the one hundred fifty-eight Republican candidates for the legislature had signed Statement Number One, but in Clackamas County all seven of the candidates for the House had signed it.<sup>3</sup>

Governor Chamberlain had waved the banner of reform during the land fraud trials in his address on "Official Delinquency" delivered to the students of Willamette University and elsewhere. In it he showed the influence of the normal schools and business interests on the legislature. Oregon's Congressional delegation came in for its share of criticism, but he realistically admitted that it was useless to ask

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<sup>1</sup>Ida M. Arneson to Bourne, March 12, 1908; March 22, 1908, Bourne Papers; Oregonian, March 15, 1908, p. 6; March 19, 1908, p. 1; April 1, 1908, p. 6.

<sup>2</sup>Oregonian, March 25, 1908, p. 10; Oregon Journal, March 24, 1908, p. 1; March 26, 1908, p. 10; March 29, 1908, p. 16; March 31, 1908, p. 15; April 3, 1908, p. 10.

<sup>3</sup>Oregonian, April 5, 1908, p. 1; cf. Oregon Journal, March 12, 1908, p. 5.



for resignations.<sup>1</sup>

The Pendleton Tribune had later discussed the possibility of Governor Chamberlain's becoming Senator; but gave the idea little credence.<sup>2</sup> His availability was discernible in the remarks with which he introduced Francis J. Heney on the occasion of Heney's attack on the railroads and on Senator Fulton in January, 1908. The Governor claimed that the people of Oregon had been misrepresented in Congress for thirty years, and the only way they had got anything done was to do it themselves, when the state's representatives calmly walked in and took all the credit.<sup>3</sup>

The occasion selected by Mr. Chamberlain for formal announcement of his candidacy followed closely upon Mr. U'Ren's withdrawal from the race. On March 14, 1908 he agreed to be a candidate if the nomination was voluntarily given him by his party and his friends at the primary nominating election. He would, in such event, appeal to the people of all parties for election in June. His relation to the movement for popular election of Senators was clarified in this statement:

The lower house of Congress has at least five times by resolution voted for such amendment and each time the Senate of the United States had defeated it. It follows, therefore, that there is only one way to bring about the election of Senators by direct

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<sup>1</sup>Oregonian, February 14, 1905, p. 4; February 15, 1905, p. 6. See also the account of his address at Spokane in Salem Weekly Capital Journal, April 18, 1907, p. 10.

<sup>2</sup>Quoted by Oregonian, June 14, 1907, p. 10.

<sup>3</sup>Oregonian, January 23, 1908, p. 10; cf. Oregon Journal, January 30, 1908, p. 1.

vote of the people, and that is by proceeding along the lines laid down by the law of Oregon and electing only such candidates to the Legislature as are willing to bind themselves to vote for that candidate for United States Senator who shall receive the highest number of the people's votes for that position at the general election preceding the election of such senator, without regard to individual preference.<sup>1</sup>

The prediction that the Democratic party would lose its right to nominate candidates by the direct primary method, unless there was a much heavier vote in the June election than the registration of Democrats indicated, was not taken seriously by the Democratic party leaders. They indicated that by writing candidates' names on the ballot they would nominate a full slate.<sup>2</sup>

In Lane County the Democrats, in an all-day session, decided to make the election of Senators by direct vote of the people the paramount issue of the campaign. Those who would not sign Statement Number One were not favored as candidates. Clackamas County was said to have gone mad over Statement Number One.<sup>3</sup> When the last-minute petitions of office-seekers had been filed at Salem it became apparent that Governor Chamberlain, like other Democrats, would depend on the write-in vote.<sup>4</sup>

<sup>1</sup>Oregonian, March 15, 1908, p. 1; Oregon Journal, January 27, 1908, p. 6; March 15, 1908; Salem Weekly Capital Journal, March 19, 1908, p. 6.

<sup>2</sup>Oregonian, March 12, 1908, p. 12; March 19, 1908, p. 12; March 28, 1908, p. 10; March 30, 1908, p. 9; April 7, 1908, p. 16; April 16, 1908, p. 14; Oregon Journal, March 27, 1908, p. 1; April 2, 1908, p. 11.

<sup>3</sup>Oregonian, March 22, 1908, p. 7; March 28, 1908, p. 6; cf. Oregon Journal, March 2, 1908, p. 8.

<sup>4</sup>Oregonian, March 28, 1908, p. 6.



The last week of the Republican primary contest was embittered by another tirade of speeches by Francis J. Heney and Charles W. Fulton in which each one tried to prove the falsity of the other's statements.<sup>1</sup>

A moderate view of the altercation is the following:

In our own opinion Mr. Fulton has played the ordinary game of politics, current during the time, and as such things go in ordinary judgment, or as hitherto done, without personal dishonor to himself; yet a game surely open to censure, especially in times of active criticism, when a man is judged by rules higher than those which have prevailed before. It is no uncommon thing in the transition from one age to another. . . .<sup>2</sup>

Mr. Calk did what he could to capitalize on the popular sentiment against Mr. Fulton's backers, by public speeches and by printing the following advertisement, with his picture, in the final editions of leading Oregon dailies before the primary election, April 17, 1908:

"For two years Mr. H. M. Calk has fought the efforts of the old machine to wrest from the people their right to elect their own Senator and to restore the old corrupt system which had brought disgrace upon the whole state. . . ."<sup>3</sup> The next day's papers carried the story of his

<sup>1</sup>Colliers Magazine, also, did its best to undermine confidence in Mr. Fulton's integrity; C. P. Connolly, "Senate Undesirables: Fulton of Oregon," Colliers, XII (April 4, 1908), pp. 13-14; Oregon Journal, March 31, 1908, pp. 1-2; April 10, 1908, p. 1; April 11, 1908, p. 6; April 12, 1908, p. 1; April 13, 1908, p. 1; April 14, 1908, pp. 1, 6; April 15, 1908, p. 2; Oregon City Courier, April 10, 1908, p. 1; Salem Weekly Capital Journal, April 9, 1908, p. 3; April 16, 1908, p. 6; Oregonian, April 10, 1908, p. 1; April 11, 1908, p. 8; April 12, 1908, pp. 1, 4, 8; April 13, 1908, p. 4; April 14, 1908, pp. 6, 10; April 15, 1908, p. 1; J. C. Young to Bourne, April 13, 1908, Bourne Papers.

<sup>2</sup>Editorial, "Heney and Fulton," Oregonian, April 13, 1908, p. 8.

<sup>3</sup>Oregon Journal, April 1, 1908, p. 13; April 14, 1908, p. 2; April 16, 1908, p. 4; 9; Oregonian, April 17, 1908, p. 9.

victory over Mr. Fulton. Mr. Cake had won Multnomah County by approximately two thousand votes and the state by three thousand. Fulton had carried Coos, Polk, Morrow, Crook, Benton, Sherman, Josephine, Malheur, Lane, Tillamook, and Grant Counties. Bad weather had reduced the total vote. In Multnomah County sixty-eight per cent of the Republican registered voters cast ballots and only 1,946 of the 5,137 registered Democrats voted. Congressmen W. C. Hawley and W. R. Ellis were renominated by the Republicans. The Democratic ticket, because of the write-in vote, was said to be a scrambled mass of names which would take several days for sorting and counting. However, there was no doubt concerning the nomination of George E. Chamberlain for United States Senator.<sup>1</sup>

#### Factional Strife in the Elections of 1908

Governor Chamberlain stood firm in rejecting appeals from the Republican press that he withdraw from the race since Mr. Cake was as avowedly interested in the election of Senators by the people as was Mr. Chamberlain, and since Oregon could be served better by a Republican in the Senate as it was constituted.<sup>2</sup> The Governor said:

I have always believed in Statement No. 1, and two years ago persuaded a number of Democratic candidates for the Legislature to subscribe to the statement after they had announced their candidacy.

<sup>1</sup>Oregonian, April 18, 1908, p. 1; April 19, 1908, pp. 1, 6, 12; April 20, 1908, p. 7; Salem Weekly Capital Journal, April 23, 1908, p. 3; Oregon Journal, April 18, 1908, pp. 1, 6; April 19, 1908, p. 1; April 21, 1908, p. 1; Portland Evening Telegram, April 18, 1908, p. 1.

<sup>2</sup>Oregonian, April 21, 1908, p. 9; April 24, 1908, p. 8.

I fail to see now why I should stand aside in the interests of the candidacy of a man whom Mr. U'Ren has admitted he had to drive from ambush on the question of Statement No. 1<sup>1</sup>

In a speech at Bickner's Hall in St. Johns, before five hundred people, he asserted that a Democrat would be able to secure appropriations for his state, citing the case of the Southern states, giving instances to show that divided delegations were successful, and even referring to Binger Hermann's success during the Democratic Cleveland administration.<sup>2</sup>

One of the explanations offered for the defeat of the Hodson slate in the Multnomah Republican primaries was the general belief that the confederates of C. W. Hodson were attempting to rehabilitate the old Matthews machine or to create and maintain another one. The tactics used by the Statement Number One candidates in fighting one machine with another one, which was backed by Democratic votes in the Republican primary, constituted another explanation of its defeat.<sup>3</sup> To prevent a bolt of friends of Mr. Fulton to the support of Mr. Chamberlain it was conceded by the Cake contingent that in the state convention it would approve Senator Fulton as a delegate to the National Convention. This, however, would widen the distance between Cake and Senator Bourne's loyal followers, as Bourne also sought the office of delegate with the evident purpose of promoting the "second elective term" for Theodore

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<sup>1</sup>Oregonian, April 26, 1908, Sec. 4, p. 10.

<sup>2</sup>Oregonian, April 29, 1908, p. 12; Oregon Journal, April 29, 1908, p. 4.

<sup>3</sup>Oregonian, (Editorial) April 19, 1908, p. 6.

Roosevelt. The injection of the presidential contest into the Oregon senatorial election became a divisive factor in Oregon Republicanism. Candidate Cake was determined to have his brother (Judge W. M. Cake) as chairman of the state central committee, which created another problem.<sup>1</sup>

The Republican State Central Committee met on April 29, 1908, and elected W. M. Cake as chairman. Resolutions endorsing Taft for the presidency and Fulton for delegate to the national conventions were passed. There were reports that Judge Cake had been forced to break with Senator Bourne's followers in order to secure his election as chairman, but he denied that there was any connection between his election and the resolution endorsing Taft.<sup>2</sup> That the action of the committee was a blow to Bourne's hopes of using the Oregon convention as a base for promoting his "second elective term" for Roosevelt is revealed in the unusually bitter tone of John C. Young's reports to his chief.<sup>3</sup>

The inside of the passage of the Taft resolution yesterday is that W. M. Cake played traitor and fool as well under the mistaken idea that he was helping his brother's candidacy. Fulton's and Ellis's friends were, of course, in the game. . . .

<sup>1</sup>Oregonian, April 21, 1908, pp. 6-7; April 23, 1908, p. 11; April 25, 1908, p. 14; John C. Young to B. F. Mulkey, April 24, 1908; April 29, 1908, Bourne Papers. On Bourne's "second elective term" for Roosevelt see Oregonian, April 9, 1907, p. 1; April 11, 1907, p. 3; April 23, 1907, p. 1; March 20, 1908, p. 9; Salem Weekly Capital Journal, October 24, 1907, p. 3; April 23, 1908, p. 6.

<sup>2</sup>Oregonian, April 30, 1908, p. 1; May 1, 1908, p. 12; John C. Young to Bourne, April 30, 1908, Bourne Papers. Oregon Journal, April 29, 1908, p. 10; April 30, 1908, p. 5.

<sup>3</sup>John C. Young to Bourne, (Wire) April 30, 1908; (Letters) April 30, 1908; May 1, 1908, Bourne Papers.

Brown put up the job. He was and is Fulton's dirty dog, and is now actively aiding Chamberlain, which all of Fulton's following is doing also. The Cakes are throwing mud at Statement One and do not have sense enough to refrain from saying that everything and everybody are secondary to Cake's election.<sup>1</sup>

This time Mr. Young did not confine his thoughts to private correspondence or to a suggestion that Senator Bourne dispatch another "address" to the voters of Oregon. Mr. Young's open letter to the Editor of the Oregonian predicted that the nomination of Taft would mean a Bryan victory. Young favored an uninstructed delegation to the national convention. He refused to let the Statement Number One Republicans accept the blame for putting Oregon in the Democratic column.<sup>2</sup>

At approximately the same time that Thomas McCusker (known as the principal Statement Number One organizer in Multnomah County) returned from conferences in Washington, D. C. predicting the renomination of Roosevelt, Mr. Fulton's secretary, C. W. Halderman, of Astoria, opened an office in Portland to work for the nomination of Taft and the election of Cake. Fulton's endorsement of Cake was not viewed with approbation by political associates of Fulton, who had heard reports of a compact negotiated between Cake, U'Ren, and Bourne by John C. Young.<sup>3</sup>

<sup>1</sup>Ibid., April 30, 1908.

<sup>2</sup>Oregonian, May 9, 1908, p. 10; December 10, 1908, p. 3 (reprinted).

<sup>3</sup>Oregonian, May 2, 1908, p. 9; May 4, 1908, p. 8; May 5, 1908, p. 10. See also Young to Bourne, April 30, 1908, in which Young says, "Cake promised me faithfully to play our game and yet refused to take any advice. . . ." Also, Young to Bourne, May 7, 1908, in which Young reports his belief that a salmon canner, named MacGregor, was financing Fulton and hoping for a federal appointment; Bourne Papers.

Cake was said to be trying to catch the breezes from both the Fulton and Bourne forces. As Bourne's prospect of controlling the state convention (or of securing an uninstructed delegation) dimmed, his own prospect of being a delegate to the national convention went into eclipse. The message sent by John C. Young to Bourne following the convention on May 14, 1908 read: "Completely routed. Taft instructions and resolutions passed. Delegates at large George H. Williams, C. W. Fulton, A. W. Gilbert, [C. G.] Huntley; first district R. E. Williams, C. A. Sehlbrede; 2nd District Dr. H. W. Coe and C. A. Thompson."<sup>1</sup>

That the quarrel between Fulton's and Bourne's backers would unfavorably affect Mr. Cake's campaign was inevitable.<sup>2</sup> On his speaking tours Mr. Cake continued to stress his advocacy of Statement Number One and the popular election of Senators. However, some believed that he was not a consistent champion of Statement Number One because he favored the election of some who opposed it. The fact that he was endorsed by an "anti-Statement convention" added to the confusion. Other obstacles to his election were seen in his lack of experience and natural aptitude, when compared with Chamberlain; in the fact that he had served the Standard Oil Company as an attorney on occasions; and in the fact that he had aided the attacks on Fulton during the primary campaign.<sup>3</sup>

<sup>1</sup>Bourne Papers; see Oregonian, May 10, 1908, p. 1; May 12, 1908, p. 1; May 13, 1908, p. 1; Salem Weekly Capital Journal, May 21, 1908, pp. 4, 10; Oregon Journal, May 14, 1908, p. 1; May 16, 1908, p. 3.

<sup>2</sup>Oregonian, May 16, 1908, p. 1; Oregon Journal, April 30, 1908, p. 1.

<sup>3</sup>Oregonian, May 18, 1908, p. 5; May 31, 1908, pp. 1, 9.

A large number of arguments against the election of Governor Chamberlain were also brought forth: that he declared himself opposed to Oriental immigration but employed a Japanese house servant; that he used the veto power too freely, and had vetoed the \$125,000 University appropriation bill; that he pardoned too many convicts; that some of the land transactions of his administration were questionable; that his success at the polls would drive Republicans to repudiate Statement Number One; and that his election would weaken the Republican party in national politics. A mock-serious presentation of the case for making him Senator and then Vice-President, or President, was even used as a warning against the mistake of assisting his rise to greater political prominence.<sup>1</sup>

The hopes of both candidates rested heavily on the idea of capturing the "new vote" which, it was conceded, might decide the outcome. Registration was, in round numbers, one hundred twenty-one thousand, which exceeded that of 1906 by twenty thousand.<sup>2</sup>

The first results of the elections of June 1, 1908, showed that Governor George E. Chamberlain had carried Multnomah County and was in a neck-and-neck race with H. M. Calk in the rest of the state. Calk's best showing was in Lane County, where Chamberlain's veto of the University appropriation bill had made him unpopular. Another noteworthy fact was that Chamberlain's victory in Multnomah County came at a time when all other Democrats were being defeated there, including the

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<sup>1</sup>Oregonian, May 31, 1908, p. 9; Editorial, "Triumph for our George," May 30, 1908, p. 8.

<sup>2</sup>Oregonian, May 22, 1908, p. 10; May 31, 1908, p. 1.



incumbent District Attorney, John Manning. Here the percentage of the registered vote cast was between eighty and eighty-five per cent. In Lane County the vote exceeded the total registration by about one hundred.<sup>1</sup> Final returns showed Chamberlain with a plurality of 1,522 votes, the totals being:

G. E. Chamberlain, Democrat . . . . .	52,421
H. M. Calk, Republican . . . . .	50,899
J. C. Cooper, Socialist . . . . .	5,257
I. H. Amos, Prohibitionist . . . . .	3,787 <sup>2</sup>

Allen H. Eaton, in his contemporary analysis, The Oregon System, has provided an explanation of the popular endorsement of Chamberlain which on the face of it seems untenable:

Although Governor Chamberlain had become very popular with the people of Oregon on account of his administration and unusual abilities as a politician, an analysis of the vote cast in the general election will make it perfectly clear that the margin by which he was elected was contributed to particularly by those Republicans who opposed Statement No. 1, and who hoped by giving the popular vote to a Democrat, to have the statement overthrown and compel a Republican legislature to elect a Republican to represent Oregon in the Senate.<sup>3</sup>

That Mr. Eaton was not voicing his own private interpretation, but enunciating an oft-repeated explanation will be seen in the following editorial comments, as well as in the events to follow: "Ten to

<sup>1</sup>Oregonian, June 2, 1908, p. 1; Salem Weekly Capital Journal, June 4, 1908, p. 5; Oregon Journal, June 2, 1908, p. 1; June 3, 1908, p. 1.

<sup>2</sup>Oregonian, June 19, 1908, p. 12; Oregon Secretary of State, Abstract of Votes, June 1, 1908.

<sup>3</sup>Allen H. Eaton, The Oregon System (Chicago: A. C. McClurg and Company, 1912), p. 171; cf. Oregon Journal, (Editorial) July 4, 1908, p. 6.

fifteen thousand votes that were given to Chamberlain were cast for the purpose of putting the knife into the faction that took up Statement No.

1. Thousands more, detesting the folly, did not go so far."<sup>1</sup>

Mr. Chamberlain attributes his success over Mr. Calkins to an assumption that Mr. Calkins was not considered "sound" on Statement No. 1, and consequently that large numbers of Statement No. 1 Republicans refused to vote for Mr. Calkins and threw the votes for Mr. Chamberlain instead. It is absurd. Mr. Calkins's defeat was due directly to the votes of Republicans opposed to Statement No. 1, who voted for Mr. Chamberlain expressly for the purpose of "passing it up" to the legislature, where they hoped to get a result more satisfactory to them than the election of either Mr. Calkins or Chamberlain.<sup>2</sup>

John C. Young wrote to Senator Bourne:

It would be impossible for anyone, by letter, to give you an adequate idea of the political situation in Oregon as it appears to-day. The election of Chamberlain at Salem is problematical, to say the least, in view of the fact that aside from Hofer's paper there is not one Republican journal that will raise its voice in support of the logical results of Fulton's treachery—Chamberlain's election—while daily the Oregonian will pour out its 'phials of wrath' on Statement One men who will stand by their pledge, and the Fulton crooks will devise games to beat the law by electing Fulton.<sup>3</sup>

The number of Statement Number One legislators was fifty-two. In a legislature of ninety men this was not a large enough majority to prevent the defeat of Chamberlain if absences or defections in their ranks should occur.<sup>4</sup> A healthful antidote for this fear was the

<sup>1</sup>Oregonian, June 3, 1908, p. 8; cf. Oregon Journal, June 5, 1908, p. 8; July 4, 1908, p. 6.

<sup>2</sup>Editorial: "The Simple Analysis," Oregonian, June 4, 1908, p. 8; cf. Portland Evening Telegram, June 2, 1908, p. 1; for other explanations of Chamberlain's victory.

<sup>3</sup>John C. Young to Bourne, June 5, 1908, Bourne Papers.

<sup>4</sup>Oregonian, June 3, 1908, pp. 1, 16; June 4, 1908, p. 6; Oregon Journal, June 4, 1908, p. 1; June 5, 1908, p. 1.

good-humored reply of J. U. Campbell, of Oregon City, when asked: "Will you vote for Chamberlain?" Campbell's answer was: "What else can a man do? Some years ago I signed a promissory note for a man and he skipped the country. I did not expect that I would have to pay the note, but I did."<sup>1</sup>

The legislative matters settled by the voters in the election of June 1, 1908, gave further evidence of a trend toward popular government. This was the first general election in which the people's power of referendum was used. There were also numerous initiative measures, and the legislature had submitted several constitutional amendments. The total number of measures and amendments passed was greater than the number submitted in any previous election, and the proportion passed was greater than in any subsequent election, except the special election of 1920. Two of the amendments passed, which dealt with electoral procedure, have continued in effect until the present. These were the amendment changing the date of elections from June to November (65,728 to 18,590). The recall of public officials was passed with a vote of 58,381 to 31,002. The authorization of proportional representation has had little effect, although passed by 48,868 to 34,128. The defeat of the equal suffrage amendment was decisive (yes, 36,858; no, 58,670). The Corrupt Practices act governing elections was approved by 54,042 to 31,301. The initiated measure instructing the legislature to vote for the people's choice for United States Senator received more affirmative

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<sup>1</sup>Oregonian, June 6, 1908, p. 6.

votes than any other proposal on the ballot and had less opposition than any other except the proposal to change the date of elections (69,668 to 21,162).<sup>1</sup>

Between June and November 1908 the most sensational topics in Oregon politics were concerned with the efforts to discredit Chamberlain, his efforts to maintain a non-partisan attitude during the presidential campaign, and the efforts of the Fulton group in the Republican party to take the management of the presidential campaign out of the hands of Chairman W. M. Cake.

L. H. McMahon, Salem attorney, brought suit against Chamberlain to cause the return of ten thousand dollars of state money he was said to have kept unlawfully. One statement was that Chamberlain received five hundred dollars a year for inspecting the penitentiary.<sup>2</sup> It seems that the constitution set the Governor's salary at fifteen hundred dollars a year. The legislature had added other duties and provided compensation for these duties. The right of the state to recover such fees was denied by the Supreme Court in a similar case against ex-Secretary of

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<sup>1</sup>The Oregon Blue Book, 1949-50 (Salem, Oregon: State Printing Department, 1950), p. 251. The Republican party platform adopted May 14, 1908 had urged the voters to use caution in voting on the measure proposed, and specifically opposed the recall and proportional representation. Oregonian, May 15, 1908, p. 12. Editorial comments on the ballot measures of 1908 may be found in the Oregonian, June 1, 1908, p. 4; June 4, 1908, p. 1; June 5, 1908, p. 9; July 20, 1908, p. 6; October 18, 1908, p. 6; November 2, 1908, p. 4; November 3, 1908, p. 8; November 4, 1908, p. 10; December 10, 1908, p. 10; cf. Oregon Journal, March 21, 1908, p. 2; April 4, 1908, p. 16; April 5, 1908, p. 5.

<sup>2</sup>Oregonian, June 27, 1908, p. 12.

State F. I. Dunbar.<sup>1</sup> Chamberlain's personal habits also received criticism in an open letter from a resident of Rainier who reported seeing him in an intoxicated state at the Astoria regatta.<sup>2</sup>

The Governor's attitude during the Presidential campaign was that of non-partisanship. For this he was criticized by certain groups in both parties.<sup>3</sup>

Soon after the return of Oregon's delegation from the Republican National Convention Senator Bourne was informed of the efforts of the Fulton group to remove W. M. Cake as State Chairman.<sup>4</sup> The Oregonian soon predicted and then demanded reorganization of the party under men who were not compromised.<sup>5</sup> Chairman W. M. Cake's absence from the state during the late summer, and his indifference toward the suggestions of his critics, eventually brought about his retirement under pressure from state and national Republican party leaders. Cake did not resign but handed over the management of the Taft campaign to the state

<sup>1</sup>Oregonian, June 29, 1908, p. 6; December 30, 1908, p. 5.

<sup>2</sup>Oregonian, September 3, 1908, p. 8.

<sup>3</sup>John C. Young to Bourne, July 1, 1908; July 3, 1908; Young to James R. Garfield, July 13, 1908, Bourne Papers; Oregonian, June 27, 1908, p. 9; August 2, 1908, Sec. 2, p. 10; August 20, 1908, p. 1; September 22, 1908, p. 10; October 10, 1908, p. 11; October 16, 1908, p. 12; October 17, 1908, p. 16; November 6, 1908, p. 11.

<sup>4</sup>John C. Young to Bourne, July 7, 1908, Bourne Papers.

<sup>5</sup>Oregonian, July 14, 1908, p. 16; July 28, 1908, p. 8; August 4, 1908, p. 8; August 17, 1908, p. 6; Oregon Journal, July 28, 1908, p. 1; July 29, 1908, p. 1; August 1, 1908, p. 1; August 26, 1908, p. 1; September 5, 1908, p. 1.

executive committee.<sup>1</sup> While C. N. McArthur, as State Secretary, and Ralph E. Williams, as National Committeeman, ran one Taft campaign in Oregon, Senator Bourne and John C. Young launched a rival campaign in Taft's interest. Young was appointed organizer of Taft clubs by John Hays Hammond and did what he could to undo the effect of his former opposition to Taft.<sup>2</sup>

When the Presidential election was over Taft had carried Oregon by 24,481 votes.<sup>3</sup>

#### The Battle for Control of Public Opinion

Even before the experience of defeat in the primary election of 1908 the opponents of Statement Number One had developed a theory by which the pledge could be ignored in the next legislature, if that

<sup>1</sup>Oregonian, August 1, 1908, p. 11; August 2, 1908, p. 10; August 24, 1908, p. 13; September 4, 1908, p. 12; September 6, 1908, p. 12; September 11, 1908, p. 8; September 7, 1908, p. 5; September 13, 1908, p. 10; September 15, 1908, p. 5; September 16, 1908, p. 10; September 17, 1908, p. 4; September 20, 1908, p. 8; September 24, 1908, p. 3; September 25, 1908, p. 10; John C. Young to John Hays Hammond, September 5, 1908, Bourne Papers; Oregon Journal, September 10, 1908, p. 1; September 12, 1908, p. 3.

<sup>2</sup>Oregonian, September 6, 1908, p. 3; September 7, 1908, p. 5; September 25, 1908, p. 10; October 20, 1908, p. 10; John C. Young to John Hays Hammond, August 27, 1908; August 28, 1908; September 5, 1908; September 7, 1908; Young to E. Snell Smith, September 15, 1908; Young to Bourne, August 28, 1908; September 3, 1908; Young to Thomas B. Kay, September 12, 1908; Bourne to Frank Hitchcock, September 24, 1908; Bourne to Theodore Roosevelt, September 28, 1908; October 12, 1908; Bourne to William H. Taft, September 30, 1908; October 15, 1908, Bourne Papers; Oregon Journal, September 13, 1908, p. 6; September 18, 1908, p. 1.

<sup>3</sup>Oregonian, November 23, 1908, p. 13 (Official returns, by counties); Oregon Journal, November 4, 1908, p. 1.

became necessary. After the primaries the strategy of this group was based upon the hope of securing public acceptance of the doctrine of party regularity as a safer guide in the selection of Senators than the decision of a majority of the voters. As the enforcement of the Statement Number One pledge was dependent on the existence of a public opinion demanding its fulfillment, so the hope for abandonment of pledges rested on the creation of a public sentiment favorable to the idea that the pledge was not binding. If the idea could also be inculcated that insistence on such a pledge was a violation of the constitutional rights and duties of a state legislator, the strategy of the Peoples Power League in re-submitting Statement Number One in the form of an instruction to the legislature might be thwarted. With this accomplished, the usual type of political maneuvering in the caucuses and in the organization of the legislature could be expected to accomplish the desired result. The further confusing of the issue by attempts to show that the popular plurality of Governor Chamberlain in the general election of 1908 was not a mandate of the majority illustrates the frantic effort to avert disaster made by those who feared popular government.

An editorial in the Oregonian of June 23, 1907, may be taken as a summary of the case against Statement Number One. The editor opined that: no candidate need sign any statement at all; the legislator's function was clear under laws, constitutions, and usages, and need not be compromised; voters expected the elected members of the legislature to vote for one of their own party. He then defined the effect of factionalism in Senatorial elections by explaining that in the majority



party there would always be many candidates for Senator, that the candidate who won by a plurality vote would not get the whole party vote in the general election, but that those who voted for the candidate of the other party in the general election did so only as a protest against the man who had beaten their candidate in the primaries and not to elect a member of the opposition party. He predicted that in the next Senatorial election "Statements" would be ignored; that the party which had a majority in the legislature would elect the Senator; that, if the candidate of this party did not receive a majority of the votes of the people, the legislature would drop his name and elect some other member of their party.<sup>1</sup>

Throughout the entire campaign this newspaper stressed the idea of the breakdown of the Republican party which would result from following the Statement Number One pledge. A growing tendency toward the rejection of the necessity of parties was laid at the door of the primary law. It was stated that no one who was running for the legislature under that pledge should use a party name because he had no right to ask for votes under its sanctions. The editor bewailed the "general prostration before the new fetich." It was predicted that:

Though the primary law breeds party divisions, it will be accepted and adhered to, because on the whole it appears to be fair. But the excrescence known as Statement No. 1 will not be kept, because it is no proper part of such law; only a crazy notion of such minds as those of U'Ren and Bourne . . .

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<sup>1</sup>Oregonian, June 23, 1907, p. 6; also March 13, 1908, p. 8.

Chamberlain is merely playing with it . . . does not expect that it will elect him.<sup>1</sup>

In the attempt to prove the unconstitutionality of the Statement Number One pledge this reasoning was used: "The Oregonian opposes Statement No. 1 because the statement is an imposture. It is merely a cheat. The Constitution of the United States prescribes the way or method of election of senators. This bogus method proposes to supersede the constitutional method."<sup>2</sup>

Two of the leading legal minds of the state were drawn into the verbal battle. Judge M. C. George wrote a lengthy opinion, closing thus:

In brief, the constitution invests members with a discretionary duty to select a Senator next January. If they attempted to sign away that discretion to 'voters' of Oregon, it was an unconstitutional and void promise. They still have their constitutional discretion and duty. It remains for them to use or they will violate oaths and violate the Constitution again, if they simply ratify for the mere sake of keeping their word, any discretionary power they attempted last spring to sign away. It would then

<sup>1</sup>Oregonian, January 30, 1908, p. 8; February 23, 1908, p. 6; May 8, 1908, p. 10; June 3, 1908, p. 8; January 20, 1908, p. 6; January 21, 1908, p. 1; February 15, 1908, p. 1; February 18, 1908, p. 11; February 21, 1908, p. 8; February 24, 1908, p. 6; February 28, 1908, p. 8; March 12, 1908, p. 8; March 13, 1908, p. 8; April 17, 1908, p. 10; April 19, 1908, p. 6; June 28, 1908, p. 6; July 22, 1908, p. 8; November 5, 1908, p. 8. These should be compared with the Oregon Journal, February 2, 1908, p. 6; March 6, 1908, p. 8; March 20, 1908, p. 8; April 12, 1908, p. 8; April 19, 1908, p. 8; July 4, 1908, p. 6; October 23, 1908, p. 10; and almost daily from that time on until January 1909.

<sup>2</sup>Oregonian, February 12, 1908, p. 8. Similar reasoning in more temperate language had been used by Judge John B. Waldo before the Direct Primary law was enacted; Salem Weekly Capital Journal, May 19, 1904, p. 12.

be a double violation. The logic is absolute.<sup>1</sup>

George H. Williams wrote:

I do not question the right of the people to express at the polls their preference for a United States Senator, nor do I question the right of a member of the Legislature to act in accord with this expressed preference if it meets with his judgment, but under no circumstances can such expressed preference be otherwise than advisory.<sup>2</sup>

A definite threat to our system of representative government was seen in the exaggerated importance attached to one feature of the primary law. "They who push this feature as the essence and substance and heart of the primary law simply go against the constitutional method of electing Senators of the United States, and repudiate the principle of representative government as established by the Constitution of the United States."<sup>3</sup>

The idea of an analogy between the operation of Statement Number One and the electoral system by which President and Vice-President are elected was rejected with the comment that electors vote the way their state voted, not by the popular majority of the nation.<sup>4</sup>

<sup>1</sup>Oregonian, November 13, 1908, pp. 10-11; cf. Oregon Journal, April 3, 1908, p. 8; September 17, 1908, p. 8; November 13, 1908, p. 1.

<sup>2</sup>Oregonian, November 21, 1908, p. 9. Other opinions on constitutionality appeared March 3, 1908, p. 8; May 6, 1908, p. 8; November 23, 1908, p. 8; September 15, 1908, p. 8.

<sup>3</sup>Oregonian, March 21, 1908, p. 8; also June 5, 1908, p. 10.

<sup>4</sup>Oregonian, March 28, 1908, p. 8; cf. Salem Weekly Capital Journal, August 22, 1907, p. 2.

Reactions to this editorial campaign were not all favorable. John Gill pointed out the possibility that the thousands of Republican voters who supported Chamberlain did so because they considered him best qualified for the office of Senator.<sup>1</sup> Dr. Clarence True Wilson gave voice to these sentiments:

Whenever an American citizen voluntarily goes before his fellow citizens and asks for their suffrage on a conditional promise that, if elected, they [sic] will do certain things, that promise is as sacred and important to the integrity of government as a compulsory oath administered in a court. To betray the trust imposed in one who is thus elected is perjury of the blackest type. . . .<sup>2</sup>

However, the editor found his sympathizers too, such as W. A. Cusick, who wrote from Salem:

While the old parties permitted of many corrupt practices, the wholesale perjury resorted to in the primaries is a burning disgrace, thoroughly criminal, defeats its avowed purpose. . . . Then kick the whole iniquitous shell game of a primary law, which is a standing bid for perjury at the primaries, and a travesty on self government, and send it along with a large delegation of piebald mongrel Republicans to that 'bourne' from which it is hoped there is no possibility of a return.<sup>3</sup>

In this battle for control of public opinion much was made of the alleged perjury of those Democrats who had registered as Republicans and participated in the Republican primaries to secure the nomination of

<sup>1</sup>Oregonian, (Letter to the Editor), November 18, 1908, p. 12.

<sup>2</sup>Oregonian, December 21, 1908, p. 16; Oregon Journal, November 22, 1908, p. 8, for labor's view; (Editorial) December 11, 1908, p. 8, for Grange viewpoint; also, p. 14.

<sup>3</sup>Oregonian, January 3, 1909, p. 8. See the Oregon Journal, March 29, 1908, p. 8, for editorial on Cusick's opinions.

Mr. Cake.<sup>1</sup> George H. Thomas, Chairman of the Multnomah County Democratic Central Committee, was one of those who recognized the fact that many Democrats were registering as Republicans and expressed disapproval of their interference with the Republican party primary election.<sup>2</sup> T. S. Myers asserted that the Democrats who voted for Cake in the primaries expected to vote for him straight through but when he wavered on Statement Number One, they were afraid to trust him and voted for Chamberlain.<sup>3</sup> The Oregonian labeled this a fraud, and went on to say that every Democrat who registered as a Republican was under a stronger moral obligation to vote for Taft than the obligation resting upon the Republican legislators who were pledged to vote for Chamberlain for Senator.<sup>4</sup> The publication of lists of names of Democrats who had registered as Republicans was resorted to. It was charged that out of 3,685 electors registered as Democrats in Portland in 1906 there were 539 who changed to Republicans in 1908. Adding the newcomers, newly registered youths, and an estimated number who had changed before 1906 the Oregonian estimated that there were two thousand Democrats in Multnomah County alone who registered as Republicans. The registration of 1908 showed four and

<sup>1</sup>Oregonian, February 7, 1908, p. 8; May 17, 1908, p. 6.

<sup>2</sup>Oregonian, March 14, 1908, pp. 8, 12; November 12, 1908, p. 9; Oregon Journal, April 20, 1908, p. 7; September 21, 1908, pp. 1, 9.

<sup>3</sup>Oregonian, August 11, 1908, p. 8.

<sup>4</sup>Oregonian, September 14, 1908, p. 8; September 20, 1908, p. 6; October 23, 1908, p. 8.

one-half times as many Republican names as Democratic names, but the vote for Congressman showed less than three times as many Republican votes. Changes from Republican to Democratic registration were few. The conclusion was that Cake's nomination was the result of a Democratic fraud.<sup>1</sup> In analyzing the vote cast in the Presidential election, as compared with the registration, the conclusion was drawn that many Democrats and Socialists and Prohibitionists had registered as Republicans.

	<u>Vote cast</u>	<u>Registered</u>	<u>Difference</u>
Taft (Rep.)	62,100	86,396	24,296
Bryan (Dem.)	39,000	32,262	6,738
Debs (Soc.)	7,000	3,561	3,439
Chafin (Prohi.)	2,600	2,154	446 <sup>2</sup>

That the raiding of Republican primaries by other party members did not originate after the enactment of the Direct Primary law in Oregon is evidenced by an account of the primaries of March 16, 1900. This fact was overlooked in the heat of the 1908 campaign.<sup>3</sup>

Chamberlain's opponents hoped that his chances for election had been dimmed by the revelation of registration frauds, the large plurality

<sup>1</sup>Oregonian, September 21, 1908, p. 1; September 25, 1908, p. 8; cf. Oregon Journal, August 7, 1908, p. 8; August 9, 1908, p. 9; September 21, 1908, pp. 1, 9.

<sup>2</sup>Presidential vote given in round numbers. Oregonian, November 9, 1908, p. 9; November 17, 1908, p. 8. Other registration data given November 2, 1908, p. 4 show an independent registration of 8,756, and Populists forty-nine.

<sup>3</sup>Oregonian, March 17, 1900, p. 7; W. S. U'Ren found evidence of less fraudulent registration in 1908 than in the old primaries, Oregon Journal, December 31, 1908, p. 9.

given Taft in November, and the recent decision of the North Dakota Supreme Court nullifying a feature of that state's primary law similar to Statement Number One. During Mr. Chamberlain's visit to Washington, D. C., in December, 1908, a column statement about the Oregon senatorial situation appeared in the Washington Post. The source of the statement was Senator Charles W. Fulton, who cited the Oregon primary law and gave detailed figures to prove that Democrats had voted fraudulently in the Oregon Republican primaries. Chamberlain's diplomatic skill was put to the test by this challenge, but he declined to answer Fulton's charge, since he had been treated with such uniform courtesy in Washington that he did not wish to mar his visit with "useless contention."<sup>1</sup>

Two differences between the North Dakota law and the Oregon law were apparent. That law attempted to require the legislators to take an oath, while the Oregon Statement Number One was a voluntary pledge. It was the addition of a second required oath which invalidated that law. Another difference of less consequence was the fact that legislators under the void statute of North Dakota had been directed to support the party's choice rather than the choice of the majority of the people.<sup>2</sup> Investigation of the feasibility of court action against the

<sup>1</sup>Oregonian, December 9, 1908, p. 1; November 6, 1908, p. 13; Oregon Journal, November 12, 1908, p. 1; November 16, 1908, p. 1; November 17, 1908, p. 1.

<sup>2</sup>Oregonian, October 31, 1908, p. 1; November 2, 1908, p. 6; November 8, 1908, Sec. 4, p. 8; November 16, 1908, p. 6; cf. Oregon Journal, November 11, 1908, p. 1, for a comparison of the two laws, emanating from the San Francisco Chronicle.



Statement Number One pledge was begun by the Sellwood Republican Club, of Portland, but the advice of "prominent constitutional lawyers" discouraged them from attempting such a test. Instead, a plan for the circulation of petitions requesting that Statement Number One legislators be released from their pledges was adopted.<sup>1</sup>

Nationwide interest in the action of the Oregon Legislature on the Senatorial election was evidenced by the publication by Collier's magazine of an article by Jonathan Bourne, Jr., on "The Oregon Senatorship."<sup>2</sup> The widely scattered newspapers from which the leading Oregon dailies were able to quote excerpts of editorial comment on the "Oregon plan" also indicated a state of tension in the political circles of all sections. The youthful but robust Oregon Daily Journal, of Portland, gave front-page space to those commentators who stressed the importance of the legislators' observance of the pledge, in its rebuttal of the unfavorable comments cited by the Oregonian on its editorial page.

Another test in court for Oregon's initiative and referendum indirectly threatened the Direct Primary law and Statement Number One. The Pacific States Telephone and Telegraph Company had sought to have the amendment declared unconstitutional by the United States Supreme

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<sup>1</sup>Oregonian, November 8, 1908, Sec. 3, p. 10; November 11, 1908, p. 12; November 12, 1908, p. 12; November 14, 1908, p. 16; November 29, 1908, p. 20; December 8, 1908, p. 11; Oregon Journal, December 11, 1908, p. 20; December 20, 1908, p. 1.

<sup>2</sup>Jonathan Bourne, Jr., "The Oregon Senatorship," Collier's, XLII (October 24, 1908), p. 7; Bourne to Bruce Kester, September 24, 1908; Bourne to Norman Hapgood, September 25, 1908; September 30, 1908, Bourne Papers.

Court, on the ground that it violated that part of the Constitution which guaranteed every state a representative form of government. Since the Direct Primary Law had been proposed by initiative petition its fate would be determined by the outcome of the case. The Supreme Court ruled in favor of the State of Oregon, and this threat subsided.<sup>1</sup>

A declaration by President Theodore Roosevelt favorable to the election of Chamberlain by the Oregon legislature did not silence the opposition but had the opposite effect of inciting to more strenuous effort. One of Chamberlain's opponents thought the President was "butting in."<sup>2</sup>

#### The Battle for Control of the Legislature

Senator Fulton had not confined his statements to the criticism of Democratic strategy. After Chamberlain's popular victory in June the senior Senator from Oregon had advised that the legislature should elect a Republican Senator. He avoided a bid for the position, but the press interpreted his Corvallis speech of August 30, 1907, in such a way as to permit him to be a candidate. His desire to make the Presidential campaign the paramount matter was heeded.<sup>3</sup> Immediately after the Taft

<sup>1</sup>Oregonian, November 13, 1908, p. 8; November 19, 1908, p. 12; November 22, 1908, p. 6; Oregon Journal, February 14, 1908, p. 1; March 9, 1908, p. 1; Oregon v. Pacific States Telephone and Telegraph Co., 53 Oreg. 162 (February 1909).

<sup>2</sup>Oregonian, December 8, 1908, p. 11; Oregon Journal, December 5, 1908, p. 1; December 7, 1908, p. 1.

<sup>3</sup>Oregonian, June 4, 1908, p. 3; July 31, 1908, p. 13; August 1, 1908, p. 14; August 31, 1907, p. 1; Oregon Journal, July 18, 1908, p. 8; July 30, 1908, p. 1; July 31, 1908, p. 6; August 10, 1908, p. 1.

victory the availability of a number of leading Republicans as Senatorial candidates was noted by the press. Senator C. W. Fulton, of Astoria, Theodore B. Wilcox, of Portland, Stephen A. Lowell, of Pendleton, W. C. Hawley, of Salem, M. G. George, of Portland, G. A. Johns, of Baker City, Dan J. Malarkey, of Portland, M. L. Pipes, of Portland, and S. B. Huston, of Portland were included in the list of prospects. The need for a caucus was indicated by the absence of any one commanding figure. Senator Fulton soon conferred with a small group of legislators in Salem and was in turn interviewed by men who sought leading posts in the legislature. He assured them that he would take no hand in the legislature's organization except to urge his friends to support the choices of the Republican caucuses.<sup>1</sup> At about the same time it was freely predicted that the Anti-Statement Number One group would rule in the legislative organization, and that Senator Jay Bowerman, of Gandon, and Representative C. N. McArthur, of Portland, would be the presiding officers.<sup>2</sup> The "Antis" were apparently more united in their choice of candidates than the Statement Number One advocates. S. E. Beach sought the office of Senate President, but was willing to withdraw in favor of Jay Bowerman, if necessary, to insure defeat of the "Statement"

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<sup>1</sup>Oregonian, November 12, 1908, p. 12; November 16, 1908, p. 13; cf. Oregon Journal, August 11, 1908, p. 8; August 12, 1908, p. 1; August 13, 1908, p. 1. Judge Stephen A. Lowell denied that he was available "over a pathway of broken pledges or disregarded laws." Oregon Journal, November 8, 1908, p. 1.

<sup>2</sup>Oregonian, November 13, 1908, p. 11; Oregon Journal, August 10, 1908, p. 1; November 12, 1908, p. 1; December 4, 1908, p. 1.

forces.<sup>1</sup> L. E. Bean, of Eugene, and J. C. McGue, of Clatsop County, were rivals of C. N. McArthur for the Speakership. Bean, however, was in a position where his chance for success depended on help from both sides, and McGue had little prospect of success except as a dark horse.<sup>2</sup>

Thomas B. Kay, of Salem, was not elected to the Senate on a Statement Number One pledge, but announced his intention to vote for Chamberlain soon after the June election. The split in the Marion delegation between Kay and Dr. J. N. Smith resulting from this announcement probably ruined Kay's chance for the Senate presidency.<sup>3</sup>

Ben Selling, Portland clothier, was the most favored prospect for the Senate Presidency among the Statement Number One legislators. His firm advocacy of this principle and his leadership in the People's Power League made it clear that only by a united front of the "Statement" forces could he be elected.<sup>4</sup> Senator A. A. Bailey, of Multnomah County,

<sup>1</sup>Oregonian, June 10, 1908, p. 6; June 11, 1908, p. 4; November 13, 1908, p. 14; December 18, 1908, p. 18; Oregon Journal, November 24, 1908, p. 1.

<sup>2</sup>Oregonian, November 16, 1908, p. 13; November 17, 1908, p. 13; December 10, 1908, p. 13; December 11, 1908, p. 14; December 12, 1908, p. 16; December 16, 1908, p. 10; December 21, 1908, p. 10; December 30, 1908, p. 10; Oregon Journal, December 9, 1908, p. 1; December 21, 1908, p. 1.

<sup>3</sup>Oregonian, June 10, 1908, p. 6; June 11, 1908, p. 4; June 12, 1908, p. 6; June 16, 1908, p. 16; November 12, 1908, p. 12; November 13, 1908, p. 14; November 17, 1908, p. 13; December 11, 1908, p. 14; Salem Weekly Capital Journal, April 23, 1908, p. 3; Oregon Journal, April 25, 1908, p. 1; November 18, 1908, p. 18.

<sup>4</sup>Oregonian, June 11, 1908, p. 4; November 13, 1908, p. 14; November 16, 1908, p. 13; November 25, 1908, p. 16; November 28, 1908, p. 10; December 11, 1908, p. 14; December 15, 1908, p. 14.

was one of the hold-over Senators from the legislature of 1907. It was reported that a bargain was being arranged between Bailey and Governor Chamberlain, calling for the appointment of a new board of county commissioners in Multnomah County and Democratic support for Bailey's candidacy for the Senate Presidency, in exchange for Bailey's support of Chamberlain's cause. Later the strategy was said to call for the prevention of a caucus and throwing the election into the open Senate. However, Mr. Bailey consented to a caucus on the question of organization, in early December, and whatever basis there may have been for this coalition was destroyed.<sup>1</sup>

Among the "Statement" men in the House of Representatives Arthur W. Orton of Multnomah County was first in the field as a candidate for Speaker. Like Ben Selling, he could only be elected by a united front of the Statement forces, including the Democrats. However, the unwritten law that one of the presiding officers should be from Multnomah County, but not both of them, stood as a practical barrier to his election. Moreover, the name of J. U. Campbell, of Clackamas County, was favored by the Chamberlain following. In the end A. W. Orton became the leader of a move to find any candidate who could beat C. N. McArthur.<sup>2</sup>

<sup>1</sup>Oregonian, August 16, 1908, p. 10; September 4, 1908, p. 12; November 13, 1908, p. 14; November 17, 1908, p. 13; November 28, 1908, p. 10; November 30, 1908, p. 1; December 11, 1908, p. 11; December 15, 1908, p. 11; Oregon Journal, April 7, 1908, p. 7; December 10, 1908, p. 1.

<sup>2</sup>Oregonian, June 11, 1908, p. 4; September 4, 1908, p. 12; November 13, 1908, p. 14; November 16, 1908, p. 13; November 17, 1908, p. 13; December 5, 1908, p. 11; December 30, 1908, p. 10; Oregon Journal, July 6, 1908, p. 8.

Previously to that last-hour emergency it had seemed likely that Selling, for the Senate, and Campbell, for the House, would be the "Statement One slate." However, L. E. Bean, who could draw some support from the "Anti-Statement" group, was making a bid for support from the "Statement" camp. Some Statement men, by encouraging Bean, hoped to block McArthur in the House election, and open the way for another Multnomah man, Selling, in the Senate. In addition, Bean's offer of committee chairmanships was an inducement to follow him. Campbell's enthusiasm for the "Statement" cause was somewhat subdued by Bean's progress, but eventually Bean's beam collapsed and Campbell remained hopeful. Hal D. Patton, of Marion County, was in eastern Oregon while A. W. Orton toured the state in the interests of a conference of Statement Number One legislators, which was to be held in Portland before the assembling of the legislature.<sup>1</sup>

Before that time the difficulty of forming a "bloc" of legislators who would agree to support only Statement Number One signers as candidates for the top posts in the legislature had become apparent. There had been an attempt to secure the signing of such an ironclad pledge, but it failed of complete success. This did not indicate abandonment of the pledge to vote for the people's choice for United States Senator, but showed that other considerations were of equal importance in the

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<sup>1</sup>Oregonian, November 16, 1908, p. 13; November 25, 1908, p. 16; December 5, 1908, p. 11; December 10, 1908, p. 13; December 11, 1908, p. 14; December 12, 1908, p. 16; December 13, 1908, p. 10; December 21, 1908, p. 10; December 24, 1908, p. 11; December 30, 1908, p. 10; Oregon Journal, December 9, 1908, p. 1; December 21, 1908, p. 1.

minds of many. When the Multnomah County delegation met for organization purposes the senatorial election and the question of organization of the legislature were not on its agenda.<sup>1</sup>

In preparation for the Statement Number One conference Representative Patton met with a number of Multnomah County representatives, with the result that his name was placed at the top of the list of prospects acceptable to them. However, in the meeting held in the offices of L. D. Mahone in the Board of Trade Building, Portland, on January 8, 1909, with seventeen present and one other proxy, Patton could gain the vote of only nine men. J. U. Campbell had seven votes in this meeting. An attempt to hold an adjourned meeting in Representative Patton's rooms at the Imperial Hotel on Saturday morning, January 9, brought out only nine men and the group dispersed without a call to order.<sup>2</sup>

The failure of the attempt to form a Statement Number One bloc was in marked contrast to the growing momentum of the plan for a Republican caucus on the organization of the Houses which the Bowerman-McArthur group had been promoting. Jay Bowerman, of Wheeler County, had come to Portland with the intention of remaining until either success or defeat was certain. In his Imperial Hotel headquarters he and his team-mate

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<sup>1</sup>Oregonian, November 25, 1908, p. 16; November 28, 1908, p. 10; November 30, 1908, p. 1; December 10, 1908, p. 13; December 30, 1908, p. 4. John B. Coffey was elected chairman.

<sup>2</sup>Oregonian, December 30, 1908, p. 10; January 2, 1909, p. 14; January 5, 1909, p. 11; January 6, 1909, p. 11; January 9, 1909, p. 14; January 10, 1909, p. 1; Oregon Journal, December 30, 1908, p. 2.



C. N. McArthur, of Portland, conferred with rival candidates, attempting to secure their withdrawal from the race, and with those whose signatures they sought as a guarantee of support in the caucuses. Mr. Bowerman realized that by promoting McArthur's campaign he would be advancing his own, since the success of McArthur would remove Bowerman's rivals, S. E. Beach, A. A. Bailey, and Ben Selling from consideration.<sup>1</sup> By mid-December Bowerman had eighteen signers on the Senate caucus call, with nine votes pledged to him. McArthur secured twenty-one signers for the House caucus, which led to the tentative establishment of the date—January 11, 1909. McArthur claimed twenty-two votes for himself. He advertised the fact that the call ruled out consideration of the question of nomination and election of a United States Senator by the caucus.<sup>2</sup> From then until the Statement Number One conference disbanded the gains were small in McArthur's ranks, but Bowerman claimed fifteen actually pledged to him out of a caucus list of eighteen. By Sunday, January 10, 1909, the election of Bowerman and McArthur was believed to be inevitable.<sup>3</sup>

Jay Bowerman was unopposed in the Senate caucus and in the election of Senate President on January 11, 1909. In a meeting of thirty-

<sup>1</sup>Oregonian, November 28, 1908, p. 10.

<sup>2</sup>Oregonian, December 11, 1908, p. 14; December 13, 1908, p. 10; December 15, 1908, p. 14; December 16, 1908, p. 10; Oregon Journal, December 28, 1908, p. 2.

<sup>3</sup>Oregonian, December 28, 1908, p. 8; December 29, 1908, p. 9; January 3, 1909, p. 12; January 5, 1909, p. 11; January 6, 1909, p. 11; January 7, 1909, p. 16; January 9, 1909, pp. 4, 14; January 10, 1909, p. 1; Oregon Journal, January 10, 1909, p. 1.

five Republican supporters of C. N. McArthur held the night before in Salem a plan was arranged to give due honor to all the rival candidates. The caucus was assembled by J. C. McCue; then J. U. Campbell was made chairman. Representative H. M. McKinney, of Baker, placed McArthur in nomination. B. F. Jones nominated Hal D. Patton. Patton withdrew his name and C. N. McArthur was approved by acclamation. In the House organization McCue was temporary speaker and he had Bean, Campbell, and Patton escort McArthur to the Speaker's chair.<sup>1</sup>

#### Chamberlain's Victory

Governor George E. Chamberlain in his biennial message to the Oregon legislature recalled to mind the action of the 1907 legislature in electing F. W. Mulkey and Jonathan Bourne, Jr. and stated:

The fact that a majority of this Legislature subscribed to pledges promising to vote for the people's choice for Senator, supplemented by a law enacted by the people commanding all members of the Legislature to vote for the people's choice for Senator, is sufficient guaranty that the election this year will be as summarily disposed of as it was two years ago, and the time of the Legislature devoted to consideration of measures of public interest.<sup>2</sup>

<sup>1</sup>Oregonian, January 11, 1909, p. 1; January 12, 1909, pp. 1, 6; House and Senate committees are listed, January 20, 1909, p. 7; Oregon Journal, January 11, 1909, p. 1; Salem Daily Capital Journal, January 8, 1909, p. 1; January 9, 1909, p. 1; January 11, 1909, p. 1.

<sup>2</sup>Message of George E. Chamberlain, Governor of Oregon to the Twenty-Fifth Legislative Assembly, Regular Session, 1909, p. 4; Oregonian, January 13, 1909, p. 6; Salem Daily Capital Journal, January 12, 1909, p. 1.

The hope of an uneventful ratification was not to be so easily realized. There had been warnings from both sides. The "Antis" had given warning of petitions which were to be sprung on the legislators a day or two before the time for the vote and the "Statement" forces had predicted a deadlock if the legislature refused to elect Chamberlain.<sup>1</sup>

The next ominous note was related to the gubernatorial succession problem, if Chamberlain should be elected Senator. Secretary of State Frank W. Benson, Republican, would become Governor when Chamberlain vacated the office; but Mr. Benson was ill with cancer, and the threat of what might transpire if Benson should die after Chamberlain's election as Senator, and before he terminated his duties as Governor gave many Republicans cause for alarm. Without desisting from plans to defeat his election they were asking for assurance that if elected Senator he would immediately resign the Governorship. The fear that Joseph N. Teal or some other Democrat would be appointed Governor prompted this demand. Governor Chamberlain, however, was of the opinion that making such a promise might be considered a violation of the corrupt practices law and rejected the proposal.<sup>2</sup>

On January 12, 1909, the "Antis" held a caucus on the Senatorial question and appointed a steering committee to work with Ormsby McHarg,

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<sup>1</sup>Oregonian, December 31, 1908, p. 7; Oregon Journal, December 11, 1908, p. 20; December 20, 1908, p. 1; Salem Daily Capital Journal, January 11, 1909, p. 1.

<sup>2</sup>Oregonian, January 12, 1909, p. 1; January 14, 1909, p. 5; January 17, 1909, p. 7; Salem Daily Capital Journal, January 13, 1909, p. 1.

of Chicago, a representative of the Republican National Committee, in developing strategy for the defeat of Chamberlain. The enigma of McHarg's presence in Oregon was only surpassed by the unexplained absence of Speaker C. N. McArthur from the caucus. His usefulness as a fighter of Chamberlain was thought to have been impaired by obligations he had assumed in order to be elected Speaker.<sup>1</sup>

The consciousness which had existed since June that the election of Chamberlain by the Legislature depended upon united support from all those who had signed the pledge, and the realization that a change of four votes in either house would block his election, even without agreement upon an opponent, was a source of encouragement to the "Antis." Gaining the support of Senator W. F. Scholfield, of Clatsop County, a hold-over "Statement" man, was regarded as a token of what might be accomplished.<sup>2</sup>

With the refrain of the Oregonian's editorial ringing through their ears—"It is not law. It will never be obeyed. It is a farce. It is no more a law and creates no more obligation than Statement One. Why? Because both are in direct violation of the Constitution and laws of the United States. . . ."—the "Anti-Statement" caucus assembled in

<sup>1</sup>Oregonian, January 13, 1909, p. 1; January 14, 1909, pp. 1, 6; Oregon Journal, January 13, 1909, p. 1; January 14, 1909, p. 1; January 15, 1909, p. 1; January 16, 1909, p. 1; Portland Evening Telegram, January 14, 1909, p. 1; January 20, 1909, p. 1; Allen H. Eaton, The Oregon System (Chicago: A. C. McClurg and Company, 1912), p. 171.

<sup>2</sup>Oregonian, January 15, 1909, p. 11; January 18, 1909, p. 9; also June 6, 1908, p. 6; November 16, 1908, p. 13; Oregon Journal, January 14, 1909, p. 1; January 18, 1909, p. 1; Portland Evening Telegram, January 12, 1909, p. 1.

Salem on January 18, 1909. When the signatures of Statement One pledge signers who opposed Chamberlain's election, except on condition of his resignation from the Governorship, were not forthcoming, the movement collapsed. Even Ralph E. Williams, Oregon's National Committeeman, conceded Chamberlain's election. A last-ditch fight to prevent Chamberlain's taking a seat in the United States Senate by the strategy of having some of those who cast their votes for him make a statement that they did so under protest was then developed. Chamberlain's answer to all requests for his resignation was: "I will qualify as Senator when duty calls me to the Senate but until then I shall continue in the office of Governor."<sup>1</sup> To this prospect the Oregonian responded:

Chamberlain they say will be elected Senator to-day. It is as much a triumph for Bourne and U'Ren as for Chamberlain. For it gives Bourne and U'Ren and the vagaries they represent, apparent ascendancy in the Republican party and politics of the state. Thus it establishes a permanent division in the Republican party of Oregon. . . .

The main effort of the earnest and disinterested Republicans of the state will not hereafter be directed against the Democratic party, but against the Bourne-U'Ren faction which insists on a 'pledge' that elects Democratic Senators and defeats all the legitimate objects of party effort and action.<sup>2</sup>

When the vote was counted in the two houses on January 19, 1909 Chamberlain had nineteen votes in the Senate and thirty-four in the House. Fulton was given seven votes in the Senate and twelve in the House. H. M. Calk received three votes in the Senate and fourteen in the House. R. S. Bean was given one vote in the Senate. Five votes

<sup>1</sup>Oregonian, January 18, 1909, pp. 6, 9; January 19, 1909, pp. 1, 8.

<sup>2</sup>Editorial, "The Look Ahead," Oregonian, January 19, 1909, p. 8.

in the House were given under protest by Republicans who said they were constrained to do this by the pledge they had taken under Statement One, and that they were not exercising their constitutional free choice.<sup>1</sup>

Thomas B. Kay, in casting his vote for Chamberlain, accused those who in 1903 refused to vote for the people's choice although he was a Republican, of being the leaders of the opposition to the people's choice in 1909, yet they made it possible to send a Democrat to the Senate because they voted against the Republican voters' choice in the June election. He gave figures on the Clatsop County election:

	<u>Primary</u>	<u>General Election</u> <sup>2</sup>
Cake	188	887
Fulton	1,225	—
Chamberlain		1,215

Confirmation of Chamberlain's election was made in the joint session of the Oregon Senate and House of Representatives. The only unusual feature was the reading of the protests of the men who had cast unwilling votes for Chamberlain and Cake. Chamberlain's supporters had planned to clinch their victory by forcing a joint ballot of the two houses, so that a majority of forty-six or more votes might be secured.

<sup>1</sup>Oregonian, January 20, 1909, pp. 1, 6; Oregon Senate Journal, 1909, pp. 79081; Salem Daily Capital Journal, January 19, 1909, p. 1.

<sup>2</sup>Oregonian, January 20, 1909, p. 6. An editorial in the same edition of the Oregonian placed a different meaning on the same facts. Cf. Oregon Journal, September 21, 1908, p. 9; Portland Evening Telegram, January 19, 1909, p. 1; Oregon Journal, January 19, 1909, p. 1.

The threat of some who had voted for the Governor on the separate ballot to change their votes caused the abandonment of this plan.<sup>1</sup>

The election of Chamberlain makes a safe stopping point in the study of the Statement Number One because the election of a Democratic Senator by a Republican legislature proved the device to be an effective measure of popular control of the legislative body's action, when supported by public opinion. An effort to repeal Statement Number One was made after Chamberlain's election by Representatives L. E. Bean, of Lane County, and W. H. Brooke, of Malheur County. They introduced a bill which would have made the taking of such a pledge a misdemeanor. On February 1, 1909, with fifteen absent, the House passed the bill by one vote; later, with one absent, the House killed the bill by a vote of thirty-two to twenty-seven.<sup>2</sup>

Careful study was given to a proposal for a constitutional convention by those members of the 1909 legislature who believed the organic law of the state was too easily modified. Senate President Jay Bowerman urged the adoption of the plan for a constitutional convention, saying that one of the first elements of government was stability, a quality which was lacking at present under the Oregon system.

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<sup>1</sup>Oregon Journal, January 20, 1909, p. 1; Oregonian, January 21, 1909, pp. 6, 8; Oregon Senate Journal, 1909, pp. 90-91; Salem Daily Capital Journal, January 20, 1909, p. 1.

<sup>2</sup>Oregonian, January 21, 1909, p. 6; January 23, 1909, p. 6; February 2, 1909, p. 6; February 4, 1909, p. 1; Oregon Journal, February 1, 1909, p. 1; Salem Daily Capital Journal, February 3, 1909, p. 7.



These who had made it easier for the Oregon constitution to be amended by the "initiative" had used the "initiative" to pass a constitutional amendment in 1906 requiring the "referendum" on any act calling a constitutional convention. Was this a sufficient deterrent to prevent the realization of the hope for a more stable constitution? At any rate, no referred proposal for a constitutional convention was forthcoming; while plans for still more sweeping constitutional changes were yet to be initiated.<sup>1</sup>

As the "Roosevelt Era" drew to a close it seemed in some ways that the end of an era in Oregon politics was also near. Perhaps it was no more than a change in personnel which was in prospect, for with the beginning of the Taft administration we find many of the actors in our drama assuming new roles. Senator Bourne's secretary, John C. Young, had received his appointment as Postmaster of Portland and was awaiting the commencement of his active duties. Ex-Senator Fulton was to be rewarded with a federal appointment; at first it was to be a federal judgeship in Oregon, then the post of minister to China was offered him by President Taft. Governor Chamberlain, after vetoing fifty-six bills and making a number of last-minute appointments, was ready to lay down one "axe" and resign, before picking up a larger one. He placed his resignation in the hands of his private secretary and departed for Washington, D. C.

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<sup>1</sup>Oregonian, January 21, 1909, p. 10; February 5, 1909, p. 9; February 21, 1909, p. 10; Oregon Blue Book, 1949-50, pp. 251-253; Oregon Journal, February 21, 1909, p. 8; Salem Daily Capital Journal, February 5, 1909, p. 4.

expecting to be present at Taft's inauguration.

On March 5, 1909, at 12:10 P. M., Vice President Sherman administered the oath of office to George E. Chamberlain, who had been accompanied to the desk of the clerk of the Senate by Senator Jonathan Bourne, Jr. A spectator in the gallery who appeared to be "sad and discomfited" was Oregon's National Committeeman Ralph E. Williams.<sup>1</sup>

It was noted that Mr. Benson, in assuming the reins of the Governorship, would call a special session of the Legislature to pass an important appropriation bill which had not been put in proper form by the regular session. The urgent need for improvements at the asylum was given as a reason for this appropriation. Frank Benson continued as Governor until June 17, 1910, when his ill health made it necessary to call upon the President of the Senate, Jay Bowerman, to act in his stead until the end of the term.<sup>2</sup>

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<sup>1</sup>Oregon Journal, March 5, 1909, p. 1.

<sup>2</sup>Oregonian, February 26, 1909, p. 1; February 27, 1909, pp. 1, 11; February 28, 1909, pp. 1, 6; John C. Young to Bourne, March 29, 1909, Bourne Papers; Oregon Senate Journal, 1909, pp. 845-848; Oregon Journal, December 8, 1908, p. 1; December 19, 1908, p. 1; February 23, 1909, p. 1; February 27, 1909, p. 1; March 1, 1909, p. 1; March 5, 1909, p. 1; March 15, 1909, p. 1; Salem Daily Capital Journal, February 8, 1909, p. 1; February 22, 1909, p. 1; February 24, 1909, p. 1; February 26, 1909, p. 4; February 27, 1909, p. 1; March 1, 1909, p. 1; March 4, 1905, p. 5; March 5, 1909, p. 1; March 15, 1909, p. 1; March 20, 1909, p. 1; Portland Evening Telegram, March 5, 1909, p. 1.

## CHAPTER IX

### SUMMARY AND CONCLUSION

In the early days of the Republic the original constitutional provision for the election of United States Senators by the state legislatures had given recognition to the demand for a conservative influence in Congress. In Oregon, because of deadlocks in the legislature and the charge that corrupting forces influenced the election of United States Senators, the widespread demand for the election of Senators by direct vote of the people received the support of influential editors and political leaders at the turn of the twentieth century. The direct primary was also favored by some as a device for securing the nomination of legislators and other public officials who would perform their civic responsibilities with due regard for public opinion, although this was utterly opposed by those who believed that the direct primary would destroy political parties. It was at this time that the persistent refusal of the United States Senate to agree to any constitutional change in the method of its election caused the more liberal group to seek ways of controlling the election of Senators in the state legislatures by laws which gave added weight to public opinion.

The Oregon legislature of 1901 passed two primary laws. The Morgan Act, a direct primary law intended to apply to the entire state, was

declared unconstitutional, because it permitted the members of one party to participate in the primaries of another party. The Lockwood act successfully withstood the attacks of its opponents in the courts, but it was not a direct primary law. It applied only to the city of Portland and was useful chiefly in regulating the election of delegates to the county conventions. This legislature also passed the Mays law, providing for the nomination of candidates for the United States Senate by any of the legal methods for nominating candidates, and authorizing a vote by the people in the general election to determine their preference.

After the long and tiresome struggle between the supporters of Henry W. Corbett and John Hipple Mitchell in the Senatorial election of 1901, resulting in Mitchell's final political victory in Oregon, there was hope that the Mays law would help the legislature of 1903 elect a Senator with less delay and controversy. The Senatorial contest of 1903 was between C. E. S. Wood, the nominee of the Democratic convention; Governor T. T. Geer, who was nominated by petition and had received the majority of the people's votes in the general election; and Charles W. Fulton, who was not a candidate in the general election but who had the support of Senator Mitchell and the most powerful faction of the Republican party. Fulton was elected by the legislature in disregard of the popular vote, and in spite of the eleventh-hour effort to secure the election of Harvey W. Scott, the editor of the Oregonian.

Another action of the 1903 legislature in disregard of public opinion was its refusal to pass the Croisan bill, a proposal for a

direct primary law prepared by a committee of the Salem Direct Nomination League incorporating several features from the original draft written by Edward W. Bingham, a Portland attorney.

In June, 1902, the advocates of direct legislation, under the able leadership of William S. U'Ren had secured the adoption of a constitutional amendment authorizing the use of the initiative and referendum in Oregon. It had been previously approved by the legislatures of 1899 and 1901 and was given full legal sanction by a decision of the Oregon Supreme Court in December, 1903. This method of legislation made possible the passage of a direct primary law by a popular vote of three to one in the election of June, 1904. Active supporters of the new law were the Oregon granges and the direct nomination leagues organized in various counties.

The new Direct Primary law was scheduled for state-wide use in 1906, but was actually applied first in the Portland municipal election of 1905. The effect of the outcome of this election was to increase the opposition to the use of the Direct Primary law.

The Direct Primary law of 1904 had gone one step farther than the Mays law of 1901 by providing that candidates for the state legislature could sign a pledge agreeing to vote always for the candidate for United States Senator who had received the popular majority in the preceding general election. This pledge was known as "Statement Number One." No one was required to sign it, and there was no penalty for breaking the pledge except the threatened displeasure of the voters. The candidate who did not care to sign this pledge could sign "Statement

Number Two" by which he indicated that he considered the people's vote for United States Senator as simply advisory. If a candidate preferred to sign no pledge at all, that was still his privilege.

Jonathan Bourne, Jr., a wealthy mine owner and industrialist who had played the game of politics in Oregon for a number of years, was one of the candidates for United States Senator in the 1906 election. He conducted an "educational" campaign, by circular letters and newspaper advertisements, explaining the Direct Primary law and "Statement Number One" and appealing to the voters on behalf of candidates for the legislature who had signed it. He won a narrow victory over H. M. Cake, a Portland attorney, in the Republican primaries and defeated Senator John M. Gearin in the general election. Mr. Bourne was elected by the 1907 legislature. Bourne was not a popular candidate with the Republican party leaders at this time. He regarded himself as the "people's choice" and publicly described the method of his election as a demonstration to the nation of a technique by which the people could elect United States Senators without an amendment to the Constitution.

The opponents of Statement Number One had not regarded it as a serious threat before the election of Senator Bourne, but they organized a strong campaign against the idea of pledging the legislature to elect the people's choice in 1908 and 1909. Arguments against it were based on the fear of the destruction of political parties, on the idea that it violated the legislator's constitutional rights and duties, and on the assumption that it was an abandonment of the representative form of government which was guaranteed to every state by the United States Constitution.



The charge made by some citizens that Statement Number One was not a true part of the Direct Primary law was met by an initiative measure placed on the ballot in 1908 by the People's Power League. This proposal submitted the question separately in the form of an "instruction" to the legislature, directing them to elect the candidate who received the popular majority in the previous election. No penalty was provided by law for violation of this instruction; thus public opinion was made the determining factor. The voters approved the measure by a large majority.

Senator Fulton was known to be opposed to Statement Number One and favorable to the legislative caucus as the proper method of placing Senatorial candidates before the legislature. H. M. Cake appealed for support as an advocate of the election of United States Senators by direct popular vote, but did not take a very positive stand on the question of pledging the members of the legislature until after W. S. U'Ren had filed as a candidate. When Mr. U'Ren became convinced that he could not win, and that Mr. Cake would stand by Statement Number One, he withdrew from the race.

The Democratic candidate, Governor George E. Chamberlain, had been nominated by a write-in vote on the primary election ballot. His small majority over the Republican candidate, H. M. Cake, in the general election was due to support given him by Republicans. This fact was plain, but the reason for which the support was given was not so clear. Some attributed it to his popularity in both parties. Some said that the Republicans who voted for Chamberlain did so to give the Republican



members of the legislature of 1909 an excuse for disregarding their pledges and putting an end to the "nonsense," as they described it.

The election of Chamberlain as a Democratic Senator by a Republican legislature may be regarded as the "acid test" of Statement Number One, for it had thus been proved to be an effective measure for control of the legislative body's action, when actively supported by public opinion. The manner in which the Oregon legislature handled this problem excited the interest of citizens of other states, and brought forth favorable and adverse comment.<sup>1</sup> Although few states adopted the Oregon plan without alteration, the number of states which adopted the direct primary was considerable. From 1903 to 1908 eleven states did so. In 1909 Nebraska and Nevada added the plan of pledging the legislature.<sup>2</sup> In 1910 Colorado adopted a modified Oregon plan, giving the legislative candidate a choice between a pledge to vote for the people's candidate and one to vote for the party's candidate.<sup>3</sup> During the following year seven more states adopted the Oregon plan of pledging the legislative candidates, without regard to party affiliation, to vote for the people's

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<sup>1</sup>Oregonian, May 6, 1908, p. 8; November 16, 1908, pp. 1, 3; November 18, 1908, p. 8; November 30, 1908, p. 6; December 10, 1908, p. 2; January 16, 1909, pp. 1, 6; February 15, 1909, p. 2; February 20, 1909, p. 10.

<sup>2</sup>American Year Book, 1910 (New York and London: D. Appleton and Company, 1911), p. 110.

<sup>3</sup>Ibid., 1912, p. 59.

choice for United States Senator as indicated at the general election.<sup>1</sup>

The general adoption of the direct primary was a factor in the gradual change of the membership of the United States Senate which made possible the submission of an amendment to the Constitution providing for the election of United States Senators by a direct vote of the citizens in each state. After the necessary ratification, the Seventeenth Amendment was proclaimed effective on May 31, 1913.<sup>2</sup>

Although the plan of pledging legislative candidates to elect the people's choice to the Senate was rendered obsolete by the Seventeenth Amendment, we still use the direct primary as a nominating device. It is contended that once the reform was secured, a sense of false security rendered the public apathetic. One critic contends that the direct primary

creates the illusion that an inert 'people' spasmodically led, can be aroused to hold the machine politician in line by the threat that they may turn on him at the primary polls. The result is . . . that the machine politician promises much, does little

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<sup>1</sup>Ibid., 1911, p. 179. For information on the adoption of the Oregon plan in other states and some unfavorable comments, see Oregonian, March 27, 1907, p. 1; March 31, 1907, p. 2; February 12, 1908, p. 1; August 7, 1908, p. 8; August 14, 1908, p. 8; August 18, 1908, p. 8; September 1, 1908, p. 1; September 10, 1908, p. 1; October 6, 1908, p. 6; October 14, 1908, p. 1; January 31, 1908, p. 2; February 2, 1908, p. 2; February 10, 1908, p. 12; November 16, 1908, p. 2; November 24, 1908, p. 6.

<sup>2</sup>American Year Book, 1913 (New York and London: D. Appleton and Company, 1911), pp. 68-69. The Oregon plan had been adopted in Iowa and Ohio in 1913, but it became obsolete with the ratification of the Seventeenth Amendment. See Oregonian, November 16, 1908, p. 2, for an article discussing the reduction of the conservative bloc in the Senate.

. . . and the people are let down. During a two, four or six year period of officeholding, there is much time for an electorate to forget.<sup>1</sup>

Preoccupation with changes in the mechanism of government may be said to have been a mistake of Oregon reformers. One of them spoke of making better "tools" with which to carry on the work of government. If the tools are good, the failure of others to use them well does not discount the value of the toolmaker's services. We may safely conclude that the failure of the citizenry to secure full value from the direct primary is not an inherent defect of the plan. The existence of this tool affords an opportunity which can be utilized to better advantage when public interest in government becomes more intense and more persistent.

One must admit with the critics of the direct primary that it has not radically improved the quality of public officials, that elaborate organization and funds are necessary to carry the election, that there is a possibility of minority nominations, that it has not eliminated the boss and machine rule, and that the voter's intellectual burden is increased by the necessity of studying the candidates' qualifications in order to make effective use of his franchise. However, it is true that the direct primary is more democratic than the system it replaced, that candidates are more free of obligations, that the longer and more public campaign affords greater opportunity for examination of the candidate's

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<sup>1</sup>John Chamberlain, Farewell to Reform (New York: Liveright, Inc., 1932), p. 308.

record and qualifications, and that placing the burden upon the voter is harmonious with the responsibilities inherent in democratic government and does promote the political education of the electorate.

Concerning<sup>3</sup> the election of Senators by direct vote of the people, the statement is made that little benefit has accrued from the change.<sup>1</sup> Yet, to draw the conclusion that no good has been accomplished would be going too far. To compare the newer system with what might have been accomplished may lead to doubts and disillusionment. Comparison of the newer method with what actually existed is also necessary. If there has been no radical improvement in the character of the United States Senate, it is at least true that the change in the method of electing Senators relieved the state legislatures of a responsibility which had too often interfered with their true functions. If public apathy or gullibility is still inclined to countenance irresponsibility or dishonesty in its public servants, there is one less alibi for such civic incompetence since the Senatorial election was transferred from the legislative halls to the public forum.

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<sup>1</sup>Chamberlain, op. cit., p. 308.

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**APPENDIX**

TABULATION OF RETURNS ON THE INITIATIVE MEASURE PROPOSING A  
DIRECT PRIMARY NOMINATING ELECTION LAW. JUNE 6, 1904<sup>1</sup>

<u>County</u>	<u>Yes</u>	<u>No</u>	<u>Electors</u>
Baker	2,218	569	4,229
Benton	932	506	1,982
Clackamas	2,599	684	4,155
Clatsop	1,016	647	2,542
Columbia	1,013	251	1,740
Coos	1,510	405	2,825
Crook	752	211	1,452
Curry	337	52	572
Douglas	2,336	756	4,196
Gilliam	471	99	863
Grant	957	215	1,710
Harnsey	442	106	906
Jackson	1,886	506	3,752
Josephine	1,005	282	1,933
Klamath	518	164	1,054
Lake	377	81	783
Lane	2,898	1,110	5,523
Lincoln	553	110	968
Linn	2,531	953	4,265
Malheur	718	168	1,287
Marion	2,905	1,692	5,765
Morrow	791	181	1,495
Multnomah	12,698	3,005	19,554
Polk	1,580	404	2,805
Sherman	602	154	1,022
Tillamook	737	141	1,102
Umatilla	2,601	654	4,332
Union	1,885	670	3,738
Wallowa	977	123	1,536
Wasco	1,910	358	3,288
Washington	2,069	403	3,383
Wheeler	422	65	820
Yamhill	1,959	629	3,378
<b>Totals</b>	<b>56,205</b>	<b>16,354</b>	<b>99,315</b>

<sup>1</sup>Oregonian, June 26, 1904. "Electors" column indicates the total number of persons voting in each county.

Letter of Jonathan Bourne, Jr., to W. S. U'Ren.<sup>1</sup>

Portland, Oregon  
November 27, 1905.

My Dear U'Ren,

I trust you will not think me lacking in appreciation of the many acts of friendship received at your hands and especially in not sooner acknowledging the receipt of the Primary Election Law and your index which you so kindly mailed me, but the truth is that I was so busy last week and snowed under that I have not yet opened all my last week's mail and only Saturday did I open your letter containing the papers aforeherein referred to. Many thanks old man, for your prompt compliance with my request. Have not yet had an opportunity of reading over the law but hope to soon.

If not trespassing too much on your friendship and time, would you, as you get a leisure moment, jot down a skeleton of the main points you would cover in an open letter addressed to each voter of the State, giving me the benefit of your views as to what the leading questions are today and your convictions on same. I am as yet undecided as to the course I shall adopt but in any event desire to assist in the promulgation of the benefits to be received by the enforcement of a direct primary law. In the interim kindly collate all possible data as to the situation and inform me how soon I may expect the pleasure of seeing you here again in Portland.

With best wishes,

Sincerely and hastily yours,

Jonathan.

<sup>1</sup>Jonathan Bourne, Jr., Papers, Special Collections, University of Oregon Library.



Letter of Jonathan Bourne, Jr., to Harvey W. Scott.<sup>1</sup>

Portland, Oregon  
March 8, 1906.

Hon. H. W. Scott,  
City.

My dear Mr. Scott,

On the morning of February 20, 1903 our mutual friend, Hon. H. E. McGinn called on me at my headquarters in Salem stating that he came as your representative and submitted to me a proposition that he was authorized to make me from you. Feeling that in the matter of the importance and delicacy of such a subject it was necessary to have a succinct and distinct understanding, I prepared a telegram which Mr. T. B. Wilcox at my instance and request sent to Mr. W. M. Ladd of this City; said telegram reading as follows:

"Salem, Oregon, Feb. 20, 1903.

"W. M. Ladd,  
Portland, Oregon.

"McGinn tells us that Scott has authorized him McGinn to pledge Bourne if he will allow Scott's election then Scott will pledge his honor to give Bourne all federal patronage coming to Scott as United States Senator to also pledge Bourne his Scotts and the Oregonians influence and support for Bourne's election to United States Senate as Mitchell's successor and will also give Bourne the leadership of the Republican party in Oregon assuring Bourne the chairmanship of the State Central Committee and County Committee and the support and cooperation of both committees and to pay Bourne twenty five thousand dollars towards paying his Bourne's expenses. Immediately show this telegram to Scott and wire me if he agrees with you to these terms. Immediate answer necessary care Bourne.

"(Signed) Theo. B. Wilcox.

As I understood at the time Mr. Ladd called upon you and after a long conference you assented to the request made by me in the telegram above quoted and you blocked out for Mr. Ladd the form of telegraphic reply he was to make. The following is a copy of the form you blocked out:-

"Feb. 20, '03.

"Scott will cooperate with Bourne and his friends looking to Bourne's election to succeed Mitchell and will pay the sum named towards Bourne's expenses."

The original is in your own handwriting and I quote the above from the original.

Acting under your authority Mr. W. M. Ladd telegraphed the following reply:—<sup>1</sup>

"Portland, Oregon, February 20, 1903.

"Theo. B. Wilcox,  
Care Jonathan Bourne,  
Salem, Oregon.

"Scott will co-operate with Bourne and his friends looking to Bourne's election to succeed Mitchell and will pay the sum named toward Bourne's expenses.

"(Signed) W. M. Ladd.

This reply I have the original of as well as the carbon copy of the first telegram before herein quoted. My object in referring to this matter is to refresh [sic] your memory regarding this transaction and to inform you that I am a candidate for the U. S. Senate and to request of you your assistance and that of your paper in behalf of my candidacy in accordance with your specific agreement as above outlined. I did to the extent of my ability, my utmost to elect you in 1903, after a conference with your representative Judge McGinn, and your acceptance of the proposition submitted through your own and my own representatives in the matter. I am, as you are aware, an enthusiastic and ardent advocate of the enforcement of the spirit as well as the letter of our Direct Primary Law. I have several times tried to impress upon you the great opportunity which in my humble opinion, now exists for you to make a coup for your paper and to add to the already high national reputation you enjoy as one of the ablest editorial writers of the country by editorially advocating the enforcement of the law and by insisting that all legislative candidates should insert unconditionally and unqualifiedly Statement No. 1 of the Direct Primary Law in their petitions for nomination. This attitude on your part, in my opinion, would give you the credit, nationally, of enforcing this law, thereby demonstrating the manner in which in effect U. S. Senators could be elected by the direct vote of the people. I know that such a course on your part would make you far more popular before the people of this State than you have ever been, and in my opinion, make you the dominant political power of the State.

I wish to thank you for the few courtesies received from you in the paper, but should like to have definite information from you as to whether I can expect the cordial support of yourself and your paper in the fight I am now making for the Primary law in conjunction with the fight I shall make to secure the Republican nomination and election to the U. S. Senate. As far as my own candidacy is concerned I am simply asking what is due me from you and your paper, I have faithfully and honestly, to the best of my ability, performed my part of the contract.

<sup>1</sup>Jonathan Bourne, Jr., Papers, Special Collections, University of Oregon Library.

Trusting that you will appreciate the spirit in which this is written and realize the desirability of a distinct understanding between us, I remain, with personal regards,

Very truly yours,

Jonathan Bourne, Jr.

Excerpt from a Letter of Jonathan Bourne, Jr., to Theodore Roosevelt, March 28, 1906.

Note: Bourne expresses confidence concerning the outcome of the legislative contest, the vote on the senatorship in the June election, and the action of the legislature in electing a Senator, then comments:

"If the results verify my predictions, Oregon will have evolved a method by which public opinion may be so crystallized as to force legislative candidates by subscribing to Statement One to elect for her United States senators the men whom the people select as their choice for that office. This will be a long step in the direction of the election of United States senators by a direct vote of the people, and if other states adopt similar laws as I assume they will, it should be but the matter of a couple of decades when the Senate will contain a sufficient number of gentlemen elected in effect by a direct vote of the people to permit of an amendment to the United States' constitution providing for the election of United States Senators by a direct vote of the people."

Typed by

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and  
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